

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 17, 2021

Mr. Jeff Groy, Vice President, Senior Counsel/Environmental  
CIOC Remediation Trust  
51 West 52<sup>nd</sup> Street  
New York, New York 10019

Re: Municipal Setting Designation (MSD) Certificate for CIOC Remediation Trust, CIOC  
Houston Research Tract Site, located at 9700 Manchester Street, Houston, Harris County,  
TX; MSD No. 451; Customer No. CN605869338; Regulated Entity No. RN101052645

Dear Mr. Groy:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 4, 2021 and additional information supporting this MSD application on March 25, 2021 and August 4, 2021. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2241 or via e-mail at [chris.swiderski@tceq.texas.gov](mailto:chris.swiderski@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "CS", written over a light blue horizontal line.

Chris Swiderski, Project Manager  
VCP-CA Section  
Remediation Division

Enclosure: MSD Certificate No. 451

cc: Mr. Michael Marcon, P.G., InControl Technologies, Inc. (via email)  
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Region Office, R-12

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 451, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 17<sup>th</sup> day of August, 2021

\_\_\_\_\_  
Beth Seaton, Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality

County: Harris  
Project: HRT  
Job No.: 205518  
M&B No.: 20-215

### FIELD NOTES FOR 12.21 ACRES

Being a tract containing 12.21 acres of land located in the Callahan & Vince Survey, A-9, in Harris County, Texas. Said 12.21 acres being the remainder of a call 20.74 acre tract of land recorded in the name of CIOC LLC, a Delaware limited liability company, under Harris County Clerk's File (H.C.C.F.) No. 20120027175. Said 12.21 acres being more particularly described by metes and bounds as follows (bearings are referenced to the Texas Coordinate System of 1983, South Central Zone, based on GPS observations):

**BEGINNING** at a brass disk in concrete found at the northeast corner of a call 6.084 acre tract of land recorded in the name of Merichem Co. under H.C.C.F. No. E605147, the northwest corner of said remainder and being on the south line of a Centerpoint Energy Houston Electric (f.k.a. Houston Lighting & Power Company) 75 foot wide fee strip;

**THENCE**, with the common line between said remainder and said fee strip, South 71 degrees 23 minutes 17 seconds East, a distance of 908.53 feet to a 1/2 inch iron rod found at the northeast corner of said remainder, the northwest corner of a call 2.145 acre tract of land recorded in the name of Harris County Flood Control District under H.C.C.F. No. G720327, and being the beginning of a non-tangent curve to the left;

**THENCE**, with the common line between said remainder and said 2.145 acres, the following three (3) courses:

- 1.) 119.46 feet, along the arc of said curve having a radius of 962.50 feet, a central angle of 07 degrees 06 minutes 40 seconds and a chord which bears South 17 degrees 16 minutes 29 seconds East, a distance of 119.38 feet to a 1/2 inch iron rod found at a point of reverse curvature;
- 2.) 422.13 feet, along the arc of said curve having a radius of 537.50 feet, a central angle of 44 degrees 59 minutes 53 seconds and a chord which bears South 01 degrees 40 minutes 07 seconds West, a distance of 411.37 feet to a point of reverse curvature, from which point a found 1/2 inch iron rod bears South 17 degrees 14 minutes 40 seconds West, a distance of 0.4 feet;
- 3.) 41.51 feet, along the arc of said curve having a radius of 962.50 feet, a central angle of 02 degrees 28 minutes 16 seconds and a chord which bears South 22 degrees 55 minutes 56 seconds West, a distance of 41.51 feet to the southeast corner of said remainder, the southwest corner of said 2.145 acres and being on the north line of a 50' wide G.H.&H.R.R. (T.&N.O.R.R.), from which point a found 5/8 inch iron rod bears South 19 degrees 43 minutes 16 seconds West, a distance of 1.76 feet;

**THENCE**, with the common line between said remainder and said G.H.&H.R.R., North 69 degrees 13 minutes 49 seconds West, a distance of 1,088.08 feet to a 5/8 inch iron rod found at the southwest corner of said remainder and southeast corner of aforesaid 6.084 acres;

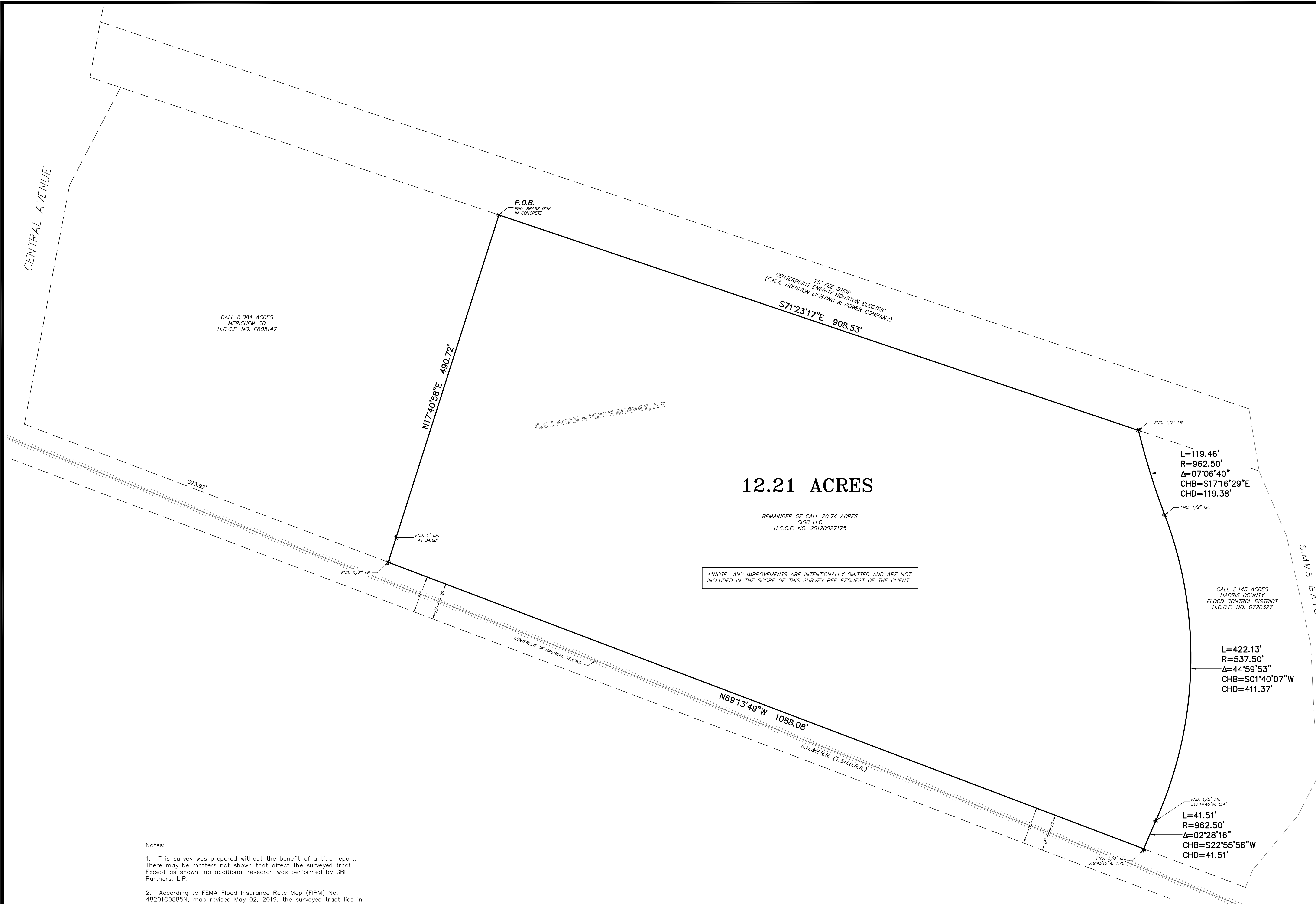
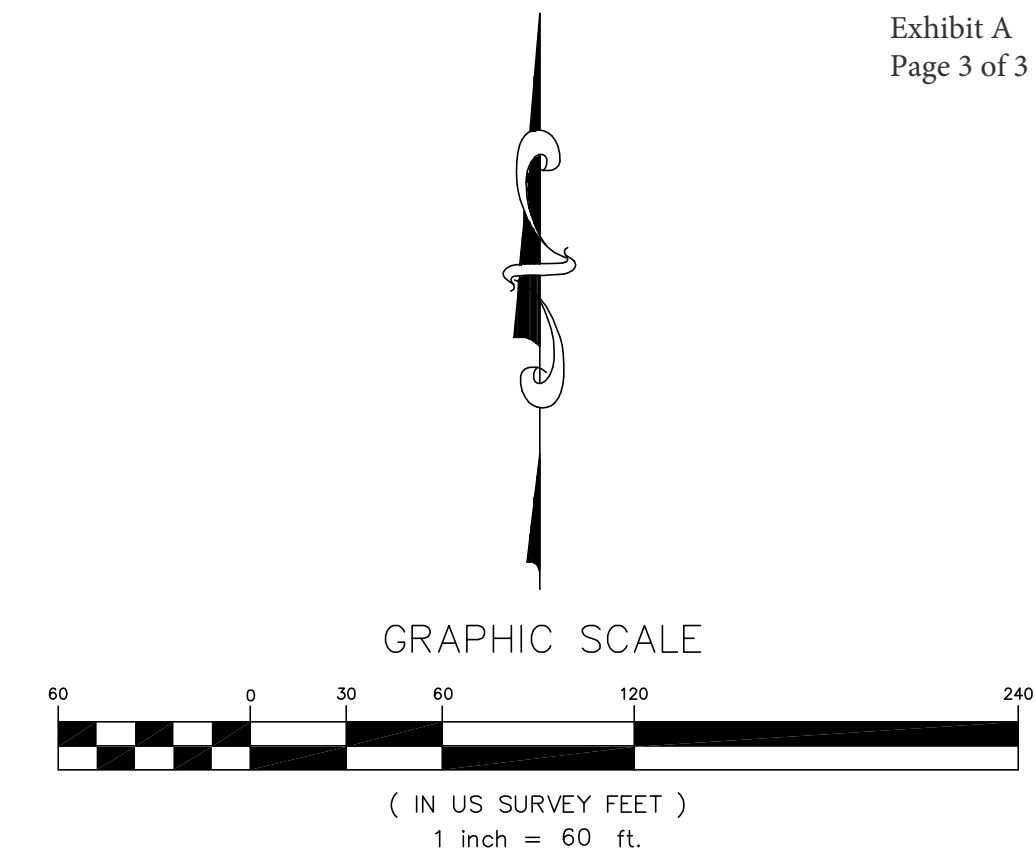
**THENCE**, with the common line between said remainder and said 6.084 acres, North 17 degrees 40 minutes 58 seconds East, at 34.86 feet passing a 1 inch iron pipe found for reference and continuing for a total distance of 490.72 feet to the **POINT OF BEGINNING** and containing 12.21 acres of land.

**THIS DESCRIPTION WAS PREPARED BASED ON A SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF KYLE B. DUCKETT, RPLS 6340, FILED UNDER JOB NO. 205518 IN THE OFFICES OF GBI PARTNERS, L.P. SEE MAP PREPARED OF EVEN DATE HEREWITH FOR REFERENCE.**

**GBI Partners, L.P.**  
TBPELS Firm #10130300  
Ph: 281.499.4539  
April 29, 2020







CALL 6.084 ACRES  
MERICHEM CO.  
H.C.C.F. NO. E605147

**12.21 ACRES**

REMAINDER OF CALL 20.74 ACRES  
CIOC LLC  
H.C.C.F. NO. 20120027175

\*\*NOTE: ANY IMPROVEMENTS ARE INTENTIONALLY OMITTED AND ARE NOT INCLUDED IN THE SCOPE OF THIS SURVEY PER REQUEST OF THE CLIENT.

L=119.46'  
R=962.50'  
Δ=07°06'40"  
CHB=S17°16'29"E  
CHD=119.38'

L=422.13'  
R=537.50'  
Δ=44°59'53"  
CHB=S01°40'07"W  
CHD=411.37'

L=41.51'  
R=962.50'  
Δ=02°28'16"  
CHB=S22°55'56"W  
CHD=41.51'

**FIELD NOTES FOR 12.21 ACRES**

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BEGINNING at a brass disk in concrete found at the northeast corner of a call 6.084 acre tract of land recorded in the name of Merichem Co. under H.C.C.F. No. E605147, the northwest corner of said remainder and being on the south line of a Centerpoint Energy Houston Electric (f.k.a. Houston Lighting & Power Company) 75 foot wide fee strip;

THENCE, with the common line between said remainder and said fee strip, South 71 degrees 23 minutes 17 seconds East, a distance of 908.53 feet to a 1/2 inch iron rod found at the northeast corner of said remainder, the northwest corner of a call 2.145 acre tract of land recorded in the name of Harris County Flood Control District under H.C.C.F. No. G720327, and being the beginning of a non-tangent curve to the left;

THENCE, with the common line between said remainder and said 2.145 acres, the following three (3) courses:

- 1.) 119.46 feet, along the arc of said curve having a radius of 962.50 feet, a central angle of 07 degrees 06 minutes 40 seconds and a chord which bears South 17 degrees 16 minutes 29 seconds East, a distance of 119.38 feet to a 1/2 inch iron rod found at a point of reverse curvature;
- 2.) 422.13 feet, along the arc of said curve having a radius of 537.50 feet, a central angle of 44 degrees 59 minutes 53 seconds and a chord which bears South 01 degrees 40 minutes 07 seconds West, a distance of 411.37 feet to a point of reverse curvature, from which point a found 1/2 inch iron rod bears South 17 degrees 14 minutes 40 seconds West, a distance of 0.4 feet;
- 3.) 41.51 feet, along the arc of said curve having a radius of 962.50 feet, a central angle of 02 degrees 28 minutes 16 seconds and a chord which bears South 22 degrees 55 minutes 56 seconds West, a distance of 41.51 feet to the southeast corner of said remainder, the southwest corner of said 2.145 acres and being on the north line of a 50' wide G.H.&H.R.R. (T.&N.O.R.R.), from which point a found 5/8 inch iron rod bears South 19 degrees 43 minutes 16 seconds West, a distance of 1.76 feet;

THENCE, with the common line between said remainder and said G.H.&H.R.R., North 69 degrees 13 minutes 49 seconds West, a distance of 1,088.08 feet to a 5/8 inch iron rod found at the southwest corner of said remainder and southeast corner of aforesaid 6.084 acres;

THENCE, with the common line between said remainder and said 6.084 acres, North 17 degrees 40 minutes 58 seconds East, at 34.86 feet passing a 1 inch iron pipe found for reference and continuing for a total distance of 490.72 feet to the POINT OF BEGINNING and containing 12.21 acres of land.

This is to certify that this plat and the survey on which it is based were prepared in accordance with the minimum standards promulgated by the Texas Board of Professional Engineers and Land Surveyors. Field Work was completed on April 22, 2020.

GBI Partners, L.P.

Kyle B. Duckett  
Registered Professional Land Surveyor  
Texas Registration No. 6340

**PLAT OF SURVEY**  
**12.21 ACRES**

BEING THE REMAINDER OF A CALL 20.74 ACRE TRACT OF LAND RECORDED IN THE NAME OF CIOC LLC, A DELAWARE LIMITED LIABILITY COMPANY, UNDER H.C.C.F. NO. 20120027175

LOCATED IN THE  
CALLAHAN & VINCE SURVEY, A-9  
HARRIS COUNTY, TEXAS

**GBI PARTNERS, L.P.**  
LAND SURVEYING CONSULTANTS  
4724 VISTA ROAD • PASADENA, TX 77005  
PHONE: 281-499-4539 • GBIsurvey@GBIsurvey.com  
TBPELS FIRM #10130300 • www.GBIsurvey.com

SCALE: 1" = 60'	JOB NO. 205518	DATE: 4/29/2020
CREW CHIEF: J.A.	FIELD BOOK: 20039	DWG.: 205518

- Notes:
1. This survey was prepared without the benefit of a title report. There may be matters not shown that affect the surveyed tract. Except as shown, no additional research was performed by GBI Partners, L.P.
  2. According to FEMA Flood Insurance Rate Map (FIRM) No. 48201C0885N, map revised May 02, 2019, the surveyed tract lies in Zones X (unshaded), X (shaded) and AE.
  3. Bearings are referenced to the Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS observations. Distances are surface values and may be converted to grid by applying the combined adjustment factor 0.99988789654.
  4. There are no improvements shown nor included within the scope of this survey per request of the Client. There may exist improvements within the boundaries of the surveyed tract.

P:\Data\2020\205518.DWG, 205518.dwg

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Wilmer M. Reyes, as an authorized representative of CIOC Remediation Trust, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been provided in accordance with THSC 361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

*Wilmer M. Reyes*  
Signature

Date: 3/1/21

WILMER REYES  
Printed Name

Senior Environmental Engineer  
Title

STATE OF Pennsylvania

COUNTY OF Allegheny

SUBSCRIBED AND SWORN before me on this the 1st day of March 2021, to which witness my hand and seal of office.

Beth A. Steigerwald  
Notary Public in and for the State of Pennsylvania

