

MSD 35

MSD 29
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cert

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 29, 2007

Ms. Cheryl Potashnik, President
Arbor Woods Housing, L.P.
5910 North Central Expressway, Suite 1145
Dallas, TX 75206

Re: Certification of Municipal Setting Designation (MSD) Application for Arbor Woods Housing, L.P., 3030 North Hampton Road, Dallas, TX

Dear Ms. Potashnik:

Enclosed is the MSD 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 contact me at 512/239-2548 or via e-mail at sdwivedu@tceq.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "Satya" followed by a stylized flourish.

Satya Dwivedula, P.E., CAPM, Project Manager
Team 3, Environmental Cleanup Section I
Remediation Division

SD/ts

Enclosure

cc: Ms. Erika Erikson, Guida, Slavich & Flores, Dallas, TX

Texas Commission on Environmental Quality



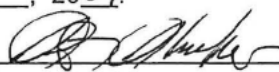
Municipal Setting Designation Certificate 029

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 Arbor Woods Housing, L.P., 3030 North Hampton Road, Dallas, 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 16th day of May, 2007.

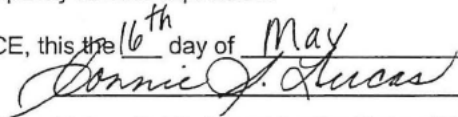


Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

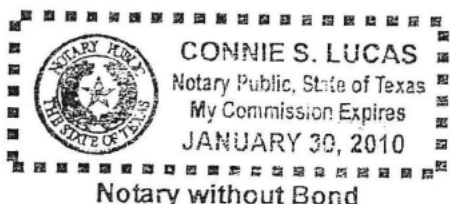
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 16th day of May, 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 the 16th day of May, 2007.



Notary Public in and for the State of Texas



BEING a 12.0337 acre tract of land situated in the City of Dallas, Dallas County, Texas out of the John P. Cole Survey, Abstract No. 242 and being all of Lot 1, Block 1/7129, Arbor Woods Addition according to the plat thereof recorded in Volume 2005010, Page 00305, Deed Records, Dallas County, Texas and also being part of Dennison Street (50' right of way), part of Hampton Road (100' right of way), and part of Singleton Boulevard (variable-width right of way) and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the east right of way line of Hampton Road (100' right of way), the most westerly southwest corner of said Lot 1, Block 1/7129, also being the northwest corner of a 1.841 acre tract of land (Tract One) conveyed to Caver Family Trust according to the deed filed for record in Volume 2001046, Page 6901, Deed Records, Dallas County, Texas;

THENCE, South 89 degrees, 40 minutes, 02 seconds West, a distance of 100.00 feet to a point in the west right of way line of said Hampton Road, the east line of a tract of land conveyed to Lakewest Revitalization Foundation, Inc. according to the deed filed for record in Volume 97002, Page 5164, Deed Records, Dallas County, Texas;

THENCE, along said west right of way line, the east line of said Lakewest tract and the east line of a tract of land conveyed to Dallas Independent School District according to the deed filed for record in Volume 5633, Page 386, Deed Records, Dallas County, Texas, North 00 degrees, 01 minutes, 57 seconds West, a distance of 820.04 feet to a point;

THENCE, departing said common line, South 89 degrees, 51 minutes, 45 seconds East, a distance of 100.00 feet to a 3/4" iron pipe found in the east right of way line of said Hampton Road, the northwest corner of said Lot 1, Block 1/7129 and also being the southwest corner of a tract of land conveyed to Phebia Marshall according to the deed filed for record in Volume 2001180, Page 3587, Deed Records, Dallas County, Texas;

THENCE, along the north line of said Lot 1, Block 1/7129, the south line of said Marshall tract, South 89 degrees, 51 minutes, 45 seconds East, a distance of 172.76 feet to a 1/2" iron rod found with plastic cap stamped "Prism Surveys" in the south right of way line of Dennison Street (50' right of way);

THENCE, North 25 degrees, 29 minutes, 38 seconds East, a distance of 50.00 feet to a point in the north right of way line of said Dennison Street, the south line of a tract of land conveyed to E. Antonio Rosas according to the deed filed for record in Volume 2001022, Page 1607, Deed Records, Dallas County, Texas, the beginning of a non-tangent curve to the right;

THENCE, along said common line, along said curve to the right through a central angle of 05 degrees, 54 minutes, 04 seconds, a radius of 453.52 feet, an arc length of 46.71 feet, a chord bearing of South 61 degrees, 33 minutes, 20 seconds East, a chord distance of 46.69 feet to a point of reverse curvature, a southerly corner of said Rosas tract and also being the west corner of a tract of land conveyed to Armour & Co. according to the deed filed for record in Volume 688, Page 568, Deed Records, Dallas County, Texas;

... CONTINUED ON SHEET 2 OF 3

EXHIBIT A

M.S.D. EXHIBIT
LOT 1, BLOCK 1/7129
ARBOR WOODS ADDITION
(VOLUME 2005010, PAGE 00305, D.R.D.C.T.)
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Date: 05/22/2006 Scale: N/A Project No. 0310041

 **SCI**
Survey Consultants, Inc.

811 E. Plano Parkway
Suite 117
Plano, Texas 75074
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com

M.S.D. EXHIBIT

CITY OF DALLAS BLOCK 1/7129
ARBOR WOODS ADDITION

070332

THENCE, continuing along said north right of way line, the south line of said Armour & Co. tract, along said curve to the left through a central angle of 31 degrees, 46 minutes, 56 seconds, a radius of 403.52 feet, an arc length of 223.83 feet, a chord bearing of South 74 degrees, 29 minutes, 46 seconds East, a chord distance of 220.98 feet to a point, the southwest corner of Lot 6, Block 21/7127, Victory Gardens Addition No. 5, Section 2 according to the plat thereof recorded in Volume 8, Page 175, Map Records, Dallas County, Texas, also being the southeast corner of said Armour & Co. tract;

THENCE, departing said common line, South 00 degrees, 01 minutes, 53 seconds West, a distance of 50.00 feet to a 3/4" iron pipe found in the south right of way line of said Dennison Street, the northeast corner of said Lot 1, Block 1/7129, also being the northwest corner of Lot 6, Block 20/7127 of said Victory Gardens Addition No. 5, Section 2;

THENCE, along the east line of said Lot 1, Block 1/7129, the west line of Victory Gardens Addition No. 5, Section 1, South 00 degrees, 01 minutes, 53 seconds West, a distance of 1,085.89 feet to a 5/8" iron rod found in the north right of way line of Singleton Boulevard (variable-width right of way), the southeast corner of said Lot 1, Block 1/7129 also being the southwest corner of Lot 6, Block 17/7127 of said Victory Gardens Addition No. 5, Section 1;

THENCE, South 00 degrees, 08 minutes, 00 seconds West, a distance of 74.53 feet to a point in the south right of way line of said Singleton Boulevard, the north line of a Block B/7235, Subdivision of Part of Block 7235 according to the plat thereof recorded in Volume 74140, Page 1924, Deed Records, Dallas County, Texas;

THENCE, along said south right of way line, the north line of said Subdivision of Part of Block 7235, the north line of a tract of land conveyed to Goodwill Industries of Dallas, Inc. according to the deed filed for record in Volume 67081, Page 1568, Deed Records, Dallas County, Texas, North 89 degrees, 52 minutes, 00 seconds West, a distance of 149.29 feet to a point;

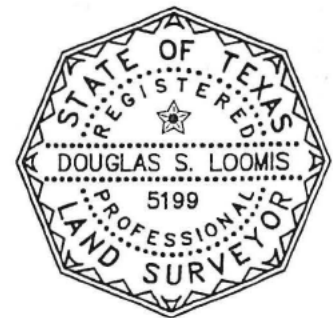
THENCE, North 00 degrees, 19 minutes, 19 seconds West, a distance of 86.11 feet to a 5/8" iron rod found with plastic cap stamped "A.N.A." in the north right of way line of said Singleton Boulevard, the most southerly southwest corner of said Lot 1, Block 1/7129, also being the southeast corner of said 1.841 acre tract;

THENCE, departing said north right of way line, along the west line of said Lot 1, Block 1/7129, the east line of said 1.841 acre tract, North 00 degrees, 19 minutes, 19 seconds West, a distance of 132.40 feet to a 1/2" iron rod found;

THENCE, continuing along said common line, North 30 degrees, 52 minutes, 10 seconds West, a distance of 244.59 feet to a steel fence post;

THENCE, continuing along said common line, South 89 degrees, 40 minutes, 02 seconds West, a distance of 171.00 feet to the **POINT OF BEGINNING** and containing 524,187 square feet or 12.0337 acres of land, more or less.

Douglas S. Loomis
Registered Professional Land Surveyor No. 5199



M.S.D. EXHIBIT
LOT 1, BLOCK 1/7129
ARBOR WOODS ADDITION
(VOLUME 2005010, PAGE 00305, D.R.D.C.T.)
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Date: 05/22/2006 Scale: N/A Project No. 0310041



811 E. Plano Parkway
Suite 117
Plano, Texas 75074
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com

26551 U 10332

BASIS OF BEARINGS
 EAST R.O.W. LINE OF HAMPTON ROAD
 LOT 1, BLOCK 1/7129
 N 00°01'57" W 819.22'
 (VOLUME 2005010, PAGE 00305,
 D.R.D.C.T.)

LEGEND

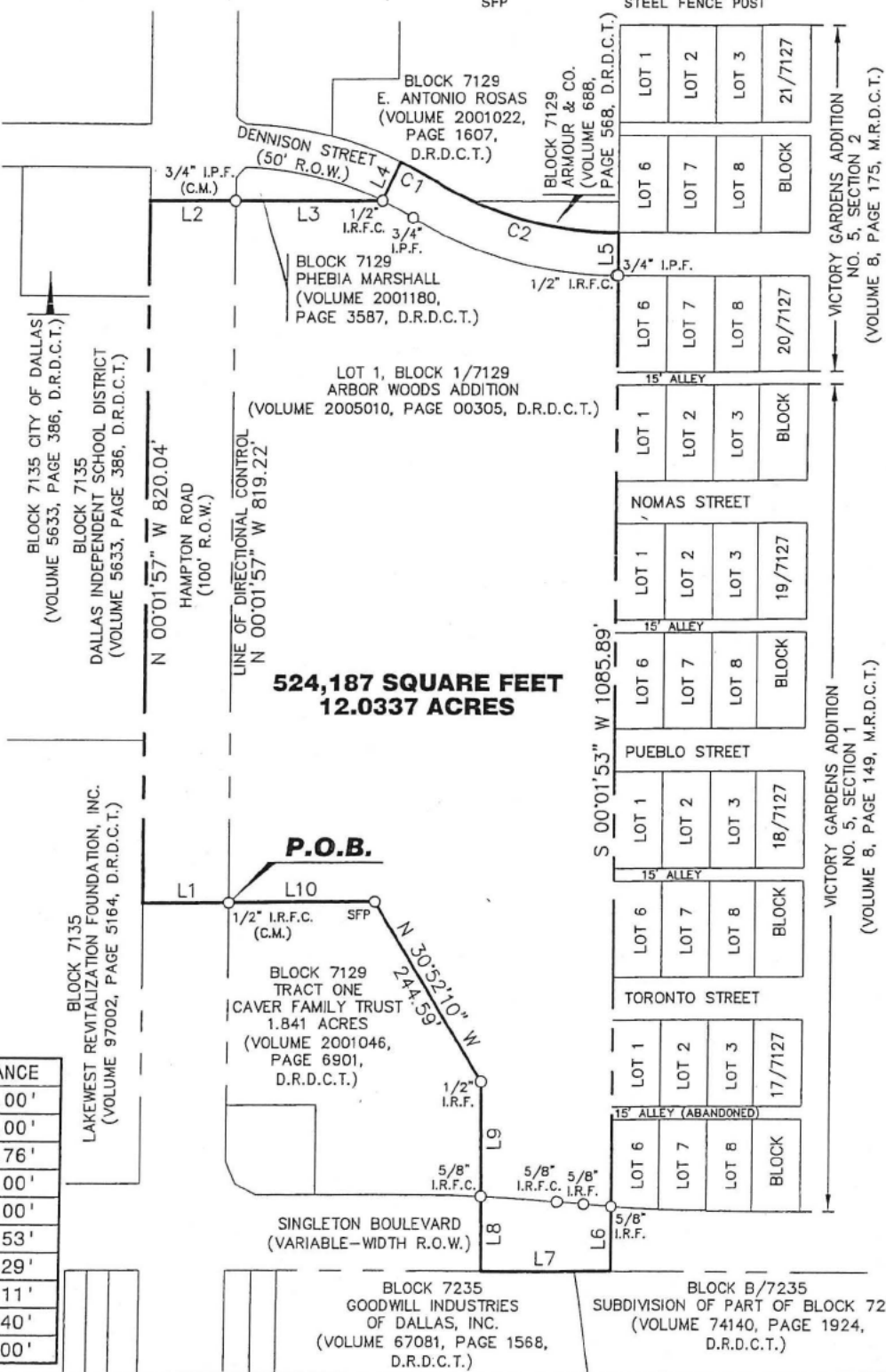
- 5/8" I.R.F.C. 5/8" IRON ROD FOUND WITH PLASTIC CAP STAMPED "A.N.A."
- 1/2" I.R.F.C. 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED "PRISM SURVEYS"
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- I.R.F. IRON ROD FOUND
- P.O.B. POINT-OF-BEGINNING
- R.O.W. RIGHT-OF-WAY
- SFP STEEL FENCE POST



NUMBER	C1
DELTA	05°54'04"
RADIUS	453.52'
LENGTH	46.71'
CHORD BRNG.	S 61°33'20" E
CHORD	46.69'

NUMBER	C2
DELTA	31°46'56"
RADIUS	403.52'
LENGTH	223.83'
CHORD BRNG.	S 74°29'46" E
CHORD	220.98'

NUMBER	DIRECTION	DISTANCE
L1	S 89°40'02" W	100.00'
L2	S 89°51'45" E	100.00'
L3	S 89°51'45" E	172.76'
L4	N 25°29'38" E	50.00'
L5	S 00°01'53" W	50.00'
L6	S 00°08'00" W	74.53'
L7	N 89°52'00" W	149.29'
L8	N 00°19'19" W	86.11'
L9	N 00°19'19" W	132.40'
L10	S 89°40'02" W	171.00'



**524,187 SQUARE FEET
 12.0337 ACRES**

P.O.B.

**M.S.D. EXHIBIT
 LOT 1, BLOCK 1/7129
 ARBOR WOODS ADDITION
 (VOLUME 2005010, PAGE 00305, D.R.D.C.T.)
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**



811 E. Plano Parkway
 Suite 117
 Plano, Texas 75074
 (972) 424-7002 Voice
 (972) 633-1702 Fax
 WWW.SurveyConsultantsInc.Com

Date: 05/22/2006 Scale: 1"=60' Project No. 0310041

Received

FEB 20 2007

Environmental Cleanup II

EXHIBIT B



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. / /
Application No: 035	Date Add. Info Rec'd / /
Date Received: 2/20/07	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 http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
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 http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
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 checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ 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 checked="" type="radio"/> Ms. Cheryl Potashnik		
Title: President of Arbor Woods Development, LLC, General Partner of Arbor Woods Housing, L.P.		
Company: Arbor Woods Housing, L.P.		
Mailing Address: 5910 North Central Expressway, Suite 1145		
City: Dallas	State: TX	Zip: 75206
Telephone: 214 / 891-7810	Telefax: 214 / 987-9294	
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 ²
² Do not submit application.		

MSD Property Address:

Street Address: 3030 N. Hampton Rd.	
City: Dallas	Zip: 75212
County: Dallas	Acres: ~9.6
If multiple properties provide an attachment to the application providing the above information for each property.	

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 checked="" type="radio"/> Yes	<input type="radio"/> No ⁴
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" type="radio"/> NA ⁴
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 ³ <input type="radio"/> NA ⁴
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 ³ <input type="radio"/> NA ⁴

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 ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ 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. (TXD010494060, VCP Facility ID No. 1561)		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 01 / 28 / 2003	<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 ⁶	<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 ⁶	<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 ⁶
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
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ 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.

Arbor Woods Housing, L.P., a Texas Limited Partnership, by Cheryl Potashnik, President of Arbor Woods Development, LLC, a Texas Limited Liability Company its General Partner

Cheryl Potashnik

Applicant Signature

Feb. 19, 2007

Date

Before me Cheryl Potashnik
Name of Notary

the undersigned authority, on this day personally appeared Cheryl Potashnik, President of Arbor Woods

Development, LLC, General Partner of Arbor Woods Housing, 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 TX, on the 19th day of February this month of February, 2007

TCEQ-20149 Sept 2006

