

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 11, 2008

Mr. Ronny Jordan, Executive Vice President
Bobby Cox Companies, Inc.
4055 International Plaza
Fort Worth, TX 76109

RE: Municipal Setting Designation (MSD) Certificate for Five Star Custom
Foods, 3709 E First Street, Fort Worth, TX; MSD No. 72

Dear Mr. Jordan:

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).

Sincerely,

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

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

MF/sr

Enclosure

cc: Jennifer Robinson, TCEQ, Remediation Division, MC-137

Texas Commission on Environmental Quality



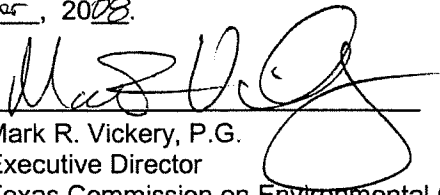
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 72, in the City of 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 5th day of September, 2008.



Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

'A'

DESCRIPTION OF PROPERTY

Being a tract of land situated in the City of Fort Worth, Tarrant County, Texas and being a portion of Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-58, Page 846 of the Plat Records of Tarrant County, Texas (P.R.T.C.T.) and a portion of Lot 2, Block 1, STANDARD MEAT COMPANY ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-114, Page 881 of the P.R.T.C.T. and a portion of Lot 1 and a portion of Lot 2, Block 1, GULF STATES SUBDIVISION, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-66, Page 25 of the P.R.T.C.T. and deeded to Design Foods, Inc. in Volume 10968, Page 1433 and being a portion of a 0.48 acre tract of land deeded to Design Foods, Inc. as recorded in Volume 10968, Page 1433 of the Deed Records of Tarrant County, Texas (D.R.T.C.T.) and a portion of a 0.517 acre tract of land deeded to Design Foods, Inc. as recorded in Volume 10968, Page 1433 of the D.R.T.C.T., said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for corner in the most southerly west line of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, said 5/8 inch iron rod being North 00 degrees 01 minutes 16 seconds West, a distance of 19.19 feet from the most southerly southwest corner of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, and being in the east line of Lot 3, Block 1, ALPHA ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-113, Page 333 of the P.R.T.C.T., said 5/8 inch iron rod also being in the north right-of-way line of East First Street (a 68.0' right-of-way);

THENCE North 00 degrees 01 minutes 16 seconds West, with the most southerly west line of Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, a distance of 305.83 feet to a 1/2 inch iron rod found for the west interior corner of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, said iron rod also being the northeast corner of said Lot 3, Block 1, ALPHA ADDITION;

THENCE North 89 degrees 56 minutes 30 seconds West, with the most westerly south line of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION and the north line of said ALPHA ADDITION, a distance of 140.10 feet to a 1/2 inch iron rod found for the most westerly southwest corner of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION and for the northwest corner of said ALPHA ADDITION, said 1/2 inch iron rod also being in the east line of Lot 1, Block 1, ALPHA ADDITION, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-93, Page 295 of the P.R.T.C.T.;

THENCE North 00 degrees 01 minutes 16 seconds West, with the most westerly line of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION and the east line of said Lot 1, Block 1, ALPHA ADDITION, a distance of 100.00 feet to a 5/8 inch iron rod found for the northwest corner of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION and the northeast corner of said Lot 1, Block 1, ALPHA ADDITION, said 5/8 inch iron rod also being in the southeasterly right-of-way line of the Chicago Rock Island & Gulf Railroad (CRI & GR);

THENCE North 54 degrees 28 minutes 17 seconds East, with the northerly line of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION and with the said southeasterly right-of-way line of the CRI & GR, a distance of 728.00 feet to a 5/8 inch iron rod found for the northeast corner of said Lot 1, Block 1, STANDARD MEAT COMPANY ADDITION, said 5/8 inch iron rod also being the northwest corner of said Lot 2, Block 1, GULF STATES ADDITION;


THENCE North 54 degrees 21 minutes 17 seconds East, with the said southeasterly right-of-way line of the CRI & GR and with the northerly line of said Lot 2, Block 1, GULF STATES ADDITION, a distance of 253.40 feet to a 5/8 inch iron rod found for corner, from which a fence post found for the northeast corner of said Lot 2, Block 1, GULF STATES ADDITION bears North 54 degrees 21 minutes 17 seconds East, a distance of 377.12 feet;

THENCE South 00 degrees 17 minutes 36 seconds East, a distance of 313.34 feet to a 5/8 inch iron rod found for corner;

THENCE North 89 degrees 38 minutes 48 seconds East, a distance of 16.60 feet to a 5/8 inch iron rod found for the most southerly interior corner of said Lot 2, Block 1, GULF STATES ADDITION, said 5/8 inch iron rod being in the north-right-of-way line of T. N. Austin Avenue (a 31.5' right-of-way);

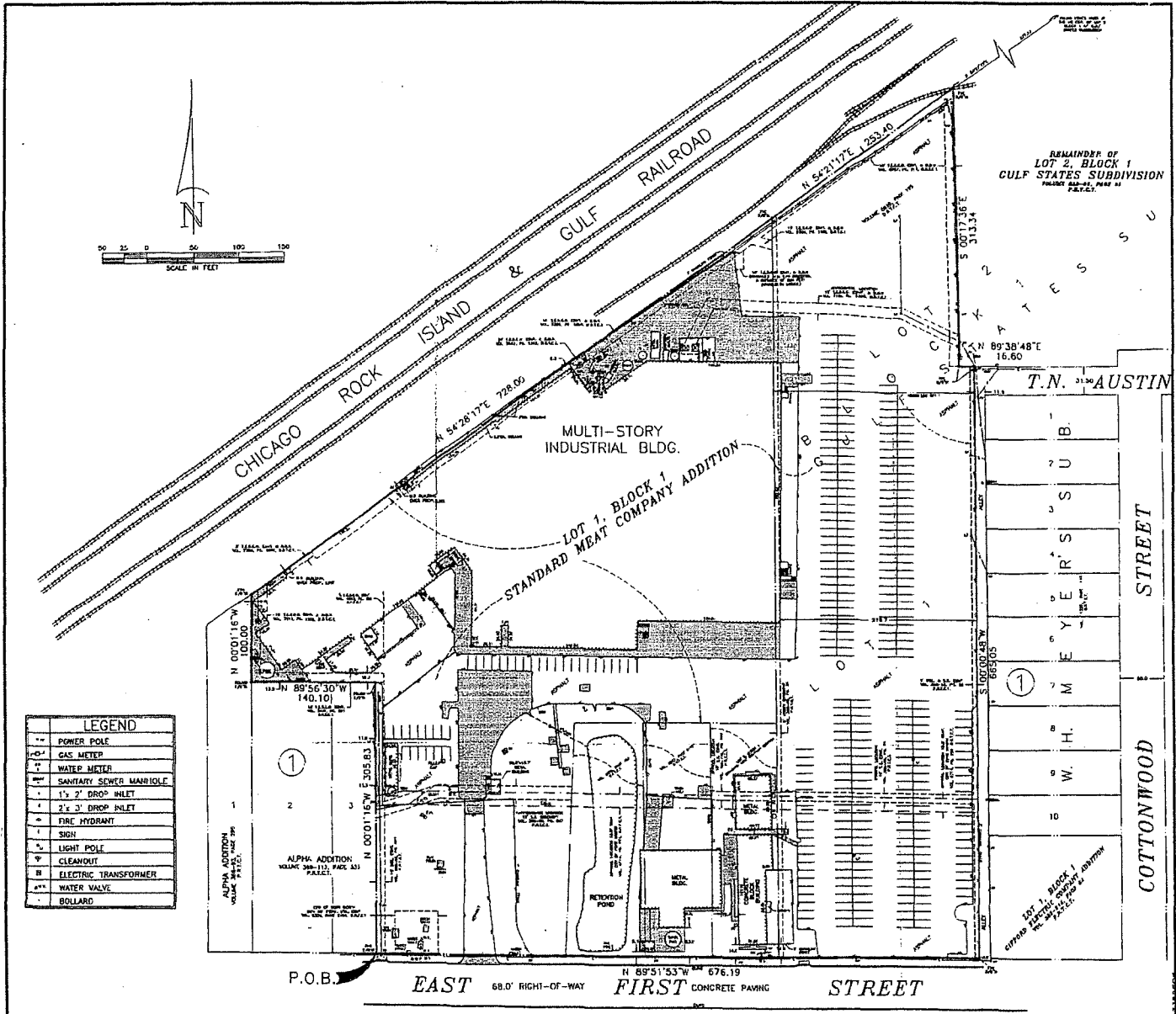
THENCE South 00 degrees 00 minutes 48 seconds West, with the most southerly east line of said GULF STATES ADDITION, a distance of 665.05 feet to a 5/8 inch iron rod found for corner in the north right-of-way line of said East First Street;

THENCE North 89 degrees 51 minutes 53 seconds West, with the north right-of-way line of said East First Street, a distance of 676.19 feet to the POINT OF BEGINNING and containing 521,691 square feet or 11.976 acres of land, more or less.

| | |
|---|--|
|  Shaw TM Shaw Environmental, Inc. | 6330 COMMERCE SUITE 190 IRVING, TEXAS 75063 (214)277-7800 (214)277-8600(fax) |
|---|--|

MSD BOUNDARY EXHIBIT A

FIVE STAR CUSTOM FOODS
3709 E. 1st STREET
FORT WORTH, TEXAS 76111



| LEGEND | |
|--------|------------------------|
| ⊙ | POWER POLE |
| ⊕ | GAS METER |
| ⊖ | WATER METER |
| ⊙ | SANITARY SEWER MANHOLE |
| ⊕ | 1 1/2" DROP INLET |
| ⊖ | 2 1/2" DROP INLET |
| ⊙ | FIRE HYDRANT |
| ⊕ | SIGN |
| ⊖ | LIGHT POLE |
| ⊙ | CLEARDUT |
| ⊕ | ELECTRIC TRANSFORMER |
| ⊖ | WATER VALVE |
| ⊙ | BOLLARD |

REFERENCE:
 GORRONDONA & ASSOCIATES, INC., FORT WORTH, TEXAS.
 JOB #9303-144, DATED MAY 26, 1999.

- Notes:
- 1.) The 40' anchor easement shown on the plat recorded in Volume 388-66, Page 25 of the Plat Records of Tarrant County, Texas does not affect the property shown hereon.
 - 2.) The Agreement and Easement for Underground Service Lateral be Texas Electric Service Company recorded in Volume 7167, Page 187 is a blanket easement and can not be located.
 - 3.) The Sewer Line shown on Page C-1 of the City of Fort Worth Sewer Book does affect the tract shown hereon and is approximately located within the bounds of the 15.0' Easement to the City of Fort Worth as recorded in Volume 8714, Page 956 of the Deed Records of Tarrant County, Texas.

The undersigned Registered Professional Land Surveyor ("Surveyor") hereby certifies to Mother's Cookies and Cake Company that (i) this survey was made on the ground under my supervision as per the legal description shown hereon and correctly shows the boundary lines and dimensions and area of the land indicated hereon, (ii) this survey was conducted by the Surveyor, or under his supervision, (iii) all monuments shown hereon actually exist, and the location, size and type of such monuments are correctly shown, (iv) this survey correctly shows the location of all buildings, structures, and other improvements, and visible lines on the subject property (herein so called), (v) this survey correctly shows the location and dimensions of all alleys, streets, roads, rights-of-way, easements, and other matters of record of which the undersigned has knowledge or has been advised affect the property according to the legal description of such easements and other matters (with instrument, volume and page number indicated), (vi) except as shown, there are no visible easements, rights-of-ways, party walls, drainage ditches, streams, building set back lines or conflicts, visible encroachments on the adjoining premises, streets or alleys by any of said buildings, structures or other improvements, or visible encroachments onto the property by buildings, structures, or other improvements situated on adjoining premises, (vii) the distance from the nearest intersecting street and road is as shown hereon, and (viii) the property has direct access to dedicated public roads accepted for maintenance by the entity to which such roads were dedicated. The undersigned further certifies to said parties that no portion of the property lies within a 100-year flood plain or in an identified "flood prone area" as per the Flood Insurance Rate Map for the City of Fort Worth, Tarrant County, Texas, Community Panel No. 480596 0295 H, Map No. 48439C0295, dated August 2, 1995.



EXECUTED THIS 26th day of May, 1999.

Brad J. Gorrondona
 Brad J. Gorrondona
 Registered Professional Land Surveyor,
 No. 4684

6330 COMMERCE
 SUITE 190
 IRVING, TEXAS 75063
 (214)277-7800
 (214)277-8600(fax)

MSD BOUNDARY

FIVE STAR CUSTOM FOODS
 3709 E. 1st STREET
 FORT WORTH, TEXAS 76111

