

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 3, 2011

Mr. Michael L. Haller, Vice President  
Wells Fargo Bank, NA  
MAC T5576-L16  
101 South Locust Street  
Denton, Texas 76201 .

RE: Municipal Setting Designation (MSD) Certificate for City Block bounded by Canton Street, N. Central Expressway, Marilla Street, and Pearl Expressway, Dallas, Dallas County, Texas; MSD No. 140

Dear Mr. Haller:

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) 239-2992 or via e-mail ([csiegel@tceq.state.tx.us](mailto:csiegel@tceq.state.tx.us)).

Sincerely,

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

Chris Siegel, Project Manager  
VCP-CA Section  
Remediation Division

CS/jdm

Enclosure

cc: Ms. Maria Sifuentes, VCP 2174 Project Manager, Remediation Division,  
MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



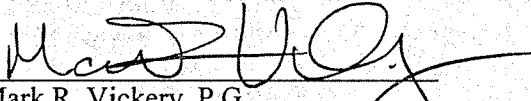
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 140, in the City of Dallas, for 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.

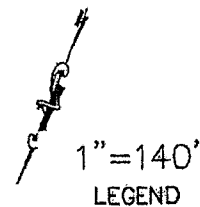
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 22<sup>nd</sup> day of December, 2010

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

# EXHIBIT "A"

SHEET 2 OF 3



LEGEND  
 I.R.F. IRON ROD FOUND  
 I.R.S. IRON ROD SET  
 R.O.W. RIGHT-OF-WAY

R=1069.36'  
 L=381.84'  
 D=20°27'50"  
 T=193.02'  
 CH DIR-N 80°53'1" W  
 CH=379.91'

LOTS 1-4, BLOCK 15/14  
 211 TAYLOR STREET, LTD.  
 VOL. 28904, PG. 4173

PARK AT FARMERS MARKET, PHASE 1A  
 LOT 1A, BLOCK 7/133  
 VOL. 28904, PG. 4088

S 68°09'23" W  
 5.00'

N 68°09'23" E  
 5.00'

S. CENTRAL EXPRESSWAY  
 (VARIANCE WIDTH R.O.W.)

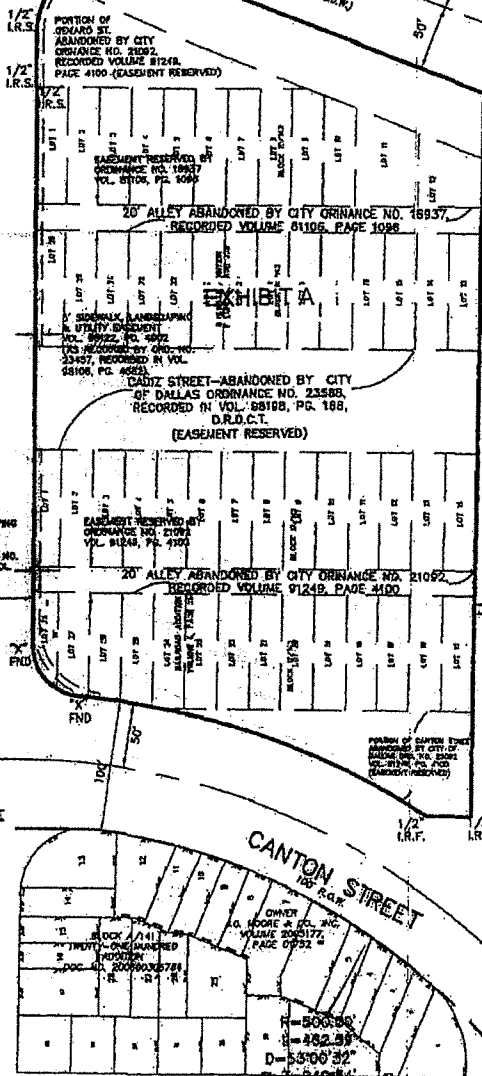
S. PEARL EXPRESSWAY  
 (VARIANCE WIDTH R.O.W.)

MARILLA STREET  
 (VARIANCE WIDTH R.O.W.)

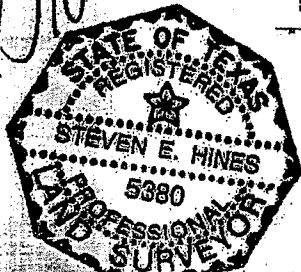
CADIZ STREET  
 80' R.O.W.

CANTON STREET  
 80' R.O.W.

CANTON STREET  
 100' R.O.W.



CH DIR-S 78°54'08" E  
 CH=446.27'



FARMERS MARKET  
 TOWNHOUSES  
 LOT 1A, BLOCK 8/132  
 VOL. 2001983, PG. 0019  
 D.A.O.C.T.

SHEET 3 OF 3

LEGAL DESCRIPTION

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being all of Lots 1-26, Block 17/142 and Lots 1-26, Block 16/143, Railroad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat filed for record in Volume 4, Page 350, of the Map Records of Dallas County, Texas, and all of that certain portion of Canton Street, Marilla Street and two 20 foot wide alleys, abandoned by City of Dallas Ordinances recorded in Volume 91249, Page 4100 and Volume 81106, Page 1096 of the Deed Records of Dallas County, Texas, and a portion of Cadiz Street abandoned by City of Dallas Ordinance No. 23588, as recorded in Volume 98198, Page 168, Deed Records, Dallas County, Texas, being all of that called 4.4832 acre tract of land described in Deed to 2100 Downtown Condo, LLC as recorded in Document No. 200600365413, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the south line of Marilla Street (a variable width right-of-way) and the west line of South Pearl Expressway (a variable width right-of-way);

THENCE North 21 degrees 52 minutes 8 seconds West, along the westerly right-of-way line of said South Pearl Expressway, a distance of 893.78 feet to a point for corner at the intersection of the westerly right-of-way line of said South Pearl Expressway and the northerly right-of-way line of Canton Street (a 100 foot wide right-of-way),

THENCE along the northerly right-of-way line of said Canton Street as follows:

Southeasterly, 462.59 feet along a non-tangent curve to the left having a radius of 500.00 feet, a central angle of 53 degrees 00 minutes 32 seconds, and a chord bearing and distance of South 78 degrees 54 minutes 09 seconds East, 446.27 feet to a point for corner;

North 68 degrees 05 minutes 39 seconds East, a distance of 172.59 feet to a point for corner in the east line of South Central Expressway (a variable width right of way);

THENCE along said east line of said South Central Expressway as follows:

South 22 degrees 36 minutes 34 seconds East, a distance of 292.47 feet to a point for corner;  
North 68 degrees 09 minutes 23 seconds East, a distance of 5.00 feet to a point for corner;  
South 22 degrees 36 minutes 34 seconds East, a distance of 80.01 feet to a point for corner;  
South 68 degrees 09 minutes 23 seconds West, a distance of 5.00 feet to a point for corner;  
South 22 degrees 36 minutes 34 seconds East, a distance of 257.23 feet to a point for corner;  
South 21 degrees 51 minutes 53 seconds East, a distance of 303.92 feet to a point for corner at the intersection of the south line of said Marilla Street;

THENCE along the south line of said Marilla Street as follows:

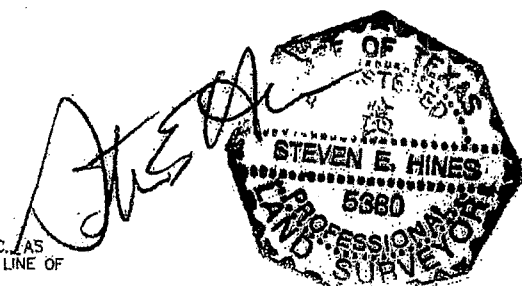
Northwesterly, 381.94 feet along a tangent curve to the left having a radius of 1069.36 feet, a central angle of 20 degrees 27 minutes 50 seconds, and a chord which bears North 80 degrees 53 minutes 01 seconds West, 379.91 feet to a point for corner;

South 88 degrees 53 minutes 04 seconds West, a distance of 245.35 feet to the POINT OF BEGINNING and containing 454,698 square feet or 10.438 acres of land.

"This document was prepared under 22 TAC 663.23, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

NOTES:

1. BEARINGS BASED ON DEED TO 2100 DOWNTOWN CONDOMINIUMS, LLC, AS RECORDED IN DOCUMENT NO. 200600365413, EAST RIGHT-OF-WAY LINE OF PEARL EXPRESSWAY HELD AS N 21°51'56" W.



# EXHIBIT "B"

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 checked="" 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.		
<b>VCP 2174</b>		
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 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? 10/27/2008	<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.

*[Signature]* V.P.  
Applicant Signature

6-14-2010  
Date

Before me Tiffini Pryor the undersigned authority, on this day personally appeared  
Michael J. Haller Name of Notary  
Michael J. Haller Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Denton, State of Tx, on the 14<sup>th</sup> day of June, this month of June, 20 10

