

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 28, 2024

Mr. Jon Deal, Managing Member
5129 Lawndale, LLC
1702 Taylor, Suite 300
Houston, Texas 77007

Re: Municipal Setting Designation (MSD) Certificate for 5129 Lawndale, LLC,
Spraymetal Site, located at 5129, 5133, and 0 Lawndale, Houston, Harris County,
TX; MSD No. 515; Voluntary Cleanup Program (VCP) No. 3060; Customer No.
CN605753078; Regulated Entity No. RN111858171

Dear Mr. Deal:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on November 29, 2023 and additional information supporting this MSD application on March 14, 2024. 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) 239-2531 or via email at Jasmine.white@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jasmine White".

Jasmine White, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 515

cc: Mr. Michael Marcon, InControl Technologies LLC (via email)
Ms. Karina Rocha, 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, Monica I. Harris, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 515, 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 28th day of May, 2024

A handwritten signature in blue ink that reads "Monica I. Harris".

Monica I. Harris, P.G., Deputy Director
Remediation Division
Texas Commission on Environmental Quality

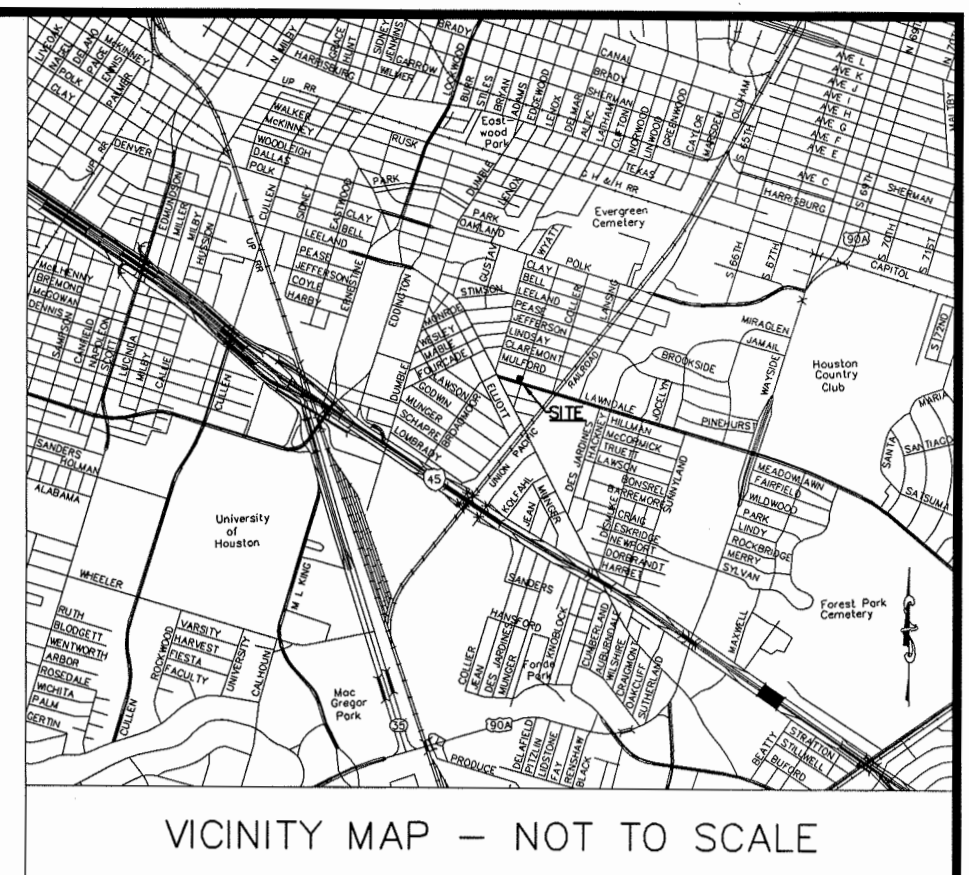
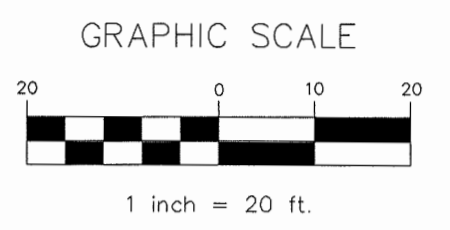
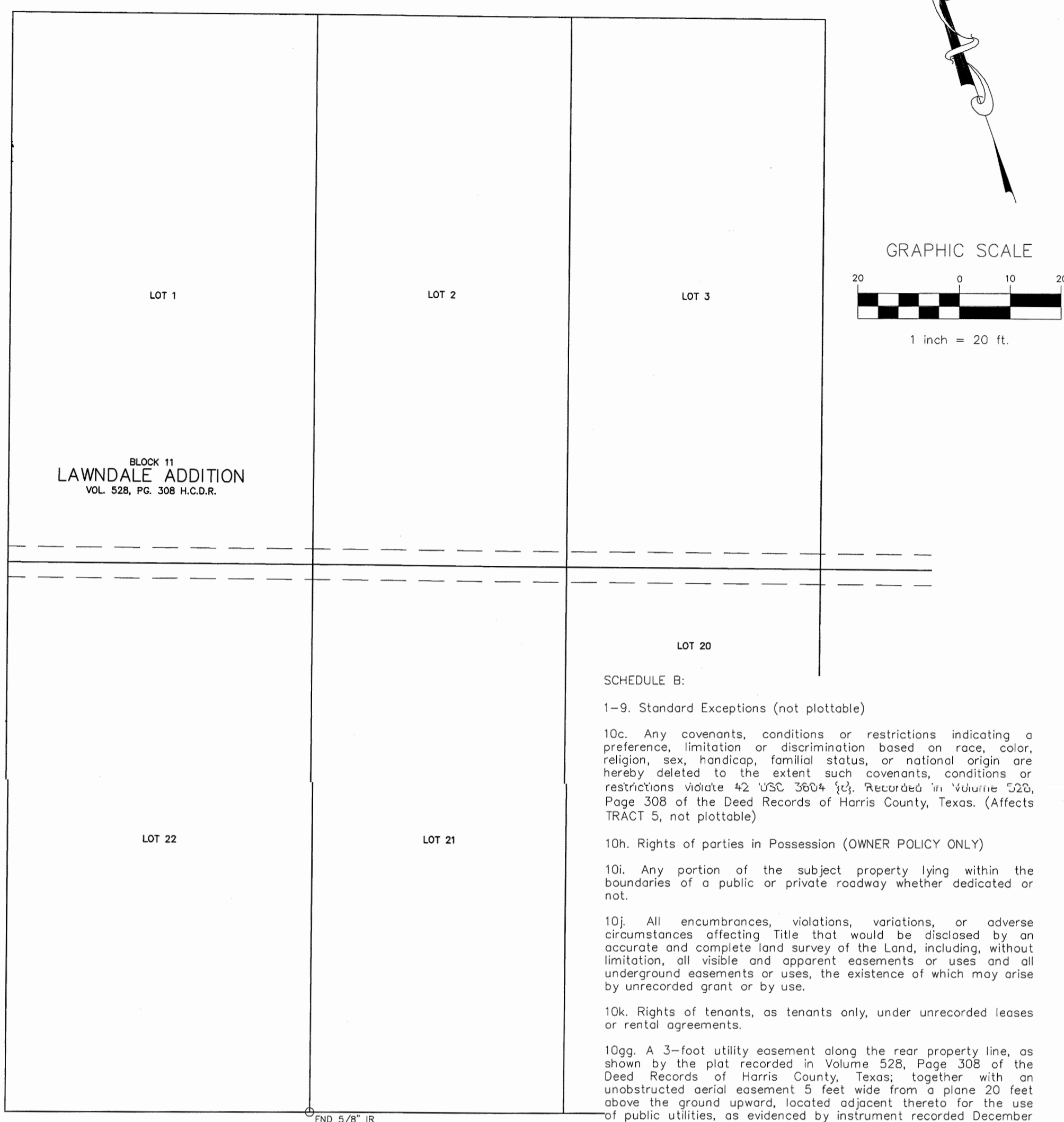
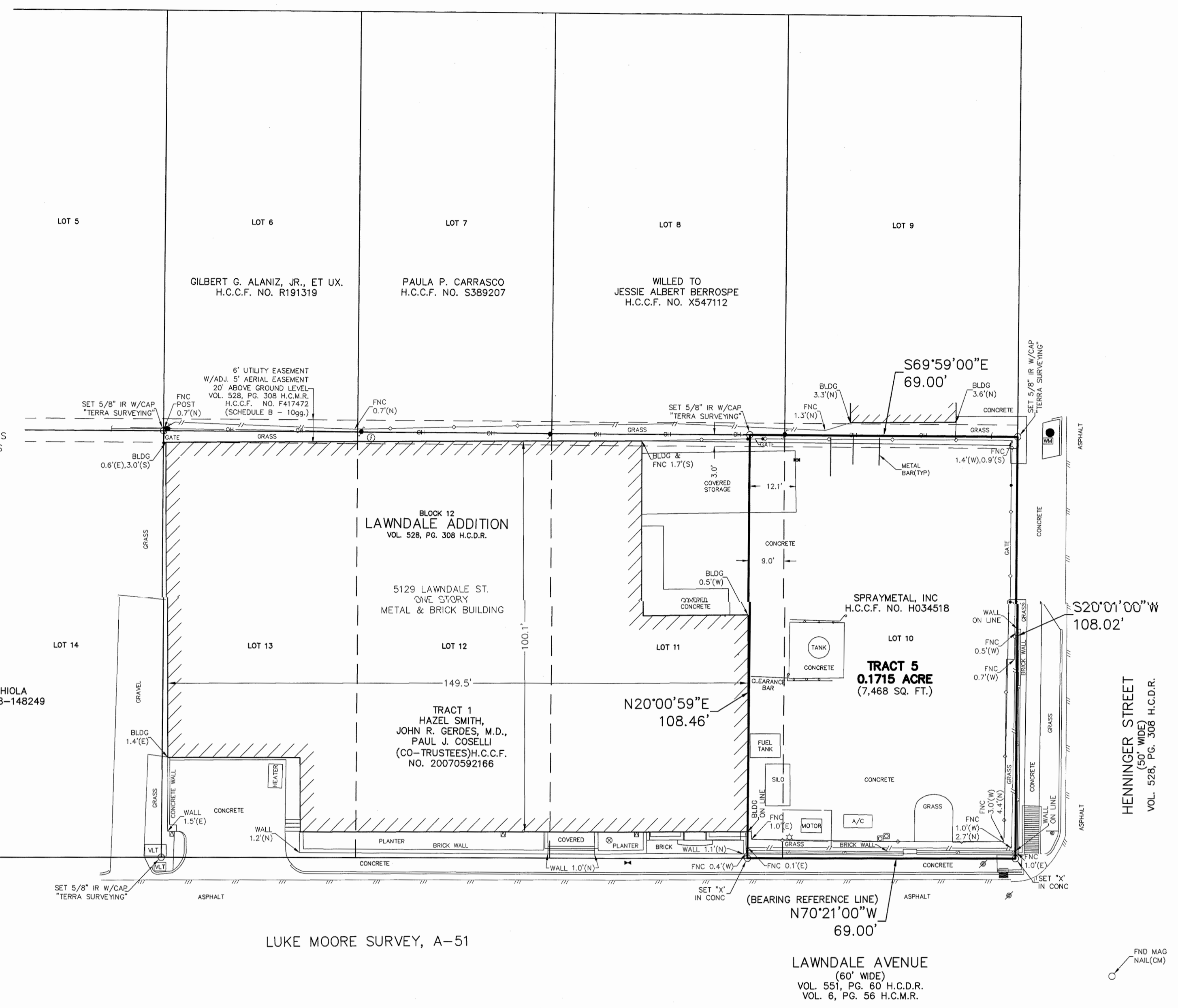
SYMBOLS LEGEND

- BOLLARD
- ⊙ GATE POST
- ⊟ STOP SIGN
- ⬇ SIGN
- ⊕ ELECTRIC METER
- ⊛ LIGHT STANDARD
- ⊙ METER POLE
- ⊙ POWER POLE
- ⊙ GUY ANCHOR
- ⊙ ELECTRIC BOX
- ⊙ GAS METER
- ⊙ GAS VALVE
- ⊙ MANHOLE
- ⊙ TYPE B INLET
- ⊙ BACKFLOW PREVENTER
- ⊙ WATER METER
- ⊙ WATER VALVE

ABBREVIATIONS LEGEND

- ADJ. ADJACENT
- BAR BARRICADE
- BLDG BUILDING
- CM CONTROL MONUMENT
- FNC FENCE
- FND FOUND
- H.C.C.F. HARRIS COUNTY CLERK'S FILE
- H.C.D.R. HARRIS COUNTY DEED RECORDS
- H.C.M.R. HARRIS COUNTY MAP RECORDS
- IP IRON PIPE
- IR IRON ROD
- NO NUMBER
- N.T.S. NOT TO SCALE
- R.O.W. RIGHT OF WAY
- SQ. FT. SQUARE FEET
- TYP. TYPICAL
- VOL. PG. VOLUME AND PAGE
- W/CAP WITH PLASTIC CAP

MULFORD STREET
(50' WIDE)
VOL. 528, PG. 308 H.C.D.R.



NOTES:

1. This survey reflects boundary and easement information as per a commitment for title insurance issued by First American Title Insurance Company, C.F. Number NCS-98112-H041, effective September 24, 2019, issued November 04, 2019; no additional research regarding the existence of easements or restrictions of record has been performed by Terra Surveying, Inc.
2. This tract lies in Zone "X" (unshaded), designated as "Areas determined to be outside the 0.2% annual chance floodplain", as per the National Flood Insurance Program FIRM Community Panel Number 48201C0880M, latest available published revision dated January 6, 2017.
3. Any future development of this tract is subject to requirements per City of Houston Ordinance Number 99-262, which stipulates platting and setbacks constraints. Proposed usage of this tract will determine actual building setback line(s) along any adjoining streets. Refer to City of Houston building codes to establish minimum published setback requirements. Ultimately the City of Houston Planning Commission will determine required setbacks upon review of plans or plats submitted to said Commission. This tract may require platting as a condition for receiving building permits.
4. There are no zoning ordinances in the City of Houston or Harris County, Texas.
5. Surface or subsurface faulting, hazardous waste, wetland designations or other environmental issues have not been addressed within the scope of this survey.
6. Fences shown hereon are graphic only, with dimensioned ties shown at specific locations where they were physically measured; the fence lines may meander between said measured locations.
7. Bearings shown hereon are based on the recorded plat of Beverly Park, as recorded, at Volume 6, Page 56 of the Map Records of Harris County, Texas.

LEGAL DESCRIPTION OF LAND:

TRACT 5
All of Lot 10 and the adjoining 9 East feet of Lot 11 in Block 12 of Lawndale, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas.

P:\PROJECTS\1851\1925 Schumacher\1851-1925 Drawings\AREA 2\1851-1925 AREA2 0.1715ac LIS.dwg

TELEPHONE ROAD
VOL. 551, PG. 60 H.C.D.R. VOL. 6, PG. 56 H.C.M.R.

To: Schumacher Portfolio, LLC, a Texas limited liability company, Spraymetal, Inc., a Texas corporation, First American Title Insurance Company,
I hereby certify that this plat correctly represents a survey made on the ground under my supervision on August 19, 2019, and that said survey complies with the current Texas Society of Professional Surveyors Standards for Land Surveys for a Category 1A, Condition II Survey.

George Collison
Registered Professional Land Surveyor
Texas Registration No. 4461



REV. NO.	DESCRIPTION	DATE	APP.
2	REVISED PER NEW TITLE COMMITMENT (MES)	11/15/19	GC
1	REVISED PER NEW TITLE (COR)	11/15/19	GC

TERRA SURVEYING CO., INC.
3000 WILCREST DR. - SUITE 210
HOUSTON, TEXAS 77042
(713) 993-0327 - FAX (713) 993-9231

GEORGE COLLISON
4461
REGISTERED PROFESSIONAL LAND SURVEYOR

DRAWN BY: KCP/MRG
CHECKED BY: GC
APPROVED BY: GC

SCALE: 1" = 20'
DATE: 08/19/19
FIELD BOOK: 19-27

KEY MAP: 494X
PROJECT No. 1851-1925
SHEET 1 OF 1

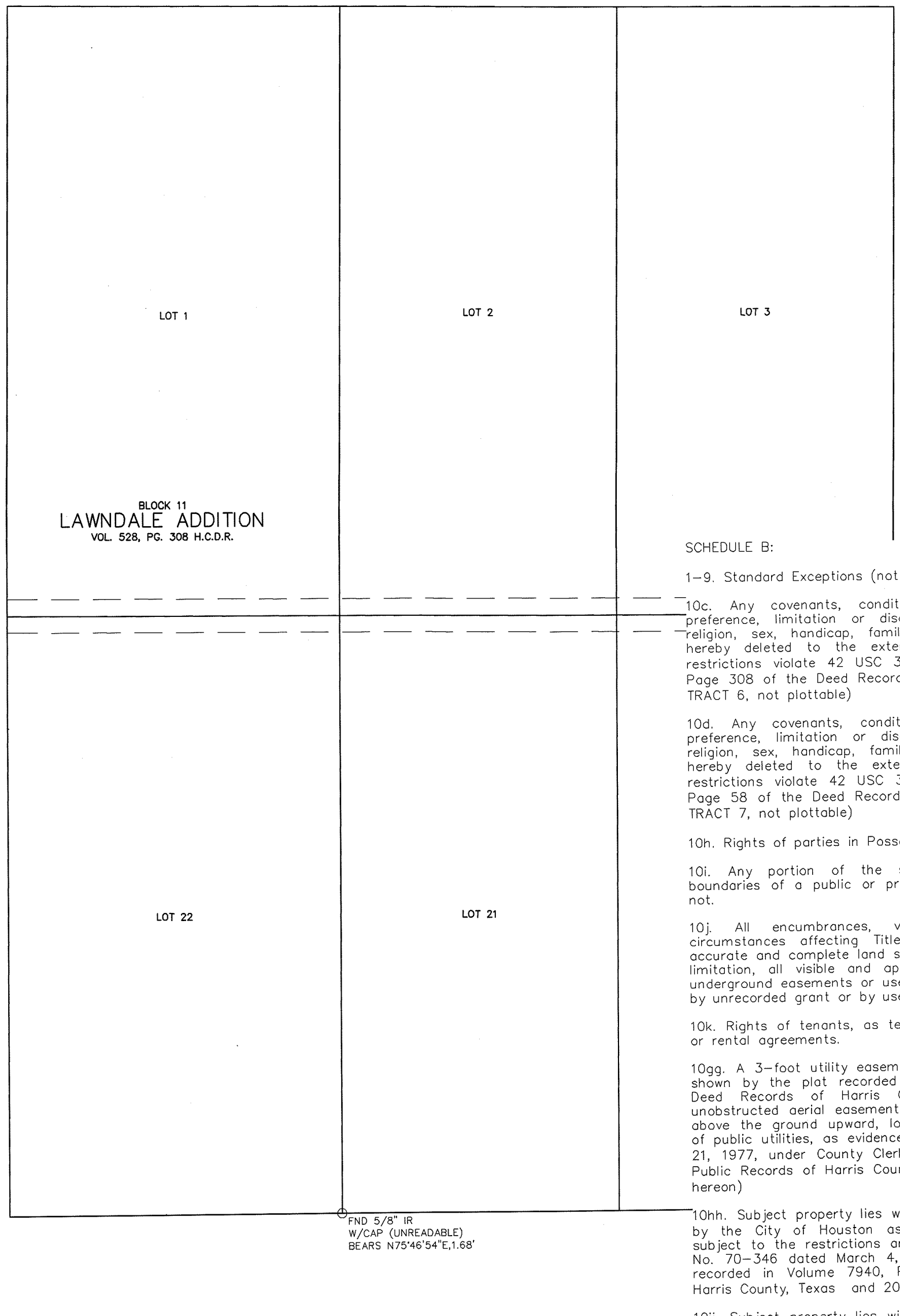
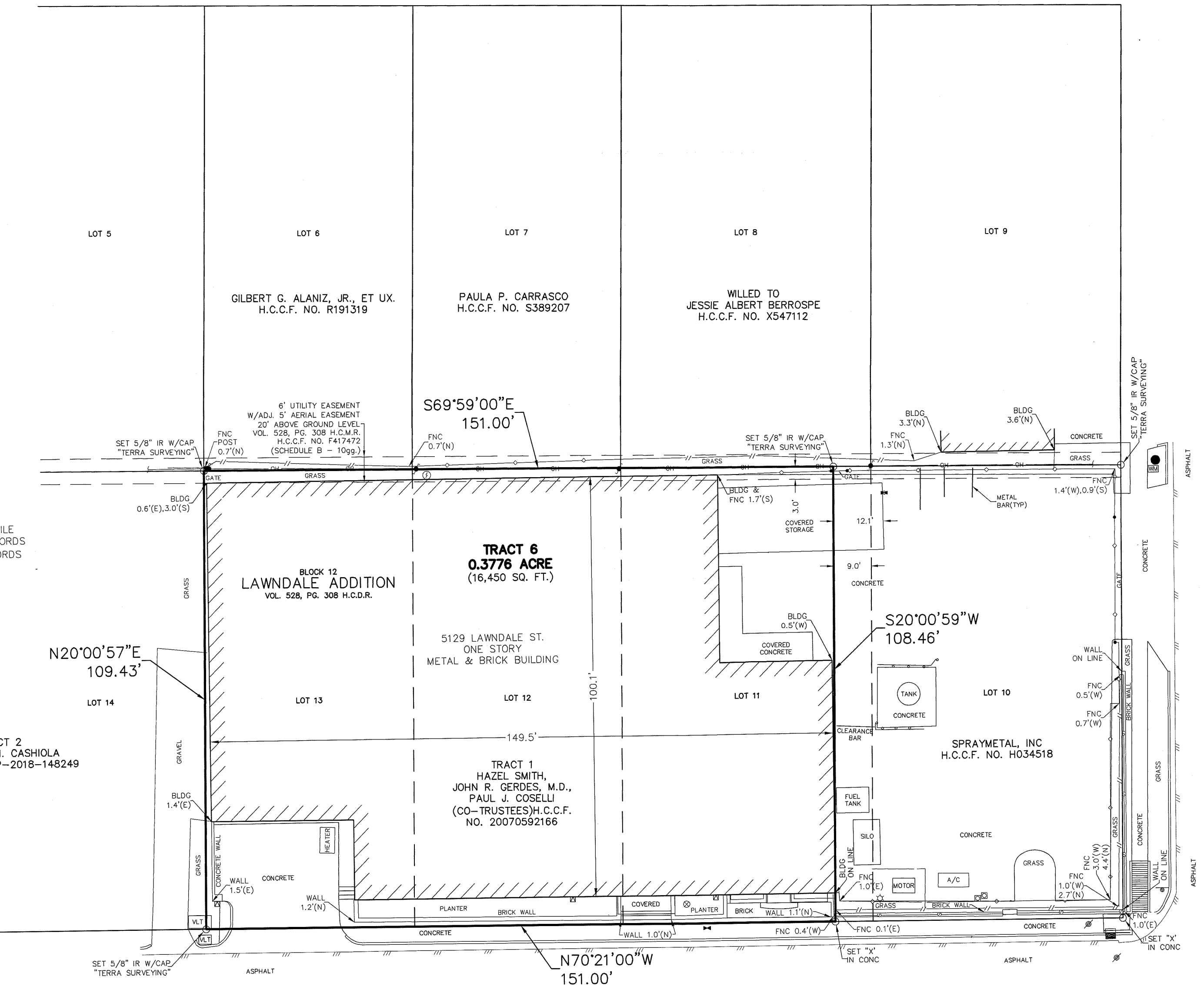
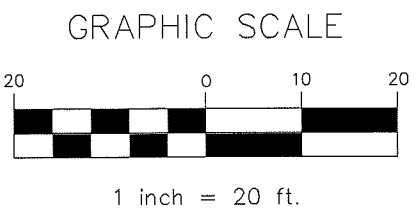
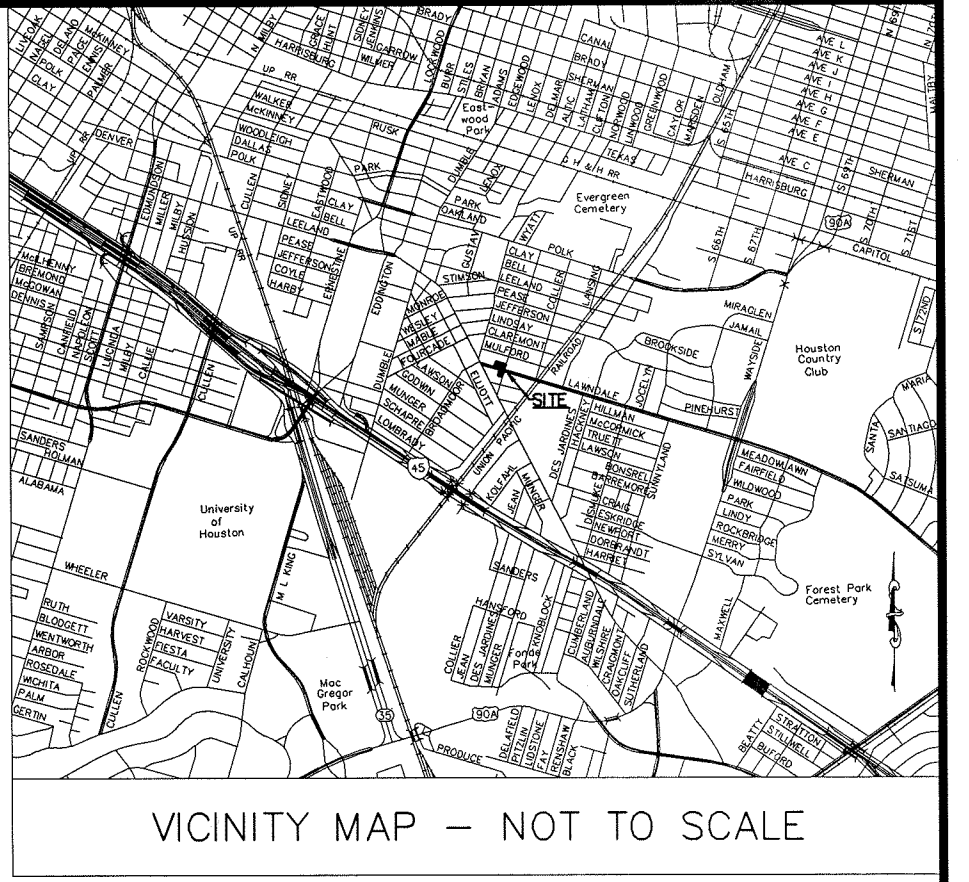
SYMBOLS LEGEND

- BOLLARD
- GATE POST
- ⊥ STOP SIGN
- ▼ SIGN
- ⊙ ELECTRIC METER
- ★ LIGHT STANDARD
- ⊙ METER POLE
- ⊙ POWER POLE
- ⊙ GUY ANCHOR
- ⊙ ELECTRIC BOX
- ⊙ GAS METER
- ⊙ GAS VALVE
- MANHOLE
- ⊙ TYPE B INLET
- ⊙ BACKFLOW PREVENTER
- ⊙ WATER METER
- ⊙ WATER VALVE

ABBREVIATIONS LEGEND

- ADJ. ADJACENT
- BLDG. BUILDING
- CM. CONTROL MONUMENT
- FNC. FENCE
- FND. FOUND
- H.C.C.F. HARRIS COUNTY CLERK'S FILE
- H.C.D.R. HARRIS COUNTY DEED RECORDS
- H.C.M.R. HARRIS COUNTY MAP RECORDS
- IP. IRON PIPE
- IR. IRON ROD
- NO. NUMBER
- N.T.S. NOT TO SCALE
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- SQ. FT. SQUARE FEET
- TYP. TYPICAL
- VOL. PG. VOLUME AND PAGE
- W/CAP. WITH PLASTIC CAP

MULFORD STREET
(50' WIDE)
VOL. 528, PG. 308 H.C.D.R.



SCHEDULE B:

- 1-9. Standard Exceptions (not plottable)
- 10c. Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 [c]. Recorded in Volume 551, Page 58 of the Deed Records of Harris County, Texas. (Affects TRACT 6, not plottable)
- 10d. Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 [c]. Recorded in Volume 551, Page 58 of the Deed Records of Harris County, Texas. (Affects TRACT 7, not plottable)
- 10h. Rights of parties in Possession (OWNER POLICY ONLY)
- 10i. Any portion of the subject property lying within the boundaries of a public or private roadway whether dedicated or not.
- 10j. All encumbrances, violations, variations, or adverse circumstances affecting Title that would be disclosed by an accurate and complete land survey of the Land, including, without limitation, all visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use.
- 10k. Rights of tenants, as tenants only, under unrecorded leases or rental agreements.
- 10gg. A 3-foot utility easement along the rear property line, as shown by the plat recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas; together with an unobstructed aerial easement 3 feet wide from a plane 20 feet above the ground upward, located adjacent thereto for the use of public utilities, as evidenced by instrument recorded December 21, 1977, under County Clerk's File No. F417472 of the Official Public Records of Harris County, Texas. (Affects TRACT 6, shown hereon)
- 10hh. Subject property lies within the area designated and zoned by the City of Houston as the "Hobby Airport Site" and is subject to the restrictions and regulations imposed by Ordinance No. 70-346 dated March 4, 1970, a certified copy of which is recorded in Volume 7940, Page 233 of the Deed Records of Harris County, Texas and 20080598601. (Affects TRACT 6)
- 10ii. Subject property lies within the area designated and zoned by the City of Houston as the "Hobby Airport Site" and is subject to the restrictions and regulations imposed by Ordinance No. 70-346 dated March 4, 1970, a certified copy of which is recorded in Volume 7940, Page 233 of the Deed Records of Harris County, Texas and 20080598601. (Affects TRACT 7)
- 10vv. Inclusion within East End District.
- 10ww. The property covered herein is subject to the terms, conditions, provisions and stipulations of Ordinance #1999-262, of the City of Houston passed March 24, 1999, amended by Ordinance No. 2015-639 and amendments, pertaining to the platting and replatting of real property and the establishment of building set back lines along major thoroughfares within such boundaries.
- 10xx. Pertains to oil, gas and/or other mineral rights not covered under the scope of this survey.
- 10bbb. AS TO TRACTS 6 and 7: Any facts, rights, interest or claims that may exist or arise by reason of the following matters disclosed by a LAND SURVEY prepared by TERRA SURVEYING CO., INC., on August 19, 2019, designated as Project No. 1851-1925:
 - TRACT 6:
 - A. Northeasterly portion of building over the 6 feet utility easement per Vol. 528 Page 308 H.C.M.R.
 - B. Covered storage crosses the easterly property onto adjoining land by 12.1 feet.
 - TRACT 7:
 - A. Overhead utility line on the property lack any easement.

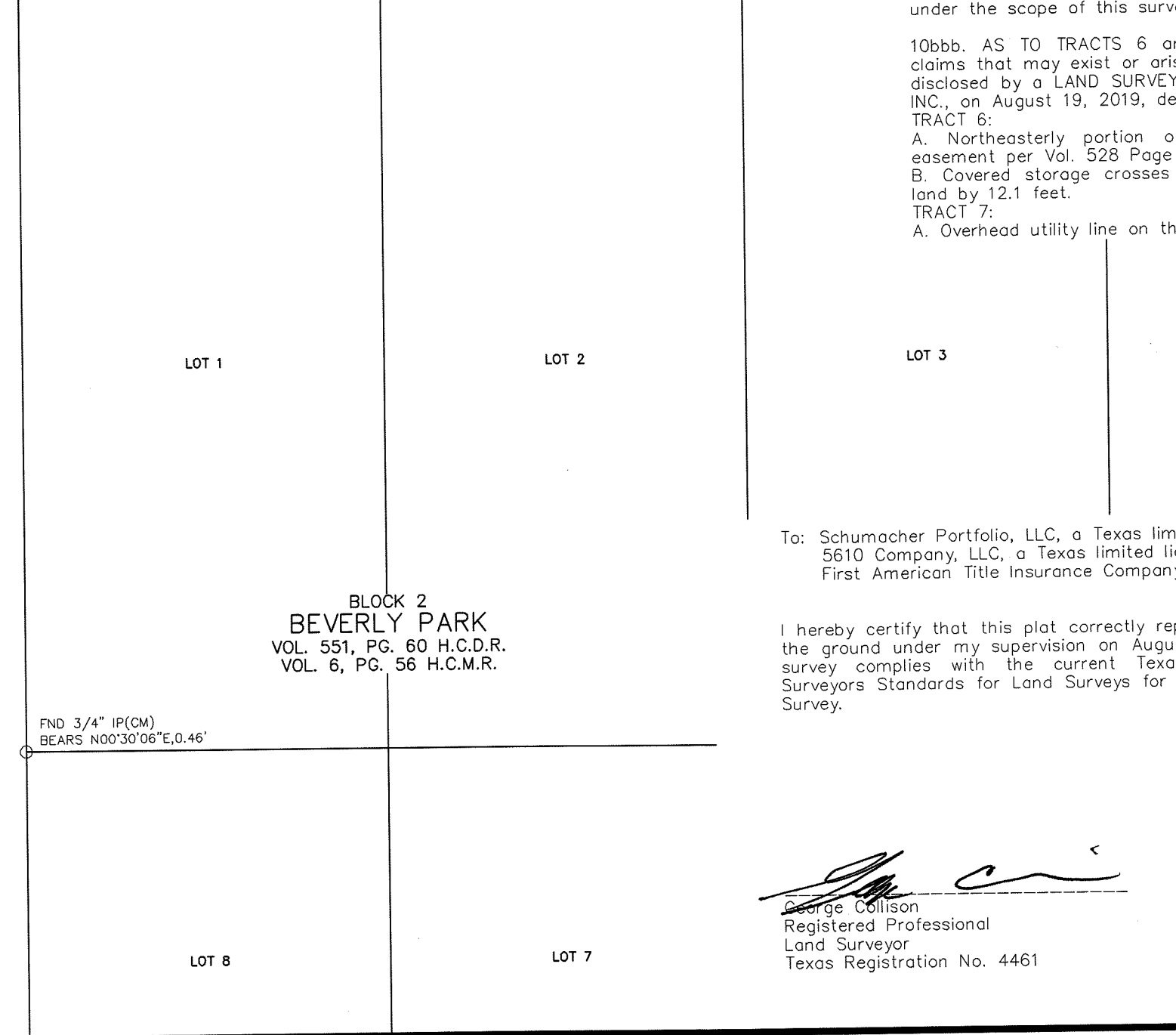
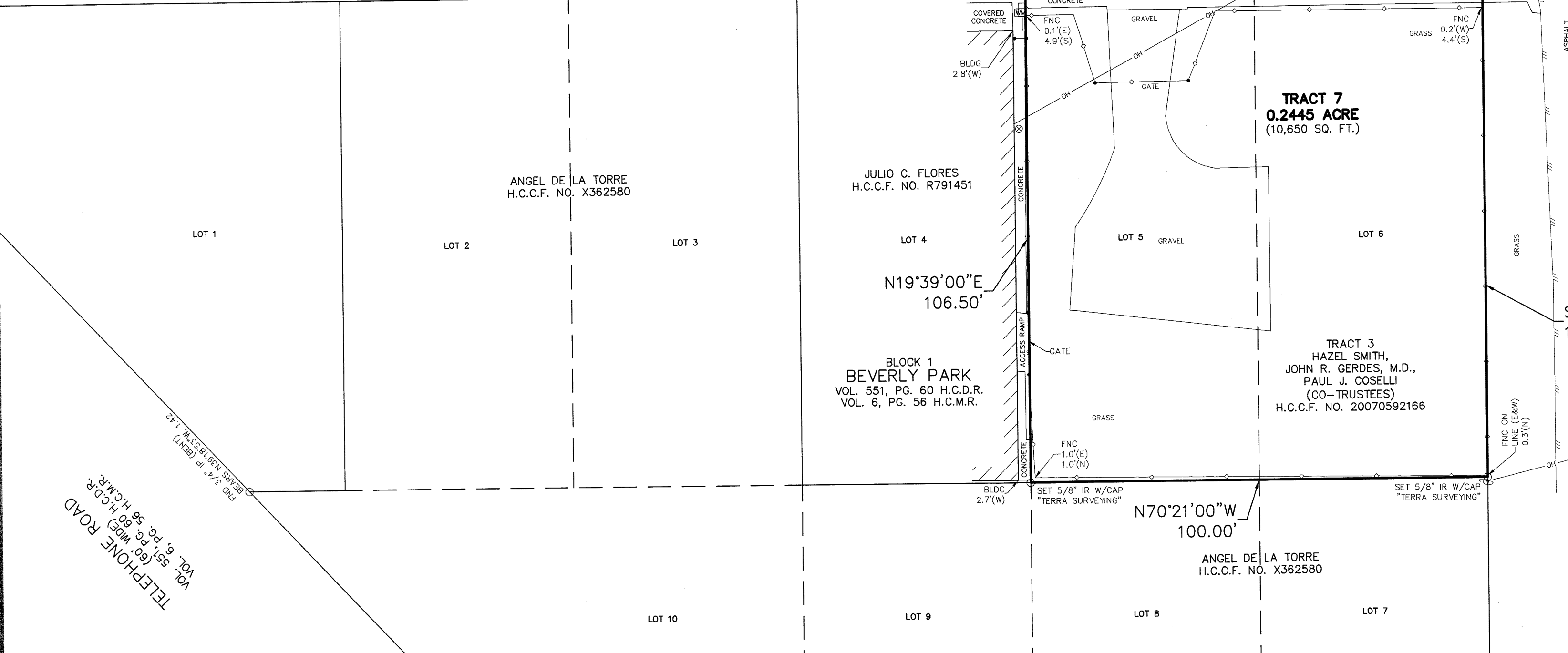
NOTES:

- 1. This survey reflects boundary and easement information as per a commitment for title insurance issued by First American Title Insurance Company, O.F. Number NCS-98112-HOU1, effective September 24, 2019, issued November 04, 2019; no additional research regarding the existence of easements or restrictions of record has been performed by Terra Surveying, Inc.
- 2. This tract lies in Zone "X" (unshaded), designated as "Areas determined to be outside the 0.2% annual chance floodplain", as per the National Flood Insurance Program FIRMA Community Panel Number 48201C0880M, latest available published revision dated January 6, 2017.
- 3. Any future development of this tract is subject to requirements per City of Houston Ordinance Number 99-262, which stipulates plotting and setbacks constraints. Proposed usage of this tract will determine actual building setback line(s) along any adjoining streets. Refer to City of Houston building codes to establish minimum published setback requirements. Ultimately the City of Houston Planning Commission will determine required setbacks upon review of plans or plats submitted to said Commission. This tract may require plotting as a condition for receiving building permits.
- 4. There are no zoning ordinances in the City of Houston or Harris County, Texas.
- 5. Surface or subsurface faulting, hazardous waste, wetland designations or other environmental issues have not been addressed within the scope of this survey.
- 6. Fences shown hereon are graphic only, with dimensioned ties shown at specific locations where they were physically measured; the fence lines may meander between said measured locations.
- 7. Bearings shown hereon are based on the recorded plat of Beverly Park, as recorded at Volume 551, Page 60 of the Deed Records of Harris County, Texas and at Volume 6, Page 56 of the Map Records of Harris County, Texas.

LEGAL DESCRIPTION OF LAND:

TRACT 6 (TITLE)
TRACT 1 (DEED)
Lots 11, 12 and 13 in Block 12 of Lawndale, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 528, Page 308, of the Deed Records of Harris County, Texas, SAVE AND EXCEPT the eastermost 9 feet of Lot 11.

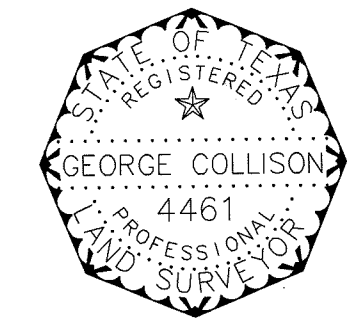
TRACT 7 (TITLE)
TRACT 3 (DEED)
Being all of Lots 5 and 6 in Block 1 of Beverly Park, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 551, Page 60 of the Deed Records of Harris County, Texas and Volume 6, Page 56 of the Map Records of Harris County, Texas.



To: Schumacher Portfolio, LLC, a Texas limited liability company, 5610 Company, LLC, a Texas limited liability company, First American Title Insurance Company.

I hereby certify that this plat correctly represents a survey made on the ground under my supervision on August 19, 2019, and that said survey complies with the current Texas Society of Professional Surveyors Standards for Land Surveys for a Category 1A, Condition II Survey.

George Collison
Registered Professional
Land Surveyor
Texas Registration No. 4461



REV. NO.	DESCRIPTION	DATE	APP.
2	REVISED PER NEW TITLE COMMITMENT (MES)	11/15/19	
1	REVISED PER NEW TITLE (KCP)	11/4/19	

TERRA SURVEYING CO., INC.

A LAND TITLE SURVEY OF 2 TRACTS OUT OF LAWDALE ADDITION & BEVERLY PARK LUKE MOORE SURVEY, A-51 HARRIS COUNTY, TEXAS

3000 WILCREST DR. - SUITE 210 HOUSTON, TEXAS 77042
(713) 993-0327 - FAX (713) 993-9231

DRAWN BY: KCP/MRG	SCALE: 1" = 20'	KEY MAP: 44X4
CHECKED BY:	DATE: 08/19/19	PROJECT No. 1851-1925
APPROVED BY:	FIELD BOOK: 19-27	SHEET 1 OF 1

P:\PROJECTS\1851-1925\Schumacher\1851-1925\Drawings\AREA 2\1851-1925 AREA 2_2TRACT LIS.dwg

TELEPHONE ROAD
VOL. 551, PG. 60 H.C.D.R.
VOL. 6, PG. 56 H.C.M.R.

EXHIBIT "A"

The Property

Tract 5:

ALL OF LOT 10 AND THE ADJOINING 9 EAST FEET OF LOT 11, IN BLOCK 12 OF LAWNSDALE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 528, PAGE 308 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

EXHIBIT "B"

Tract 5:

1. Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 {c}. Recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas.
2. A 3-foot utility easement along the rear property line, as shown by the plat recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas; together with an unobstructed aerial easement 5 feet wide from a plane 20 feet above the ground upward, located adjacent thereto for the use of public utilities, as evidenced by instrument recorded December 21, 1977, under County Clerk's File No. F417472 of the Official Public Records of Harris County, Texas.
3. Subject property lies within the area designated and zoned by the City of Houston as the "Hobby Airport Site" and is subject to the restrictions and regulations imposed by Ordinance No. 70-346 dated March 4, 1970, a certified copy of which is recorded in Volume 7940, Page 233 of the Deed Records of Harris County, Texas and 20080598601.

When Recorded Return To: _____
First American Title Insurance Company
National Commercial Services
601 Travis, Suite 1875
Houston, TX 77002
File No: NCS 981112

EXHIBIT "A"

The Property

Tract 6:

LOTS 11, 12 AND 13 IN BLOCK 12 OF LAWNDALE, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 528, PAGE 308 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAVE AND EXCEPT THE EASTERNMOST 9 FEET OF LOT 11.

Tract 7:

BEING ALL OF LOTS 5 AND 6 IN BLOCK 1, OF BEVERLY PARK, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 551, PAGE 60 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS AND VOLUME 6, PAGE 56 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

EXHIBIT "B"

Tract 6:

1. Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 {c}. Recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas.
2. A 3-foot utility easement along the rear property line, as shown by the plat recorded in Volume 528, Page 308 of the Deed Records of Harris County, Texas; together with an unobstructed aerial easement 5 feet wide from a plane 20 feet above the ground upward, located adjacent thereto for the use of public utilities, as evidenced by instrument recorded December 21, 1977, under County Clerk's File No. F417472 of the Official Public Records of Harris County, Texas.
3. Subject property lies within the area designated and zoned by the City of Houston as the "Hobby Airport Site" and is subject to the restrictions and regulations imposed by Ordinance No. 70-346 dated March 4, 1970, a certified copy of which is recorded in Volume 7940, Page 233 of the Deed Records of Harris County, Texas and 20080598601.

Tract 7:

1. Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 {c}. Recorded in Volume 551, Page 58 of the Deed Records of Harris County, Texas.
2. Subject property lies within the area designated and zoned by the City of Houston as the "Hobby Airport Site" and is subject to the restrictions and regulations imposed by Ordinance No. 70-346 dated March 4, 1970, a certified copy of which is recorded in Volume 7940, Page 233 of the Deed Records of Harris County, Texas and 20080598601.

When Recorded Return To: _____
First American Title Insurance Company
National Commercial Services
601 Travis, Suite 1875
Houston, TX 77002 981112
File No: NCS _____

Exhibit B

Municipal Setting Designation

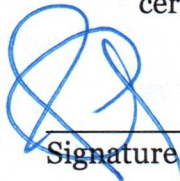
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Jon D Deal, as an authorized representative of
5129 Lawndale, 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.



for 5129 Lawndale, LLC

Date: 11/30/2023

Signature

Jon Deal

Printed Name

Managing Member

Title

STATE OF Texas

COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 30 day of
November 2023, to which witness my hand and seal of office.

Rachel Ouellet

Notary Public in and for the State of Texas

