

A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 6.840 ACRES COMMONLY KNOWN AS 1300 NORTH POST OAK ROAD, HOUSTON, HARRIS COUNTY, TEXAS, AND A TRACT OF LAND CONTAINING 11.5085 ACRES COMMONLY KNOWN AS 1255 NORTH POST OAK ROAD, HOUSTON, HARRIS COUNTY, TEXAS; AND SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; CONTAINING OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality ("TCEQ") to create municipal setting designations; and

WHEREAS, on August 22, 2007, by Ordinance No. 2007-959, the City Council adopted Article XIII, of chapter 47, Code of Ordinances, Houston, Texas, to provide a process for establishing municipal setting designation ordinances and amended that process on July 14, 2010, by Ordinance No. 2010-556; and

WHEREAS, Sections 47-765(f) and 47-767(a) of the Code of Ordinances, Houston, Texas, authorize municipal setting designation ordinances that prohibit the use of designated groundwater as potable water and thereby enable the TCEQ to certify a municipal setting designation for designated property; and

WHEREAS, in March 2014, **Beeson Properties, Inc.** ("Applicant") applied to the Director of the Public Works and Engineering Department, requesting that the City Council support a municipal setting designation ordinance for properties that are located generally at 1255 and 1300 North Post Oak Road in Houston, Texas 77055; and

WHEREAS, on October 21, 2014, the Director of the Public Works and Engineering Department conducted a public meeting at the Trini Mendenhall Community Center, 1414 Wirt Rd., Houston, TX 77055 as required by section 47-764 of the Code of Ordinances, and notified the community when the City Council public hearing would occur; and

WHEREAS, the Transportation, Technology, and Infrastructure City Council committee, designated by the Mayor, conducted a public hearing on December 10, 2014; and

WHEREAS, the City Council finds that:

(1) the application meets the eligibility criteria of Section 361.803 of the Texas Health and Safety Code;

(2) the municipal setting designation will not have an adverse effect on the current or future water resource needs or obligations of the City of Houston;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of designated property; and

(4) this Municipal Setting Designation Ordinance is necessary because the concentration of contaminants of concern exceeds human ingestion protective concentration levels, and the establishment of a municipal setting designation will allow the property to be brought back into productive use; and

WHEREAS, City Council finds that the Director of the Public Works and Engineering Department on behalf of City Council, in accordance with the Charter of the

City of Houston, state law, and the ordinances of the City of Houston, has given the required notices, the Technology, Transportation and Infrastructure Committee of City Council has held the required public hearing regarding this Municipal Setting Designation Ordinance and all procedural requirements have been satisfied; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That for purposes of this Municipal Setting Designation Ordinance, the "designated property" means the tracts totaling 18.3485 acres as described in Exhibit A, attached to this Ordinance and incorporated by reference herein.

Section 2. That for purposes of this Municipal Setting Designation Ordinance, "designated groundwater" means groundwater beneath the designated property to a depth not to exceed 200 feet that is prohibited from use as potable water by this Ordinance.

Section 3. That use of the designated groundwater from beneath the designated property as potable water, as that term is defined in section 47-761 of the Code of Ordinances, Houston, Texas, is prohibited.

Section 4. That the designated property must receive a certificate of completion or other analogous documentation issued by the TCEQ or the United States Environmental Protection Agency ("EPA") showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ or EPA within the time period required by them.

Section 5. That the City Council supports the application to the TCEQ for a municipal setting designation on the designated property, with the following comment:

(1) The TCEQ and the EPA, as agencies charged to protect human health and the environment, are requested to thoroughly review the conditions on the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

Section 6. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations and all ordinances, rules, and regulations of the City of Houston. The City Council's approval of a municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

Section 7. That approval of this Municipal Setting Designation Ordinance shall not be construed to subject the City of Houston to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

Section 8. That within 30 days after adoption of this Municipal Setting Designation Ordinance, the Applicant shall provide the director of the Public Works and Engineering Department with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the City's geographic information system and its integrated land management system, and shall provide an electronic file showing the location of the designated property and the designated groundwater to the Harris County Appraisal District in a format compatible with its system.

Section 9. That within 30 days after adoption of this Municipal Setting Designation Ordinance, the Director of the Public Works and Engineering Department shall send a certified copy of this ordinance to the Applicant, to TCEQ and to EPA.

Section 10. That the Applicant shall provide the Director of the Public Works and Engineering Department with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

Section 11. That within 30 days after receipt of the municipal setting designation certificate from the TCEQ, the Director of the Public Works and Engineering Department shall file a certified copy of this Municipal Setting Designation Ordinance in the deed records of Harris County.

Section 12. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 13. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect

immediately upon its passage and approval by the mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 4th day of February, 2015.
 APPROVED this _____ day of _____, 2015.

 Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is FEB 10 2015.



 City Secretary

(Prepared by Legal Department Phillip Goodwin)
 (PMG/pmg/01/27/2015 Assistant City Attorney)
 (Requested by Dale A. Rudick, P.E., Director, Public Works .
 (L.D. File No. 066-1400007-001)
 G:\REAL ESTATE\PHILLIP GOODWIN\MSD\Beeson Properties\073 Beeson Properties Ordinance.c

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE

CAPTION PUBLISHED IN DAILY COURT
 REVIEW
 DATE: FEB 10 2015

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

EXHIBIT A

**DESCRIPTION OF A 6.285 ACRE TRACT OF LAND SITUATED
IN THE JOHN REINERMANN SURVEY, ABSTRACT NO. 642
HARRIS COUNTY, TEXAS**

BEING a 6.840 acre (297,942 square feet) tract of land situated in the John Reinermann Survey, Abstract No. 642 of Harris County, Texas and being all of a called 6.840 acre tract of land as described in a conveyance to Midas Sun Holdings, LLC recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20130024168, said 6.840 acre tract of land described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod (Control Monument) found for the Southwest corner of said 6.285 acre tract, same being the Southwest corner of the herein described tract, the Northwest corner of a called 1.0157 acre tract as described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P755221, and lying in the East right-of-way line of North Post Oak Road (100 feet wide) as recorded under H.C.C.F. No. G559695;

THENCE, N 02° 51' 41" W, a distance of 287.34 feet along and with the East right-of-way line of said North Post Oak same being the West line of said 6.285 acre tract to a 5/8-inch iron rod (Control Monument) found for the Northwest corner of said 6.285 acre tract same being the northwest corner of the herein described tract and lying on the South line of a Replat of North Post Oak Industrial Park, a subdivision recorded under Volume 163, Page 086 of the Harris County Map Records;

THENCE, N 87° 55' 38" E, at a distance of 844.84 feet to a 5/8-inch iron rod found for the Southeast corner of said Replat of North Post Oak Industrial Park same being the Southwest corner of a called 10.1877 acre tract of land as described in a conveyance to New Process Steel Corp. recorded under H.C.C.F. No. H004068, in all distance of 1,184.02 feet along and with the south line of said Replat of North Post Oak Industrial Park and the South line of said called 10.1877 acre tract to a point for the Northerly Northeast corner of the herein described tract same being the Northwest corner of a called 0.2019 acre tract, Parcel 218, a tract of land described in H.C.C.F. No. 20120326046, from which a found "TxDOT" monument with aluminum cap bears N 01° 33' East, 0.40 feet;

THENCE, S 05° 58' 49" W, a distance of 17.17 feet along and with the West line of said 0.2019 acre tract to a 1/2-inch iron pipe with a Brown & Gay cap set for the Southwest corner of said 0.2019 acre tract same being the Southerly Northeast corner of the herein described tract and lying on the North line of a called 3.880 acre tract as described in a Notice of Lis Pendens recorded in H.C.C.F. No. 20110319578;

THENCE, S 87° 55' 38" W, a distance of 153.22 feet along and with the North line of said 3.880 acre tract to a 3/4-inch iron pipe (Control Monument) found for the Northwest corner of said 3.880 acre tract same being an angle point of the herein described tract, same also being an angle point of the said 6.285 acre tract;

THENCE, S 02° 43' 51" E, a distance of 270.32 feet along and with the West line of said 3.880 acre tract to a 3/4-inch iron pipe (Control Monument) found for the Southwest corner of the said 3.880 acre tract same being the Southeast corner of the herein described tract, same also being the Southeast corner of the 6.285 acre tract and lying on the North line of a called 4.000 acre tract of land as described in a conveyance to Clear Channel Outdoor Inc. recorded in H.C.C.F. No. U083388;

THENCE, S 87° 55' 36" W, at a distance of 97.49 feet passing a 1/2-inch iron pipe found for the Northwest corner of said called 4.000 acre tract same being the Northeast corner of a called 4.9451 acre

tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224087, at a distance of 515.17 feet passing a 5/8-inch iron rod found for the Northwest Corner of said 4.9451 acre tract same being the Northeast corner of the remainder of a called 5.0073 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224084, at a distance of 942.71 feet passing a 5/8-inch iron rod found for the Northwest corner of said 5.0073 acre tract same being the Northeast corner of said 1.0157 acre tract, in all a distance of 1,027.54 feet to the POINT OF BEGINNING and containing 6.840 acres (297,942 square feet) of land.

SAVE AND EXCEPT, the following 0.5555 acre tract of land:

BEING a 0.5555 acre (24,198 square feet) tract of land situated in the John Reiner mann Survey, Abstract No. 642 of Harris County, Texas and being out of a called 6.840 acre tract of land as described in a conveyance to Midas Sun Holdings, LLC recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20130024168, said 0.5555 acre tract of land described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod (Control Monument) found for the Southwest corner of said 6.840 acre tract, same being the Southwest corner of the herein described tract, the Northwest corner of a called 1.0157 acre tract as described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P755221, and lying in the East right-of-way line of North Post Oak Road (100 feet wide) as recorded under H.C.C.F. No. G559695;

THENCE, N 87° 55' 36" E, a distance of 807.54 feet along the south line of said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the southwest corner and POINT OF BEGINNING of the herein described tract of land in the north line of a called 4.9451 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224087;

THENCE, N 02° 43' 51" W, a distance of 110.00 feet over and across said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the northwest corner of the herein described tract of land;

THENCE, N 87° 55' 36" E, a distance of 220.00 feet continuing over and across said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the northeast corner of the herein described tract of land in the west line of a called 3.880 acre tract as described in a Notice of Lis Pendens recorded in H.C.C.F. No. 20110319578 same being the east line of said called 6.840 acres;

THENCE, S 02° 43' 51" E, a distance of 110.00 feet along and with the West line of said 3.880 acre tract to a 3/4-inch iron pipe (Control Monument) found for the Southwest corner of the said 3.880 acre tract same being the Southeast corner of the herein described tract, same also being the Southeast corner of said 6.840 acre tract and lying on the North line of a called 4.000 acre tract of land as described in a conveyance to Clear Channel Outdoor Inc. recorded in H.C.C.F. No. U083388;

THENCE, S 87° 55' 36" W, a distance of 220.00 feet along and with the south line of said 6.840 acres to the POINT OF BEGINNING and containing 0.5555 acres (24,198 square feet) of land leaving a net of 6.285 acres.

Bearing orientation is based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments found along the East right-of-way line of North Post Oak Road as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description.

Reference is made to ALTA/ACSM survey of 6.840 acres prepared by Brown & Gay Engineers, dated September 10, 2013.

Paul A. Jurica Jr. RPLS No. 4264
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042

Telephone: (281) 558-8700

EXHIBIT A

DESCRIPTION OF A 0.5555 ACRE TRACT OF LAND SITUATED
IN THE JOHN REINERMANN SURVEY, ABSTRACT NO. 642
HARRIS COUNTY, TEXAS

BEING a 0.5555 acre (24,198 square feet) tract of land situated in the John Reinermann Survey, Abstract No. 642 of Harris County, Texas and being out of a called 6.840 acre tract of land as described in a conveyance to Midas Sun Holdings, LLC recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20130024168, said 0.5555 acre tract of land described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod (Control Monument) found for the Southwest corner of said 6.840 acre tract, same being the Southwest corner of the herein described tract, the Northwest corner of a called 1.0157 acre tract as described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P755221, and lying in the East right-of-way line of North Post Oak Road (100 feet wide) as recorded under H.C.C.F. No. G559695;

THENCE, N 87° 55' 36" E, a distance of 807.54 feet along the south line of said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the southwest corner and POINT OF BEGINNING of the herein described tract of land in the north line of a called 4.9451 acre tract described in a conveyance to Security Capital Industrial Trust recorded under H.C.C.F. No. P224087;

THENCE, N 02° 43' 51" W, a distance of 110.00 feet over and across said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the northwest corner of the herein described tract of land;

THENCE, N 87° 55' 36" E, a distance of 220.00 feet continuing over and across said 6.840 acres to a 1/2-inch iron rod with a Brown & Gay cap set for the northeast corner of the herein described tract of land in the west line of a called 3.880 acre tract as described in a Notice of Lis Pendens recorded in H.C.C.F. No. 20110319578 same being the east line of said called 6.840 acres;

THENCE, S 02° 43' 51" E, a distance of 110.00 feet along and with the West line of said 3.880 acre tract to a 3/4-inch iron pipe (Control Monument) found for the Southwest corner of the said 3.880 acre tract same being the Southeast corner of the herein described tract, same also being the Southeast corner of said 6.840 acre tract and lying on the North line of a called 4.000 acre tract of land as described in a conveyance to Clear Channel Outdoor Inc. recorded in H.C.C.F. No. U083388;

THENCE, S 87° 55' 36" W, a distance of 220.00 feet along and with the south line of said 6.840 acres to the POINT OF BEGINNING and containing 0.5555 acres (24,198 square feet) of land.

Bearing orientation is based on the Texas State Plane Coordinate System, South Central Zone 4204, NAD-83 and is referenced to monuments found along the East right-of-way line of North Post Oak Road as cited herein and as shown on a survey plat of even date prepared by the undersigned in conjunction with this metes and bounds description.

Paul A. Jurica Jr. RPLS No. 4264
Brown & Gay Engineers, Inc.
10777 Westheimer Road, Suite 400
Houston, Texas 77042
Telephone: (281) 558-8700

EXHIBIT A

TRACT I:

**METES AND BOUNDS DESCRIPTION
OF 10.41 ACRES OF LAND
IN THE JAMES WHARTON SURVEY, A-870
HARRIS COUNTY, TEXAS**

All that certain 10.41 acres of land out of the 11.160 acre tract described in the deed from H & O North Post Oak Lane, Ltd. to Hillcroft Venture, recorded under File No. Y592561, in the Official Public Records of Real Property of Harris County, Texas, and out of the 0.344 acre tract described in the deed from H & O North Post Oak Lane, Ltd. to Hillcroft Venture, recorded under File No. Y592563, in the Official Public Records of Real Property of Harris County, Texas, in the James Wharton Survey, A-870, Harris County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

BEGINNING at a 5/8" iron rod found for the northeast corner of said 11.160 acre tract, common to the southeast corner of the 4.789 acre tract described in the deed from TRST Houston, Inc. to Houston Industrial Partners, Ltd., recorded under File No. R686631, in the Official Public Records of Real Property of Harris County, Texas, and the northeast corner of the herein described tract, in the west right-of-way line of North Post Oak Road (80' R.O.W.);

THENCE South 02° 45' 08" East – 578.59', along the east line of said 11.160 acre tract, common to said west right-of-way line, to the southeast corner of the herein described tract, common to the southeast corner of said 11.160 acre tract, and the northeast corner of the 0.2488 acre tract described in the deed from Dorothy Lee Reinbeck to Adel K. Foteh and Marwan K. Foteh, Co-Trustees, recorded under File No. L782006, in the Official Public Records of Real Property of Harris County, Texas, from which a 5/8" iron rod bears South 19° East – 0.24';

THENCE South 86° 57' 10" West – 295.00', along the south line of said 11.160 acre tract, common to the north line of said 0.2488 acre tract, and the north line of the tract of land described in the deed from Barbie B. Jackson, et ux. to 5177 Builders, Ltd., recorded under File No. X416158, in the Official Public Records of Real Property of Harris County, Texas, to a 3/4" iron rod set for an angle corner of the herein described tract;

THENCE North 03° 02' 50" West – 170.00' to an "X" set in concrete for an angle corner of the herein described tract;

THENCE South 86° 57' 10" West – 180.00' to an "X" set in concrete for an angle corner of the herein described tract;

THENCE South 03° 02' 50" East – 170.00' to a 3/4" iron rod set for an angle corner of the herein described tract, in the south line of said 11.160 acre tract, common to the north line of said 5177 Builders, Ltd. tract;

THENCE South 86° 57' 10" West – 92.79', along said common line, to a 3/4" iron rod set for an angle corner of the herein described tract;

THENCE North 03° 02' 50" West – 115.00' to an "X" set in concrete for an angle corner of the herein described tract;

THENCE South 86° 57' 10" West – 150.00' to a 3/4" iron rod set for an angle corner of the herein described tract;

THENCE South 03° 02' 50" East – 115.00' to a 3/4" iron rod set for an angle corner of the herein described tract, common to the northwest corner of said 5177 Builders, Ltd. tract, and the northeast corner of the 8.4902 acre tract described in the deed from Limited Partnership to Security Capital Industrial Trust, recorded under File No. P224086, in the Official Public Records of Real Property of Harris County, Texas, in the south line of aforesaid 0.344 acre tract;

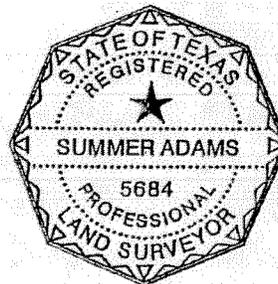
THENCE South 87° 30' 02" West – 141.89', along the north line of said 8.4902 acre tract, common to the south line of said 0.344 acre tract, and the south line of aforesaid 11.160 acre tract, to a 5/8" iron rod found for the southwest corner of said 11.160 acre tract, common to the southeast corner of the 8.3400 acre tract described in the deed from 1255 North Post Oak, Ltd. to 1495 Pop, Inc., recorded under File No. X580133, in the Official Public Records of Real Property of Harris County, Texas, and the southwest corner of the herein described tract;

THENCE North 02° 20' 48" West – 589.14', along the west line of said 11.160 acre tract, common to the east line of said 8.3400 acre tract, to a 5/8" iron rod found for the northwest corner of said 11.160 acre tract, common to the northeast corner of said 8.3400 acre tract, and the northwest corner of the herein described tract, in the south line of the 7.009 acre tract described in the deed from Crow Post Oak (A) Limited to Security Capital Industrial Trust, recorded under File No. P357349, in the Official Public Records of Real Property of Harris County, Texas;

THENCE North 87° 50' 04" East – 138.05', along the north line of said 11.160 acre tract, common to the south line of said 7.009 acre tract, to a 5/8" iron rod found for an angle corner of said 11.160 acre tract, common to the southeast corner of said 7.009 acre tract, common to the southwest corner of aforesaid 4.789 acre tract, and an angle corner of the herein described tract;

THENCE North 87° 43' 51" East – 717.48', continuing along the north line of said 11.160 acre tract, common to the south line of said 4.789 acres tract, to the POINT OF BEGINNING of the herein described tract and containing 10.41 acres of land.

Prepared by:
PATE SURVEYORS
a division of
Pate Engineers, Inc.
Job No. 1539-002-01-511



Certification Date
November 21, 2006

TRACT II:

Terms, conditions, provisions, obligations, rights and easements as set forth in Reciprocal Easement Agreement with Covenants, Conditions and Restrictions entered into effective April 30, 2004, by and between 1255 North Post Oak, Ltd. and 1495 POP, Inc., recorded under Harris County Clerk's File No. X584495.

POST-OAK
25-650
AR

EXHIBIT "A"

**METES AND BOUNDS DESCRIPTION
OF 0.3960 ACRE OF LAND
IN THE JAMES WHARTON SURVEY, A-870
HARRIS COUNTY, TEXAS**

All that certain 0.3960 acre of land out of the 11.160 acre tract described in the deed from H & O North Post Oak Lane, Ltd. to Hillcroft Venture, recorded under File No. Y592561, in the Official Public Records of Real Property of Harris County, Texas, and out of the 0.344 acre tract described in the deed from H & O North Post Oak Lane, Ltd. to Hillcroft Venture, recorded under File No. Y592563, in the Official Public Records of Real Property of Harris County, Texas, in the James Wharton Survey, A-870, Harris County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone) D

COMMENCING at a 5/8" iron rod found for the northeast corner of said 11.160 acre tract, common to the southeast corner of the 4.789 acre tract described in the deed from TRST Houston, Inc. to Houston Industrial Partners, Ltd., recorded under File No. R686631, in the Official Public Records of Real Property of Harris County, Texas, in the west right-of-way line of North Post Oak Road (80' R.O.W.); **THENCE** South 02° 45' 08" East - 578.59', along the east line of said 11.160 acre tract, common to said west right-of-way line, to the southeast corner of said 11.160 acre tract, common to the northeast corner of the 0.2488 acre tract described in the deed from Dorothy Lee Reinbeck to Adel K. Foteh and Marwan K. Foteh, Co-Trustees, recorded under File No. L782006, in the Official Public Records of Real Property of Harris County, Texas, from which a 5/8" iron rod bears South 19° East - 0.24'; **THENCE** South 86° 57' 10" West - 567.79', along the south line of said 11.160 acre tract, common to the north line of said 0.2488 acre tract, and the north line of the tract of land described in the deed from Barbie B. Jackson, et ux. to 5177 Builders, Ltd., recorded under File No. X416158, in the Official Public Records of Real Property of Harris County, Texas, to a 3/4" iron rod set for the southeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE South 86° 57' 10" West - 150.00', along the south line of said 11.160 acre tract, and the south line of aforesaid 0.344 acre tract, common to the north line of said 5177 Builders, Ltd. tract, to a 3/4" iron rod set for the southwest corner of the herein described tract, common to the northwest corner of said 5177 Builders, Ltd. tract, the northeast corner of the 8.4902 acre tract described in the deed from Limited Partnership to Security Capital Industrial Trust, recorded under File No. P224086, in the Official Public Records of Real Property of Harris County, Texas, and an angle corner of said 11.160 acre tract;

THENCE North 03° 02' 50" West - 115.00' to an "X" set in concrete for the northwest corner of the herein described tract;

THENCE North 86° 57' 10" East - 150.00' to a 3/4" iron rod set for the northeast corner of the herein described tract;

HOU03:1252030.1

THENCE South 03° 02' 50" East - 115.00' to the POINT OF BEGINNING of the herein described tract and containing 0.3960 acre of land.

Prepared by:
PATE SURVEYORS
a division of
Pate Engineers, Inc.
Job No. 1539-002-01-511

Certification Date
November 21, 2006

RP 073 57 0311

HOU03:1252030.1

EXHIBIT A

The Land

**METES AND BOUNDS DESCRIPTION
OF 0.7025 ACRE OF LAND
IN THE JAMES WHARTON SURVEY, A-870
HARRIS COUNTY, TEXAS**

All that certain 0.7025 acre of land out of the 11.160 acre tract described in the deed from H & O North Post Oak Lane, Ltd. to Hillcroft Venture, recorded under File No. Y592561, in the Official Public Records of Real Property of Harris County, Texas, in the James Wharton Survey, A-870, Harris County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas State Plane Coordinate System, South Central Zone)

COMMENCING at a 5/8" iron rod found for the northeast corner of said 11.160 acre tract, common to the southeast corner of the 4.789 acre tract described in the deed from TRST Houston, Inc. to Houston Industrial Partners, Ltd., recorded under File No. R686631, in the Official Public Records of Real Property of Harris County, Texas, in the west right-of-way line of North Post Oak Road (80' R.O.W.); **THENCE** South 02° 45' 08" East – 578.59', along the east line of said 11.160 acre tract, common to said west right-of-way line, to the southeast corner of said 11.160 acre tract, common to the northeast corner of the 0.2488 acre tract described in the deed from Dorothy Lee Reinbeck to Adel K. Foteh and Marwan K. Foteh, Co-Trustees, recorded under File No. L782006, in the Official Public Records of Real Property of Harris County, Texas, from which a 5/8" iron rod bears South 19° East 0.24'; **THENCE** South 86° 57' 10" West – 295.00', along the south line of said 11.160 acre tract, common to the north line of said 0.2488 acre tract, and the north line of the tract of land described in the deed from Barbie B. Jackson, et ux. to 5177 Builders, Ltd., recorded under File No. X416158, in the Official Public Records of Real Property of Harris County, Texas, to a 3/4" iron rod set for the southeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE South 86° 57' 10" West – 180.00', along the south line of said 11.160 acre tract, common to the north line of said 5177 Builders, Ltd. tract , to a 3/4" iron rod set for the southwest corner of the herein described tract;

THENCE North 03° 02' 50" West – 170.00' to an "X" set in concrete for the northwest corner of the herein described tract;

THENCE North 86° 57' 10" East – 180.00' to an "X" set in concrete for the northeast corner of the herein described tract;

THENCE South 03° 02' 50" East – 170.00' to the **POINT OF BEGINNING** of the herein described tract and containing 0.7025 acre of land.

Prepared by:
PATE SURVEYORS
a division
Pate Engineers, Inc.
Job No. 1539-002-01-511

Certification Date
November 21, 2006

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy Ordinance No. 2015-95, passed and adopted by the City Council of said City on 4th day of February, 2015, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 20th day of February, 2015.



Anna Russell
City Secretary of the City of Houston

