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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 15, 2022

Mr. Charlie Pendergraft, Vice President
UG Old Hardy LP c/o Urban Genesis LLC
202 Avondale Street
Houston, Texas 77006-3216

Re: Municipal Setting Designation (MSD) Certificate for Ryan Energy Technologies Site, located at 1702 Nance Street, Houston, Harris County, TX; MSD No. 479; Voluntary Cleanup Program (VCP) No. 3081; Customer No. CN605787621; Regulated Entity No. RN103208005

Dear Mr. Pendergraft:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on February 2, 2022 and additional information supporting this MSD application. 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) 239-2032 or via e-mail at Alexandra.hughes@tceq.texas.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Alexandra Hughes".

Alexandra Hughes, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD No. 479 Certificate

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

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. 479, 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 14th day of December, 2022

Beth Seaton

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

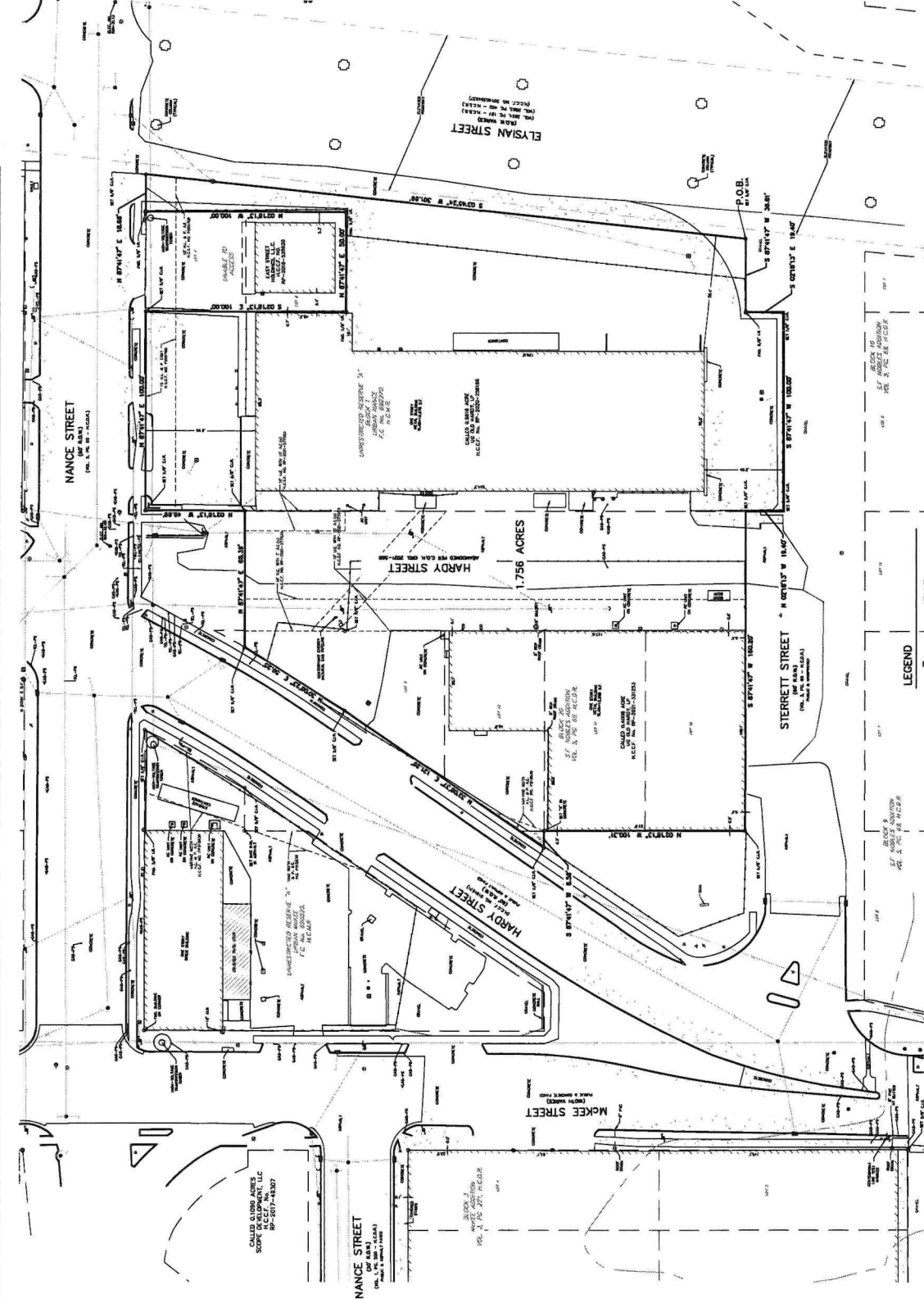


STANDARD LAND SURVEY OF 1.756 ACRES... ALL OF LOTS 11 THROUGH 12 AND A PORTION OF LOTS 3, 9 AND 10, BLOCK 20, FORT WORTH SUBDIVISION RECORDED IN VOLUME 3, PAGE 398 H.C.D.R., ALL OF UNRESTRICTED RESERVE "A", BLOCK 1, OF URBAN NANCE, A SUBDIVISION OF RECORD IN F.C. NO. 6803, COUNTY OF TRAVIS, STATE OF TEXAS, DIVISION OF HARDY STREET AS ABANDONED IN C.O.M. ORDINANCE #2021-398

1. THE SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A CHAIN OF TITLE... 2. THE SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A CHAIN OF TITLE... 3. THE SURVEY HAS BEEN MADE WITHOUT THE BENEFIT OF A CHAIN OF TITLE...

STANDARD LAND SURVEY OF 1.756 ACRES ALL OF LOTS 11 THROUGH 12 AND A PORTION OF LOTS 3, 9 AND 10, BLOCK 20, FORT WORTH SUBDIVISION RECORDED IN VOLUME 3, PAGE 398 H.C.D.R., ALL OF UNRESTRICTED RESERVE "A", BLOCK 1, OF URBAN NANCE, A SUBDIVISION OF RECORD IN F.C. NO. 6803, COUNTY OF TRAVIS, STATE OF TEXAS, DIVISION OF HARDY STREET AS ABANDONED IN C.O.M. ORDINANCE #2021-398

TABLE with columns: SHEET, SCALE, DATE, DRAWN BY, CHECKED BY, PROJECT NO., SHEET NO. (1 OF 4)



LEGEND and ABBREVIATIONS table listing symbols for property lines, easements, and other survey features, along with abbreviations for various survey documents.

NOTICE TO CONTRACTORS: THIS SURVEY IS A PRELIMINARY SURVEY... THE PLAT HEREON IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE...

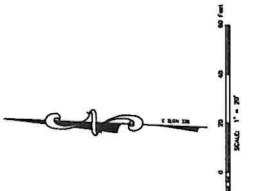


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County: Harris
Project: 805 Hardy
M&B No: 21-117
CS Job No: 19194

METES AND BOUNDS DESCRIPTION OF 1.756 ACRES

Being a tract of land containing 1.756 acres, located in the John Austin Survey, Abstract 1, in Harris County, Texas; Said 1.756 acre tract being all of Lots 11 and 12 and portions of Lots 3, 9 and 10, Block 20, S.F. Noble Addition, a subdivision recorded in Volume 5, Page 69, of the Harris County Deed Records (H.C.D.R.), all of Unrestricted Reserve "A", Block 1, of Urban Nance, a subdivision of record in Film Code Number 692270 of the Harris County Map Records and a portion of Hardy Street, a sixty feet wide public Right-of-Way (R.O.W.) per Volume 5, Page 69, of the H.C.D.R.; Said 1.756 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a 5/8-inch iron rod found at the southeast corner of said Unrestricted Reserve "A" and the herein described tract, on the north Right-of-Way (R.O.W.) line of Sterrett Street (sixty feet wide per Volume 5, Page 69, of the H.C.D.R.);

THENCE, with the south lines of said Unrestricted Reserve "A" and north R.O.W. line of said Sterrett Street, the following four (4) courses:

1. South 87° 41' 47" West, a distance of 36.81 feet to a 5/8-inch iron rod found at an angle point;
2. South 02° 18' 13", a distance of 19.40 feet to a 5/8-inch capped iron rod found at an angle point;
3. South 87° 41' 47" West, a distance of 100.00 to a 5/8-inch capped iron rod found at an angle point;
4. North 02° 18' 13" West, a distance of 19.40 feet to the east end of the south terminus of said Hardy Street;

THENCE, South 87° 41'; 47" West, with the south terminus line of said Hardy Street and with the south line of said Lot 12, a distance of 160.20 feet to a 5/8-inch capped iron rod found at the southwest corner of said Lot 12, on the easterly R.O.W. line of Hardy Street (width varies);

THENCE, with the easterly R.O.W. line of said Hardy Street, the following three (3) courses:

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1. North $02^{\circ} 18' 13''$ West, with the west lines of said Lot 12 and said Lot 11, respectively, a distance 100.31 feet to an "X" cut in concrete found at the northwest corner of said Lot 11, the southwest corner of said Lot 10 and the southeast corner of said Lot 3;
2. South $87^{\circ} 41' 47''$ West, with the south line of said Lot 3, a distance of 8.56 feet to a 5/8-inch capped iron rod found at the most westerly corner of said 17,424 square feet tract and the herein described tract;
3. North $32^{\circ} 08' 37''$ East, through and across said Lots 3, 10 and 9, respectively, a distance of 121.26 feet to a 5/8-inch capped iron rod found on the north line of said Lot 9;

THENCE, through and across said Hardy Street, the following two (2) courses:

1. North $30^{\circ} 08' 23''$ East, a distance of 59.25 feet to a 5/8-inch capped iron rod set for an angle point;
2. North $87^{\circ} 41' 47''$ East, a distance of 68.39 feet to a point on the east R.O.W. line of said Hardy Street and the west line of said Unrestricted Reserve "A";

THENCE, North $02^{\circ} 18' 13''$ West, with the west line of said Unrestricted Reserve "A" and the east R.O.W. line of said Hardy Street, a distance of 49.69 feet to a 5/8-inch capped iron rod found at the northwest corner of said Unrestricted Reserve "A" and the herein described tract, same being the southwest intersection of said Hardy Street and Nance Street (sixty feet wide per Volume 5, Page 69, of the H.C.D.R.);

THENCE, North $87^{\circ} 41' 47''$ East, with a north line of said Unrestricted Reserve "A" and the south R.O.W. line of said Nance Street, a distance of 100.00 feet to a 5/8-inch capped iron rod found on the north line of Lot 7 of Block 19 of said S.F. Nobles Addition;

THENCE, with the interior lines of said Unrestricted Reserve "A" and through and across Lots 7 and 8 of said Block 19, the following three (3) courses:

1. South $02^{\circ} 18' 13''$ East, a distance of 100.00 feet to a 5/8-inch capped iron rod found at an angle point;
2. North $87^{\circ} 41' 47''$ East, a distance of 50.00 feet to a 5/8-inch capped iron rod found at an angle point;
3. North $02^{\circ} 18' 13''$ West, a distance of 100.00 feet to a 5/8-inch capped iron rod found on the north line of said Lot 7 and the south R.O.W. line of said Nance Street;

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THENCE, North 87° 41' 47" East, with the north line of said Unrestricted Reserve "A" and the south R.O.W. line of said Nance Street, a distance of 18.66 feet to a 5/8-inch capped iron rod found at the northeast corner of said Unrestricted Reserve "A" and the herein described tract, on the west R.O.W. line of Elysian Street (width varies per H.C.C.F. No. 20140354537);

THENCE, South 03° 45' 24" West, with the east line of said Unrestricted Reserve "A" and the west R.O.W. line of said Elysian Street, a distance of 301.69 feet to the **POINT OF BEGINNING** and containing 1.756 acres of land.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532



CVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
June 28, 2021

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Charlie Pendergraft, as an authorized representative of UG Old Hardy, LP, 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.

Charlie Pendergraft

Signature

Date: 11/8/2022

Charlie Pendergraft

Printed Name

Vice President

Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 8th day of November 2022, to which witness my hand and seal of office.

L A Powell

Notary Public in and for the State of Texas

