

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 12, 2012

Mr. Louis Lebowitz, President
2544 E Abram LLC
4311 West Lovers Lane, Suite 200
Dallas, Texas 75209

RE: Municipal Setting Designation (MSD) Certificate for My Lucky Lady 2544
East Abram, Arlington, Texas; MSD No. 181

Dear Mr. Lebowitz:

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,

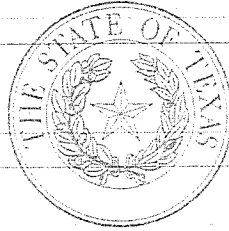
A handwritten signature in cursive script that reads "Scott Seltemeyer".

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

RSG/mdh

Enclosure: MSD Certificate No. 181

cc: Mr. Jeffrey Beckage, VCP 2440 Project Manager, Remediation Division,
MC-221



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 (MSD) for MSD No. 181, in the City of Arlington, 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 10th day of February 2012

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

MSD BOUNDARY

Lot 6, Block 17,
Hollandale Addition No. 5,
A.C. Wingate Survey, Abstract No. 1694 and
M. Harris Survey, Abstract No. 704
City of Arlington, Tarrant County, Texas

DESCRIPTION, of a 36,382 square foot (0.835 acre) tract of land situated in the A.C. Wingate Survey, Abstract No. 1694 and the M. Harris Survey, Abstract No. 704, Tarrant County, Texas; said tract being all of Lot 6, Block 17, Hollandale Addition No. 5, an addition to the City of Arlington, Texas according to the plat recorded in Cabinet 388-150, Page 41 of the Plat Records of Tarrant County, Texas; said tract also being all of that certain tract of land described in Special Warranty Deed to David L. Puterbaugh and Anne H. Griffith recorded in Volume 11443, Page 181 of the Deed records of Tarrant County, Texas; said 36,382 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of South 00 degrees, 18 minutes, 34 seconds West for a west right-of-way line of State Highway 360 according to said Hollandale Addition No. 5):

BEGINNING, at a 1/2-inch iron rod with "PIBURN" cap found for corner at the intersection of the south right-of-way line of East Abram Street (a variable width right-of-way) and the west right-of-way line of State Highway 360 (a variable width right-of-way); said point being the northeast corner of said Lot 6;

THENCE, South 00 degrees, 18 minutes, 34 seconds West, departing the said south line of East Abram Street and along the said west line of State Highway 360, a distance of 93.53 feet to a P.K. nail found for corner; said point being the easternmost northeast corner of that certain tract of land described in Special Warranty Deed to Abram/SH 360, Ltd. recorded in Instrument No. D205048297 of said Deed Records;

THENCE, North 89 degrees, 48 minutes, 15 seconds West, departing the said west line of State Highway 360 and along a north line of said Abram tract, a distance of 274.98 feet to a point for corner (not set); said point being a reentrant corner of said Abram tract;

THENCE, North 00 degrees, 11 minutes, 45 seconds East, along an east line of said Abram tract, a distance of 141.84 feet to a 5/8-inch iron rod found for corner in the said south line of East Abram Street; said point being the northernmost northeast corner of said Abram tract;

THENCE, along the said south line of State Highway 360, the following three (3) calls:

North 89 degrees, 56 minutes, 55 seconds East, a distance of 52.84 feet to a 5/8-inch iron rod found at the beginning of a non-tangent curve to the right;

MSD BOUNDARY

Lot 6, Block 17,
Hollandale Addition No. 5,
A.C. Wingate Survey, Abstract No. 1694 and
M. Harris Survey, Abstract No. 704
City of Arlington, Tarrant County, Texas
(Continued)

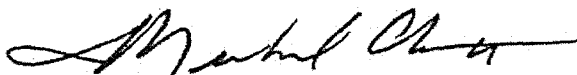
In an easterly direction, along said curve to the right, having a central angle of 14 degrees, 37 minutes, 04 seconds, a radius of 706.20 feet, a chord bearing and distance of South 82 degrees, 46 minutes, 20 seconds East, 179.68 feet, an arc distance of 180.17 feet to a point (not set) at the end of said curve; said point being the beginning of a non-tangent curve to the right;

In a southeasterly direction, along said curve to the right, having a central angle of 33 degrees, 10 minutes, 01 seconds, a radius of 90.00 feet, a chord bearing and distance of South 58 degrees, 42 minutes, 55 seconds East, 51.37 feet, an arc distance of 52.10 feet to the POINT OF BEGINNING;

CONTAINING, 36,382 square feet or 0.835 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

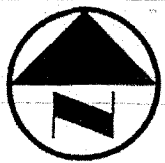
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

 02/18/2010

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



Lot 6.doc
3028-10.029



EAST ABRAM STREET

(A VARIABLE WIDTH RIGHT-OF-WAY)

$\Delta=14^{\circ}37'04''$
 $R=706.20'$
 $L=180.17'$
 $T=90.58'$
 $CB=S\ 82^{\circ}46'20''\ E$
 $CD=179.68'$

(PLAT: $33^{\circ}10'22''$)
 $\Delta=33^{\circ}10'01''$
 $R=90.00'$
 $L=52.10'$ (PLAT: $52.11'$)
 $T=26.80'$
 $CB=S\ 58^{\circ}42'55''\ E$
 $CD=51.37'$

5/8-INCH IRON ROD FOUND
N $89^{\circ}56'55''\ E$ 52.84'
5/8-INCH IRON ROD FOUND

N $87^{\circ}21'23''\ E$ 432.51'
M. HARRIS SURVEY, ABSTRACT NO. 704
A.C. WINGATE SURVEY, ABSTRACT NO. 1694

"+" CUT IN CONCRETE FOUND (C.M.)

ABRAM/SH 360, LTD.
(INST. NO. D205048297)
(D.R.T.C.T.)

N $00^{\circ}11'45''\ E$

10' UTILITY EASEMENT (VOL. 4193, PG. 168) (D.R.T.C.T.)

LOT 6, BLOCK 17
HOLLANDALE ADDITION NO. 5
(CAB. 388-150, PAGE 41)
(P.R.T.C.T.)

36,382 SF
(0.835 ACRES)

DAVID L. PUTERBAUGH &
ANNE H. GRIFFITH
(VOL. 11443, PG. 181)
(D.R.T.C.T.)

10' BUILDING LINE &
10' UTILITY EASEMENT
(CAB. 388-150, PG. 41)
(P.R.T.C.T.)

N $89^{\circ}48'15''\ W$ 274.98'

ABRAM/SH 360, LTD.
(INST. NO. D205048297)
(D.R.T.C.T.)

POINT OF BEGINNING

1/2-INCH IRON ROD W/"PIBURN" CAP FOUND (C.M.)

(BEARING BASIS)
S $00^{\circ}18'34''\ W$ 93.53'

STATE HIGHWAY 360

(A VARIABLE WIDTH RIGHT-OF-WAY)

54.12' PK NAIL FOUND

274.98'

0 30 60 120



GRAPHIC SCALE IN FEET

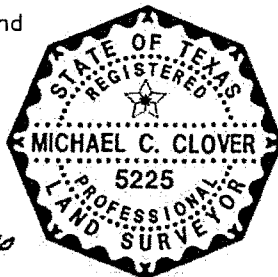
LEGEND

- PROPERTY LINE
- EASEMENT LINE
- POINT FOR CORNER (UNLESS OTHERWISE NOTED)
- (C.M.) - CONTROLLING MONUMENT

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Date 02/10/2010



NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of South 00 degrees, 18 minutes, 34 seconds West for a west right-of-way line of State Highway 360 according to the plat of Hollandale Addition No. 5, an addition to the City of Arlington, Texas recorded in Cabinet 388-150, Page 41 of the Plat Records of Tarrant County, Texas.

MSD BOUNDARY

LOT 6, BLOCK 17,
HOLLANDALE ADDITION NO. 5
LOCATED IN THE
A.C. WINGATE SURVEY, ABSTRACT NO. 1694 AND
M. HARRIS SURVEY, ABSTRACT NO. 704
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch

DALLAS • FORT WORTH • HOUSTON

8350 N. CENTRAL EXPWY, SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469

TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY
MWW

CHECKED BY
MCC

SCALE
1"=60'

DATE
02/10/10

JOB NUMBER
3028-10.029

MWEIR

02/18/2010 - 4:42PM

M:\DWG-30\3028-10-029\DWG\3028-10-029B.DWG

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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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.		
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? 06 / 26 / 09	<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: N/A	<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.

2544 E ABRAM, LLC

By [Signature]
Applicant Signature

10-12-11
Date

Before me [Signature] the undersigned authority, on this day personally appeared
 Name of Notary
Louis N. Lebrun and signed this Municipal Setting Designation Application.
 Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas
 day of October, this month of _____, 2011.

