

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

December 10, 2010

Mr. Dan Thomas
318 Cadiz, L.P., c/o Bank of the Ozarks
8201 Preston Road, Suite 700
Dallas, TX 75225

RE: Municipal Setting Designation (MSD) Certificate for 318 Cadiz, LP, 318 Cadiz and 1000, 1006, 1008, 1010, 1018, 1120, 1200, 1208, 1212, 1500, 1827, and 1819 South Riverfront Boulevard, Dallas, Dallas County, Texas; MSD No. 141

Dear Mr. Thomas:

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).

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Siegel".

Chris Siegel, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

Enclosure

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



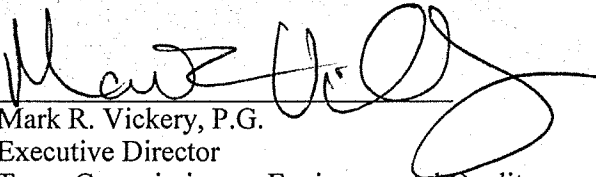
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 141, 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 22nd day of November, 2010


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

FIELD NOTE DESCRIPTION

STATE OF TEXAS
 COUNTY OF DALLAS

BEING a tract of land situated in the W.S. BEATTY SURVEY, Abstract No. 57 and being a portion of the City of Dallas Blocks 1081, 1221, 1083, 74/7343 and 69,7338 a portion of CADIZ STREET (variable width Right-of-Way), INDUSTRIAL BOULEVARD (130' Right-of-Way) and a portion of the City of Dallas Sump and all of a tract of land conveyed 318 Cadiz L.P. as recorded in Instrument # 20080010056 of the Deed Records of Dallas County, Texas (DRDCT), 318 Cadiz, L.P. as recorded in Instrument # 20080010057 (DRDCT), 1817 South Industrial, L.P. Instrument # 200600376597 (DRDCT), Misty Doan as recorded in Volume 98129, Page 2603 (DRDCT), Jean Louise Uric as recorded in Volume 96081, Page 1950 (DRDCT), Michael Uric as recorded in Volume 95236, Page 3633 (DRDCT), Brian Gavan Fakir as recorded in Instrument # 200600287929 (DRDCT) and a tract of land conveyed to J.S.A. Sportatorium, Inc. as recorded in Volume 93242, Page 4319 (DRDCT) and being more particularly described as follows:

BEGINNING at a Pk Nail found at the most northwesterly corner of said 318 Cadiz, L.P. as recorded in Instrument # 20080010056 (DRDCT), said point being found in the southeasterly Right-of-Way line of said CADIZ STREET;

THENCE North 24 deg 19 min 23 sec West crossing said CADIZ STREET a distance of 77.68 feet to the most southwesterly corner of a tract of land conveyed to Shero Industrial Properties LP, as recorded in Instrument # 200503567321 (DRDCT) said point being in the northwesterly Right-of-Way line of said CADIZ STREET;

THENCE along the northwesterly Right-of-Way line of said CADIZ STREET as follows;

North 39 deg 51 min 13 sec East a distance of 106.38 feet to a point for corner;

North 30 deg 21 min 13 sec East passing through a 1/2 inch iron rod found for the most southeasterly corner of said Shero Industrial Properties LP, tract at a distance of 42.48 feet continuing in all a distance of 67.41 feet to a point for corner;

North 40 deg 14 min 15 sec East a distance of 143.50 feet to the beginning of a curve to the left having a radius of 50.00 feet and having a chord bearing of North 26 deg 51 min 57 sec East and a chord length of 23.02 feet;

Continuing along said curve to the left through a central angle of 26 deg 37 min 11 sec and an arc length of 23.23 feet to a 1/2 inch iron rod found for the point of tangency;

North 13 deg 33 min 22 sec East a distance of 118.53 feet to a 3/4 inch iron pipe found for corner;

North 73 deg 23 min 34 sec West a distance of 1.78 feet to the most northeasterly corner of a tract of land conveyed to the City of Dallas as recorded in Volume 83100, Page 2836 (DRDCT);

North 58 deg 44 min 22 sec East a distance of 170.58 feet to a point for corner;

North 39 deg 55 min 02 sec East a distance of 287.55 feet to a point for corner in the westerly Right-of-Way line of CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD, said point being the beginning of a non-tangent curve to the right, having a radius of 2754.93 feet and a chord bearing South 35 deg 13 min 36 sec East for a distance of 237.53 feet;

THENCE along the westerly Right-of-Way line of CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD as follows:

Continuing along said non-tangent curve to the right through a central angle of 04 deg 56 min 30 sec passing through a 5/8 inch iron rod found in the southeasterly right of way at an arc distance of 136.97 feet continuing in all through an arc length of 237.61 feet to a point for corner;

South 23 deg 00 min 30 sec East a distance of 328.03 feet to a 5/8" iron rod found for corner;

South 58 deg 44 min 56 sec West a distance of 56.47 feet to a point for corner from which a 60d nail found bears South 62 deg 58 min 40 sec West a distance of 1.13 feet;

South 31 deg 30 min 04 sec East a distance of 964.90 feet to a point for the beginning of a non-tangent curve to the left having a radius of 2130.08 feet, and a chord bearing South 44 deg 39 min 52 sec East a distance of 970.16 feet;

Continuing along said non-tangent curve to the left through a central angle of 26 deg 19 min 36 sec for an arc length of 978.74 feet to a 1/2 inch iron found for corner;



**Winkelmann
& Associates, Inc.**

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 (872) 460-7080 FAX (872) 490-7089

Scale : 1"=600'	Date : 5/14/08
Design : WAI	
Drawn : LUL	
Dwg. File : 00899CADIZMSD.DWG	
Project No. : 00899.00'	

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EXHIBIT "A"
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South 57 deg 47 min 37 sec East a distance of 1174.95 feet to a point for corner from which a 1/2 inch iron rod found bears South 25 deg 13 min 47 sec West a distance of 3.27 feet, said point being in the northerly line of a tract of land conveyed in a deed to Eugene Teasley, Jr., as recorded in Volume 95167, Page 02045 (DRDCT), said point also being the most southeasterly corner of said 318 Cadiz, L.P. tract;

THENCE along the southerly line of said 318 Cadiz, L.P. tract, as follows:

North 76 deg 11 min 06 sec West a distance of 191.73 feet to a 1/2 inch iron rod found for corner;

South 84 deg 37 min 19 sec West a distance of 35.93 feet to a point for corner;

South 78 deg 11 min 49 sec West a distance of 49.00 feet to a point for corner;

South 69 deg 12 min 49 sec West a distance of 57.00 feet to 1/2 inch iron rod found for corner;

South 63 deg 08 min 04 sec West a distance of 131.00 feet to a point for corner;

South 68 deg 05 min 19 sec West a distance of 108.10 feet to a 5/8 inch iron rod, said point also being the most westerly corner of said Eugene Teasley tract;

South 82 deg 50 min 27 sec West a distance of 289.52 feet to a point for corner;

South 82 deg 43 min 56 sec West a distance of 198.10 feet to a point for corner;

South 46 deg 52 min 17 sec West a distance of 51.30 feet to a point for corner from which a 1" iron rod found bears North 49 deg 29 min 48 sec West a distance of 1.67 feet, said point being in the northeasterly Right-of-Way line of Industrial Boulevard;

THENCE along the northeasterly right of way of said South Industrial Boulevard South 56 deg 04 min 12 sec East a distance of 312.68 feet to a point for corner;

THENCE across said South Industrial Boulevard South 34 deg 31 min 01 sec West passing through a 5/8 inch iron rod found for the most easterly corner of said 1817 South Industrial, L.P. tract at a distance of 130.00 feet continuing in all a distance of 296.74 feet to the most southerly corner of said 1817 South Industrial, L.P. tract;

THENCE along the westerly edge of said 1817 South Industrial, L.P. tract North 55 deg 28 min 59 sec West a distance of 207.13 feet to a 5/8" iron rod found for the most westerly corner of said 1817 South Industrial L.P. tract;

THENCE North 79 deg 19 min 25 sec West a distance of 424.05 feet to a metal post found for corner, said point being the southerly corner of a tract of land conveyed in a deed to 318 Cadiz, L.P.;

THENCE along the westerly line of said 318 Cadiz L.P. tract as follows:

North 55 deg 39 min 02 sec West a distance of 696.94 feet to a point for corner;

North 21 deg 48 min 24 sec West a distance of 65.03 feet to a metal post found for corner;

North 17 deg 31 min 58 sec East a distance of 309.19 feet to a point corner in the southwesterly Right-of-Way line of said South Industrial Boulevard;

THENCE along the southwesterly Right-of-Way line of said South Industrial Boulevard as follows:

North 55 deg 59 min 15 sec West a distance of 226.35 feet to a point for corner, said point being the most easterly corner of a tract of land conveyed in a deed to M.E. Schepps, as recorded in Volume 80130, Page 2694 (DRDCT);



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Scale : 1"=500'	Date : 5/14/08
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Drawn : L.J.L.	
Dwg. File : 00899CADIZMSD.DWG	
Project No. : 00899.00	

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North 55 deg 42 min 21 sec West passing through a point for the most northerly corner of said M.E. Schepps tract at a distance of 75.67 feet, passing through a point for the most northerly corner of a tract of land conveyed in a deed to 1219 South Industrial, LLC, as recorded in Instrument Number 20080075810 (DRDCT) as a distance of 165.67 feet, passing through a point for the most northerly corner of a tract of land conveyed in a deed to Lillian Auslin Coleman as recorded in Volume 9506E, Page 2426 (DRDCT) at a distance of 210.67 feet, passing through a 1/2 inch iron rod found for the most northerly corner of a tract of land conveyed in a deed to Mike Yegoneh, as recorded in Volume 2002142, Page 494 (DRDCT) at a distance of 300.67 feet, passing through a 5/8 inch iron rod found for the most northerly corner of a tract of land conveyed in a deed to Hubert Preston as recorded in Volume 93182, Page 1984 (DRDCT) at a distance of 390.67 feet, passing through a point for the most northerly corner of a tract of land conveyed to Silverio Martinez, as recorded in Volume 98128, Page 3782 at a distance of 435.67 feet, passing through a point for the most northerly corner of a tract of land described in a deed to Conroe Lenders, L.P., as recorded in Instrument Number 20070296173 (DRDCT) at a distance of 525.67 feet, continuing in all a distance of 570.67 feet to a point for corner in the northeasterly line of a tract of land conveyed in a deed to Michael Uhrick, as recorded in Volume 2001173, Page 1748 (DRDCT), said point being the beginning of a curve to the right having a radius of 884.02 feet, and a chord bearing North 45 deg 16 min 42 sec West for a distance of 320.00 feet;

Continuing along said curve to the right through a central angle of 20 deg 51 min 18 sec passing a point for the most northerly corner of said Michael Uhrick tract at an arc length of 45.00 feet, passing at a point for the most northerly corner of a tract of land conveyed in a deed to Hurt and Hardie Inc., as recorded in Volume 79065, Page 655, at an arc length of 112.50 feet, continuing in all a total arc length of 321.77 feet to an axle found for corner, said point also being the most northerly corner of Lot 1A, Block 71/7340 of Industrial Improvement Project Addition No. 2, Units One and Two, an addition to the City of Dallas as recorded in Volume 98028, Page 5904 (PRDCT);

North 32 deg 34 min 05 sec West a distance of 87.43 feet to a point for corner, said point being the beginning of a curve to the right having a radius of 884.02 feet, and a chord bearing North 27 deg 34 min 41 sec West a distance of 52.40 feet;

Continuing along said curve to the right through a central angle of 03 deg 23 min 49 sec for an arc length of 52.41 feet to a point for corner;

North 25 deg 52 min 47 sec West passing an X-Cut found for the most northerly corner of Lot 7A, Block 70/7339 of Beador Industrial Boulevard Avenue, as recorded in Volume 97102, Page 895 at a distance of 13.10 feet, passing a point found for the most northerly corner of Lot 6A, Block 70/7339 of Beador Industrial Boulevard Avenue, as recorded in Volume 97102, Page 895 at a distance of 38.10 feet, continuing in all a distance of 238.10 feet to a point for corner, said point being in the northeast line of Lot 1A, Block 70/7339 of Chang Chong Addition, as recorded in Volume 2005063, Page 2930, said point being the beginning of a curve to the left having a radius of 456.67 feet and a chord bearing North 31 deg 56 min 42 sec West for a distance of 96.25 feet;

Continuing along said curve to the left through a central angle of 12 deg 05 min 56 sec for an arc length of 96.43 feet, said point being the most northerly corner of Lot 1A, Block 70/7339 of said Chang Chong Addition;

THENCE North 35 deg 27 min 05 sec East across said South Industrial Boulevard a distance of 135.69 feet to a Brass Monument found for corner, said point being the most westerly corner of said J.S.A. Sportatorium tract;

THENCE North 35 deg 38 min 34 sec East a distance of 148.83 feet to a point for corner, said point being the most northerly corner of said J.S.A. Sportatorium tract;

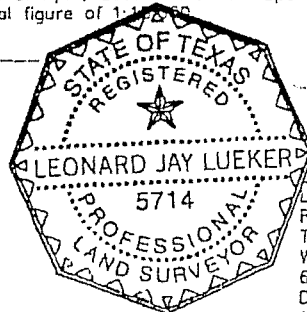
THENCE North 19 deg 55 min 36 sec East a distance of 252.23 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 83.802 Acres, or 3,650,430 Square Feet of land, more or less.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on the 11th day of April, 2007 under the supervision of the undersigned and that the field notes description forms a mathematical figure of 1:12800

Date: 7/31/09



Leonard J. Lueker
 Leonard J. Lueker
 Registered Professional Land Surveyor
 Texas Registration No. 5714
 Winkelmann & Associates, Inc.
 6750 Hillcrest Plaza Drive, Suite 100
 Dallas, Texas 75230
 (972) 490-7090



**Winkelmann
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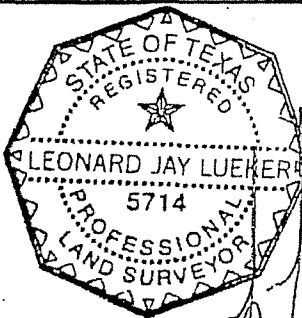
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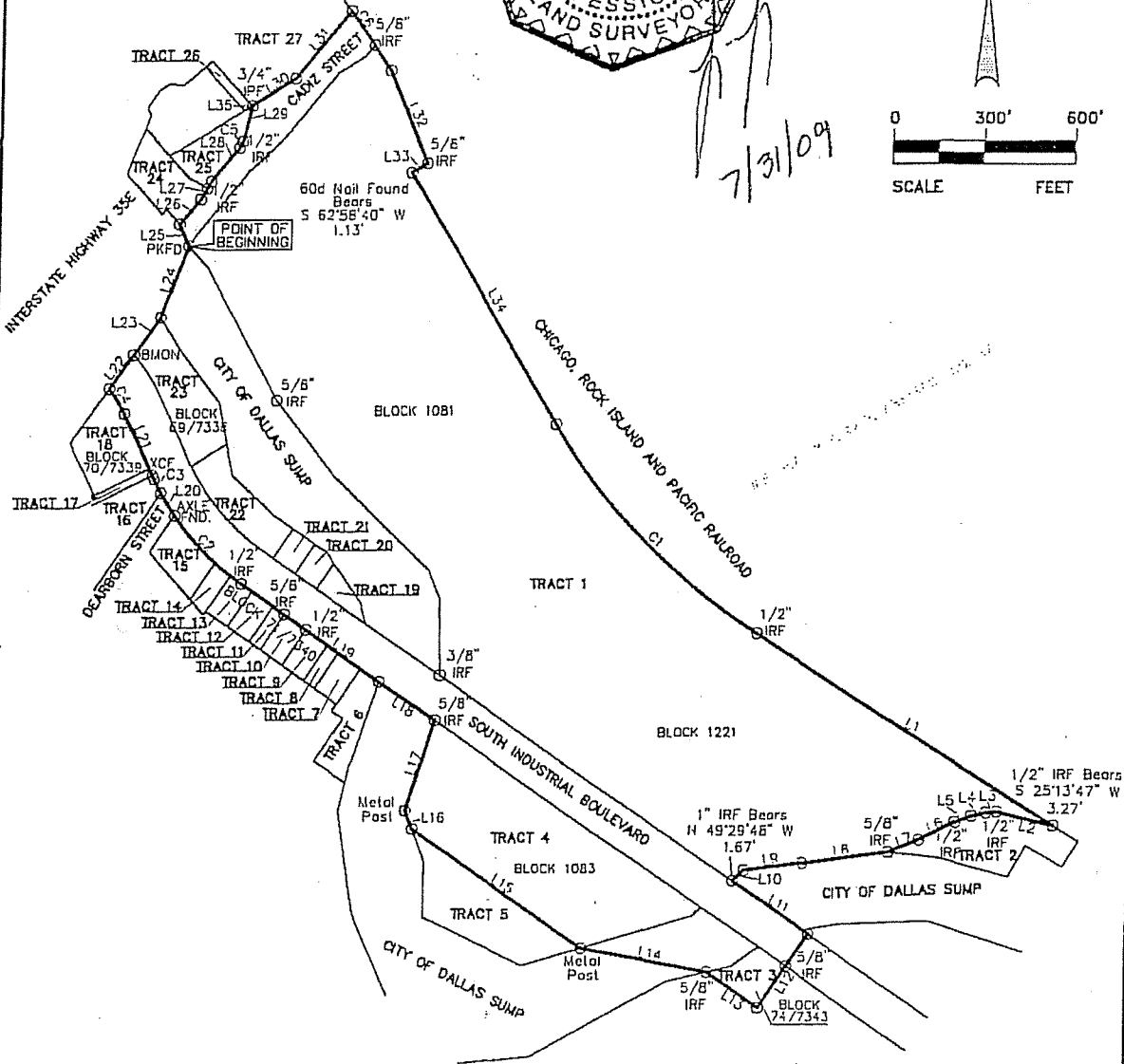
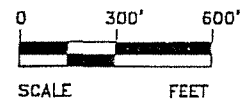
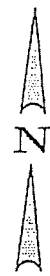
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EXHIBIT "B"

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.

318 Cadiz, L.P., a Delaware limited partnership

By: 318 Cadiz GP, LLC, a Delaware limited liability company, its General Partner

By: HOJ Equities, LLC, a Texas limited liability company, its Managing Member

By: Bank of the Ozarks, an Arkansas state chartered banking institution, its Manager

By:

Paul Moore

Date:

9/27/10

Name:

Paul Moore

Title:

CFO

Before me Lisa Abshire the undersigned authority, on this day personally appeared Paul Moore, CFO of Bank of the Ozarks, Manager of HOJ Equities, LLC, Managing Member of 318 Cadiz GP LLC, general partner of 318 Cadiz, L.P. and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Pulaski, State of Arkansas, on the 27th day of Sept., this month of 2010, 2010.

[Seal]



Lisa M. Abshire
Notary Public, State of Arkansas

Lisa M. Abshire
Printed Name of Notary Public