

MSD 36 MSD 32
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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

June 13, 2007

Mr. Greg Rogers
Guida, Slavich & Flores
750 N. St. Paul Street, Suite 200
Dallas, TX 78753

RE: Certification of Municipal Setting Designation (MSD) Application for Spirit Master Funding, LLC, 8401 Ambassador Row, Dallas, TX

Dear Mr. Rogers:

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

Sincerely,

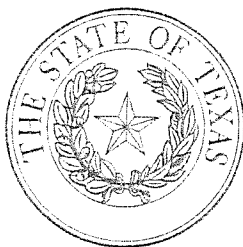
A handwritten signature in black ink, appearing to read "mfrew".

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

MF/cw

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 032

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 Spirit Master Funding III, LLC, 8401 Ambassador Row, 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 6 day of June, 2007.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

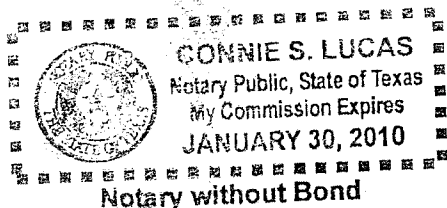
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 6th day of June, 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 6th day of June, 2007.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



A

FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the JAMES McLAUGHLIN SURVEY, Abstract No. 845 and being a portion of the City of Dallas Block No. 4/7940 a portion of AMBASSADOR ROW and DIVIDEND DRIVE and all of a tract of land conveyed to GNL AMBASSADOR L.P. as recorded in Volume 2003185, Page 01108 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows;

BEGINNING at the intersection of the southeasterly Right-of-Way line of DIVIDEND DRIVE (70' Right-of-Way) and the northeasterly Right-of-Way line of AMBASSADOR ROW (70' Right-of-Way) said point being the most southwesterly corner of a tract of land conveyed to AMBASSADOR CAPITAL, L.L.P. as recorded in Volume 2004078, Page 04657 (DRDCT);

THENCE along the southeasterly Right-of-Way line of said DIVIDEND DRIVE South 38 deg 20 min 26 sec West passing the southwesterly Right-of-Way line of said AMBASSADOR ROW at a distance of 70.00 feet and passing the most southwesterly corner of a tract of land conveyed to SANTA FE NEWPORT ASSOCIATES, INC as recorded in Volume 2000044, Page 04136 (DRDCT) at a distance of 572.65 feet continuing in all a distance of 941.20 feet to a point for corner in the northeasterly Right-of-Way line of a 40' RAILROAD SPUR, which a 5/8 inch iron rod found bears South 19 deg 12 min 43 sec West a distance of 0.80 feet;

THENCE along the northeasterly Right-of-Way line of said 40' RAILROAD SPUR North 51 deg 39 min 58 sec West passing through a 1/2 inch iron rod found in the northwesterly Right-of-Way line of said DIVIDEND DRIVE and being the most southeasterly corner of the GNL AMBASSADOR L.P. tract at a distance of 70.00 feet continuing in all a distance of 432.40 feet to a 1/2 inch iron found for the most southwesterly corner of said GNL AMBASSADOR L.P. tract;

THENCE along the northwesterly line of said GNL AMBASSADOR L.P. tract North 38 deg 20 min 02 sec East passing through an "X" cut found in concrete in the southwesterly Right-of-Way line of said AMBASSADOR ROW and being the most northwesterly corner of said GNL AMBASSADOR L.P. tract at a distance of 871.20 feet continuing in all a distance of 941.20 feet to a point for corner in the northeasterly Right-of-Way line of said AMBASSADOR ROW;

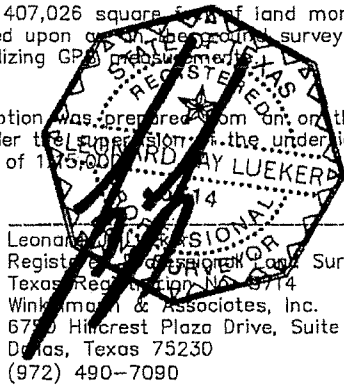
THENCE along the northeasterly Right-of-Way line of said AMBASSADOR ROW South 51 deg 39 min 58 sec East passing through a 1/2 inch iron rod found for the most southwesterly corner of a tract of land conveyed to the ANDERSON CHEMICAL COMPANY, INC. as recorded in Volume 94106, Page 02044 (DRDCT) at a distance of 37.27 feet and passing through a 1/2 inch iron rod found for the most southeasterly corner of said ANDERSON CHEMICAL COMPANY, INC tract located at the intersection of the northwesterly Right-of-Way line of said DIVIDEND DRIVE and the northeasterly Right-of-Way line of said AMBASSADOR ROW at a distance of 362.27 feet continuing in all a distance of 432.27 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 9.344 acres or 407,026 square feet of land more or less. Bearings contained within these metes and bounds are based upon a ground survey performed in the field on the 15th day of August, 2006 utilizing GPS measurements.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field 15th day of August, 2006 under the supervision of the undersigned and that the field note description forms a mathematical figure of 9.344 acres.

DATE: 1/16/07



Leonard Lueker
Registered Professional Surveyor
Texas Registration No. 874
Winkelmann & Associates, Inc.
6750 Hinfrest Plaza Drive, Suite 100
Dallas, Texas 75230
(972) 490-7090

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS • SURVEYORS
(972) 490-7090 FAX (972) 490-7098

Scale : 1"=300'	Date : 8/16/06
Design : WAI	
Drawn : L.L.	
Dwg. File : 47705.DD(52)	
Project No. : 47705MSD.DWG	

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

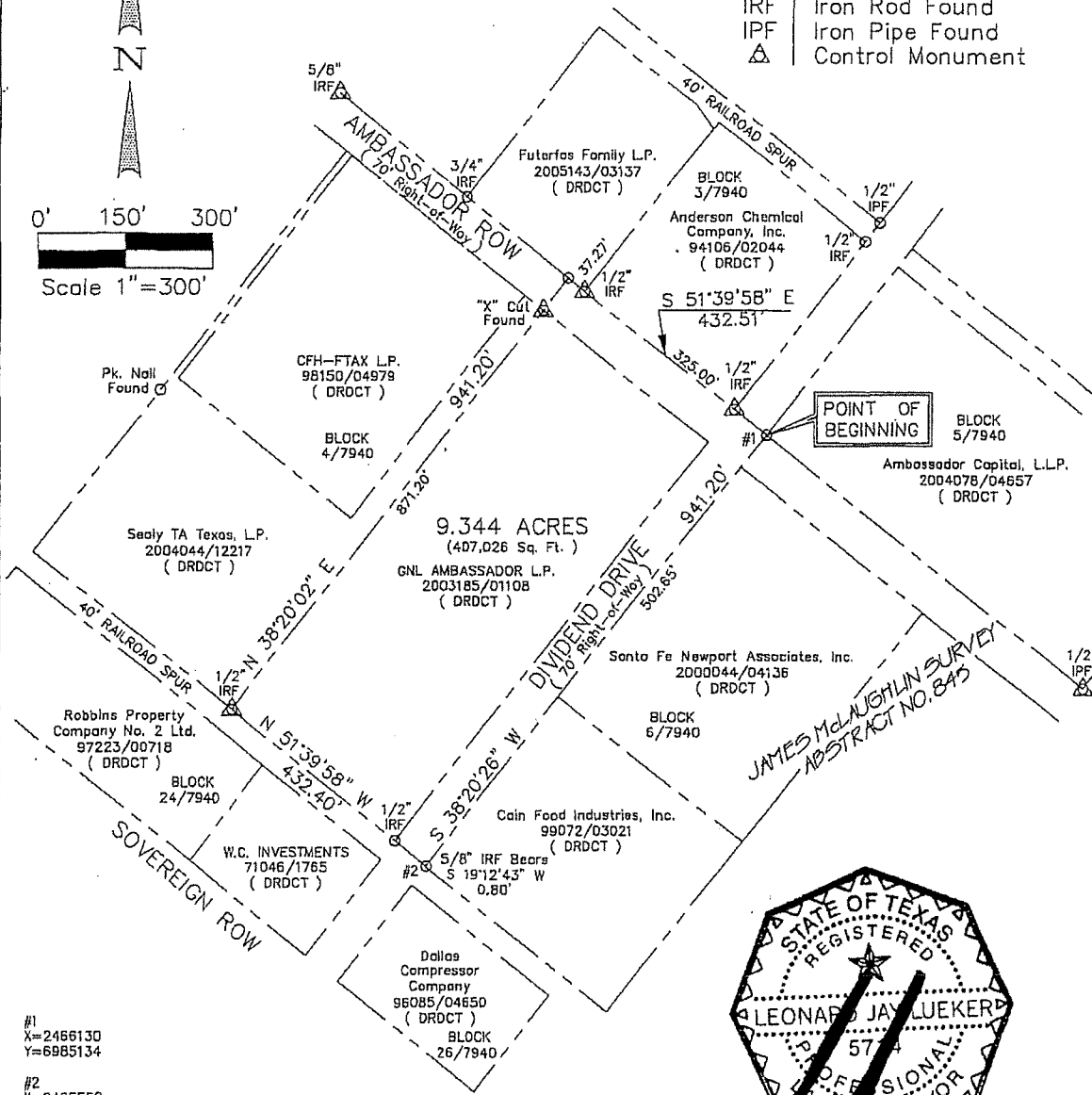
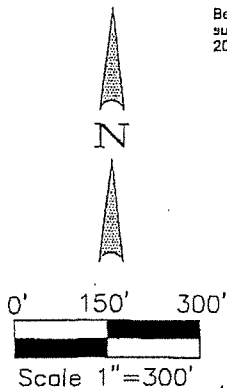
EXHIBIT "A"
MSD AREA SURVEY
9.344 ACRES

SHEET
1
OF
2

Bearings shown hereon are based upon on the ground survey performed in the field on the 15th day of August, 2006 utilizing GPS measurements.

LEGEND

- IRF Iron Rod Found
- IPF Iron Pipe Found
- △ Control Monument



#1
X=2466130
Y=6985134

#2
X=2465559
Y=6984416

The Coordinates shown hereon were taken from the NCTCOG Maps.



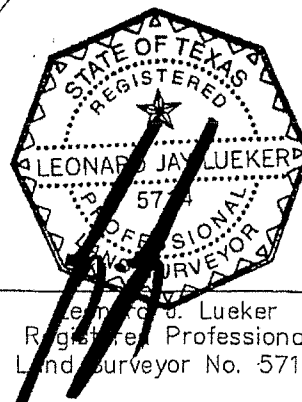
Winkelmann & Associates, Inc.

CONSULTING CIVIL ENGINEERS • SURVEYORS
(972) 490-7050 FAX (972) 490-7099

Scale : 1"=300'	Date : 8/16/06
Design : WAI	
Drawn : L.J.L.	
Dwg. File : 47705.00(52)	
Project No. : 47705MSD.DWG	

This Survey was prepared from on the ground survey performed in the field on the 15th day of August, 2006

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



Leonar J. Lueker
Registered Professional
Land Surveyor No. 5714

EXHIBIT "A"
MSD AREA SURVEY
9.344 ACRES

SHEET
2
OF
2

B

Received

EAR - 2007

Environmental Cleanup II



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. / /
Application No:	Date Add. Info Rec'd. / /
Date Received: 3 15 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/tpopp/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/tpopp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: Dallas	Population: 1,224,397	
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 checked="" type="radio"/> Mr. <input type="radio"/> Ms. Greg Rogers		
Title: Attorney for Spirit Master Funding III, LLC (Applicant)		
Company: Spirit Master Funding III, LLC		
Mailing Address: 750 N. St. Paul Street		
City: Dallas	State: TX	Zip: 75201
Telephone: (214) 692-8385	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 ²
² Do not submit application.		

MSD Property Address:

Street Address: 8401 Ambassador Row	
City: Dallas	Zip: 75247
County: Dallas	Acres: 7.25
If multiple properties provide an attachment to the application providing the above information for each property.	

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 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 type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" 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
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³ Do not submit application.

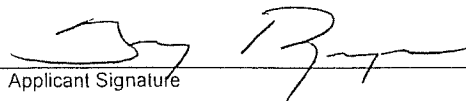
⁴ NA only when no such municipality, private well owner, or retail public utility exists

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. VCP Facility ID No. 1948; RN 102326220		
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? 06 / 29 / 06	<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 type="radio"/> Yes	<input checked="" 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.


Applicant Signature

3/2/07
Date

Before me Dorian Bell the undersigned authority, on this day personally appeared
Greg Rogers Name of Notary
Greg Rogers 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 2nd day of March, this month of _____, 2007.