

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 22, 2007

Mr. Michael Lowder  
Kelly, Hart & Hallman, L.L.P.  
201 Main Street, Suite 2500  
Fort Worth, TX 76102

Re: Certification of Municipal Setting Designation (MSD) Application for Houston Street Acquisitions, L.P., 505 North Houston Street, Fort Worth, TX; (MSDAPP030, MSD028)

Dear Mr. Lowder:

Enclosed is the MSD 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 contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew", followed by a horizontal line.

Mike Frew, P.G., Project Manager  
Environmental Cleanup Section II  
Remediation Division

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 026

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 the LaGrave Area, 600 North Main Street, Fort Worth, 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 12<sup>th</sup> day of March, 2007.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

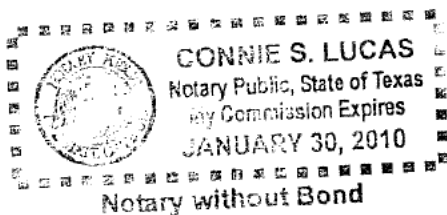
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 12<sup>th</sup> day of March, 2007, 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 12<sup>th</sup> day of March, 2007.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



'A'

**LEGAL DESCRIPTION:**

BEING ALL OF A TRACT OF LAND AS CONVEYED TO LaGRAVE RECONSTRUCTION COMPANY LLC, IN VOLUME, 15273, PAGE 69, VOLUME 15593, PAGE 250, AND VOLUME 15614, PAGE 257, AND ALL OF A TRACT OF LAND AS CONVEYED TO THE CITY OF FORT WORTH IN VOLUME 15292, PAGE 209, VOLUME 15968, PAGE 23 AND VOLUME 15242, PAGE 89, AND ALL OF THIRD STREET, FOURTH STREET, KING STREET, SCOTT STREET, GROVE STREET, JONES STREET, PECAN STREET, AND A PORTION OF FIFTH STREET, SIXTH STREET, AND SEVENTH STREET WHICH WERE VACATED BY CITY OF FORT WORTH IN CITY ORDINANCE NO. 1100, AND ALL SUBJECT ALLEYWAYS VACATED BY CITY OF FORT WORTH IN CITY ORDINANCE NO. 1101, AND ORDINANCE NO. 2092, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT AT THE CORNER OF THE WEST RIGHT OF WAY LINE OF CALHOUN STREET AND THE NORTHERLY RIGHT OF WAY LINE OF SEVENTH STREET;

THENCE NORTH 30°00'00" WEST, ALONG THE WESTERLY RIGHT OF WAY LINE OF CALHOUN STREET A DISTANCE OF 654.02 FEET TO A POINT;

THENCE NORTH 60°00'00" EAST, LEAVING SAID RIGHT OF WAY FOR A DISTANCE OF 250.15 FEET TO A POINT;

THENCE SOUTH 40°54'05" EAST, A DISTANCE OF 105.75 FEET TO A POINT;

THENCE SOUTH 30°00'00" EAST, A DISTANCE OF 250.16 FEET TO A POINT;

THENCE NORTH 60°00'00" EAST, A DISTANCE OF 579.22 FEET TO A POINT;

THENCE SOUTH 30°00'00" EAST, ALONG THE EASTERLY RIGHT OF WAY OF PECAN STREET A DISTANCE OF 1679.67 FEET TO A POINT;

THENCE SOUTH 60°00'00" WEST, LEAVING SAID RIGHT OF WAY A DISTANCE OF 58.12 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF PECAN STREET;

THENCE SOUTH 30°00'00" EAST, ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY A DISTANCE OF 460.33 FEET TO A POINT;

THENCE SOUTH 37°10'20" EAST, A DISTANCE OF 50.20 FEET TO A POINT;

THENCE SOUTH 30°38'00" EAST, A DISTANCE OF 50.00 FEET TO A POINT;

THENCE SOUTH 00°36'00" EAST, A DISTANCE OF 185.70 FEET TO A POINT;

THENCE NORTH 89°22'00" EAST, A DISTANCE OF 100.00 FEET TO A POINT;

THENCE SOUTH 32°40'00" EAST, A DISTANCE OF 94.30 FEET TO A POINT;

THENCE SOUTH 00°38'00" EAST, A DISTANCE OF 232.00 FEET TO A POINT;

THENCE NORTH 89°44'00" EAST, A DISTANCE OF 33.00 FEET TO A POINT,

THENCE SOUTH 00°16'00" EAST, A DISTANCE OF 171.70 FEET TO A POINT;

THENCE SOUTH 60°00'00" WEST, A DISTANCE OF 627.00 FEET TO A POINT;

THENCE NORTH 30°00'00" WEST, A DISTANCE OF 574.76 FEET TO A POINT;

THENCE SOUTH 60°00'00" WEST, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF FOURTH STREET A DISTANCE OF 270.00 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF COMMERCE STREET;

THENCE NORTH 30°00'21" WEST, ALONG SAID RIGHT OF WAY LINE OF COMMERCE STREET A DISTANCE OF 534.95 FEET TO A POINT;

THENCE NORTH 60°00'00" EAST, LEAVING SAID RIGHT OF WAY LINE A DISTANCE OF 270.05 FEET TO A POINT;

THENCE NORTH 30°00'00" WEST, A DISTANCE OF 125.00 FEET TO A POINT;

THENCE SOUTH 60°00'00" WEST, ALONG THE SOUTHERLY RIGHT OF WAY OF FIFTH STREET A DISTANCE OF 570.05 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET

THENCE NORTH 30°00'00" WEST, LEAVING SAID RIGHT OF WAY LINE A DISTANCE OF 159.95 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF COMMERCE STREET;

THENCE NORTH 60°00'00" EAST, A DISTANCE OF 300.00 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY OF COMMERCE STREET;

THENCE NORTH 30°00'00" WEST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1010.28 FEET TO A POINT;

THENCE SOUTH 60°00'00" WEST, LEAVING SAID RIGHT OF WAY A DISTANCE OF 300.00 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET;

THENCE NORTH 30°00'00" WEST, A DISTANCE OF 210.00 FEET TO A POINT IN THE AFOREMENTIONED RIGHT OF WAY;

THENCE NORTH 60°00'00" EAST, ALONG THE NORTHERLY RIGHT OF WAY OF SEVENTH STREET A DISTANCE OF 569.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 70.856 ACRES OF LAND MORE OR LESS.

PREPARED UNDER MY DIRECTION.



*Matt Powell*

MATT POWELL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
REGISTRATION No. 5544

10-27-06

'B'

Received  
DEC 06 2006  
Environmental Cleanup II



### Municipal Setting Designation Application Form

<b>TCEQ Office Use Only:</b>	Date Add. Info Req. / /
Application No:	Date Add. Info Rec'd / /
Date Received: 12/6/06	Date Certified: / /
	Date Denied: / /

**Reset Form**

#### Municipal Setting Designation Eligibility Criteria:

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/tpopp/txpopest.php">http://txsdc.utsa.edu/tpopp/txpopest.php</a> .)	<input checked="" 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/tpopp/txpopest.php">http://txsdc.utsa.edu/tpopp/txpopest.php</a> .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Municipality name: City of Fort Worth	Population: 638,102	
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 checked="" type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
<sup>1</sup> If No, the eligibility criteria are not met. <b>Do not submit an application.</b>		

#### Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. Carl. W. Bell		
Title: President		
Company: BLG Northside Development, L.P.		
Mailing Address: 16980 Dallas Parkway		
City: Dallas	State: TX	Zip: 75248
Telephone: 972 / 581-4801	Telefax: 972 / 581-4802	
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 checked="" type="radio"/> Yes	<input type="radio"/> No <sup>2</sup>
<sup>2</sup> <b>Do not submit application.</b>		

#### MSD Property Address:

Street Address: 600 North Main Street	
City: Fort Worth	Zip: 76106
County: Tarrant	Acres: 70.856
If multiple properties provide an attachment to the application providing the above information for each property.	

See Attachment 13 for complete address/owner listing

#### Notice Information:

<u>On</u> or <u>before</u> the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>4</sup>
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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. <u>VCP 1359</u>		
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> GWing)?	<input checked="" 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 checked="" type="radio"/> Yes, when? 1980s	<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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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.

Carroll Bell  
Applicant Signature

12/05/06  
Date

Before me Rose M. Blake the undersigned authority, on this day personally appeared  
Carl W. Bell Name of Notary  
Carl W. Bell Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 5<sup>th</sup> day of December, this month of December, 2006

