

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

April 12, 2011

Ms. Debra K. Pattertson
LUI2 Dallas Oak Lawn VI, L.P.
100 Waugh Drive, Suite 600
Houston, TX 77007

RE: Municipal Setting Designation (MSD) Certificate for LUI2 Dallas Oak Lawn VI,
L.P., 1700 N. Stemmons Fwy., Dallas, Dallas County, Texas; MSD No. 147

Dear Ms. Patterson:

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) 239-3119 or via e-mail Rick.Ciampi@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Rick Ciampi".

Rick Ciampi, Project Manager
VCP-CA Section
Remediation Division

RCC/jdm

Enclosure

cc: Mr. Rodney Bryant, VCP Number 2218 Project Manager, Remediation Division,
MC-121

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



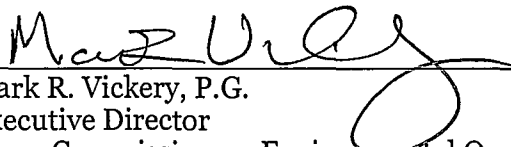
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 147, 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 23rd day of February, 2011



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

Exhibit A

FIELD NOTE DESCRIPTION

ALL that certain tract or parcel of land being 0.6777 acre of land out of City of Dallas Block 2/1001, Dallas, Dallas County, Texas as made for Design District Limited Partnership by virtue of an Award to purchase a portion of the abandoned Trinity River Channel from the State of Texas, and being that same tract of land described in Land Award File No. 155599 from State of Texas to LUI2 Dallas Oak Lawn, LP as recorded in 200900105415, Deed Records, Dallas County, Texas, and that same tract described in Land Award File No. 155684 to LUI2 Dallas Oak Lawn VI, LP as recorded in 200900105413, Deed Records, Dallas County, Texas; said parcel is situated in Dallas County, about 1 1/2 miles N 28°W from Dallas, the county seat, and is more particularly described by metes and bounds as follows:

Beginning at Y = 6,977151.87 feet (US) and X = 2485052.53 feet (US) (Texas Coordinate System NAD83 - North Central Texas Zone) an "X" cut in concrete found at the most northerly northwest corner of the Industrial Properties Corporation Survey, Abstract No. 1773, Dallas County, Texas and being in the most northerly east boundary line of a tract described to Design District Limited Partnership according to Affidavit No. 200600008566, Deed Records, Dallas County, Texas;

THENCE North 17 degrees 07 minutes 50 seconds East (Grid Bearing - North 16 degrees 14 minutes 58 seconds East) with said east boundary line, 187.50 feet to a 1/2 inch steel rod with 2 inch aluminum DWM cap found at the northeast corner of said Design District Limited tract and being in the southwesterly right-of-way line of Stemmons Freeway (Interstate Highway 35E);

THENCE South 55 degrees 32 minutes 06 seconds East with said southwesterly right-of-way line, 254.48 feet to a 5/8 inch steel rod found for the northwest corner of a tract described to Design District Limited Partnership according to Volume 2004224, Page 13273, Deed Records, Dallas County, Texas;

THENCE South 21 degrees 45 minutes 43 seconds West with the west line of said Design District Limited tract, 54.38 feet to a 5/8 inch steel rod found at the most northerly northeast corner of said Industrial Properties Corporation Survey and being the beginning of a curve to the right whose radius point bears North 00 degrees 43 minutes 52 seconds West at 1064.69 feet;

THENCE westerly with the north boundary line of said Survey and said curve to the right, through a central angle of 05 degrees 34 minutes 06 seconds, a total arc distance of 103.47 feet, and a chord bearing of North 87 degrees 56 minutes 49 seconds West at 103.43 feet to a 5/8 inch steel rod found in the north boundary line of a tract described to TCF Interest Partnership, LTD according to Volume 93075, Page 2328, Deed Records, Dallas County, Texas;

THENCE North 85 degrees 12 minutes 10 seconds West continuing with said north boundary lines, 120.11 feet to an "X" cut in concrete found at the beginning of a curve to the left whose radius point bears South 04 degrees 49 minutes 07 seconds West at 934.69 feet;

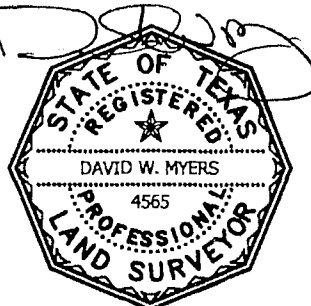
THENCE westerly with the said boundary lines and said curve to the left, through a central angle of 01 degree 20 minutes 27 seconds, a total arc distance of 21.87 feet and a chord bearing of North 85 degrees 51 minutes 06 seconds West at 21.87 feet to the PLACE OF BEGINNING and containing 0.6777 acres of land, more or less, as surveyed by Moak Surveyors, Inc. in the month of January, 2009.

EXHIBIT SHOWING A PORTION OF THE
ABANDONED TRINITY RIVER CHANNEL
SITUATED IN THE CITY OF
DALLAS, DALLAS COUNTY, TEXAS

Scale 1" = 60'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- + CROSS CUT IN CONCRETE
- ⊕ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE
- ||— UTILITY LINE
- x— CENTERLINE FENCE



*surveyed on the ground on 1-26-09

Revised 1-4-2011 correct LUI2 typo
Revised 4-20-2010 add chord bearing
Page 1 of 2

Moak Surveyors, Inc.

LICENSED STATE AND REGISTERED
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1105 Cheek Sparger Road, Colleyville, Texas 76034
Metro 817-268-2211 • Fax 817-282-0401

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Copies of this plat not containing an impression seal and original red ink signature should be assumed to contain unauthorized alterations therefore voiding the stated certification.

COORDINATE FILE: 07-064

Date 2-26-10*

Job # 10-022



OAK LAWN AVE

STEMMONS FREEWAY

ABANDONED TRINITY RIVER CHANNEL (SURVEYED SCHOOL LAND)

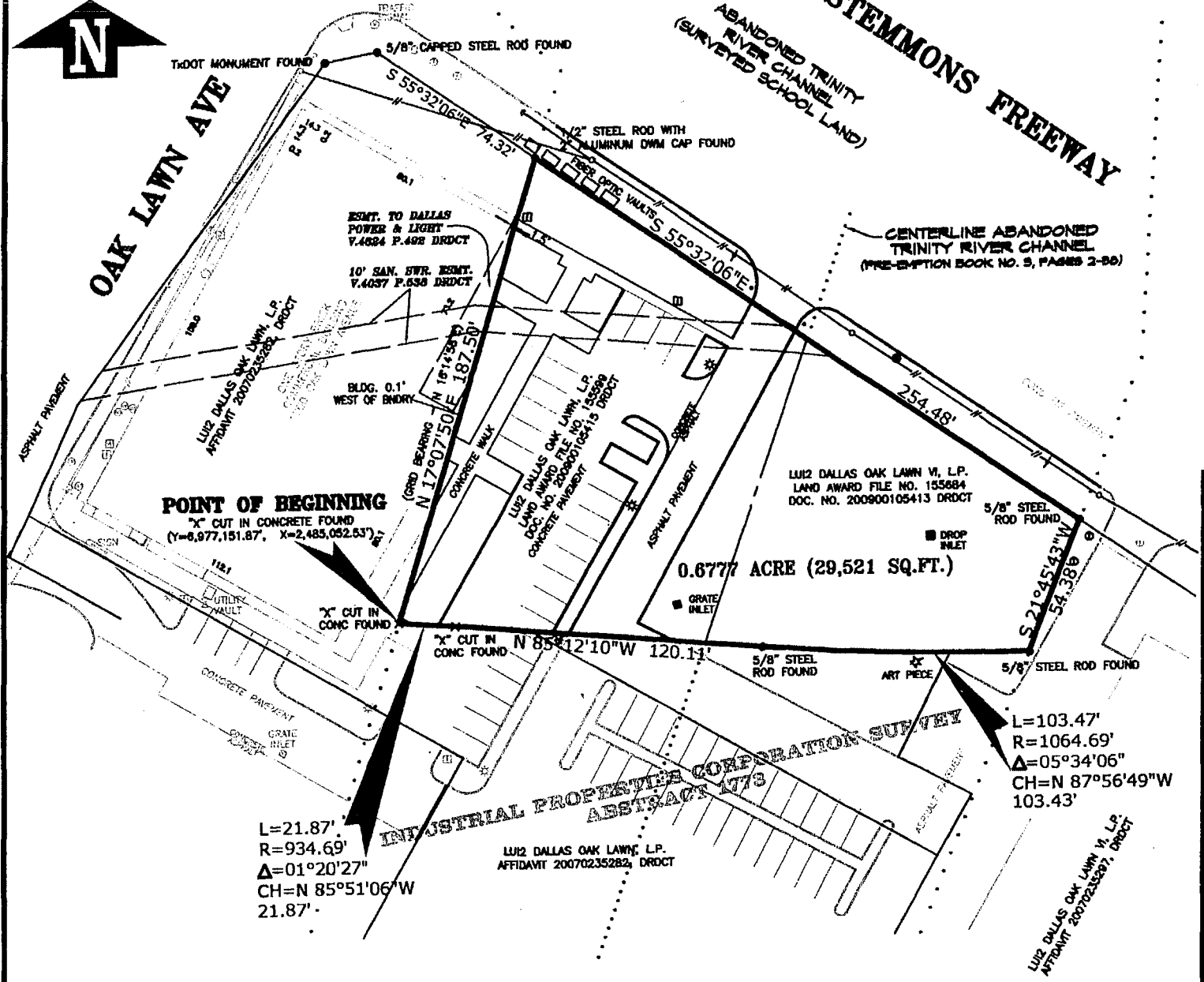


EXHIBIT SHOWING A PORTION OF THE
ABANDONED TRINITY RIVER CHANNEL
SITUATED IN THE CITY OF
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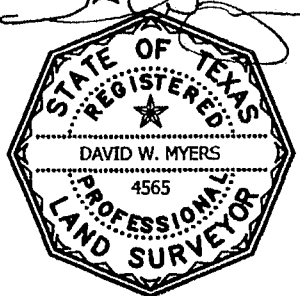
Scale 1" = 60'

LEGEND

- FOUND STEEL ROD
- SET CAPPED STEEL ROD
- + CROSS CUT IN CONCRETE
- ⊕ FOUND STEEL PIPE
- FOUND BOIS D'ARC STAKE
- UTILITY LINE
- x- CENTERLINE FENCE

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COORDINATE FILE: 07-064

Revised 4-9-2010 correct calls
*surveyed on the ground on 1-26-09
Page 2 of 2

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Date 2-26-10* Job # 10-022

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 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 No. 2218		
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? 11 / 08 / 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 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 checked="" type="radio"/> Yes	<input 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.

Debra K. Patt

Applicant Signature

09.09.2010
Date

Before me Danielle R. Beene the undersigned authority, on this day personally appeared

Name of Notary

Debra K. Patterson and signed this Municipal Setting Designation Application.

Name of Applicant

Sworn, subscribed and signed before me in the County of Harris, State of TX, on the 9th day of Sept., this month of 2010.

TCEQ-20149 June 2007

