

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

October 13, 2021

Mr. Jim Arnold
Chief Operating Officer
2ML Real Estate Interests, Inc.
Dallas, Texas 75214

Re: Municipal Setting Designation (MSD) Certificate for 2ML Real Estate Interests, Inc.,
Former Main Warehouse Site, located at 3131 Holcomb Boulevard, Houston, Harris
County, Texas 77021, MSD No. 455, Customer No. CN601379498, Regulated Entity No.
RN10233

Dear Mr. Arnold:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced MSD application on May 9, 2021 and additional information supporting this MSD Application was received on September 10, 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 MSD Certification for your site. If you have any questions, please contact me at (512) 239-2378 or via e-mail Michael.Duffin@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Duffin".

Mike Duffin, Ph.D., P.G.
VCP-CA Section
Remediation Division

MD/jdm

Enclosure: MSD Certificate

cc: Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

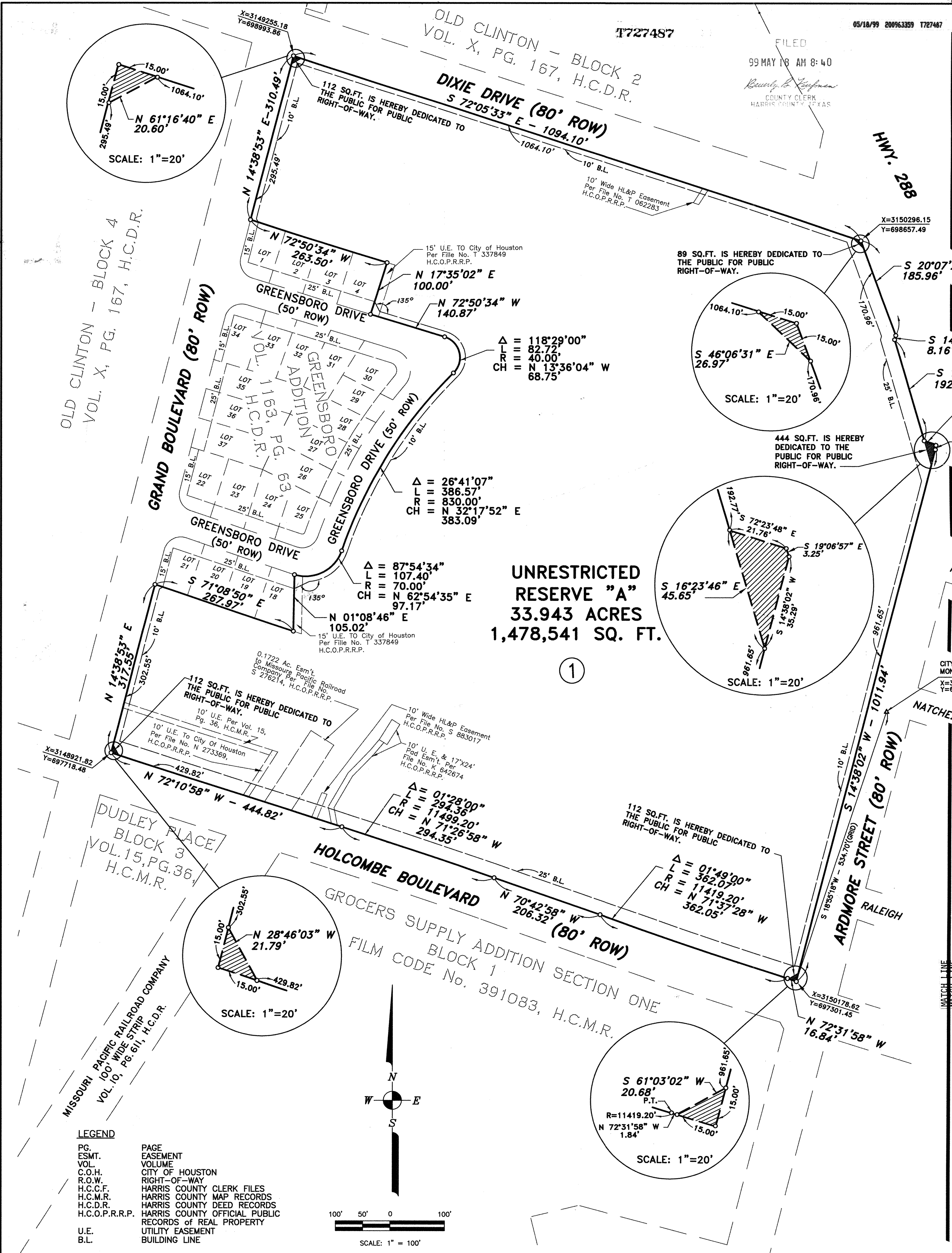
As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 455 in the City 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 11th day of October, 2021

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



05/18/99 20096359 1727467 450.00

FILED
99 MAY 19 AM 8:40
COUNTY CLERK
HARRIS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HARRIS
We, THE GROCERS SUPPLY CO., INC. acting by and through MAX S. LEVIT, President and JILL LEVIT-TALISMAN, Secretary being officers of THE GROCERS SUPPLY CO., INC. hereinafter referred to as Owner of the 33.963 acre tract described in the above and foregoing map of GROCERS SUPPLY ADDITION SECTION TWO, do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private street(s)), alleys, parks, water courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind ourselves, our heirs, successors and assigns to warrant and forever defend title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

FURTHER, Owners do hereby dedicate to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Houston, Harris County, or any other governmental agency, the right to enter upon said easement at any and all times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, Owners do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences, buildings, planting or other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

FURTHER, Owners do hereby certify that this replat does not attempt to alter, amend, or remove any covenants or restrictions;

IN TESTIMONY WHEREOF, THE GROCERS SUPPLY CO., INC. has caused these presents to be signed by MAX S. LEVIT, President, thereunto authorized, attested by its Secretary, JILL LEVIT-TALISMAN, and its common seal hereunto affixed this 20th day of APRIL, 1999.

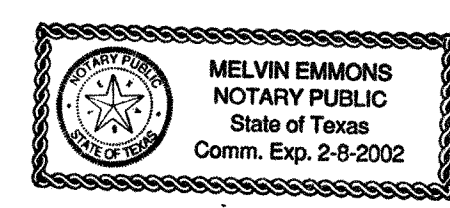
THE GROCERS SUPPLY CO., INC.
By: *Max S. Levit*
MAX S. LEVIT, President
By: *Jill Levit-Talisman*
JILL LEVIT-TALISMAN, Secretary

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Max S. Levit, President and Jill Levit-Talisman, Secretary known to me as the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20th day of APRIL, 1999.

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



Notary Public in and for the State of Texas
(Print Name) *Melvin L. Emmons*
My Commission Expires: 2-8-2002

I, Ranney W. McDonough, an registered under the laws of the State of Texas to practice the profession of surveying and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature, and other points of reference have been marked with iron (or other suitable permanent metal) pipes or rods having an outside diameter of not less than five eighths (5/8) inch and a length of not less than three (3) feet; and that the plat boundary corners have been tied to the nearest survey corner and to the City of Houston survey marker system.



Ranney W. McDonough
Ranney W. McDonough
Texas Registration No. 2269

This is to certify that the Houston Planning Commission of the City of Houston, Texas has approved this plat and subdivision of GROCERS SUPPLY ADDITION, SECTION TWO in conformance with the laws of the State of Texas and the ordinances of the City of Houston as shown hereon and authorized the recording of this plat this 17th day of MAY, 1999.

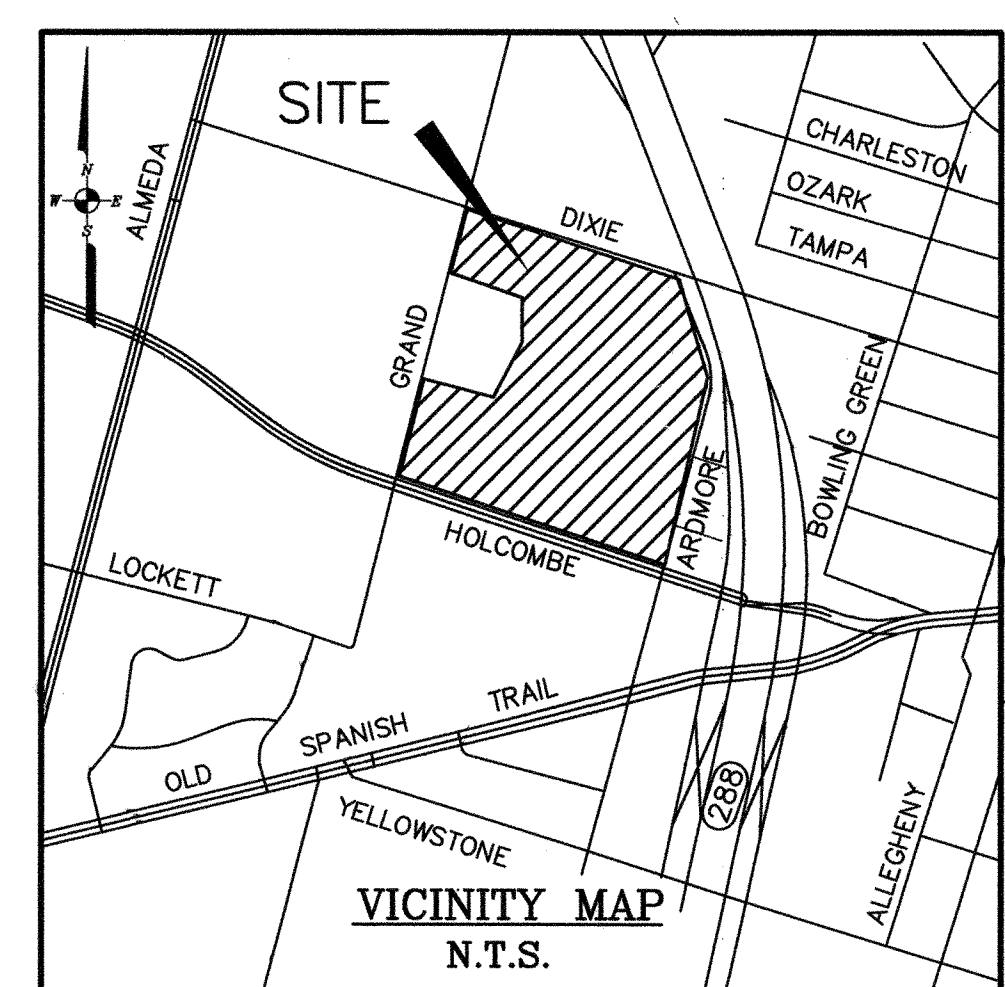
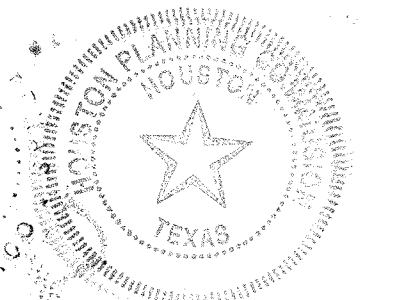
By: *L. S. Brown*
L. S. BROWN VICE-CHAIRMAN
By: *Robert M. Litke*
Robert M. Litke, Secretary

I, Beverly Kaufman, Clerk of the County Court of Harris, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on MAY 18, 1999, at 8:40 O'CLOCK (A.M.) or P.M., and duly recorded on MAY 19, 1999, at 9:30 O'CLOCK (A.M.) or P.M., in Film Code No. 420008 of the Map Records of Harris for said county. Witness my hand and seal of office, at Houston, the day and date last above written.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THIS CERTIFICATE IS VALID ONLY AS TO THE INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE IS AFFIXED AND ONLY THEN TO THE EXTENT THAT SUCH INSTRUMENT IS NOT ALTERED OR CHANGED AFTER RECORDING.

BEVERLY B. KAUFMAN,
Beverly Kaufman
Clerk of the County Court
Harris County, Texas
By: *Tim Wade*
Deputy



REASON FOR REPLAT:
TO CREATE ONE RESERVE AND REMOVE LOT LINES.

NOTES:
1. ALL COORDINATES AND BEARINGS SHOWN HEREON ARE GRID VALUES REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, WITH THE ORIGIN THROUGH CITY OF HOUSTON SURVEY MARKER NO. 5355-1404.
2. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS SHOWN OTHERWISE. TO CONVERT SURFACE DISTANCES TO GRID DISTANCES, MULTIPLY BY THE GRID FACTOR 0.9998813777.

GROCERS SUPPLY ADDITION SECTION TWO

A PARTIAL REPLAT
BEING 33.963 ACRES OF LAND OUT OF OLD CLINTON SUBDIVISION, BLOCK 5 AS RECORDED IN VOL. X, PG. 167 H.C.D.R., LOTS 5 TO 17 GREENSBORO ADDITION SUBDIVISION, AS RECORDED IN VOL. 1163, PG. 63 H.C.D.R., AND LOTS 1 TO 3, BLOCK 1 & LOTS 4 TO 9, BLOCK 2 DUDLEY PLACE SUBDIVISION, AS RECORDED IN VOL. 15, PG. 36 H.C.M.R., OUT OF THE D.W.C. HARRIS SURVEY, ABSTRACT NO. 325.
HARRIS COUNTY, TEXAS
1 RESERVE 1 BLOCK 0 LOTS
OWNERS: THE GROCERS SUPPLY CO., INC.
ENGINEER: McDonough Engineering Corporation

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Jim Arnold, as an authorized representative of 2ML Real Estate Interest, Inc., 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.

Jim Arnold
Signature

Date: 5-20-21

Jim Arnold
Printed Name

Executive V.P. / Chief Operating Officer
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 20th day of May 2021, to which witness my hand and seal of office.

Patricia L. Hayes
Notary Public in and for the State of Texas

