

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*

November 17, 2021

Mr. Kelly Brown, Attorney  
340 West 26<sup>th</sup> Street LLC  
1401 McKinney Street, Suite 1700  
Houston, Texas 77010

Re: Municipal Setting Designation (MSD) Certificate for 340 West 26<sup>th</sup> Street LLC, Corrosion Protection Processes Site, located at 340 West 26<sup>th</sup> Street, Houston, Harris County, Texas; MSD No. 453; Voluntary Cleanup Program (VCP) No. 2703; Customer No. CN605549104; Registration No. RN No.100663772

Dear Mr. Brown:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on April 13, 2021 and additional information supporting this MSD application on August 16, 2021 and October 12, 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 do not hesitate to contact me at (512) 239-2445 or via e-mail at [Otu.Ekpo-Otu@tceq.texas.gov](mailto:Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G., Project Manager  
VCP-CA Section  
Remediation Division

OE/jdm

Enclosure: MSD Certificate

cc: Mr. Michael Marcon, P.G., InControl Technologies Inc., via email.  
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston, 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. 453, 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 November, 2021

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

**EXHIBIT "A"**  
**SURVEY OF DESIGNATED PROPERTY**

# MOMENTUM SURVEYING LLC

12651 BRIAR FOREST- SUITE 350, HOUSTON TEXAS 77077  
OFFICE 281.741.1998 FAX 281.741.2068

## PROPERTY DESCRIPTION 0.3609 ACRES TRACT I

BEING A 0.3609 ACRE TRACT (15,720 SQUARE FEET) OF LAND BEING ALL OF LOTS 18, 19, 20 21, AND THE WEST 20 FEET OF LOT 17 BLOCK 30 OF HOUSTON HEIGHTS AS RECORDED IN VOLUME 1 PAGE 114 H.C.M.R. SITUATED IN THE JOHN AUSTIN TWO LEAGUE GRANT SURVEY, ABSTRACT NO. 1, HARRIS COUNTY, TEXAS; SAID 0.3609ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03);


BEGINNING AT A 5/8 INCH IRON ROD FOUND IN THE SOUTH RIGHT OF WAY LINE OF WEST 26<sup>TH</sup> STREET (70' R.O.W.) AT THE COMMON NORTH CORNER OF LOTS 21 AND 22 OF SAID BLOCK 30 HOUSTON HEIGHTS, SAID ROD BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87° 13' 40" EAST, ALONG SAID LINE OF WEST 26<sup>TH</sup> STREET, A DISTANCE OF 120.00 FEET TO A 5/8 INCH IRON ROD WITH CAP SET IN THE NORTH LINE OF SAID LOT 17 FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02° 46' 20" EAST, ACROSS SAID LOT 17 AND 5.00 FEET WEST OF THE COMMON LOT LINE OF LOT 16 AND 17, A DISTANCE OF 131.00 FEET TO A 5/8 INCH IRON ROD WITH CAP SET IN THE NORTH LINE OF A 38 FOOT ALLEY AND BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87° 13' 40" WEST, ALONG THE COMMON SOUTH LINE OF SAID LOTS 17, 18, 19, 20 AND 21 BLOCK 30, A DISTANCE OF 120.00 FEET TO A 5/8 INCH IRON ROD FOUND AT THE COMMON SOUTH CORNER OF SAID LOTS 21 AND 22 BLOCK 30, SAID ROD BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02° 46' 20" WEST, ALONG THE COMMON LINE OF SAID LOTS 21 AND 22, A DISTANCE OF 131.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.3609 ACRES (15,720 SQUARE FEET) OF LAND.

  
7/29/2014  
GILBERT PRIDA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5662  
JOB #2014-07015  
TRACT I



# MOMENTUM SURVEYING LLC

12651 BRIAR FOREST- SUITE 350, HOUSTON TEXAS 77077  
OFFICE 281.741.1998 FAX 281.741.2068

## PROPERTY DESCRIPTION 0.0974 ACRES TRACT II

BEING A 0.0974 ACRE TRACT (4,242 SQUARE FEET) OF LAND OUT OF AND A PART OF A 38 FOOT ALLEY SOUTH OF LOTS 17, 18, 19, 20 21 AND 22 BLOCK 30 OF HOUSTON HEIGHTS AS RECORDED IN VOLUME 1 PAGE 114 H.C.M.R. SITUATED IN THE JOHN AUSTIN TWO LEAGUE GRANT SURVEY, ABSTRACT NO. 1, HARRIS COUNTY, TEXAS; SAID 0.0974 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03);


BEGINNING AT A 5/8 INCH IRON ROD WITH CAP SET IN THE COMMON SOUTH CORNER OF LOTS 16 AND 17 OF SAID BLOCK 30 HOUSTON HEIGHTS, SAID ROD BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02° 46' 20" EAST, ALONG THE PROJECTED COMMON LINE OF SAID LOTS 16 AND 17, A DISTANCE OF 30.30 FEET TO A 5/8 INCH IRON ROD WITH CAP SET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87° 13' 40" WEST, ACROSS SAID 38 FOOT ALLEY, A DISTANCE OF 140.00 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02° 46' 20" WEST, CONTINUING ACROSS SAID 38 FOOT ALLEY, A DISTANCE OF 30.30 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTH LINE OF LOT 22 OF SAID BLOCK 30, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87° 13' 40" EAST, ALONG THE COMMON SOUTH LINE OF SAID LOTS 17, 18, 19, 20, 21 AND 22 BLOCK 30, PASSING AT A DISTANCE OF 15.00 FEET THE COMMON SOUTH CORNER OF SAID LOTS 21 AND 22, IN ALL A DISTANCE OF 140.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0974 ACRES (4,242 SQUARE FEET) OF LAND.

  
7/29/2014  
GILBERT PRIDA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5662  
JOB #2014-07015  
TRACT II





**MOMENTUM SURVEYING LLC**

12651 BRIAR FOREST- SUITE 350, HOUSTON TEXAS 77077  
OFFICE 281.741.1998 FAX 281.741.2068

PROPERTY DESCRIPTION  
0.0043 ACRES  
TRACT III

BEING A 0.0043 ACRE TRACT (188 SQUARE FEET) OF LAND OUT OF AND A PART OF A LOT 22 BLOCK 30 OF HOUSTON HEIGHTS AS RECORDED IN VOLUME 1 PAGE 114 H.C.M.R. SITUATED IN THE JOHN AUSTIN TWO LEAGUE GRANT SURVEY, ABSTRACT NO. 1, HARRIS COUNTY, TEXAS; SAID 0.0043 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03);

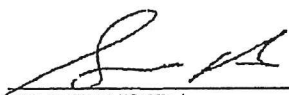
BEGINNING AT A FOUND 5/8 INCH IRON ROD WITH CAP IN THE COMMON SOUTH CORNER OF LOTS 21 AND 22 OF SAID BLOCK 30 HOUSTON HEIGHTS, SAID ROD BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87° 13' 40" WEST, ALONG THE COMMON LINE OF SAID LOT 22 AND A 38 FOOT ALLEY, A DISTANCE OF 15.00 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02° 46' 20" WEST, ACROSS SAID LOT 22, A DISTANCE OF 12.50 FEET TO A 5/8-INCH IRON ROD SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87° 13' 40" EAST, CONTINUING ACROSS SAID LOT 22, A DISTANCE OF 15.00 FEET TO A 5/8 INCH IRON ROD SET ON THE COMMON LINE OF LOTS 21 AND 22 OF SAID BLOCK 30, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

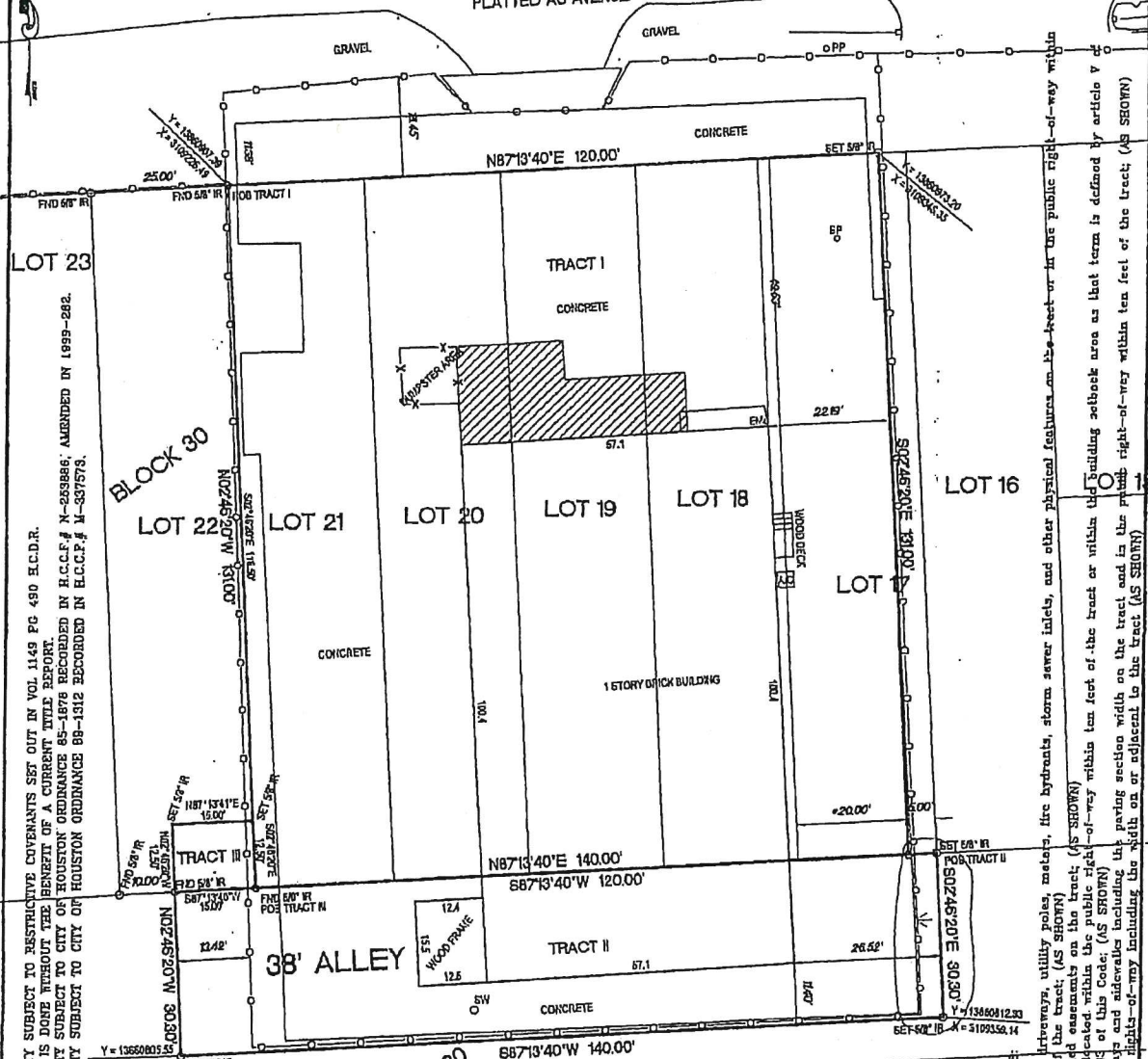
THENCE SOUTH 02° 46' 20" EAST, ALONG THE COMMON LINE OF SAID LOTS 21 AND 22, A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.0043 ACRES (188 SQUARE FEET) OF LAND.

  
7/29/2014  
GILBERT PRIDA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5662  
JOB #2014-07015  
TRACT III



THIS INFORMATION IS BASED ON GPS/PRO PLOTTING ONLY, WE DO NOT ASSUME RESPONSIBILITY.  
PLEASE REFER TO FEMA FLOOD INSURANCE STUDY OF HARRIS COUNTY AND INCORPORATED AREAS FOR EXACT DETERMINATION.  
Subject Property ID NOT Located in a Federal Insurance Administration Designated Flood Hazard Area, and Lies in ZONE X.  
As per Community and Map 400296 42200 Panel 06701 Dated 06/02/2014

W 26TH STREET (70' R.O.W.)  
PLATTED AS AVENUE



NOTES:  
1. PROPERTY SUBJECT TO RESTRICTIVE COVENANTS SET OUT IN VOL. 1149 PG. 490 H.C.D.R.  
2. SURVEY IS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.  
3. PROPERTY SUBJECT TO CITY OF HOUSTON ORDINANCE 85-1876 RECORDED IN H.C.C.F.# N-2528866, AMENDED IN 1999-282.  
4. PROPERTY SUBJECT TO CITY OF HOUSTON ORDINANCE 89-1312 RECORDED IN H.C.C.F.# H-337578.  
Y = 13660805.53  
X = 210221831

CITY NOTES:  
(1) Curbs, driveways, utility poles, meters, fire hydrants, storm sewer inlets, and other physical features on the street or in the public right-of-way within ten feet of the tract; (AS SHOWN)  
(2) Recorded easements on the tract; (AS SHOWN)  
(3) Items located within the public right-of-way within ten feet of the tract or within the building setback area as that term is defined by article V of Chapter 25 of this Code; (AS SHOWN)  
(4) Boundaries and subdivisions including the parking section width on the tract and in the public right-of-way within ten feet of the tract; (AS SHOWN)  
(5) Public rights-of-way including the width on or adjacent to the tract; (AS SHOWN)

NOTES:  
BASIS OF BEARINGS WERE DERIVED BY RTK GPS OBSERVATIONS BASED ON TEXAS STATE PLANE COORDINATES TEXAS SOUTH CENTRAL ZONE NAD 83 GEOID 03. ELEVATIONS SHOWN HEREON ARE BASED ON FIRM RM 080085 WITH AN ELEVATION OF 01.27 FEET HAVD 88 2001 ADJUSTMENT.  
SURFACE COORDINATES SHOWN HEREON CAN BE CONVERTED TO TEXAS STATE PLANE GRID COORDINATES BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR OF 0.9999870148.  
SURVEYOR HAS NOT ABSTRACTED SUBJECT PROPERTY.  
ALL BUILDING LINES AND EASEMENTS ARE PER RECORDED PLAT UNLESS OTHERWISE SHOWN.  
THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
SURVEY IS BASED ON TITLE COMMITMENT AS LISTED BELOW (IF NONE SHOWN), WE RECOMMEND GETTING A TITLE REPORT IN ORDER TO SHOW ALL APPLICABLE EASEMENTS AND OR BUILDING LINES, SPECIALLY IN CONSTRUCTION SITUATIONS.

TRACTS	BLOCK	SUBDIVISION	SECTION
*3 TRACTS*	30	HOUSTON HEIGHTS	
COUNTY	STATE	RECORDED	SURVEY
HARRIS	TEXAS	VOLUME 1 PAGE 114 H.C.M.R.	JOHN AUSTIN TWO LEAGUE GRANT SURVEY A-1
PURCHASER		ADDRESS	SCALE 1"=20'
KARTMOUTH CAPITAL INVESTMENTS, INC		340 WEST 26TH STREET, HOUSTON TEXAS 77008	

**MOMENTUM**  
ENGINEERING & SURVEYING  
12651 BRIAR FOREST, SUITE 350  
HOUSTON, TEXAS 77077  
(TEL) 281-741-1098 (FAX) 281-741-2068  
E-MAIL GPRDA@MSN.COM

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FIELD AT THE TIME OF THE SURVEY. THERE WERE NO DISCREPANCIES APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.

*[Signature]* 7/29/2014  
GILBERT PRIDA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5082



DATED BY	
FIELD WORK	07/24/2014 JL
DRAFTING	07/29/2014 GP
KEY MAP	452V

MOFF. CO.	
TITLE CO. TEXAS AMERICAN	
G.P. NO. 7800-14-1304	
JOB NO. 14-07015	

