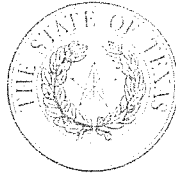


Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2008

Mr. Charlie Eubanks, Senior Vice President
Jefferson at Arts District GP LLC
600 E. Las Colinas Boulevard, Suite 1800
Irving, TX 75039

RE: Municipal Setting Designation (MSD) Certificate for Jefferson at Arts District,
2603, 2613, 2623 Ross Avenue, Dallas, TX; MSD No. 63

Dear Mr. Eubanks:

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 TEX. 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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

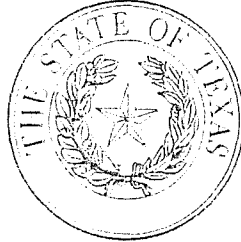
A handwritten signature in black ink, appearing to read "mfrew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/ok

Enclosure

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 63, 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.

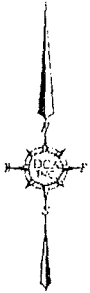
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on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

EXECUTED this 13 day of March, 2008

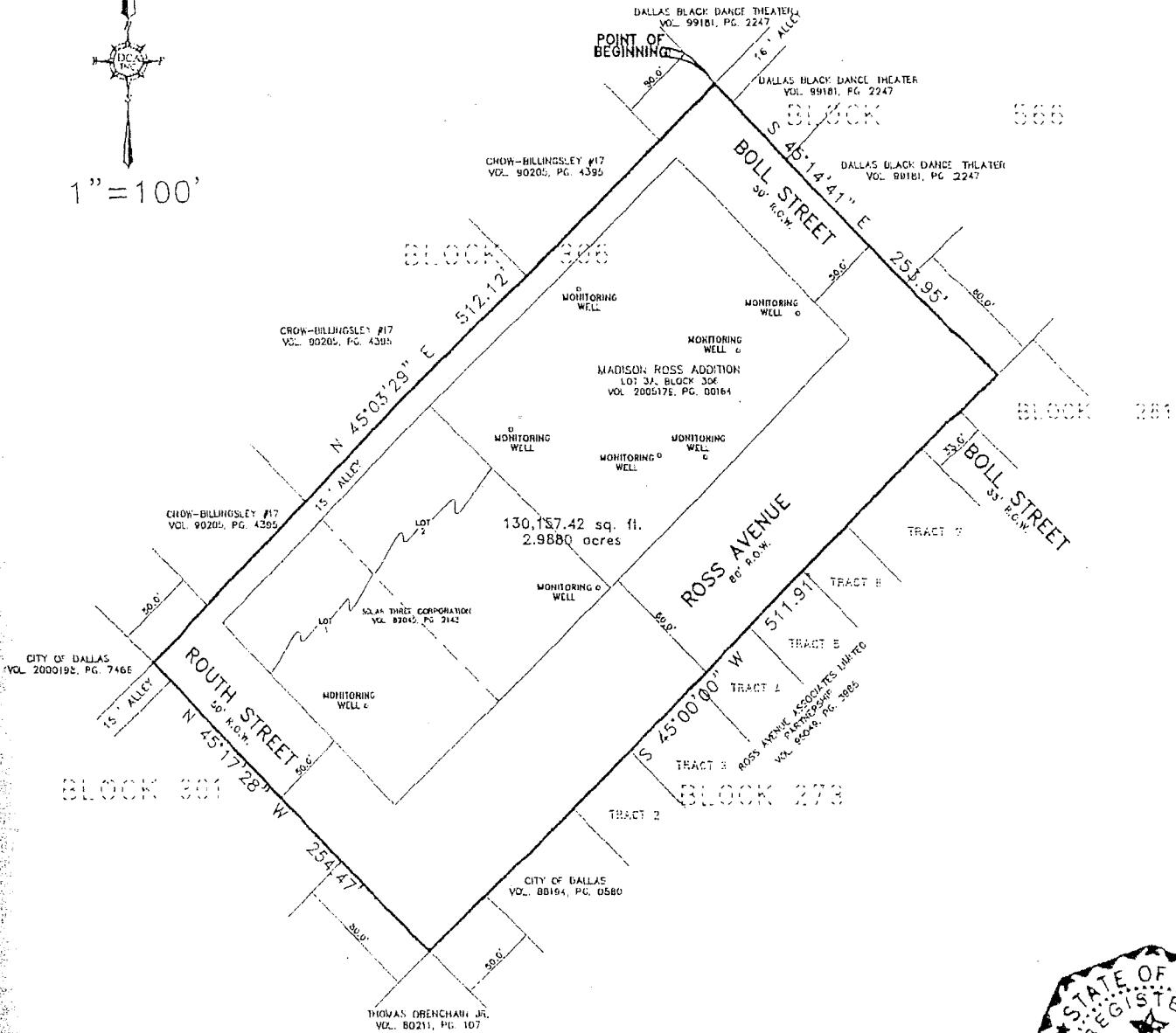
A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A" M.S.D. SURVEY



1" = 100'



GENERAL NOTES:

1) BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 98022, PAGE 6101, DEED RECORDS, DALLAS COUNTY, TEXAS.

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

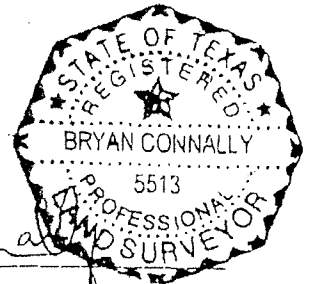


EXHIBIT "A"
M.S.D. SURVEY

Being a tract of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City Block 306, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

Beginning at a point for corner, said corner lying in the Northeast intersection of a 16 foot alley and Boll Street (50 foot right of way), and being the South corner of a tract of land conveyed to Dallas Black dance Theater by Deed recorded in Volume 99181, Page 2247, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 14 minutes 41 seconds East along the Northeast line of said Boll Street, a distance of 253.95 feet to a point for corner, said corner lying in the Southeast line of Ross Avenue (80 foot right of way);

THENCE South 45 degrees 00 minutes 00 seconds West along the Southeast line of said Ross Avenue, a distance of 511.91 feet to a point for corner, said corner lying in the South intersection of Routh Street (50 foot right of way) and said Ross Avenue;

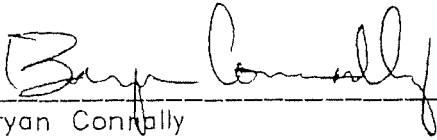
THENCE North 45 degrees 17 minutes 28 seconds West along the Southwest line of said Routh Street, a distance of 254.47 feet to a point for corner, said corner lying in the North intersection of a 15 foot alley and said Routh Street;

THENCE North 45 degrees 03 minutes 29 seconds East along the Northwest line of said alley, a distance of 512.12 feet to the POINT OF BEGINNING and containing 130,157.42 square feet or 2.9880 acres of land.

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; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 20th day of December, 2006



Bryan Connally
Registered Professional Land Surveyor No. 5513



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
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. 1898, LPST No. 112117, VCP No. 0591

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/ 06 /2006	<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.

Charlie Eubanks
Applicant Signature

12/6/07
Date

Before me Jimmy Saxton the undersigned authority, on this day personally appeared Charlie Eubanks Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas State of Tx, on the 6 day of Dec this month of Dec, 2007

