

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 31, 2022

Mr. Adam Brackman  
BAP 2800 LLC  
8325 Broadway St, Ste 202-123  
Pearland, TX 77581-5772

Re: Municipal Setting Designation (MSD) Certificate for BAP 2800, LLC, Former Perfecto Cleaners Site, located at 2819 Fannin Street, Houston, Harris County, TX; Municipal Setting Designation (MSD) No. 475; Customer No. CN604351098; Regulated Entity No. RN100569730

Dear Mr. Brackman:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on January 25, 2022, and additional information supporting this MSD application on June 6 and July 1, 2022. 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) 239-0217 or via e-mail ([vitalie.morrison@tceq.texas.gov](mailto:vitalie.morrison@tceq.texas.gov)).

Sincerely,

A handwritten signature in blue ink, appearing to read "V. Morrison".

Vitalie Morrison, P.G., Project Manager  
VCP-CA Section  
Remediation Division

cc: Mr. Robert J. Goldsmith, Gray Knoll LLC (via email)  
Mr. Michael Marcon, P.G., InControl Technologies, Inc. (via email)  
Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston

Enclosure: MSD Certificate



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. 475, 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.

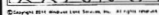
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on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

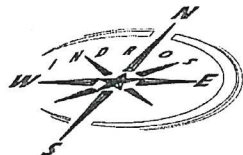
EXECUTED this the 31<sup>st</sup> day of August, 2022

Beth Seaton

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







**Windrose Land Services, Inc**  
3200 Wilcrest Dr., Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management and GIS Services

**DESCRIPTION OF**  
**0.6967 ACRES OR 30,349 SQ. FT.**

A TRACT OR PARCEL OF LAND CONTAINING 0.6967 ACRES OR 30,349 SQUARE FEET, BEING ALL OF LOTS 5 THROUGH 10, BLOCK 1 OF THE TEXAS SAVINGS AND REAL ESTATE INVESTMENT ASSOCIATIONS ADDITION, AS RECORDED IN VOLUME 41, PAGE 102 OF THE HARRIS COUNTY DEED RECORDS, AS CONVEYED TO GRASSY KNOLL, LLC, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20120599270, SITUATED IN THE OBEDIANCE SMITH SURVEY, ABSTRACT NO. 696, HARRIS COUNTY, TEXAS, DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204 (NAD83), AND THE CITY OF HOUSTON DOWNTOWN CENTERLINE REFERENCE ROD SYSTEM REVITALIZATION LINES.

COMMENCING AT A MAG NAIL SET MARKING THE INTERSECTION OF THE CENTERLINES OF TUAM STREET, AND FANNIN STREET, AS ESTABLISHED BY THE HOUSTON DOWNTOWN CENTERLINE ROD SYSTEM, ADOPTED PER MINUTES OF CITY COUNCIL, JULY 11, 1868, AND THE CITY OF HOUSTON DOWNTOWN REFERENCE ROD SYSTEM REVITALIZATION LINES, GFS NO. N-0645-04-03;

THENCE, ALONG THE CENTERLINE OF SAID FANNIN STREET, NORTH 32 DEGREES 52 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.50 FEET TO A POINT;


THENCE, SOUTH 57 DEGREES 08 MINUTES 23 SECONDS EAST, OVER AND ACROSS SAID FANNIN STREET, A DISTANCE OF 40.00 FEET TO AN "X" CUT SET IN CONCRETE MARKING THE WEST CORNER OF SAID BLOCK 1, AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 32 DEGREES 52 MINUTES 00 SECONDS EAST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID FANNIN STREET, BEING 1.74 FEET PARALLEL TO AND NORTHWESTERLY OF THE PLATTED WEST LINE OF BLOCK 1 AS RECORDED IN SAID VOLUME 41, PAGE 102, A DISTANCE OF 200.00 FEET TO AN "X" CUT SET FOR THE NORTHERN MOST CORNER OF SAID BLOCK 1, AND THE HEREIN DESCRIBED TRACT, BEING THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID FANNIN STREET, AND SOUTHWESTERLY RIGHT-OF-WAY LINE OF DREW STREET (50.00 FOOT WIDE RIGHT-OF-WAY), PER CITY OF HOUSTON SKETCH NO'S 52-23-5-AS, 52-23-3A-S, AND 52-23-1-S;

THENCE, SOUTH 57 DEGREES 08 MINUTES 23 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID DREW STREET, A DISTANCE OF 151.74 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR THE EASTERLY CORNER OF LOT 9, AND THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 32 DEGREES 52 MINUTES 00 SECONDS EAST, ALONG THE EASTERLY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 194.50 FEET, THE NORTHEASTERLY RIGHT-OF-WAY OF TUAM STREET AS SHOWN ON THE W. J. HUTCHINS ADDITION, AS RECORDED IN VOLUME 39, PAGE 379 OF THE HARRIS COUNTY DEED RECORDS, AND CONTINUING IN ALL A TOTAL DISTANCE OF 200.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR THE SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING ON THE RECOGNIZED NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUAM STREET AS SHOWN ON CITY OF HOUSTON SKETCH 52-23-5-AS-12/10/26;

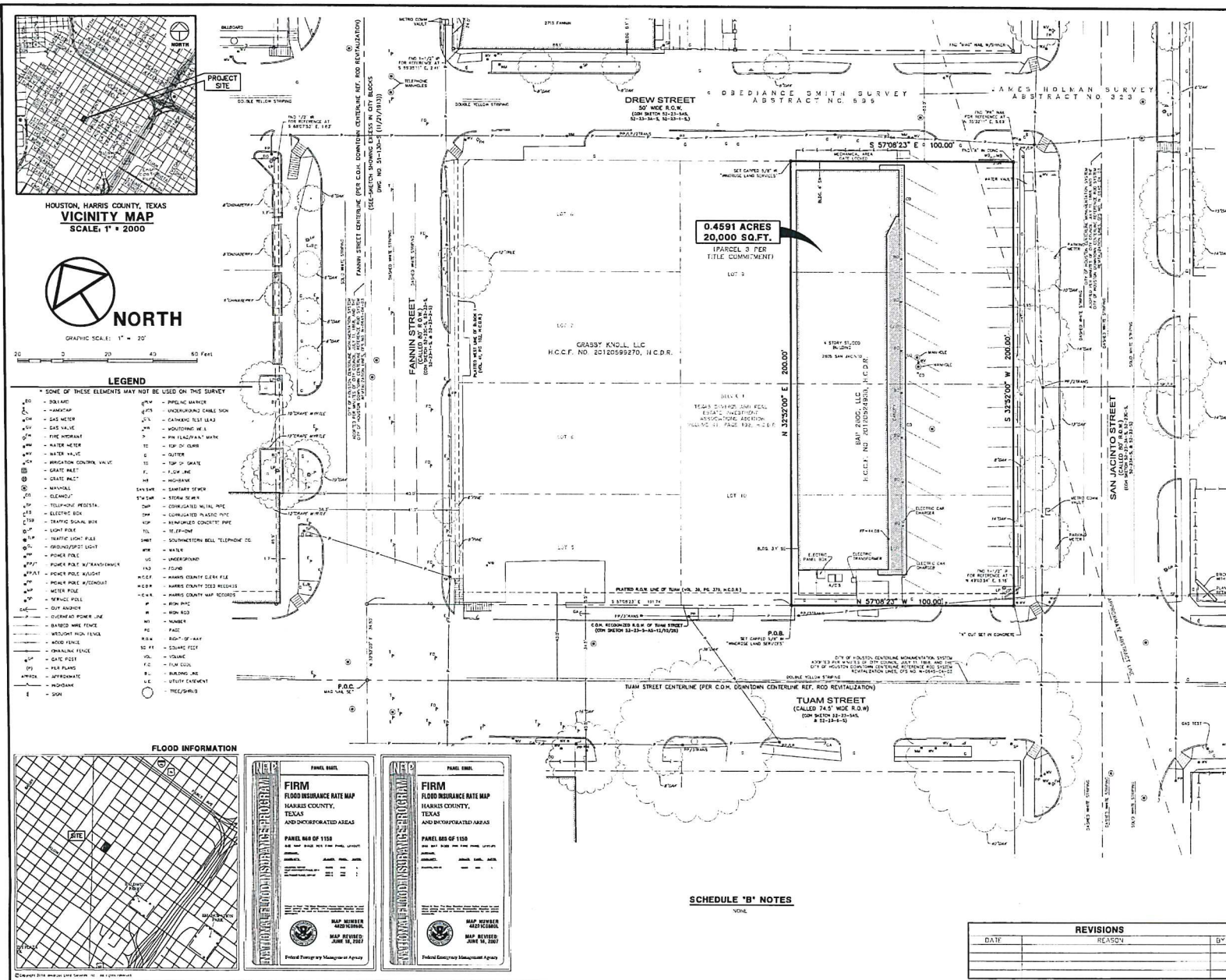
THENCE, NORTH 57 DEGREES 08 MINUTES 23 SECONDS WEST, ALONG THE RECOGNIZED NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUAM STREET, PARALLEL TO A 5.50 FEET SOUTHWESTERLY OF THE PLATTED RIGHT-OF-WAY LINE OF SAID TUAM STREET, A DISTANCE OF 151.74 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.6967 ACRES OR 30,349 SQUARE FEET OF LAND, AS SHOWN ON SURVEY, JOB NO. 51869, PREPARED BY WINDROSE LAND SERVICES, INC.

  
MIKE KURKOWSKI  
R.P.L.S. NO. 5101  
STATE OF TEXAS



06/30/14  
DATE







**Windrose Land Services, Inc**  
3200 Wilcrest Dr., Suite 325  
Houston, Texas 77042  
Phone (713) 458-2281 Fax (713) 461-1151

**Professional Development Consultants**  
Land Surveying, Platting, Project Management and GIS Services

**DESCRIPTION OF**  
**0.4591 ACRES OR 20,000 SQ. FT.**

A TRACT OR PARCEL OF LAND CONTAINING 0.4591 ACRES OR 20,000 SQUARE FEET, BEING ALL OF LOTS 1 THROUGH 4, BLOCK 1 OF THE TEXAS SAVINGS AND REAL ESTATE INVESTMENT ASSOCIATIONS ADDITION, AS RECORDED IN VOLUME 41, PAGE 102 OF THE HARRIS COUNTY DEED RECORDS, AS CONVEYED TO BAP 28000, LLC, AS RECORDED UNDER HARRIS COUNTY CLERK'S FILE NO. 20120524938, SITUATED IN THE OBEDIANCE SMITH SURVEY, ABSTRACT NO. 696, AND THE JAMES HOLMAN SURVEY, ABSTRACT NO. 323, HARRIS COUNTY, TEXAS, DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204 (NAD83), AND THE CITY OF HOUSTON DOWNTOWN CENTERLINE REFERENCE ROD SYSTEM REVITALIZATION LINES.

COMMENCING AT A MAG NAIL SET MARKING THE INTERSECTION OF THE CENTERLINES OF TUAM STREET, AND FANNIN STREET, AS ESTABLISHED BY THE HOUSTON DOWNTOWN CENTERLINE ROD SYSTEM, ADOPTED PER MINUTES OF CITY COUNCIL, JULY 11, 1868, AND THE CITY OF HOUSTON DOWNTOWN REFERENCE ROD SYSTEM REVITALIZATION LINES, GFS NO. N-0645-04-03;

THENCE, ALONG THE CENTERLINE OF SAID FANNIN STREET, NORTH 32 DEGREES 52 MINUTES 00 SECONDS EAST, A DISTANCE OF 34.50 FEET TO A POINT;


THENCE, SOUTH 57 DEGREES 08 MINUTES 23 SECONDS EAST, OVER AND ACROSS SAID FANNIN STREET, AND ALONG THE RECOGNIZED NORTHEASTERLY RIGHT-OF-WAY LINE OF TUAM STREET, PER CITY OF HOUSTON SKETCH NO'S 52-23-5AS, AND 52-23-6-S, A DISTANCE OF 191.74 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR THE WESTERLY CORNER OF SAID LOT 4, AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 32 DEGREES 52 MINUTES 00 SECONDS EAST, ALONG THE WESTERLY LINES OF LOTS 1 THROUGH 4, AND EASTERLY LINE OF LOTS 9 AND 10, A DISTANCE OF 200.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" SET FOR THE NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF DREW STREET (CALLED 50' RIGHT-OF-WAY), PER CITY OF HOUSTON SKETCH NO'S 52-23-5AS, 52-23-3A-S AND 52-23-1-S;

THENCE, SOUTH 57 DEGREES 08 MINUTES 23 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID DREW STREET, A DISTANCE OF 100.00 FEET TO AN "X" CUT FOUND FOR THE EASTERLY CORNER OF LOT 4, AND THE HEREIN DESCRIBED TRACT, BEING THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID DREW STREET, AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAN JACINTO STREET (CALLED 80' RIGHT-OF-WAY), PER CITY OF HOUSTON SKETCH NO'S 52-23-3A-S, 52-23C-S, 52-23A-S, AND 52-23-S, FROM WHICH A "PK" NAIL FOUND FOR REFERENCE BEARS NORTH 35 DEGREES 32 MINUTES 11 SECONDS EAST, 5.69 FEET;

THENCE, SOUTH 32 DEGREES 52 MINUTES 00 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SAN JACINTO STREET, AND SOUTHEASTERLY BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT A DISTANCE OF 194.50 FEET A POINT MARKING THE PLATTED NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUAM STREET, AS SHOWN ON W.J. ADDITION, AS RECORDED IN VOLUME 39, PAGE 379 OF THE HARRIS COUNTY DEED RECORDS, AND CONTINUING IN ALL A TOTAL DISTANCE OF 200.00 FEET TO AN "X" CUT SET IN CONCRETE MARKING THE SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, MARKING THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID SAN JACINTO STREET, AND NORTHEASTERLY LINE OF SAID TUAM STREET, FROM WHICH A 1-1/2 INCH IRON PIPE BEARS FOR REFERENCE NORTH 49 DEGREES 03 MINUTES 54 SECONDS EAST, 6.16 FEET;

THENCE, NORTH 57 DEGREES 08 MINUTES 23 SECONDS WEST, ALONG THE RECOGNIZED NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TUAM STREET, PARALLEL TO A 5.50 FEET SOUTHWESTERLY OF THE PLATTED RIGHT-OF-WAY LINE OF SAID TUAM STREET, A DISTANCE OF 100.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.4591 ACRES OR 20,000 SQUARE FEET OF LAND, AS SHOWN ON SURVEY, JOB NO. 51869-0.4591AC, PREPARED BY WINDROSE LAND SERVICES, INC.

  
MIKE KURKOWSKI  
R.P.L.S. NO. 5101  
STATE OF TEXAS



06/30/14  
DATE



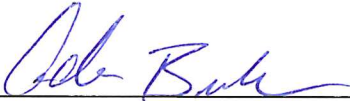
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Adam Brackman, as an authorized representative of  
BAP 2800 LLC, 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.

  
Signature

Date: 12/30/2021

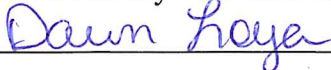
Adam Brackman  
Printed Name

Member  
Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 30 day of  
December 2021, to which witness my hand and seal of office.

  
Notary Public in and for the State of Texas

