

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

June 2, 2011

Mr. Mark Flynt, Asset Manager
Behringer Harvard Plaza Skillman, L.P.
15601 Dallas Parkway, Suite 600
Addison, Texas 75001

RE: Municipal Setting Designation (MSD) Certificate for Plaza Bank Center,
9090 Skillman Street, Dallas, Dallas County, Texas; MSD No. 144

Dear Mr. Flynt:

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) 239-2960 or via e-mail (richard.goldsmith@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/jdm

Enclosure: Municipal Settings Designation Certificate No. 144

cc: Ms. Antonieta Arteaga, VCP 2140 Project Manager, Remediation Division,
MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



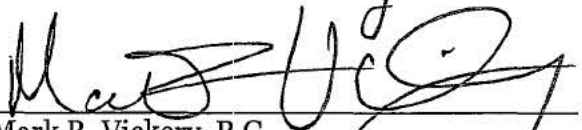
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 144, 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.

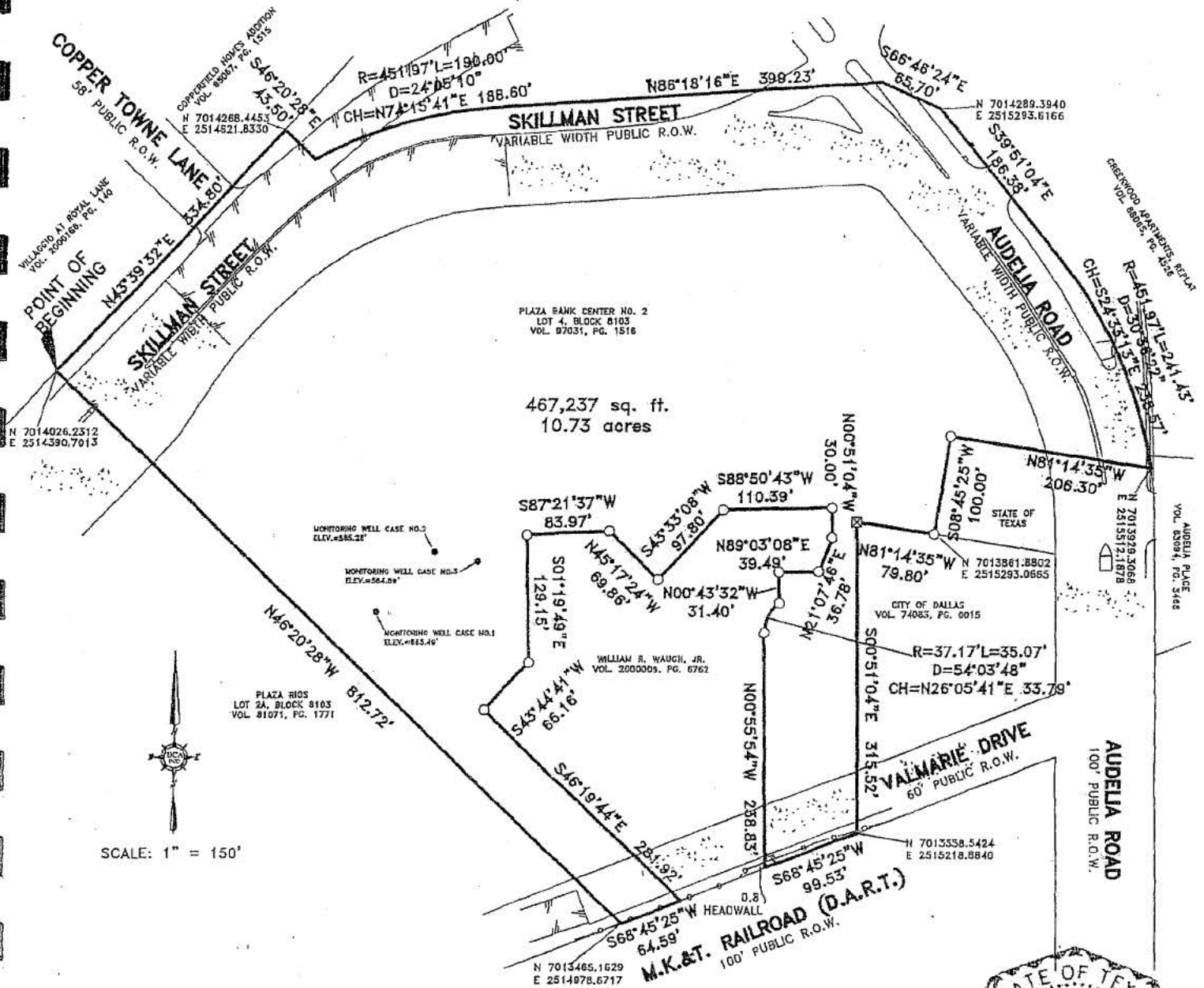
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on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

EXECUTED this the 27th day of May, 2011



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

EXHIBIT "A"
M.S.D. SURVEY



467,237 sq. ft.
10.73 acres



SCALE: 1" = 150'

GENERAL NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE.

Bryan Connally
 BRYAN CONNALLY
 R.P.L.S. NO. 5513



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 11545 Pagemill Road · Suite 200 · Dallas, Texas 75243
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SHEET 1 OF 3
 JOB NO. 0705895-1
 DRAWN BY: R.G.
 DATE: 10-08-08

MSD 144

EXHIBIT "A" M.S.D. SURVEY

Being all of Lot 4, Block 8103, of Plaza Bank Center No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 97031, Page 1516, of the Deed Records of Dallas County, Texas and being part of Skillman Street (variable width public right-of-way), Audella Road (variable width right-of-way) and part of Valmarie Drive (60 foot public right-of-way), and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the Northwest line of said Skillman Street and lying in the Southeast line of Villaggio of Royal Lane, an addition to the City of Dallas, Dallas County, Texas, according to the Plat recorded in Volume 2000166, Page 140, of the Map Records of Dallas County, Texas;

THENCE North 43 degrees 39 minutes 32 seconds East, a distance of 334.80 feet to a point for corner;

THENCE South 46 degrees 20 minutes 28 seconds East, a distance of 43.50 feet to a point for corner, said corner being in a non-tangent curve to the Right, having a radius of 451.97 feet, a delta of 24 degrees 05 minutes 10 seconds and a chord bearing and distance that bears North 74 degrees 15 minutes 41 seconds East, 188.60 feet;

THENCE along said curve to the Right, an arc length of 190.00 feet to a point for corner;

THENCE North 86 degrees 18 minutes 16 seconds East, a distance of 399.23 feet to a point for corner;

THENCE South 66 degrees 46 minutes 24 seconds East, a distance of 65.70 feet to a point for corner;

THENCE South 39 degrees 51 minutes 04 seconds East, a distance of 186.38 feet to a point for corner, said corner being in a non-tangent curve to the Right, having a radius of 451.97 feet, a delta of 30 degrees 36 minutes 22 seconds and a chord bearing and distance that bears South 24 degrees 33 minutes 13 seconds East, 238.57 feet;

THENCE along said curve to the Right, an arc length of 241.43 feet to a point for corner;

THENCE North 81 degrees 14 minutes 35 seconds West, a distance of 206.30 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to the State of Texas;

THENCE South 08 degrees 45 minutes 25 seconds West, a distance of 100.00 feet to a 1/2 inch iron rod found for corner, said corner lying in the North line of a tract of land conveyed to the City of Dallas by Deed recorded in Volume 74083, Page 0015, Deed Records Dallas County, Texas;

THENCE North 81 degrees 14 minutes 35 seconds West, along the North line of said City of Dallas tract, a distance of 79.80 feet to an "X" found in concrete for corner, said corner being the Northwest corner of said City of Dallas tract;

THENCE South 00 degrees 51 minutes 04 seconds East, a distance of 315.52 feet to a point for corner, said corner lying in the Southeast line of said Valmarie Drive, and lying in the Northwest line of M.K.&T. Railroad (D.A.R.T.) (100 foot public right-of-way)

THENCE South 68 degrees 45 minutes 25 seconds West, a distance of 99.53 feet to a point for corner;

THENCE North 00 degrees 55 minutes 54 seconds West, a distance of 238.83 feet to a 1/2 inch iron rod found for corner, said corner lying in the East line of a tract of land conveyed to William R. Waugh, Jr. by Deed recorded in Volume 2000009, Page 6762, Deed Records, Dallas County, Texas, and said corner lying in a tangent curve to the Right, having a radius of 37.17 feet, a delta of 54 degrees 03 minutes 48 seconds, a chord bearing and distance that bears North 26 degrees 05 minutes 41 seconds East, 33.79 feet;

THENCE along said curve to the Right, an arc length of 35.07 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 43 minutes 32 seconds West, continuing along the East line of said Waugh tract, a distance of 31.40 feet to a 1/2 inch iron rod found for corner;

THENCE North 89 degrees 03 minutes 08 seconds East, continuing along the East line of said Waugh tract, a distance of 39.49 feet to a 1/2 inch iron rod found for corner;

THENCE North 21 degrees 07 minutes 46 seconds East, continuing along the East line of said Waugh tract, a distance of 36.78 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 51 minutes 04 seconds West, continuing along the East line of said Waugh tract, a distance of 30.00 feet to a 1/2 inch iron rod found for corner, said corner being the Northeast corner of said Waugh tract;

THENCE South 88 degrees 50 minutes 43 seconds West, along the North line of said Waugh tract, a distance of 110.39 feet to a 1/2 inch iron rod found for corner;

THENCE South 43 degrees 33 minutes 08 seconds West, continuing along the North line of said Waugh tract, a distance of 97.80 feet to a 1/2 inch iron rod found for corner;

THENCE North 45 degrees 17 minutes 24 seconds West, continuing along the North line of said Waugh tract, a distance of 69.86 feet to a 1/2 inch iron rod found for corner;

THENCE South 87 degrees 21 minutes 37 seconds West, continuing along the North line of said Waugh tract, a distance of 83.97 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of said Waugh tract;

THENCE South 01 degrees 19 minutes 49 seconds East, along the West line of said Waugh tract, a distance of 129.15 feet to a 1/2 inch iron rod found for corner;

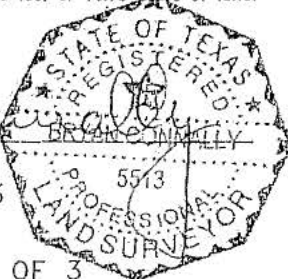
THENCE South 43 degrees 44 minutes 41 seconds West, continuing along the West line of said Waugh tract, a distance of 66.16 feet to a 1/2 inch iron rod found for corner;

THENCE South 46 degrees 19 minutes 44 seconds East, a distance of 281.92 feet to a point for corner, said corner lying in the Southeast line of said Valmarie Drive, and lying in the Northwest line of said M.K.&T. Railroad (D.A.R.T.);

THENCE South 68 degrees 45 minutes 25 seconds West, a distance of 64.59 feet to a point for corner;

THENCE North 46 degrees 20 minutes 28 seconds West, a distance 812.72 feet to the POINT OF BEGINNING and containing 467,237 square feet or 10.73 acres of land.

Bryan Connally
BRYAN CONNALLY
R.P.L.S. NO. 5513



DC&A

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SHEET 2 OF 3
JOB NO. 0705895-1
DRAWN BY: R.G.
DATE: 10-08-08

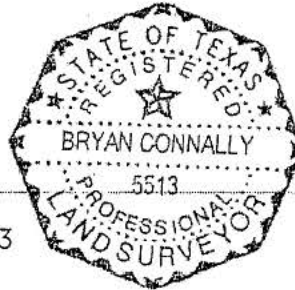
EXHIBIT "A"
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated.

Executed this 8th day of October, 2008

Bryan Connally

Bryan Connally
Registered Professional Land Surveyor No. 5513



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SHEET 3 OF 3
JOB NO. 0705895-1
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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.

By: Behringer Harvard Plaza Skillman, L.P.
a Texas limited partnership

By: Behringer Harvard Plaza Skillman GP, LLC,
a Texas limited liability company,
its general partner

Mark A. Flynt
Mark Flynt, Vice President

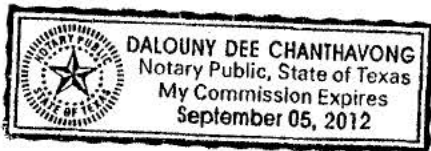
Date: 3/21/11

Before me Mark A. Flynt the undersigned authority, on this day personally appeared Mark Flynt, Vice President of Behringer Harvard Plaza Skillman GP, LLC and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 21st day of 2011, this month of March, 2011.

[Seal]

Dalouny Dee Chanthavong
Notary Public, State of TEXAS



Dalouny Dee Chanthavong
Printed Name of Notary Public