

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*

March 5, 2021

Mr. Kelly D. Brown, Attorney  
Barclay Properties, LLC  
c/o Crain, Caton, & James, P.C.  
1401 McKinney Street, Suite 1700  
Houston, Texas 77010

Re: Municipal Setting Designation (MSD) Certificate for Barclay Properties, LLC, Former Wire Rope Warehouse Site, 5532 Harvey Wilson Drive, Houston, Harris County, Texas; MSD No. 439; Voluntary Cleanup Program (VCP) No. 2881; Customer No. CN605362060; Regulated Entity No. RN105051676

Dear Mr. Brown:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced Municipal Setting Designation (MSD) application on June 23, 2020 and additional information supporting this MSD application through January 5, 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) 239-2243 or via e-mail at [lilith.mercier@tceq.texas.gov](mailto:lilith.mercier@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Joy Mercier", on a light blue background.

L. Joy Mercier, P.G., Project Manager  
VCP-CA Section  
Remediation Division

LJM/jdm

Enclosure: MSD Certificate

cc (via email):

Mr. Dwayne DeFatta, MSM Houston Properties, LLC, Shreveport, LA  
Mr. Michael F. Marcon, Vice President, InControl Technologies, Inc., Houston  
Mr. Steve Kruger, Attorney, Slagle, Bernard & Gorman, P.C., Kansas City  
Ms. Lori Warner, Attorney, L. Warner Law PLLC, The Woodlands  
Ms. Alma Jefferson, Waste Section Manager, TCEQ Houston Regional 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. 439, 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 5th day of March, 2021

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

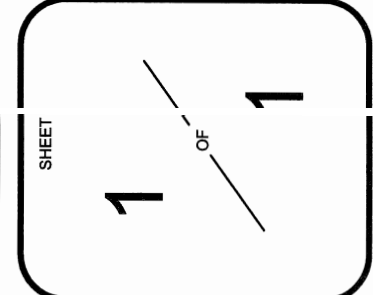
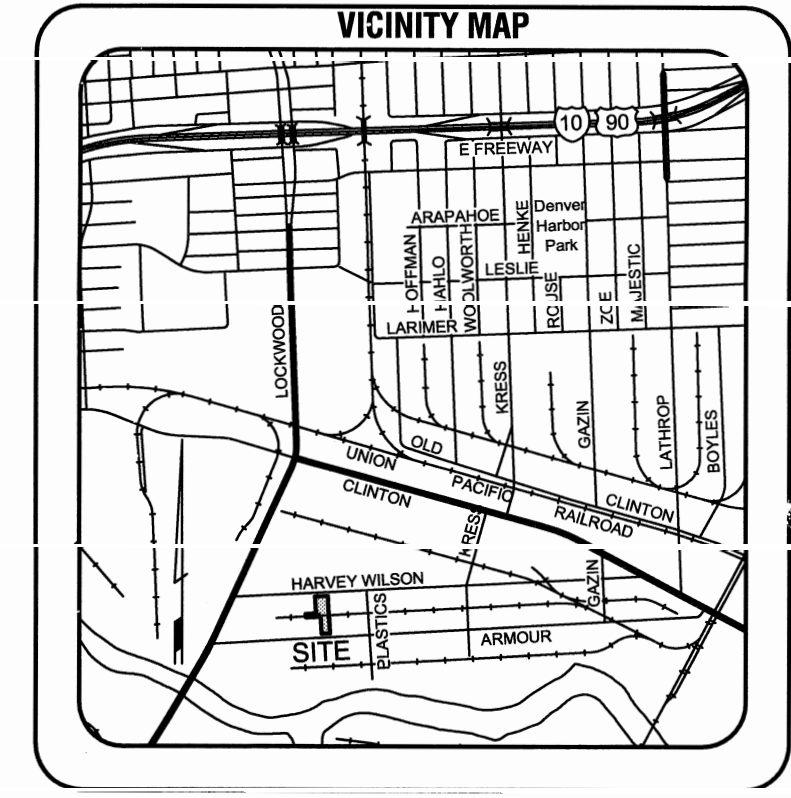
**LEGEND**

- POWER POLE
- GUY ANCHOR
- WATER METER
- METER
- CHAIN LINK FENCE
- WOOD FENCE
- OHU - POWER LINE
- CONCRETE
- COVERED
- CALL
- CONTROLLING MONUMENT (11-28-03)
- OHU = OVERHEAD UTILITIES
- UE = UTILITY EASEMENT
- AE = AERIAL EASEMENT
- WLE = WATERLINE EASEMENT
- STM MH = STORM SEWER MANHOLE
- SAN MH = SANITARY SEWER MANHOLE
- BL = BUILDING LINE
- PL = BOUNDARY LINE
- PP = POWER POLE
- MH = MANHOLE
- FND = FOUND
- I.R. = IRON ROD
- I.P. = IRON PIPE
- FNC = FENCE
- R.C.P. = REINFORCED CONCRETE PIPE
- P.V.C. = POLYVINYL CHLORIDE PIPE

**COMMON ABBREVIATIONS**

**REVISIONS**

NO.	DATE	REASON	BY
1	01-15-13	UPDATE IMPROVEMENT	S. GUN



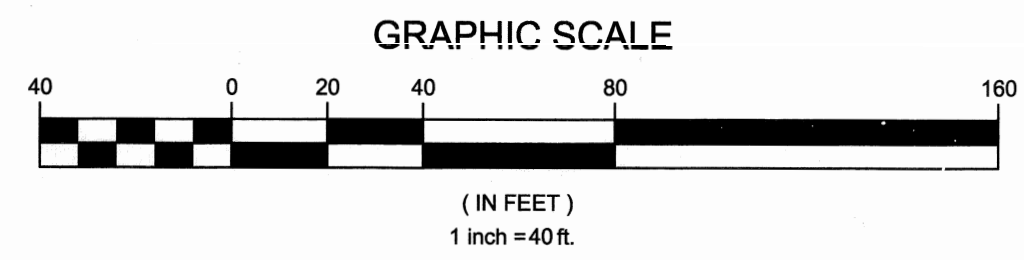
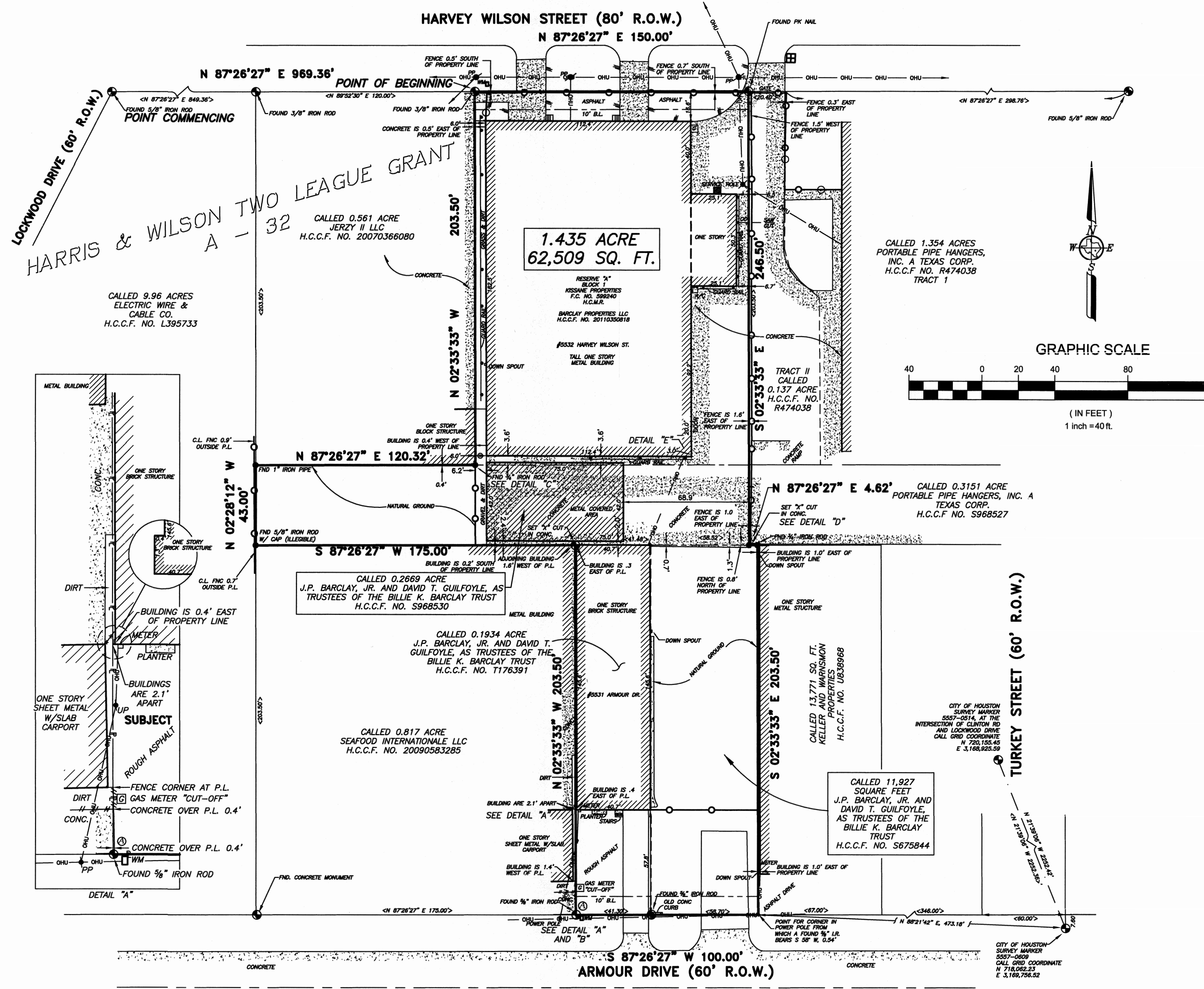
**DRAWING INFORMATION**

JOB NO. 598512  
 DRAWING SCALE 1"=40'  
 BEARING BASE SEE NO. 1  
 FIELD CREW J. D. WEBBER, JR.  
 PEN TABLE 11-29-12  
 DATE 11-29-12  
 COGO VER. ADESK1 ID 2008

**LAND TITLE SURVEY**

PROPERTY INFORMATION

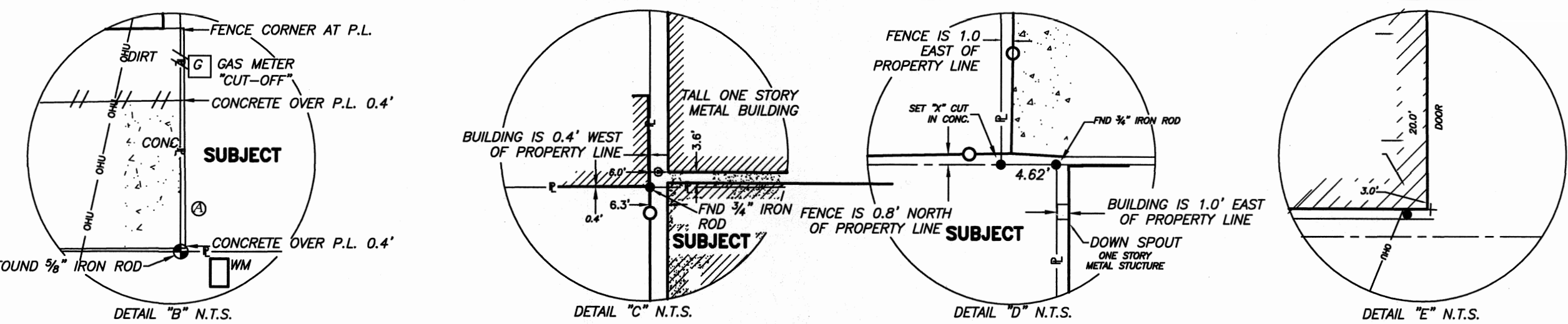
LOT RESEVE ME "A"  
 BLOCK KISSANE ROBERTES  
 SUBDIVISION KISSANE ROBERTES  
 RECORDING F.C. NO. 58240 MAP RECORDS HARRIS COUNTY TEXAS  
 BORROWER MID-SOUTH METALS, INC.  
 TITLE COMPANY CHICAGO TITLE INSURANCE COMPANY  
 GF EFFECTIVE DATE 10-11-12  
 SURVEYED FOR BARCLAY PROPERTIES, LLC



- NOTES:**
1. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
  2. SUBJECT TO A 15'-FOOT WIDE DRAINAGE EASEMENT ON EACH SIDE OF THE CENTERLINE OF ALL NATURAL DRAINAGE COURSES PER F.C. NO. 599240, H.C.M.R.
  3. EXCEPTIONS FROM COVERAGE LISTED IN SCHEDULE "B" OF TITLE COMMITMENT, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, SHOWN HEREON ARE AS FOLLOWS: FILM CODE NO. 599240, H.C.M.R.; VOL. 2779, PG. 511, H.C.D.R.;
  4. ALL BUILDING LINES, EASEMENTS, BUILDING RESTRICTIONS (DEED RESTRICTIONS, ETC.) AND ZONING ORDINANCES, IF ANY, THAT MAY AFFECT SUBJECT PROPERTY SHOULD BE VERIFIED PRIOR TO PLANNING AND/OR CONSTRUCTION.
  5. MINIMUM FINISH FLOOR REQUIREMENTS, IF SHOWN, ARE PER RECORDED PLAT AND/OR DEED RESTRICTIONS ONLY, AND NOTED AS SUCH. ADDITIONAL FINISHED FLOOR REQUIREMENTS MAY BE REQUIRED BY F.E.M.A. AND/OR LOCAL GOVERNING AUTHORITIES.
  6. SURFACE OR SUBSURFACE FAULTING, HAZARDOUS WASTE, MINERAL RIGHTS, WETLAND DESIGNATION OR OTHER ENVIRONMENTAL ISSUES AND ARCHEOLOGICAL ISSUES HAVE NOT BEEN ADDRESSED WITHIN THE SCOPE OF THIS SURVEY.
  7. ABSTRACT INFORMATION PROVIDED HEREON IS BELIEVED TO BE SUFFICIENT AND CORRECT BY THE UNDERSIGNED SURVEYOR. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE ENCUMBRANCES OF RECORD, AS REFLECTED ON THIS SURVEY ARE BASED ON THE RECORDED MAP OR PLAT AND/OR DEEDS AND TITLE INFORMATION OWNER/BUILDER SHOULD VERIFY ALL BUILDINGS LINES, EASEMENTS, RESTRICTION, AND ORDINANCES, IF ANY, AS SHOWN HEREON.
  8. A GROUND AND/OR AERIAL EASEMENT MAY EXIST ADJACENT TO ANY EXISTING UTILITY. OWNER/BUILDER MUST VERIFY CLEARANCE OF UTILITIES AND EASEMENTS WITH APPLICABLE UTILITY COMPANIES PRIOR TO PLANNING AND/OR CONSTRUCTION.
  9. BURIED UTILITIES HAVE NOT BEEN SHOWN, VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
  10. THIS SURVEY DOES NOT ADDRESS ARCHITECTURAL PROTRUSIONS SUCH AS EAVES, OVERHANGS, WINDOW LEDGES, ETC. IN RELATION TO EASEMENTS AND/OR BUILDING LINES.
  11. ALL BEARINGS ARE GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM LAMBERT SOUTH CENTRAL ZONE (NAD 27) AND THE ORIGIN THRU THE CITY OF HOUSTON SURVEY MARKERS No. 5557-0808 & No. 5557-0514, AND ALL DISTANCES ARE SURFACE DISTANCES. TO REDUCE SURFACE DISTANCES TO GRID, MULTIPLY BY A COMBINED SCALE FACTOR OF 0.9989891.

**5532 HARVEY WILSON DRIVE**

HOUSTON, HARRIS COUNTY, TEXAS 77020



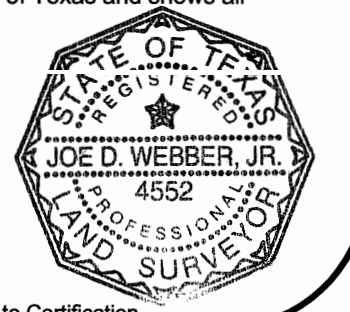
**FLOOD INFORMATION**

F.I.R.M. No. 48201C PANEL: 08001  
 REVISED DATE 6-18-2007 ZONE: "X"  
 FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.

To: Barclay Properties, LLC; DSD Houston, LLC; a Texas limited liability Company; Home Federal Bank; and Chicago Title Insurance Company;

The survey shown hereon complies with a Category 1A, Condition II Survey as defined by the Texas Society of Professional Surveyors' Manual of Practice for Land Surveying in the State of Texas and shows all improvements at the time of the survey.

Surveyed: November 29, 2012  
 Joe D. Webber, Jr.  
 Registered Professional Land Surveyor  
 Texas Registration No. 4552

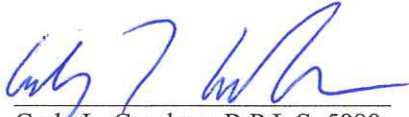


**Global Surveyors, Inc.**  
 Formerly Residential Land Surveyors, Inc.  
 an affiliate of Tri-Tech Surveying & Company, L.P.

WWW.SURVEYINGCOMPANY.COM  
 10401 Westco Ice Drive Phone: (713) 667-0800  
 Houston, Tex 77042 Fax: (713) 667-5848

A tract of land being all of Restricted Reserve "A" of Kissane Properties as recorded in Film Code Number 559240 of the Map Records of Harris County Texas

2/6/19



Cody L. Condron, R.P.L.S. 5899  
02/06/2019  
Job No. 8309-12



**METES AND BOUNDS DESCRIPTION  
FOR 1.435 ACRE TRACT OF LAND  
LOCATED AT 5532 HARVEY WILSON DRIVE**

Field Note Description

Being a 1.435 acre or 62,509 square feet tract of land out of the Harris & Wilson Two League Grant, Abstract A-32, and being a combination of all of the following four called tracts of land; a called 0.7008 acres per Harris County Clerk's File No. T097838, a called 0.2669 acres per Harris County Clerk's File No. S968530, a called 11,927 square feet per Harris County Clerk's File No. S675844, and a called 0.1934 acres per Harris County Clerk's File No. T176391, all said tract being conveyed to J.P. Barclay Jr. and David T. Guilfoyle, said tracts being more particularly described by metes and bounds as follows;

Commencing at the Northwest corner of a called 9.96 acre tract of land conveyed to Electric Wire & Cable Co. per Harris County Clerk's File No. L395733, and being in the Southeast corner of Harvey Wilson Street (80' Right-of-way) and Lockwood Drive (60' Right-of-way), Thence North  $87^{\circ}26'27''$  East, with the North line of said 9.96 acre tract and with the South line of Harvey Wilson Street (80' Right-of-way), a distance of 969.36 feet to a found  $\frac{3}{8}$  inch diameter iron rod, said rod being the Point of Beginning of herein described tract, and located at the Northwest corner of said 0.7008 acre tract and being the Northeast corner of a certain tract of land conveyed to Quality Development Corporation, recorded in Harris County Clerk's File No. R880650 and being in the South line of Harvey Wilson Street (80' Right-of-way);

Thence North  $87^{\circ}26'27''$  East, with the South line of Harvey Wilson Street (80' Right-of-way), and with the North line of herein described tract, a distance of 150.00 feet to a found PK Nail in driveway found for the Northeast corner of said 0.7008 acre tract of land and being the Northwest corner of a called 0.137 acre tract (Tract II) of land conveyed to Portable Pipe Hangers, INC., a Texas corporation, recorded in Harris County Clerk's File No. R474038;

Thence South  $02^{\circ}33'33''$  East, with the East line of said 0.7008 acre tract and with the West line of said 0.137 acre tract of land, passing at a distance of 203.50 feet the Southwest corner of said 0.137 acre tract of land and the Northeast corner of said 0.2669 acre tract of land, continuing for a total distance of 246.50 feet to a set  $\frac{3}{4}$  inch diameter iron rod from which a found  $\frac{5}{8}$  inch diameter iron rod bears North  $64^{\circ}$  East, a distance of 0.44 feet, said iron rod being set for an interior corner of herein described tract, and being the Southeast corner of said 0.2669 acre tract of land, also being the Southwest corner of a called 0.3151 acre tract of land, conveyed to Portable Pipe Hangers, as recorded in Harris County Clerk's File No. S968527, also being in the North line of said 11,927 square feet acre tract of land;

Thence North  $87^{\circ}26'27''$  East, with the North line of said 11,927 square feet acre tract and with the South line of said 0.3151 acre tract, a distance of 4.62 feet to a set  $\frac{3}{4}$  inch iron rod set for a Northeast interior corner of herein described tract, also being the Northwest corner of a called 13,771 square feet tract of land, conveyed to Keller and Warnsmon Properties, as recorded in Harris County Clerk's File No. U838968;

Thence South 02°33'33" East, with the East line of herein described tract, and with the West line of said 13,771 square feet tract of land, a distance of 203.50 feet to a point in a power pole for corner from which a found 5/8 inch diameter iron rod bears South 58° West, 0.54 feet, said point being the Southeast corner of said 11,927 square feet tract of land and being the Southwest corner of said 13,771 square feet tract of land, and being in the North line of Armour Drive (60' Right-of-way);

Thence South 87°26'27" West, with the North line of Armour Drive (60' Right-of-way), and with the South line of herein described tract, a distance of 100.00 feet to a found 5/8 inch diameter iron rod for the Southwest corner of herein described tract, and the Southeast corner of a called 0.818 acre tract of land conveyed to Wanda S. Woodward and Barry Woodward, recorded in Harris County Clerk's File No. W273692;

Thence North 02°33'33" West, with the a West line of herein described tract, and with the East line of said 0.818 acre tract of land, a distance of 203.50 feet to a found 5/8 inch diameter iron rod for an interior corner of herein described tract, and being the Northeast corner of said 0.818 acre tract of land;

Thence South 87°26'27" West, with the North line of said 0.818 acre tract of land and with a South line of herein described tract, a distance of 175.00 feet to a set 3/4 inch diameter iron rod, set for a Southwesterly interior corner of herein described tract, and being in the East line of a called 9.96 acre tract of land conveyed to Electric Wire & Cable Co., recorded in Harris County Clerk's File No. L395733;

Thence North 02°28'12" West, with the West line of herein described tract, and with the East line of said 9.96 acre tract of land, a distance of 43.00 feet to a set 3/4 inch diameter iron rod, set for a Northwesterly interior corner of herein described tract, and being the Southwest corner of a tract of land conveyed to Quality Development Corporation, recorded in Harris County Clerk's File No. R880650, and being in the East line of said 9.96 acre tract of land;

Thence North 87°26'27" East, with a North line of herein described tract, and with the South line of said Quality Development Corporation tract, a distance of 120.32 feet to a set 3/4 inch diameter iron rod, set for the Southeast corner of said Quality Development Corporation tract and being a interior corner of herein described tract;

Thence North 02°33'33" West, with a west line of herein described tract, and with the East line of said Quality Development Corporation tract, a distance of 203.50 feet to the Point of Beginning and containing 1.435 acres or 62,509 square feet of land.

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

BEFORE ME, the undersigned authority, on this day personally appeared Kelly D Brown, as an authorized representative of Barclay Properties LLC c/o Crain, Caton & James PC, 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.

Kelly D. Brown  
Signature

Date: 5/14/20

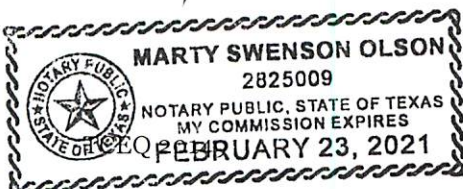
Kelly D. Brown  
Printed Name

Authorized Representative  
Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 15<sup>th</sup> day of May 2020, to which witness my hand and seal of office.



Marty Swenson Olson  
Notary Public in and for the State of Texas