

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



MSD 25 MSD 21  
↑  
Cert

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 7, 2007

Ms. Erika Erikson  
Guida, Slavich, & Flores  
750 N. St. Paul Street, Suite 200  
Dallas, TX 75201

RE: Certification of Municipal Setting Designation Application for 4900 Singleton L.P., 4900 Singleton Boulevard, 2520 Weir Street, and 2627 Weir Street, Dallas, TX; MSD No. 021

Dear Ms. Erikson:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail ([mfrew@tceq.state.tx.us](mailto:mfrew@tceq.state.tx.us)).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.  
Remediation Division

MF/cw

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 021

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for 4900 Singleton L.P., 4900 Singleton Boulevard, 2520 Weir Street and 2627 Weir Street, Dallas, Texas, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 15<sup>th</sup> day of December, 2006.

A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

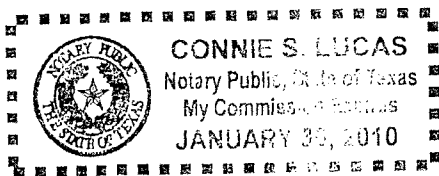
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 15<sup>th</sup> day of December, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15<sup>th</sup> day of December, 2006.

A handwritten signature in black ink, appearing to read "Bonnie J. Lucas", written over a horizontal line.

Notary Public in and for the State of Texas



Notary without Bond

EXHIBIT A 26467 062628

FIELD NOTE DESCRIPTION  
MSD AREA

STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land situated in the H. BURNHAM SURVEY, Abstract No. 106 and being a portion of SINGLETON BOULEVARD ( variable width Right-of-Way ), WEIR STREET ( 80' Right-of-Way ), FITCHBURG STREET (80' Right-of-Way ) and a portion of the City of Dallas Block No. 7194, 7195, 7196 and 7193 and being a portion of a tract of land conveyed to 16th Avenue Holdings, LLC as recorded in Volume 2005080, Page 11433 of the Deed Records of Dallas County, Texas ( DRDCT ) and a portion of a tract of land conveyed to HCI Acquisitions, Inc. as recorded in Volume 2001214, Page 3485 ( DRDCT ) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the northerly Right-of-Way line of said FITCHBURG STREET ( 80' Right-of-Way ) and the easterly Right-of-Way line of the TEXAS & PACIFIC RAILROAD SPUR ( 43' Right-of-Way ), said point being the most southwesterly corner of Tract 2 of said 16th Avenue Holding, LLC. Tract;

THENCE departing the northerly Right-of-Way line of said FITCHBURG STREET and along the easterly Right-of-Way line of said TEXAS & PACIFIC RAILROAD SPUR North 13 deg 57 min 58 sec West a distance of 1324.00 feet to the most northwest corner of said HCI Acquisitions tract;

THENCE departing the easterly Right-of-Way line of said TEXAS & PACIFIC RAILROAD SPUR and along the northerly line of said HCI Acquisitions tract North 76 deg 02 min 54 sec East a distance of 300.08 feet to the most northeasterly corner of said HCI Acquisitions tract, said point being in the westerly Right-of-Way line of said WEIR STREET;

THENCE departing the northerly line of said HCI Acquisitions tract and along the westerly Right-of-Way line of said WEIR STREET North 13 deg 57 min 58 sec West passing through a 1/2 inch iron rod found for the most southeasterly corner of a tract of land conveyed to Cactus of Dallas Property Holdings LP as recorded in Volume 2004037, Page 8782 ( DRDCT ) at a distance of 211.55 feet and passing the southerly Right-of-Way line of said SINGLETON BOULEVARD at a distance of 649.97 feet continuing in all across said SINGLETON BOULEVARD for a total distance of 754.03 feet to point for corner in the northerly Right-of-Way line of said SINGLETON BOULEVARD as defined in Right-of-Way Dedications recorded in Volume 84171, Page 2049, Volume 83237, Page 2741, Volume 84051, Page 1113 and Volume 84076, Page 4071 ( DRDCT );

THENCE along the northerly Right-of-Way line of said SINGLETON BOULEVARD South 88 deg 53 min 20 sec East passing the westerly Right-of-Way line of PALACIOS STREET ( 40' Right-of-Way ) at an approximate distance of 627 feet continuing in all for a total distance of 855.51 feet to a point for corner in said PALACIOS STREET;

THENCE South 13 deg 58 min 48 sec East passing through a 1/2 inch iron rod found in the southerly Right-of-Way line of said SINGLETON BOULEVARD, said point being the most northwesterly corner of a tract of land conveyed to Ostrovitz & Gwinn, L.L.C. as recorded in Volume 96216, Page 4919 ( DRDCT ) at a distance of 103.66 feet continuing along the westerly line of said Ostrovitz & Gwinn, L.L.C. tract for a total distance of 1987.60 feet to a point for corner;

THENCE continuing along the westerly line of said Ostrovitz & Gwinn, L.L.C. tract as follows:

North 76 deg 01 min 12 sec East a distance of 14.58 feet to a Pk Nail found for corner;

South 13 deg 58 min 48 sec East a distance of 79.90 feet to the beginning of a curve to the left having a radius of 350.27 feet and having a chord bearing of South 42 deg 40 min 57 sec East and a chord length of 336.44 feet;

Continuing along said curve to the left through a central angle of 57 deg 24 min 17 sec and an arc length of 350.94 feet to 1/2 inch iron rod found for corner, said point being the most southeasterly corner of said tract of land conveyed to 16th Avenue Holdings, LLC;

THENCE along the southerly line of said 16th Avenue Holdings tract South 76 deg 07 min 25 sec West passing through a 1/2 inch iron rod found for the most westerly corner of said Ostrovitz & Gwinn, L.L.C. tract at a distance of 80.18 feet continuing along the common line of said 16th Avenue Holdings tract and the TEXAS & PACIFIC RAILROAD ( variable width Right-of-Way ) for a total distance of 728.22 feet to a point for corner;

THENCE continuing along said common line as follows:

North 13 deg 57 min 06 sec West a distance of 75.00 feet to a point for corner;

South 76 deg 02 min 54 sec West a distance of 211.07 feet to a point for corner in the easterly Right-of-Way line of said TEXAS & PACIFIC RAILROAD, said point being the beginning of a non-tangent curve to the right having a radius of 394.50 feet and having a chord bearing of North 42 deg 16 min 51 sec West and a chord length of 340.99 feet;

THENCE along the easterly Right-of-Way line of said TEXAS & PACIFIC RAILROAD continuing along said non-tangent curve to the right through a central angle of 51 deg 12 min 45 sec and an arc length of 352.62 feet to a point for corner in the southerly Right-of-Way line of said FITCHBURG STREET;

THENCE departing the southerly line of said FITCHBURG STREET North 19 deg 29 min 28 sec West a distance of 80.38 feet to the POINT OF BEGINNING;

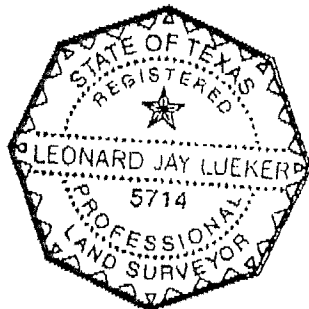
CONTAINING within these metes and bounds 47.221 acres or 2,056,927 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 19th day of May, 2006 utilizing G.P.S. measurements.

SURVEYORS CERTIFICATE

The undersigned hereby certifies that the above field note description was prepared from an on the ground survey performed in the field May 19, 2006 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE: 5/19/06

Leonard J. Lueker  
Registered Professional Land Surveyor  
Texas Registration No. 5714  
Winkelmann & Associates, Inc.  
8700 Hillcrest Plaza Drive, Suite 100  
Dallas, Texas 75230  
(972) 490-7090



Winkelmann & Associates, Inc.  
CONSULTING CIVIL ENGINEERS • SURVEYORS  
( 972 ) 490-7090 FAX ( 972 ) 490-7099

Scale : 1"=100'	Date : 5/24/06
Design : WAI	
Drawn : LVL	
Dwg. File : 47703MSD.DWG	
Project No. : 47703.00(52)	

GUIDA, SLAVICH & FLORES 750 N. PAUL STREET, SUITE 200 DALLAS, TEXAS 75201	EXHIBIT "A" MSD AREA SURVEY 47.221 ACRES	SHEET 1 OF 2
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# EXHIBIT A

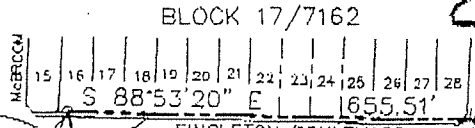
# 26467

# 062623

Bearings shown herein are based upon on the ground survey performed in the field on the 19th day of May, 2006 utilizing C.P.S. measurements.

Right-of-Way Dedication's  
Vol. 84171, Pg. 2049  
Vol. 83237, Pg. 2741  
Vol. 83191, Pg. 1548  
Vol. 84061, Pg. 1113  
Vol. 84076, Pg. 4071

HENDRICKS TEXAS PROPERTIES L.P.  
2004084/13065



X=2459211  
Y=6869981

X=2459863  
Y=6869874

CACTUS OF DALLAS PROPERTY HOLDINGS LP  
Vol. 2004037, Pg. 8782  
( DROCT )

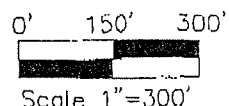
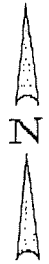
LEASE BACK PARCEL  
16th AVENUE HOLDINGS, LLC  
VOL. 2005080, Pg. 11433  
( DROCT )

T#	BEARING	DISTANCE
T1	N 76°01'12" E	14.58'
T2	S 13°58'48" E	79.90'
T3	N 13°57'06" W	75.00'
T4	S 76°02'54" W	211.07'
T5	N 19°29'28" W	80.38'
T8	N 76°02'54" E	300.08'

LEGEND  
IR# Iron Rod Found  
Control Measurement

CV-1  
R = 350.27'  
D = 57°24'17"  
T = 191.79'  
L = 350.94'  
CH = 336.44'  
CB = S 42°40'57" E

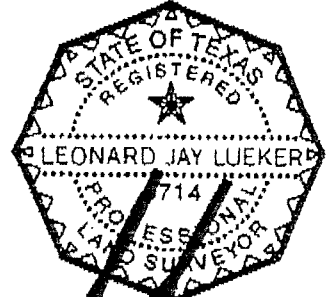
CV-2  
R = 394.50'  
D = 51°12'45"  
T = 189.07'  
L = 352.62'  
CH = 340.99'  
CB = N 42°16'51" W



The Coordinates shown herein are based upon the NCTDOG Moza.

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS • SURVEYORS  
( 972 ) 490-7090 FAX ( 972 ) 490-7099

This Survey was prepared from an on the ground survey performed in the field on the 19th day of May, 2005



Leonard J. Lueker  
Registered Professional  
Land Surveyor No. 5714

OSTROVITZ & GWNN, L.L.C.  
VOL. 96216, PG. 4919  
( DROCT )

TRACT 1  
16th AVENUE HOLDINGS, LLC  
VOL. 2005080, PG. 11433  
( DROCT )

TRACT 2  
16th AVENUE HOLDINGS, LLC  
VOL. 2005080, PG. 11433  
( DROCT )

POINT OF BEGINNING

Scale : 1"=300'	Date : 5/24/06
Design : WAI	
Drawn : LUL	
Dwg. File : 47703MSD.DWG	
Project No. : 47703.00(52)	

GUIDA, SLAVICH & FLORES  
750 N. PAUL STREET, SUITE 200  
DALLAS, TEXAS 75201

EXHIBIT "A"  
MSD AREA SURVEY  
47.221 ACRES

SHEET  
2  
OF  
2

'B'

Received

OCT 11 2006



Municipal Setting Designation Application Form Environmental Cleanup II

TCEQ Office Use Only:	Date Add. Info Req. / /
Application No: 025	Date Add. Info Rec'd / /
Date Received: 10/11/06	Date Certified: / /
	Date Denied: / /

Municipal Setting Designation Eligibility Criteria: Reset form

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> .)	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> .)	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Municipality name: Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
<sup>1</sup> If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input type="radio"/> Mr. <input type="radio"/> Ms. David E. Whitten		
Title: Attorney		
Company: Guida, Slavich & Flores, P.C.		
Mailing Address: 750 N. St. Paul Street, Suite 200		
City: Dallas	State: TX	Zip: 75201
Telephone: 214.692.0009	Telefax: 214.692.6610	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input type="radio"/> Yes	<input type="radio"/> No <sup>2</sup>
<sup>2</sup> Do not submit application.		

Notice Information:

On or before the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.		
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists		

**MSD Information:**

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. VCP Nos. 1277 & 1599 - See attached for addition registrations, permits, and identification numbers.		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input type="radio"/> Yes, when? 07 / 03 / 03 / / 01	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input type="radio"/> Yes	<input type="radio"/> No
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> Do not submit an application.		

I affirmatively state that (place an X in all applicable blanks):

- The MSD eligibility criteria of THSC §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 was 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.

David E. Whitten  
Applicant Signature

October 4, 2006  
Date

David E. Whitten, Attorney for Tray, Inc.  
General partner of 4900 Singleton, L.P.

Before me Susan Hill the undersigned authority, on this day personally appeared  
Name of Notary  
4900 Singleton, L.P. and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 4th  
day of October, 2006.

