

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, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 437, in the City of Port Arthur, 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 15th day of October, 2020

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

10.02 ACRES OF LAND
PART OF THE NATHANIEL GRIGSBY SURVEY,
ABSTRACT NO. 125,
JEFFERSON COUNTY, TEXAS

BEING 10.02 acres of land, part of the Nathaniel Grigsby Survey, Abstract No. 125, City of Port Arthur, Jefferson County, Texas; being part of those tracts of land known as Tracts One & Three conveyed to Neches River Terminal, Inc., recorded in Volume 1337, Page 541, Deed Records, Jefferson County, Texas, and part of a (Called 20.63) acre tract of land conveyed to Neches River Terminal, Inc., recorded in Volume 1452, Page 608, Deed Records, Jefferson County, Texas; said 10.02 acre tract of land being more fully described by metes and bounds as follows, to wit:

Note: Bearings, distances, coordinates and acreage are based on State Plane Coordinate Grid System, Texas South-Central Zone, NAD 83, Epoch 2011, US Survey Feet. Referenced to SmartNet, North America

COMMENCING at a 5/8" steel rod in concrete found on the intersection of the East right of way line of a dedicated public road known as Old Ferry Road and the North line of a public used roadway known as Yacht Club Road for the Southwest corner of said Tract Three, having State Plane Coordinate Values of N: 13935917.54, E: 3594017.58; from which a 2 1/2" steel pipe found for an angle point in the South line of said Tract Three, having State Plane Coordinate Values of N: 13935622.63, E: 3594429.56, bears South 54 deg., 24 min., 13 sec., East (Called South 49 deg., 46 min., 10 sec., East), a distance of 526.90' (Called 526.90').

THENCE, North 72 deg., 40 min., 57 sec., East, a distance of 977.86' to a 3/8" steel rod, found for the POINT OF BEGINNING and most Westerly Southwest corner of the herein described tract; said 3/8" steel rod having State Plane Coordinate Values of N: 13935208.62, E: 35944951.12;

THENCE, North 29 deg., 03 min., 27 sec., East, a distance of 35.10' to a 3/8" steel rod found for corner;

THENCE, North 76 deg., 25 min., 17 sec., East, a distance of 8.10' to the gate post of an 8' chain link fence found for corner;

THENCE, North 28 deg., 49 min., 56 sec., East, following an 8' chain link fence, a distance of 356.82' to a point for corner occupied by said fence in the Southwest line of a (Called 2.180) acre tract of land surveyed by Anthony M. Leger of Soutex Surveyors & Engineers on December 10, 2014; from which a 1/2" steel rod, capped and marked "SOUTEX", found for the most Westerly corner of the (Called 2.180) acre tract bears North 60 deg., 46 min., 55 sec., West, a distance of 53.28';

THENCE, South 60 deg., 46 min., 55 sec., East, on the Southwest line of the (Called 2.180) acre tract, a distance of 8.72' to a 1/2" steel rod, capped and marked "SOUTEX", found for corner;

THENCE, North 29 deg., 13 min., 05 sec., East, continuing on the Southwest line of the (Called 2.180) acre tract, a distance of 20.50' to a 1/2" steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 60 deg., 46 min., 55 sec., East, continuing on the Southwest line of the (Called 2.180) acre tract, a distance of 50.00' to a 1/2" steel rod, capped and marked "SOUTEX", found for the most Southerly corner of the (Called 2.180) acre tract;

THENCE, North 29 deg., 13 min., 05 sec., East, on the Southeast line of the (Called 2.180) acre tract, a distance of 329.50' to a 1/2" steel rod, capped and marked "SOUTEX", found for corner;

THENCE, South 60 deg., 46 min., 55 sec., East, continuing on the Southeast line of the (Called 2.180) acre tract, a distance of 50.00' to a 1/2" steel rod, capped and marked "SOUTEX", found for corner;

THENCE, North 29 deg., 13 min., 05 sec., East, continuing on the Southeast line of the (Called 2.180) acre tract at 259.45' passing a 1/2" steel rod, capped and marked "SOUTEX", found for reference and continuing a total distance of 259.83' to a point for corner on the Westerly high bank line of the Neches River for the most Northerly corner of the herein described tract;

THENCE, the following bearings and distances to points for corner on the Westerly high bank line of the Neches River:

South 53 deg., 36 min., 06 sec., East, a distance of 38.51'

South 57 deg., 00 min., 38 sec., East, a distance of 22.80'

South 39 deg., 14 min., 39 sec., East, a distance of 15.46'

South 18 deg., 17 min., 22 sec., East, a distance of 40.09'

South 01 deg., 06 min., 16 sec., East, a distance of 46.57'

South 19 deg., 12 min., 36 sec., East, a distance of 32.78'

South 06 deg., 17 min., 08 sec., East, a distance of 32.33'

South 29 deg., 30 min., 02 sec., East, a distance of 72.95'

South 21 deg., 07 min., 55 sec., East, a distance of 60.41'

South 03 deg., 49 min., 30 sec., West, a distance of 82.86'

South 06 deg., 42 min., 45 sec., West, a distance of 86.17'

THENCE, South 74 deg., 25 min., 29 sec., West, continuing on the Westerly high bank line of the Neches River, a distance of 31.54' to a point for corner in a wooden bulkhead;

THENCE, South 51 deg., 41 min., 38 sec., West, on the edge of a wooden bulkhead, a distance of 18.78' to a point for corner;

THENCE, North 81 deg., 15 min., 49 sec., West, continuing on the edge of a wooden bulkhead, a distance of 223.22' to a point for corner on the intersection of said wooden bulkhead and the edge of a concrete bulkhead;

THENCE, South 20 deg., 45 min., 03 sec., West, on the edge of a concrete bulkhead, a distance of 278.43' to a point for corner;

THENCE, South 77 deg., 32 min., 59 sec., East, continuing on the edge of a concrete bulkhead, a distance of 146.05' to a point for corner on its intersection with the edge of a wooden bulkhead;

THENCE, South 64 deg., 30 min., 11 sec., East, on the edge of a wooden bulkhead, a distance of 63.44' to a point for corner;

THENCE, South 18 deg., 49 min., 03 sec., West, continuing on the edge of a wooden bulkhead, a distance of 49.70' to a point for corner;

THENCE, South 59 deg., 29 min., 28 sec., East, a distance of 51.33' to a point for corner on the edge of a steel bulkhead;

THENCE, North 37 deg., 45 min., 04 sec., East, on the edge of a steel bulkhead, a distance of 29.18' to a point for corner;

THENCE, North 40 deg., 04 min., 07 sec., East, on the Westerly high bank line of the Neches River, a distance of 27.39' to a point for corner;

THENCE, South 86 deg., 34 min., 42 sec., East, on the West high bank line of the Neches River, a distance of 15.23' to a point for corner;

THENCE, South 55 deg., 02 min., 59 sec., East, on the Westerly high bank line of the Neches River, a distance of 34.91' to a point for corner on the edge of a concrete bulkhead;

THENCE, South 58 deg., 34 min., 44 sec., East, on the edge of a concrete bulkhead, a distance of 102.86' to a point for corner;

THENCE, South 13 deg., 18 min., 57 sec., East, on the Westerly high bank line of the Neches River, a distance of 5.80' to a point for corner;

THENCE, South 65 deg., 08 min., 32 sec., East, continuing on the Westerly high bank line of the Neches River, a distance of 45.19' to a point for corner on the edge of a concrete bulkhead;

THENCE, North 27 deg., 40 min., 29 sec., East, on the edge of a concrete bulkhead, a distance of 5.16' to a point for corner;

THENCE, South 58 deg., 39 min., 19 sec., East, on the edge of a concrete bulkhead, a distance of 119.95' to a point for corner;

THENCE, South 31 deg., 56 min., 35 sec., West, continuing on the edge of a concrete bulkhead, a distance of 5.66' to a point for corner;

THENCE, South 46 deg., 56 min., 35 sec., East, on the Westerly high bank line of the Neches River, a distance of 37.33' to a point for corner;

THENCE, South 25 deg., 37 min., 06 sec., East, continuing on the Westerly high bank line of the Neches River, a distance of 32.77' to a point for corner;

THENCE, South 19 deg., 13 min., 08 sec., West, continuing on the Westerly high bank line of the Neches River, a distance of 46.86' to a point for corner on the edge of a concrete bulkhead;

THENCE, South 31 deg., 10 min., 03 sec., West, on the edge of a concrete bulkhead, a distance of 89.31' to a point for corner;

THENCE, North 70 deg., 06 min., 49 sec., West, on the edge of a concrete bulkhead, a distance of 10.75' to a point for corner;

THENCE, South 52 deg., 57 min., 33 sec., West, on the Westerly high bank line of the Neches River, a distance of 40.91' to a point for corner being the most Southerly Southeast corner of the herein described tract;

THENCE, North 62 deg., 54 min., 15 sec., West, at 7.85' passing a metal post for a 6' chain link fence and continuing along said 6' chain link fence for a total distance of 886.08' to a metal fence post for the most Southerly Southwest corner of the herein described tract;

THENCE, North 11 deg., 26 min., 34 sec., West, a distance of 12.04' to the POINT OF BEGINNING and containing 10.02 acres of land, more or less.

This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on June 9, 2016.

Marine Fueling Services, Inc.
LS-16-0395

Line Table		
LINE #	BEARING	DISTANCE
L1	N 29°03'27" E	35.10'
L2	S 76°25'17" E	8.10'
L3	N 60°46'55" W	53.28'
L4	S 60°46'55" E	8.72'
L5	N 29°13'05" E	20.50'
L6	S 60°46'55" E	50.00'
L7	S 60°46'55" E	50.00'
L8	S 53°38'06" E	38.51'
L9	S 57°00'38" E	22.80'
L10	S 39°14'39" E	15.46'
L11	S 18°17'22" E	40.09'
L12	S 01°06'16" E	46.57'
L13	S 19°12'36" E	32.78'
L14	S 06°17'08" E	32.33'
L15	S 29°30'02" E	72.95'
L16	S 21°07'55" E	60.41'
L17	S 03°49'30" W	82.86'
L18	S 06°42'45" W	86.17'
L19	S 74°25'29" W	31.54'
L20	S 51°41'38" W	18.78'
L21	S 77°32'59" E	146.05'

Line Table		
LINE #	BEARING	DISTANCE
L22	S 64°30'11" E	63.44'
L23	S 18°49'03" W	49.70'
L24	S 59°29'28" E	51.33'
L25	N 37°45'04" E	29.18'
L26	N 40°04'07" E	27.39'
L27	S 86°34'42" E	15.23'
L28	S 55°02'59" E	34.91'
L29	S 58°34'44" E	102.86'
L30	S 13°18'57" E	5.80'
L31	S 65°08'32" E	45.19'
L32	N 27°40'29" E	5.16'
L33	S 58°39'19" E	119.95'
L34	S 31°56'35" W	5.66'
L35	S 46°56'35" E	37.33'
L36	S 25°37'06" E	32.77'
L37	S 19°13'08" W	46.88'
L38	S 31°10'03" W	89.31'
L39	N 70°06'49" W	10.75'
L40	S 52°57'33" W	40.91'
L41	S 33°14'33" W	82.22'
L42	N 11°26'34" W	12.04'

POINT OF COMMENCING
FOUND 5/8" STEEL
ROD IN CONC.
N: 13935917.54
E: 3594017.58

POINT OF BEGINNING
FOUND 3/8" STEEL ROD
N: 13935622.63
E: 35944951.12

FEMA Flood Zone:
A8(EL9), V11(EL10), V11(EL12)

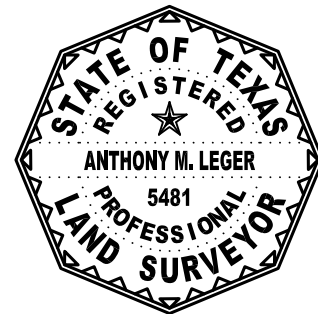
Community Panel NO.:
485499-0020-E

Panel Date: 4/17/84

DESCRIPTION OF SERVICES: LOCATE CORNERS ONLY
SURVEYOR'S CERTIFICATION:

The undersigned does hereby certify that this survey was this day 6/9/16 made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, shortages of area, boundary line conflicts, encroachments, over-lapping of improvements, except as shown hereon, and that said property has access to and from a dedicated roadway. This survey is certified for this transaction only; it is not transferable to additional institutions or subsequent owners.

Anthony M. Leger
ANTHONY M. LEGER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5481



SURVEYORS NOTES

- BEARINGS, DISTANCES COORDINATES, AND ACREAGE ARE BASED ON STATE PLANE COORDINATE GRID SYSTEM, TEXAS-SOUTH CENTRAL ZONE NAD 83 (EPOCH2011) AND ARE REFERENCED TO SMARTNET, NA
- IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP REFERENCE SHOWN, THE SUBJECT TRACT LIES IN THE FLOOD ZONE NOTED. LOCATION ON MAP WAS DETERMINED BY SCALE. ACTUAL FIELD ELEVATION NOT DETERMINED, UNLESS REQUESTED. SOUTEX SURVEYORS, INC., DOES NOT WARRANT NOR SUBSCRIBE TO THE ACCURACY OR SCALE OF SAID MAP



T.B.P.E. FIRM #5755 • T.X.L.S. FIRM #10123800

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Port Arthur, Texas 77642
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soutexsurveyors.com

SHEET TITLE
10.02 ACRES OF LAND
PART OF THE NATHANIEL GRIGSBY SURVEY
ABSTRACT NO. 125
JEFFERSON COUNTY, TEXAS
PROJECT
MARINE FUELING SERVICES, INC.
9000 YACHT CLUB ROAD
PORT ARTHUR, TEXAS 77642

PROJ. NO: 16-0395
SCALE: 1" = 100'
PRINT DATE: 6/30/16
DRAWN BY: NJ
CHECKED BY: R.CREEL
APPROVED BY: AML
SHEET 1 OF 1

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared James B Avent, as an authorized representative of Port Arthur Barge, Inc. and former Carotex, Inc., 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.

James B Avent
Signature

Date: 6/8/20

James Avent
Printed Name

President
Title

STATE OF South Carolina
COUNTY OF Dorchester

SUBSCRIBED AND SWORN before me on this the 8 day of June 2020, to which witness my hand and seal of office.

Kenneth Dan Jones
Notary Public in and for the State of South Carolina

