

# Texas Commission on Environmental Quality



## Municipal Setting Designation

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 56, in the City of Dallas, 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 8th day of February, 2008.

A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

DATE: 07/16/06

EXHIBIT "A"

06-03-052

PAGE 1 OF 2

BEING SITUATED IN THE JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK 6/7940 OF THE REPLAT OF BROOK HOLLOW INDUSTRIAL DISTRICT NUMBER 1, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 28, PAGE 235, MAP RECORDS OF DALLAS COUNTY, TEXAS, AND BEING ALL OF A CALLED 5.354 ACRE TRACT OF LAND DESCRIBED IN A DEED TO MORTGAGE ASSISTANCE PROTECT, INC., AND ALL OF A CALLED 2.537 ACRE TRACT OF LAND DESCRIBED IN DEED TO PV REALTY, L.L.C., OF RECORD IN COUNTY CLERK'S FILE NO. 200503634251 AND VOLUME 2005186, PAGE 5375, RESPECTIVELY, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING A PORTION OF METRO MEDIA PLACE (60' R.O.W) AND A PORTION OF AMBASSADOR ROW (70' R.O.W.) AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

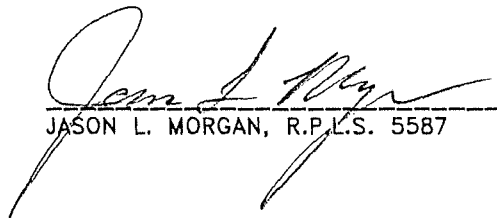
BEGINNING AT AN "X" FOUND FOR CORNER AT THE MOST WESTERN CORNER OF SAID 2.537 ACRE TRACT;

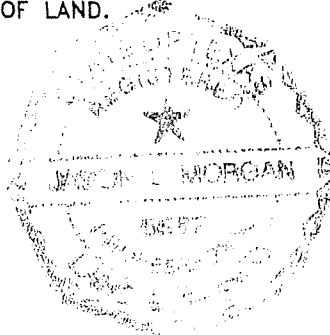
THENCE NORTH 38°09'00" EAST ALONG THE NORTHWEST LINE OF SAID 2.537 ACRE TRACT, AT A DISTANCE OF 673.76 FEET PASSING A 1/2" IRON ROD FOUND FOR REFERENCE AT THE MOST NORTHERN CORNER THEREOF, SAID POINT BEING IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID AMBASSADOR ROW, AND CONTINUING FOR A TOTAL DISTANCE OF 743.76 FEET TO A 3/4" IRON PIPE FOUND FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID AMBASSADOR ROW;

THENCE SOUTH 51°52'15" EAST ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID AMBASSADOR ROW, A DISTANCE OF 569.82 FEET TO A POINT FOR CORNER IN THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID METRO MEDIA PLACE, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE BEARS NORTH 51°52'15" WEST, A DISTANCE OF 60.14 FEET;

THENCE SOUTH 38°09'21" WEST, AT A DISTANCE OF 70.00 FEET PASSING A 3/4" IRON PIPE FOUND FOR REFERENCE ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID METRO MEDIA PLACE, AND CONTINUING FOR A TOTAL DISTANCE OF 743.97 FEET TO A POINT FOR CORNER, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE IN THE NORTHWEST RIGHT-OF-WAY LINE OF SAID METRO MEDIA PLACE AND AT THE MOST SOUTHERN CORNER OF SAID 2.537 ACRE TRACT BEARS NORTH 51°51'00" WEST, A DISTANCE OF 59.74 FEET;

THENCE NORTH 51°51'00" WEST, A DISTANCE OF 569.74 FEET TO THE PLACE OF BEGINNING AND CONTAINING 9.730 ACRES OF LAND.

  
\_\_\_\_\_  
JASON L. MORGAN, R.P.L.S. 5587



SURVEY EXHIBIT  
SITUATED IN BLOCK 6/7940,  
DALLAS COUNTY, TEXAS

PREPARED BY:  
JASON L. MORGAN R.P.L.S. NO. 5587  
GLOBAL LAND SURVEYING, INC.  
704 CENTRAL PARKWAY EAST, SUITE 1214  
PLANO, TEXAS, 75074  
OFFICE: (972) 881-1700  
FAX: (972) 423-1083  
E-MAIL: jmorgan@glg-inc.com

ADDRESS: 973 AND 999 METRO MEDIA PLACE

EXHIBIT "A"

DATE: 03/26/06

06-03-052

SHEET 2 OF 2

AMBASSADOR ROW  
(70' R.O.W.)

ACRES OF SUNSHINE, LTD.,  
A TEXAS LIMITED PARTNERSHIP  
VOLUME 4227, PAGE 835  
M.R.D.C.T.

BLOCK  
5/7940

ERIC TELTSCHER AND RACHEL TELTSCHER  
BROOK HOLLOW INDUSTRIAL  
DISTRICT NO. 1  
VOLUME 91155, PAGE 2271  
M.R.D.C.T.

BLOCK  
7/7940

BROOKHOLLOW AMERICAN MTRS  
VOLUME 93253, PAGE 0755  
D.R.D.C.T.

9.730 ACRES

BLOCK  
6/7940

METRO MEDIA PLACE  
(60' R.O.W.)

BLOCK  
8/7940

BAR-81, LTD., A TEXAS LIMITED PARTNERSHIP  
BROOK HOLLOW INDUSTRIAL DISTRICT NO. 1  
VOLUME 28, PAGE 235  
M.R.D.C.T.

REF. BRG. (VOL. 2005186, PG. 5375)  
N 38°09'00" E 743.76'  
N 51°51'00" W 569.74'  
N 51°51'00" W 59.74'

N FND 1/2" I.R. BEARS  
51°52'15" W 60.14'

E 569.82'

FND 3/4" I.P.

BEGIN

FND "X"

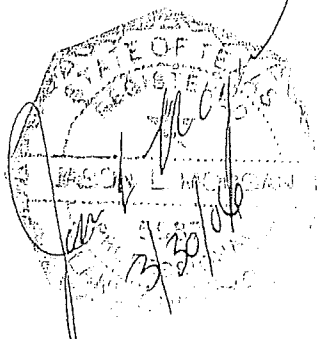
RICHARD C. VILVEN, SR.  
BROOK HOLLOW INDUSTRIAL DISTRICT NO. 1  
VOLUME 97075, PAGE 2672  
D.R.D.C.T.

ESOR GROUP PARTNERS LTD.  
BROOK HOLLOW INDUSTRIAL DISTRICT NO. 1  
VOLUME 90211, PAGE 3834  
D.R.D.C.T.



0 200

GRAPHIC SCALE:  
1 INCH = 200' FEET



SURVEY EXHIBIT  
SITUATED IN BLOCK 6/7940,  
DALLAS COUNTY, TEXAS

PREPARED BY:  
JASON L. MORGAN R.P.L.S. NO. 5587  
GLOBAL LAND SURVEYING, INC.

704 CENTRAL PARKWAY EAST, SUITE 1214  
PLANO, TEXAS, 75074

OFFICE: (972) 881-1700

FAX: (972) 423-1083

E-MAIL: jmorgan@glsl-inc.com

'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 checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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.  
LPST ID No. 92437, PST Facility ID No. 42038, VCP ID No. 1249

Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GWing)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 12 / 08 / 1988	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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

<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

<sup>6</sup> 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.

[Signature]  
Applicant Signature

9.27.07  
Date

Before me Kalynn Brown the undersigned authority, on this day personally appeared  
Edward Zorn and signed this Municipal Setting Designation Application.  
Name of Notary  
Name of Applicant

Sworn, subscribed and signed before me in the County of Riverside, State of CA, on the 27 day of \_\_\_\_\_, this month of September, 2007

