



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 9, 2012

Ms. Diane Irvin, Vice President
Kumiva Group, LLC
1612 West Pico Boulevard
Los Angeles, CA 90015

RE: Municipal Setting Designation (MSD) Certificate for Kumiva Group LLC
2311 Medical District Drive, Dallas, Dallas County, Texas; MSD No. 185

Dear Ms. Irvin:

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".

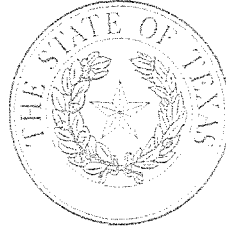
R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/jdm

Enclosure: MSD No. 185 Certificate

cc: Ms. Antonietta Arteaga, VCP 2207 Project Manager, Remediation
Division, MC-221
Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4, Dallas/Fort
Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



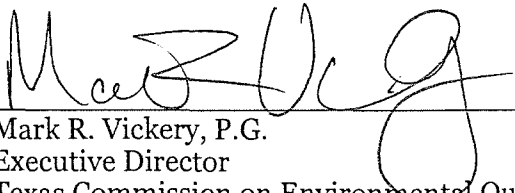
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No. 185, 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 6th day of March, 2012



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

MSD BOUNDARY
(Tract 1)
Lot 1, Block A/5747,
Armored Transport Addition
Crawford Grisgby Survey, Abstract No. 533
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 3.528 acre tract of land situated in the Crawford Grisgby Survey, Abstract No. 533, Dallas County, Texas; said tract being part of Motor Street (a dedicated public right-of-way), all of Lot 1, Block A/5747, Armored Transport Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 95161, Page 2642 of the Deed Records of Dallas County, Texas and all of that certain tract of land described in Warranty Deeds to Kumiva Group, LLC recorded in Instrument No. 20080105420 and 20080101550 of the Official Public Records of Dallas County, Texas; said 3.528 acre tract being more particularly described as follows (Bearing system for this survey is based on a bearing of Texas State Plane Coordinate System, NAD 83, North Central Zone 4202, TxDOT Conversion factor: 1.000136506):

BEGINNING, at a point for corner (nothing found or set) in the southeast right-of-way line of Motor Street (a variable width right-of-way, 75 feet wide at this point) and in the northwest line of Lot 1, Block A/5746, Cityville At Southwestern Medical District, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 20070130933 in the Official Public Records of Dallas County, Texas; said point being North 43 degrees, 57 minutes, 44 seconds East, a distance of 202.98 feet from a "+" cut in concrete found at the intersection of the said southeast line of Motor Street and the northeast right-of-way line of Bengal Street (a 50-foot wide right-of-way) and the westernmost corner of said Lot 1, Block A/5746;

THENCE, North 45 degrees, 59 minutes, 25 seconds West, departing the said southeast line of Motor Street and the said northwest line of Lot 1, Block A/5746, at a distance of 74.75 feet passing a 1/2-inch iron rod found in the northwest line of said Motor Street at the southernmost corner of said Lot 1, Block A/5747 and the easternmost corner of that certain tract of land described in Special Warranty Deed to Parkland Health and Hospital System recorded in Volume 2003160, Page 13209 of said Deed Records, then continuing along the southwest line of said Lot 1, Block A/5747 and the northeast line of said Parkland tract in all a total distance of 254.75 feet to a 1/2-inch iron rod with "Half" cap found for corner in a southeast line of that certain tract of land described in Special Warranty Deed to Dallas County Hospital District, d/b/a Parkland Health and Hospital System recorded in Volume 2002173, Page 8864 of said Deed Records; said point being the westernmost corner of said Lot 1, Block A/5747 and the northernmost corner of the first referenced Parkland tract;

THENCE, North 43 degrees, 55 minutes, 15 seconds East, along the northwest line of said Lot 1, Block A/5747 and the said southeast line of the second referenced Parkland tract, a distance of 606.60 feet to a point for corner (nothing found or set); said point being the northernmost corner of said Lot 1, Block A/5747 and a reentrant corner of the second referenced Parkland tract;

THENCE, South 45 degrees, 59 minutes, 25 seconds East, along the northeast line of said Lot 1, Block A/5747 and a southwest line of the second referenced Parkland tract, at a distance of 180.00 feet passing a 3/8-inch iron pipe found in the said northwest line of Motor Street at the easternmost corner of said Lot 1, Block A/5747 and a south corner of the second referenced Parkland tract, then continuing in all a total distance of 242.19 feet to a point for corner (nothing found or set) in the said southeast line of Motor Street and the northwest line of Lot 1, Block A/5746, Elliott's Hardware, Inc. Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 83020, Page 2674 of said Deed Records; said point being South 43 degrees, 57 minutes, 44 seconds West, a distance of 22.05 feet from a "+" cut in concrete found;

MSD BOUNDARY

(Tract 1)
Lot 1, Block A/5747,
Armored Transport Addition
Crawford Grisgby Survey, Abstract No. 533
City of Dallas, Dallas County, Texas
(Continued)

THENCE, South 43 degrees, 57 minutes, 44 seconds West, along the said southeast line of Motor Street and the said northwest line of Lot 1, Block A/5746, Elliot's Hardware Addition, at a distance of 40.59 feet passing a point at the north end of a circular right-of-way corner clip at the intersection of said southeast line of Motor Street and the northeast right-of-way line of Cass Street (a 50-foot wide right-of-way) and the most northerly westernmost corner of said Lot 1, Block A/5746, Elliot's Hardware Addition, then continuing along a projection of said southeast line of Motor Street in all a total distance of 75.59 feet to a point for corner (nothing found or set);

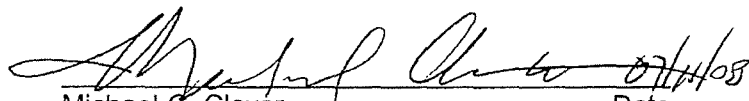
THENCE, South 46 degrees, 02 minutes, 16 seconds East, along an offset in said southeast line of Motor Street, a distance of 13.00 feet to a point for corner (nothing found or set);

THENCE, South 43 degrees, 57 minutes, 44 seconds West, along a projection of the said southeast line of Motor Street, at a distance of 25.00 feet passing a "+" cut in concrete found at the intersection of the said southeast line of Motor Street and the southwest line of said Cass Street and the northernmost corner of said Lot 1, Block A/5746, Cityville At Southwestern Medical District addition, then continuing along the said southeast line of Motor Street and the said northwest line of said Lot 1, Block A/5746, Cityville At Southwestern Medical District addition in all a total distance of 531.02 feet to the POINT OF BEGINNING;

CONTAINING, 153,684 square feet or 3.528 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.

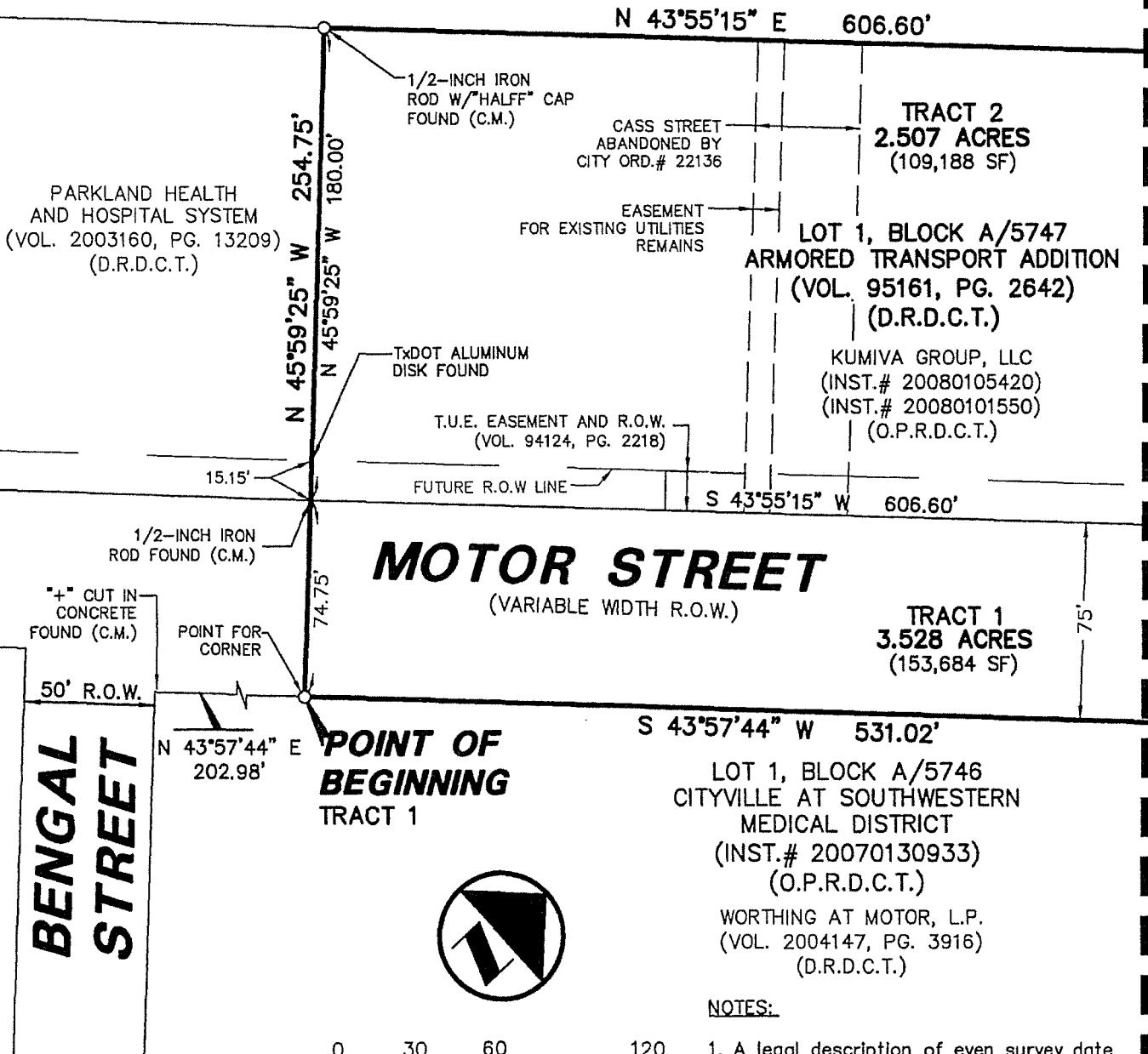


Michael C. Clover
Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
EX2.doc
1398-08.095

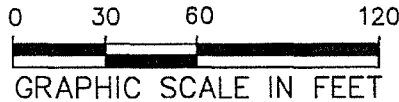
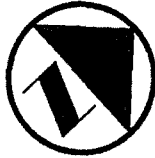


(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO: _____

DALLAS COUNTY HOSPITAL DISTRICT
D/B/A
PARKLAND HEALTH AND HOSPITAL SYSTEM
(VOL. 2002173, PG. 8864)
(D.R.D.C.T.)



MATCHLINE (SEE SHEET 6)



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

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 Texas State Plane Coordinate System, NAD 83, North Central Zone 4202, TxDOT Conversion factor: 1.000136506.

MSD BOUNDARY

LOT 1, BLOCK A/5747,
ARMORED TRANSPORT ADDITION
LOCATED IN THE CITY OF DALLAS, TEXAS
CRAWFORD GRIGSBY SURVEY,
ABSTRACT NO. 533
DALLAS COUNTY, TEXAS
PAGE 4 OF 5

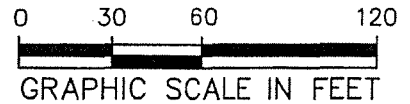
Pacheco Koch Consulting Engineers
8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MWW	MCC	1"=60'	JULY 2008	1398-08.095

M:\DWG-13\1398-08.095\DWG\1398-08.095EX2.DWG
07/11/2008 - 8:23AM
CGUGINO



DALLAS COUNTY HOSPITAL DISTRICT
D/B/A
PARKLAND HEALTH AND HOSPITAL SYSTEM
(VOL. 2002173, PG. 8864)
(D.R.D.C.T.)



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

MATCHLINE (SEE SHEET 5)

N 43°55'15" E 606.60'

POINT FOR CORNER

TRACT 2
2.507 ACRES
(109,188 SF)

LOT 1, BLOCK A/5747
ARMORED TRANSPORT ADDITION
(VOL. 95161, PG. 2642)
(D.R.D.C.T.)

DALLAS COUNTY HOSPITAL DISTRICT
D/B/A
PARKLAND HEALTH AND HOSPITAL SYSTEM
(VOL. 2002173, PG. 8864)
(D.R.D.C.T.)

15' WATER EASEMENT (VOL. 95161, PG. 2642)
KUMIVA GROUP, LLC (INST.# 20080105420)
(INST.# 20080101550)
(O.P.R.D.C.T.)

TxDOT ALUMINUM DISK FOUND

S 45°59'25" E 180.00'
S 45°59'25" E 242.19'

3/8-INCH IRON PIPE FOUND (C.M.)

S 43°55'15" W 606.60'

FUTURE R.O.W. LINE

MOTOR STREET

(VARIABLE WIDTH R.O.W.)

S 43°57'44" W 75.59'

POINT OF BEGINNING
TRACT 2

TRACT 1
3.528 ACRES
(153,684 SF)

S 46°02'16" E 13.00'

S 43°57'44" W 122.05'

S 43°57'44" W 531.02' "+* CUT IN CONCRETE FOUND (C.M.)

POINT FOR CORNER

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

LOT 1, BLOCK A/5746
CITYVILLE AT SOUTHWESTERN
MEDICAL DISTRICT
(INST.# 20070130933)
(O.P.R.D.C.T.)

CASS STREET

LOT 1, BLOCK A/5746
ELLIOTT'S HARDWARE, INC.
ADDITION
(VOL. 83020, PG. 2674)
(D.R.D.C.T.)

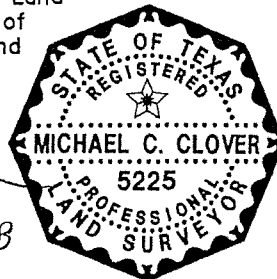
ELLIOTT'S HARDWARE, INC.
(VOL. 81240, PG. 2143)
(D.R.D.C.T.)

WORTHING AT MOTOR, L.P.
(VOL. 2004147, PG. 3916)
(D.R.D.C.T.)

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 Texas State Plane Coordinate System, NAD 83, North Central Zone 4202, TxDOT Conversion factor: 1.000136506.

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 07/11/08

MSD BOUNDARY

LOT 1, BLOCK A/5747,
ARMORED TRANSPORT ADDITION
LOCATED IN THE CITY OF DALLAS, TEXAS
CRAWFORD GRIGSBY SURVEY,
ABSTRACT NO. 533
DALLAS COUNTY, TEXAS
PAGE 5 OF 5

Pacheco Koch Consulting Engineers

8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX. 75206 972.235.3031

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MWW	MCC	1"=60'	JULY 2008	1398-08.095

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
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. None		
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? 09 / 08 / 08	<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.

Diane Irvin
Applicant Signature

11/2/11
Date

Before me Kathleen A. Hilliard the undersigned authority, on this day personally appeared
Name of Notary
Diane Irvin and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Los Angeles, State of CA, on the 2nd day of November, this month of November, 2011.

