

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. 459, in the City of San Antonio, 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 4<sup>th</sup> day of May, 2022

Beth Seaton

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



EXHIBIT "A" KLN MSD Legal Description Page 1 of 6

**LEGAL DESCRIPTION**

BEING 38.798 ACRES (1,690,084 SQUARE FEET) OF LAND, BEING LOT 2, N.C.B. 14346 RESUBDIVISION PLAT OF CRUTCHER RESOURCES SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, SAID SUBDIVISION BEING RECORDED IN VOLUME 6400, PAGE 172, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT IN THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, BEING IN THE SOUTHEAST RIGHT-OF-WAY OF U.S. HIGHWAY 81 NORTH (I.H. 35), ALSO KNOWN AS PAN AM EXPRESSWAY, BEING THE SOUTHWEST CORNER OF A CALLED 1.710 ACRE TRACT CONVEYED TO KAZUM PARTNERS LTD., AND RECORDED IN VOLUME 12793, PAGE 858 OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS; FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 15 DEGREES 24 MINUTES EAST, 0.44 FEET;

THENCE, LEAVING SAID U.S. HIGHWAY 81 NORTH, WITH THE SOUTH LINE OF THE SAID KAZUM PARTNERS TRACT AND THE NORTH LINE OF THE HEREIN DESCRIBED TRACT THE FOLLOWING FIVE (5) COURSES:

1) SOUTH 89 DEGREES 35 MINUTES 12 SECONDS EAST, PASSING AT A DISTANCE OF 265.78 FEET THE SOUTHEAST CORNER OF THE SAID KAZUM PARTNERS TRACT, BEING ALSO IN THE WEST RIGHT-OF-WAY LINE OF PETROLEUM DRIVE, FOR A TOTAL DISTANCE OF 461.93 FEET TO A POINT OF CURVATURE, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS SOUTH 21 DEGREES 34 MINUTES WEST, 1.71 FEET;

2) FOLLOWING A CURVE TO THE RIGHT WITH A RADIUS OF 370.00 FEET, A CENTRAL ANGLE OF 89 DEGREES 40 MINUTES 51 SECONDS, AN ARC LENGTH OF 579.13 FEET, A CHORD BEARING OF SOUTH 44 DEGREES 48 MINUTES 55 SECONDS EAST AND A CHORD DISTANCE OF 521.80 FEET TO A 1/2 INCH IRON ROD FOUND AT A POINT OF TANGENCY,

3) SOUTH 00 DEGREES 04 MINUTES 12 SECONDS EAST, A DISTANCE OF 285.42 FEET TO A 1/2 INCH IRON ROD FOUND AT A POINT OF CURVATURE,

4) FOLLOWING A CURVE TO THE LEFT WITH A RADIUS OF 430.00 FEET, A CENTRAL ANGLE OF 37 DEGREES 25 MINUTES 22 SECONDS, AN ARC LENGTH OF 280.86 FEET, A CHORD BEARING OF SOUTH 18 DEGREES 50 MINUTES 55 SECONDS EAST AND A CHORD DISTANCE OF 275.89 FEET TO A POINT OF REVERSE CURVATURE, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 52 DEGREES 35 MINUTES WEST, 0.63 FEET;

5) FOLLOWING A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 91 DEGREES 30 MINUTES 43 SECONDS, AN ARC LENGTH OF 63.89 FEET, A CHORD BEARING OF SOUTH 07 DEGREES 28 MINUTES 53 SECONDS WEST, AND A CHORD DISTANCE OF 57.31 FEET TO A POINT FOR AN EAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING ALSO AT THE INTERSECTION OF THE SAID PETROLEUM DRIVE WITH THE NORTHWEST RIGHT-OF-WAY OF BINZ-ENGLEMAN ROAD, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 21 DEGREES 54 MINUTES WEST, 1.17 FEET;

THENCE, LEAVING SAID PETROLEUM DRIVE, AND WITH THE NORTHWEST RIGHT-OF-WAY LINE OF THE SAID BINZ-ENGLEMAN ROAD, AND THE SOUTHEAST LINE OF THE HEREIN DESCRIBED TRACT, THE FOLLOWING THREE (3) COURSES:

1) SOUTH 52 DEGREES 31 MINUTES 48 SECONDS WEST, A DISTANCE OF 442.21 FEET TO AN ANGLE POINT, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS NORTH 37 DEGREES 38 MINUTES WEST, 0.59 FEET;

2) SOUTH 53 DEGREES 12 MINUTES 23 SECONDS WEST, A DISTANCE OF 74.86 FEET TO A 5/8 INCH IRON ROD SET FOR AN ANGLE POINT;

3) SOUTH 52 DEGREES 34 MINUTES 50 SECONDS WEST, A DISTANCE OF 551.58 FEET TO A ?X? IN PAVEMENT SET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, BEING ALSO AN ANGLE POINT IN SAID BINZ-ENGLEMAN ROAD;

THENCE WITH THE SOUTH LINE OF THE HEREIN DESCRIBED TRACT AND THE NORTH RIGHT-OF-WAY LINE OF THE SAID BINZ-ENGLEMAN ROAD SOUTH 88 DEGREES 49 MINUTES 35 SECONDS WEST, A DISTANCE OF 548.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT, AND SOUTH 89 DEGREES 46 MINUTES 58 SECONDS WEST, A DISTANCE OF 130.97 FEET TO AN ?X? IN PAVEMENT SET AT A POINT OF CURVATURE, BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID BINZ-ENGLEMAN ROAD WITH THE EAST RIGHT-OF-WAY LINE OF THE SAID U.S. HIGHWAY 81;

THENCE, WITH THE EAST RIGHT-OF-WAY LINE OF THE SAID U.S. HIGHWAY 81 AND THE WEST LINE OF THE HEREIN DESCRIBED TRACT THE FOLLOWING THREE (3) COURSES;

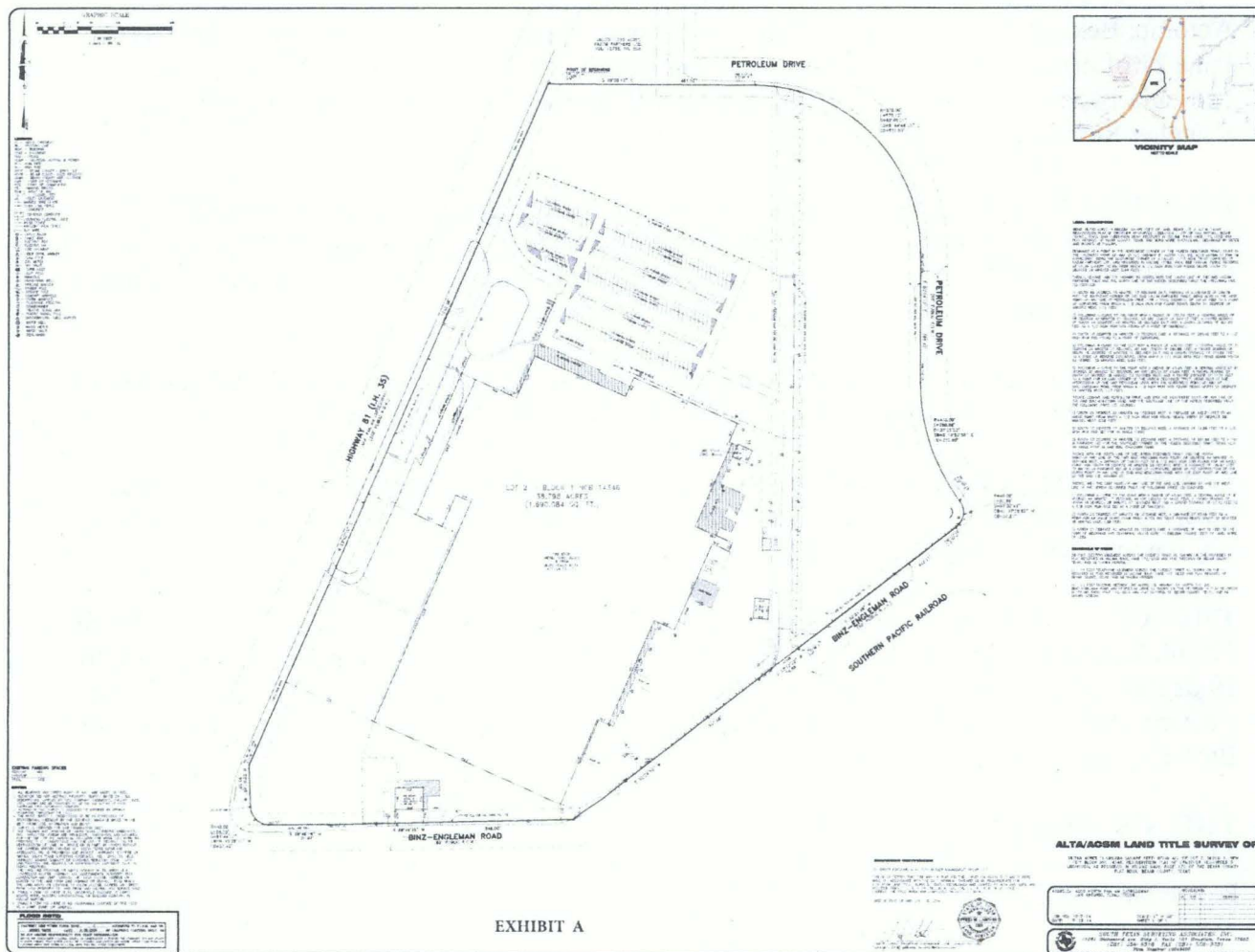
- 1) FOLLOWING A CURVE TO THE RIGHT WITH A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 91 DEGREES 44 MINUTES 17 SECONDS, AN ARC LENGTH OF 64.05 FEET, A CHORD BEARING OF NORTH 45 DEGREES 28 MINUTES 07 SECONDS WEST AND A CHORD DISTANCE OF 57.42 FEET TO A 5/8 INCH IRON ROD SET AT A POINT OF TANGENCY,
- 2) NORTH 02 DEGREES 07 MINUTES 46 SECONDS WEST, A DISTANCE OF 93.69 FEET TO A POINT FOR AN ANGLE POINT, FROM WHICH A "TX DOT DISK" FOUND BEARS SOUTH 32 DEGREES 35 MINUTES EAST, 1.58 FEET;
- 3) NORTH 23 DEGREES 42 MINUTES 55 SECONDS EAST, A DISTANCE OF 1642.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.798 ACRES (1,690,084 SQUARE FEET) OF LAND, MORE OR LESS.

**SCHEDULE "B" ITEMS**

20 FOOT ELECTRIC EASEMENT ACROSS THE SUBJECT TRACT AS SHOWN ON THE RECORDED IN PLAT RECORDED IN VOLUME 6400, PAGE 172, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND AS SHOWN HEREON.

a) 10 FOOT TELEPHONE EASEMENT ACROSS THE SUBJECT TRACT AS SHOWN ON THE RECORDED IN PLAT RECORDED IN VOLUME 6400, PAGE 172, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND AS SHOWN HEREON.

b) 25 FOOT BUILDING SETBACK LINE ALONG U.S. HIGHWAY 81 NORTH (I.H. 35) BINZ-ENGLEMAN ROAD AND PETROLEUM DRIVE AS SHOWN ON THE RECORDED IN PLAT RECORDED IN VOLUME 6400, PAGE 172, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND AS SHOWN HEREON.





County: Bexar  
Project: Former KNL (MSD)  
Job No.: 215599  
M&B No.: 21-344

### FIELD NOTES FOR 1.17 ACRES

Being a tract containing 1.17 acres of land located in the C.F. King Survey, A-396, in Bexar County, Texas. Said 1.17 acres being portions of Petroleum Drive and Binz-Engelman Road adjacent to Lot 4, Block 1, NCB 14346, Crutcher Resources 1A, a subdivision in the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 9717, Page 21 of the Deed and Plat Records of Bexar County, Texas. Said 1.17 acres being more particularly described by metes and bounds as follows (bearings are referenced to said plat of Crutcher Resources 1A):

**COMMENCING** at the northeast corner of said Lot 4, the upper southeast corner of Lot 5, Block 1, NCB 14346, Pan Am Industrial, a subdivision recorded in Volume 20001, Page 1620 of the Plat Records of Bexar County, Texas, and being on the west Right-of-Way (R.O.W.) line of said Petroleum Drive, based on a width of 60 feet;

**THENCE**, with the common line between said Lot 4 and Petroleum Drive, South 00 degrees 19 minutes 14 seconds East, a distance of 35.91 feet to the **POINT OF BEGINNING**;

**THENCE**, through and across said Petroleum Drive, North 89 degrees 40 minutes 46 seconds East, a distance of 60.00 feet to the east R.O.W. line of said Petroleum Drive and being the beginning of a non-tangent curve to the left;

**THENCE**, with said east R.O.W. line, 241.69 feet along the arc of said curve having a radius of 370.00 feet, a central angle of 37 degrees 25 minutes 34 seconds and a chord which bears South 19 degrees 02 minutes 01 seconds East, 237.41 feet to a point of tangency and also being at the westerly end of a cutback at the northeasterly intersection of said Petroleum Drive and aforesaid Binz-Engelman Road;

**THENCE**, through and across said Petroleum Drive and Binz-Engelman Road, South 37 degrees 44 minutes 48 seconds East, a distance of 99.99 feet to the southeast R.O.W. line of said Binz-Engelman Road, based on a width of 60 feet;

**THENCE**, with said southeast R.O.W. line, South 52 degrees 15 minutes 56 seconds West, a distance of 542.84 feet;

**THENCE**, through and across said Binz-Engelman Road, North 37 degrees 37 minutes 22 seconds West, a distance of 60.00 feet to an angle point on the northwest R.O.W. line of said Binz-Engelman Road and the southeast line of aforesaid Lot 4;

**THENCE**, with the southeast and northeast lines of said Lot 4, the northwest R.O.W. line of said Binz-Engelman Road and the west R.O.W. line of aforesaid Petroleum Drive, the following three (3) courses:

- 1.) North 52 degrees 15 minutes 56 seconds East, a distance of 442.21 feet to the beginning of a non-tangent curve to the left;
- 2.) 63.33 feet along the arc of said curve having a radius of 40.00 feet, a central angle of 90 degrees 42 minutes 58 seconds and a chord which bears North 07 degrees 36 minutes 53 seconds East, 56.92 feet to a point of reverse curvature;
- 3.) 280.85 feet along the arc of said reverse curve having a radius of 430.00 feet, a central angle of 37 degrees 25 minutes 22 seconds and a chord which bears North 19 degrees 01 minutes 55 seconds West, 275.89 feet to the **POINT OF BEGINNING** and containing 1.17 acres of land, more or less.

THIS DESCRIPTION WAS PREPARED BASED ON MAPPING THE DEEDS AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY. SEE MUNICIPAL SETTING DESIGNATION BOUNDARY EXHIBIT PREPARED OF EVEN DATE HERewith.

**GBI Partners**  
TBPELS Firm #10130300  
Ph: 281.499.4539  
September 10, 2021





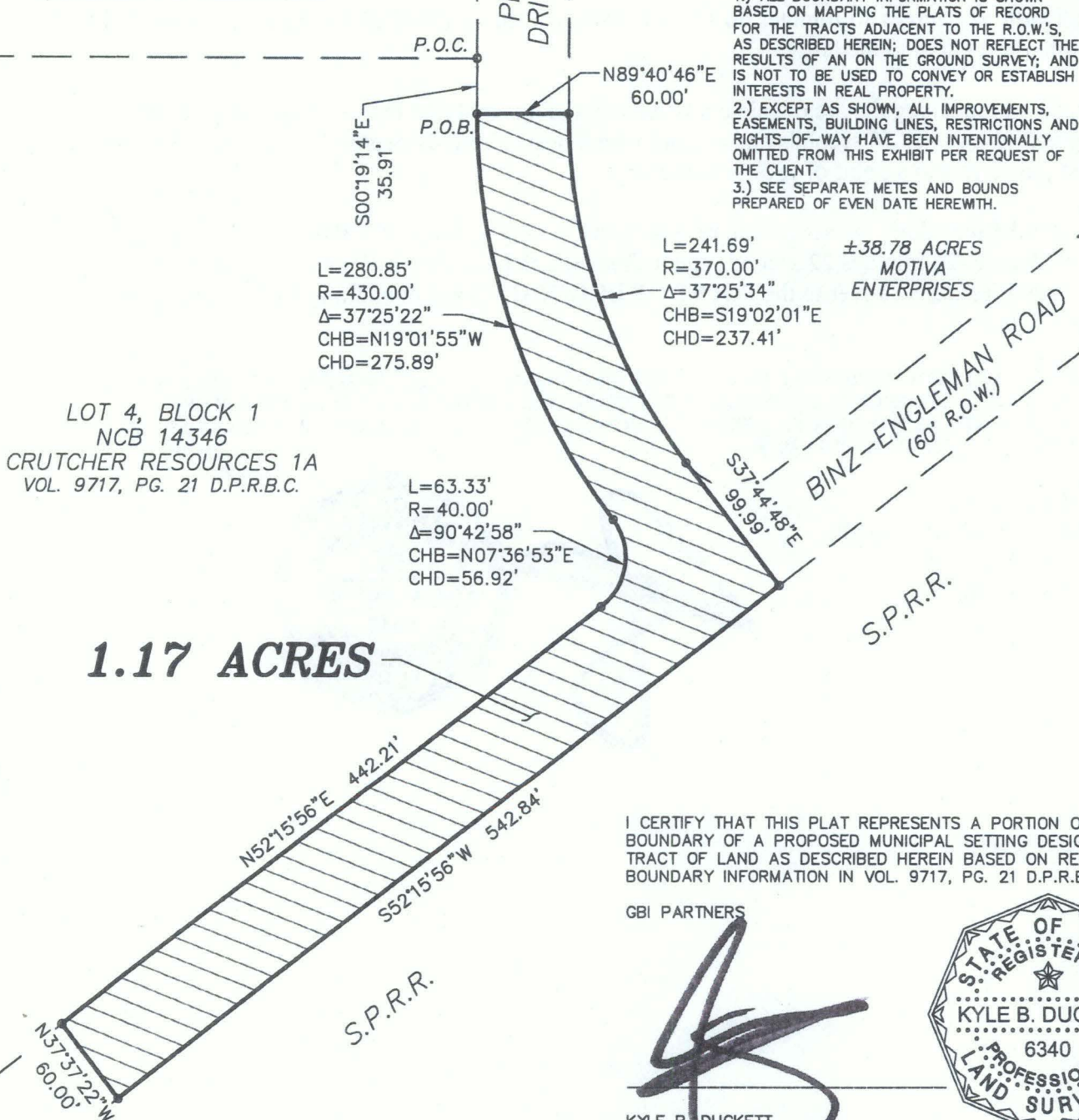
Exhibit "A" Page 6 of 6 Pages

LOT 5, BLOCK 1  
NCB 14346  
PAN AM INDUSTRIAL  
VOL. 20001, PG. 1620 P.R.B.C.

LEGEND  
D.P.R.B.C. DEED & PLAT RECORDS OF BEXAR COUNTY  
P.R.B.C. PLAT RECORDS OF BEXAR COUNTY  
PG. PAGE  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCING  
R.O.W. RIGHT-OF-WAY  
VOL. VOLUME

NOTES:  
1.) ALL BOUNDARY INFORMATION IS SHOWN BASED ON MAPPING THE PLATS OF RECORD FOR THE TRACTS ADJACENT TO THE R.O.W.'S, AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.  
2.) EXCEPT AS SHOWN, ALL IMPROVEMENTS, EASEMENTS, BUILDING LINES, RESTRICTIONS AND RIGHTS-OF-WAY HAVE BEEN INTENTIONALLY OMITTED FROM THIS EXHIBIT PER REQUEST OF THE CLIENT.  
3.) SEE SEPARATE METES AND BOUNDS PREPARED OF EVEN DATE HEREWITH.

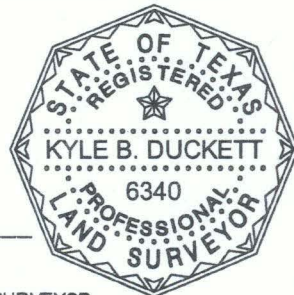
Scale: 1" = 100'



I CERTIFY THAT THIS PLAT REPRESENTS A PORTION OF THE BOUNDARY OF A PROPOSED MUNICIPAL SETTING DESIGNATION TRACT OF LAND AS DESCRIBED HEREIN BASED ON RECORD BOUNDARY INFORMATION IN VOL. 9717, PG. 21 D.P.R.B.C.

GBI PARTNERS

*[Signature]*  
KYLE B. DUCKETT  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6340



MUNICIPAL SETTING DESIGNATION  
PARTIAL BOUNDARY EXHIBIT

1.17 ACRES OF LAND BEING PORTIONS OF  
PETROLEUM DRIVE AND BINZ-ENGELMAN ROAD  
ADJACENT TO LOT 4, BLOCK 1, NCB 14346  
CRUTCHER RESOURCES 1A, VOL. 9717, PG. 21  
D.P.R.B.C., LOCATED IN THE CITY OF  
SAN ANTONIO, BEXAR COUNTY, TEXAS



**GBI PARTNERS**

**LAND SURVEYING CONSULTANTS**

4724 VISTA ROAD • PASADENA, TX 77505  
PHONE: 281-499-4539 • GBIsurvey@GBIsurvey.com  
TBPELS FIRM #10130300 • www.GBIsurvey.com

SCALE: 1" = 100'

JOB NO. 215599

DATE: 09/10/2021

CREW CHIEF: N/A

FIELD BOOK: N/A

DWG.: 21-3 #4EX

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared  
Michelle Scotti, as an authorized representative of  
Popular Bank, 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.

Michelle Scotti  
Signature

Date: 6/29/21

Michelle Scotti  
Printed Name

Vice President  
Title

Derek Chase  
Notary Public  
New Jersey  
My Commission Expires 04-22-2023  
No. 2432923

STATE OF New Jersey  
COUNTY OF Essex

SUBSCRIBED AND SWORN before me on this the 29<sup>th</sup> day of  
June 2021, to which witness my hand and seal of office.

[Signature]  
Notary Public in and for the State of New Jersey