

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 28, 2009

Mr. A. Vandekerkhove
Van-Tex Properties, LP
1651 West Burnside Road
Victoria, British Columbia, Canada V9L2E2

Re: Municipal Setting Designation (MSD) Certificate for Ascension Crossing Shopping Center, 2401 and 2421 Ascension Boulevard, Arlington, Tarrant County, TX; MSD No. 101

Dear Mr. Vandekerkhove:

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

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew", with a long horizontal stroke extending to the right.

Mike Frew, P.G., Work Leader
IT and Special Projects Team
Technical Support Section
Remediation Division

MF/sr

Enclosure

cc: Stuart Goldsmith, VCP 1426 Project Manager, Remediation Division, MC-221

Texas Commission on Environmental Quality



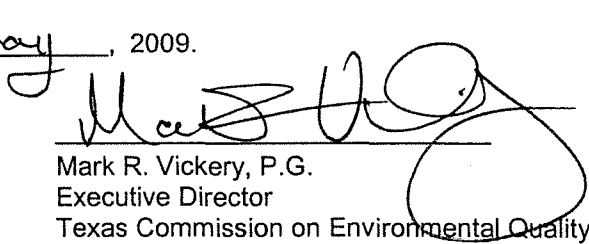
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 101, in the City of Arlington, 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 18th day of May, 2009.


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

'A'

2421 ASCENSION BLVD. - METES AND BOUNDS DESCRIPTION

BEGINNING at a ½ inch iron rod set at the southeast corner of said Lot 2CR, same being in the northwesterly right-of-way of Brown Boulevard, a variable with public right-of-way. Said iron also being the beginning of a curve to the left having a central angle of $03^{\circ} 34' 51''$, a radius of 635.00 feet, and a long chord bearing S $70^{\circ} 06' 08''$ W, and length of 39.68 feet;

THENCE along said curve and the common line of said Lot 2CR and Brown Boulevard a distance of 39.69 feet to a 1.2 inch iron rod set;

THENCE S $68^{\circ} 18' 42''$ W, continuing along said common line, 338.88 feet to a ½ inch iron rod found;

THENCE S $70^{\circ} 24' 42''$ W, continuing along said common line, 150.10 feet to a ½ inch iron rod set;

THENCE S $68^{\circ} 18' 42''$ W, continuing along said common line, 181.48 feet to a ½ inch iron rod set at the most easterly point of a clip-corner at the intersection of the aforementioned northwesterly right-of-way line of Brown Boulevard with the easterly right-of-way line on Ascension Boulevard, a variable width public right-of-way;

THENCE N $66^{\circ} 41' 21''$ W, along said clip-corner, 14.14 feet to a ½ inch iron rod set in said easterly right-of-way line;

THENCE N $21^{\circ} 41' 18''$ W, along the common line of said Lot 2CR and Ascension Boulevard, 179.00 feet to an 'X' cut in concrete;

THENCE N $23^{\circ} 47' 18''$ W, continuing along said common line, 16.01 feet to an 'X' cut in concrete at the southwest corner of Lot 2DR of the aforementioned Block 4, same being the most southerly northwest corner of said Lot 2CR;

THENCE N $68^{\circ} 18' 42''$ E, leaving the easterly right-of-way line of Ascension Boulevard and along the common line of said Lot 2CR and Lot 2CR, 190.00 feet to an 'X' cut in concrete;

THENCE N $21^{\circ} 41' 18''$ W, continuing along said common line 166.00 feet to an 'X' cut in concrete;

THENCE S $68^{\circ} 18' 42''$ W, continuing along said common line, 194.91 feet to an 'X' cut in concrete in the aforementioned easterly right-of-way line of Ascension Boulevard;

THENCE N $21^{\circ} 41' 18''$ W, along the common line of said Ascension Boulevard and Lot 2CR, 15.00 feet to an 'X' cut in concrete at the most southerly corner of Lot 2AR of the aforementioned Block 4;

THENCE along said northeast line of Ascension Boulevard N $71^{\circ} 41' 18''$ W, a distance of 219.58 feet to a 5/8 inch rod found for corner lying at the beginning of a curve to the right having a central angle of $67^{\circ} 53' 52''$, a radius of 567.50, a chord bearing of N $12^{\circ} 15' 38''$ E, and a chord length of 633.84 feet;

THENCE along said curve to the right an arc distance of 672.51 feet to a 5/8 inch rod found for corner;

THENCE N $50^{\circ} 08' 47''$ W a distance of 177.73 feet to the southerly corner of Lot 2AR1;

THENCE S $30^{\circ} 50' 13''$ W, a distance of 177.65 feet to the curving southwest line of Green Oaks Boulevard (120' R.O.W.), said point lying in a curve to the left having a central angle of $12^{\circ} 06' 50''$, a radius of 1260.0 feet, a chord bearing of $52^{\circ} 14' 06''$ E, and a chord length of 265.90 feet;

THENCE along the southwest R.O.W. line of Green Oaks Boulevard an arc length of 690.00 feet to a 5/8 inch iron rod found in the arc of said curve to the left, being the same northeast corner of the tract herein described, and from which the point of tangency of said curve bears S $84^{\circ} 50' 07''$ E, a distance of 180.05 feet;

THENCE S 01° 04' 03" W, leaving said curve to the left, same being said south R.O.W. line of Green Oaks Boulevard, a distance of 662.22 feet to the POINT OF BEGINNING of the tract herein described, containing within these metes and bounds, 17.752 acres (773,267 Sq. Ft.) of land, more or less.

2401 ASCENSION BLVD. - METES AND BOUNDS DESCRIPTION

BEGINNING at an "X" cut in concrete set for corner at the most southerly corner of said Lot 2DR, same being in the northeasterly line of Ascension Boulevard (variable R.O.W.);

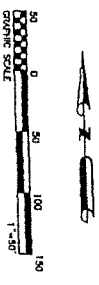
THENCE N 23° 47' 18" W, along said northeasterly line, for a distance of 134.08 feet to an "X" cut in concrete set for corner;

THENCE N 21° 41' 18" W, continuing along said northeasterly line, for a distance of 32.00 feet to an "X" cut in concrete set for corner at the northwesterly corner of aforementioned Lot 2DR;

THENCE N 68° 18' 42" E, departing said northeasterly line of Ascension Boulevard and along the northerly line of said Lot 2DR, for a distance of 196.22 feet to an "X" cut in concrete set for corner at the most northerly corner of said Lot 2DR;

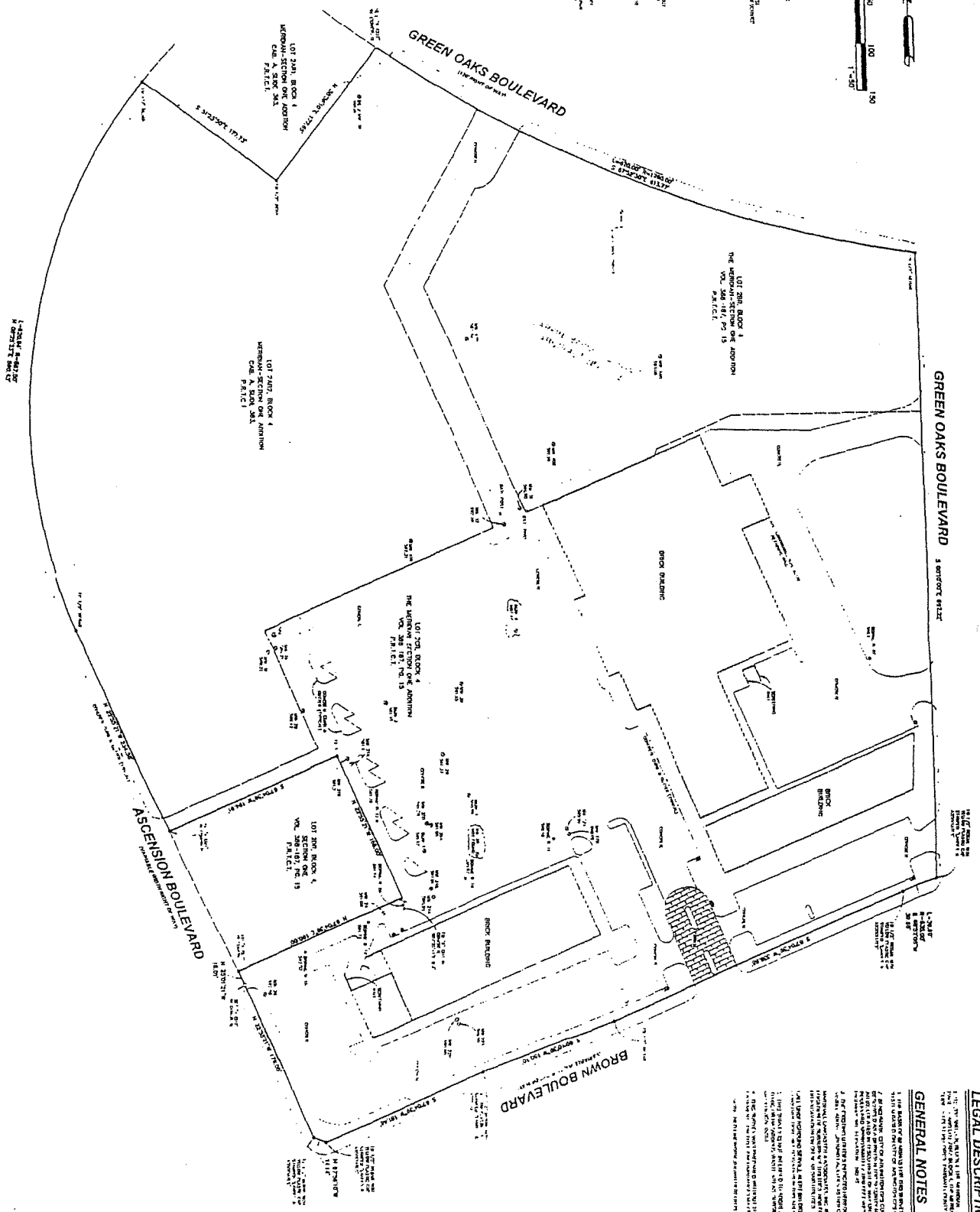
THENCE S 21° 14' 18" E, along the easterly line of said Lot 2DR, for a distance of 166.00 feet to an "X" cut in concrete set for corner at the southeasterly corner of said Lot 2DR;

THENCE S 68° 18' 42" W, along the southerly line of said Lot 2DR, for a distance of 190.00 feet to the POINT OF BEGINNING, and containing 32,134 square feet or 0.738 acres of land, more or less.



LEGEND

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GENERAL NOTES

1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN FEET AND DECIMALS THEREOF.
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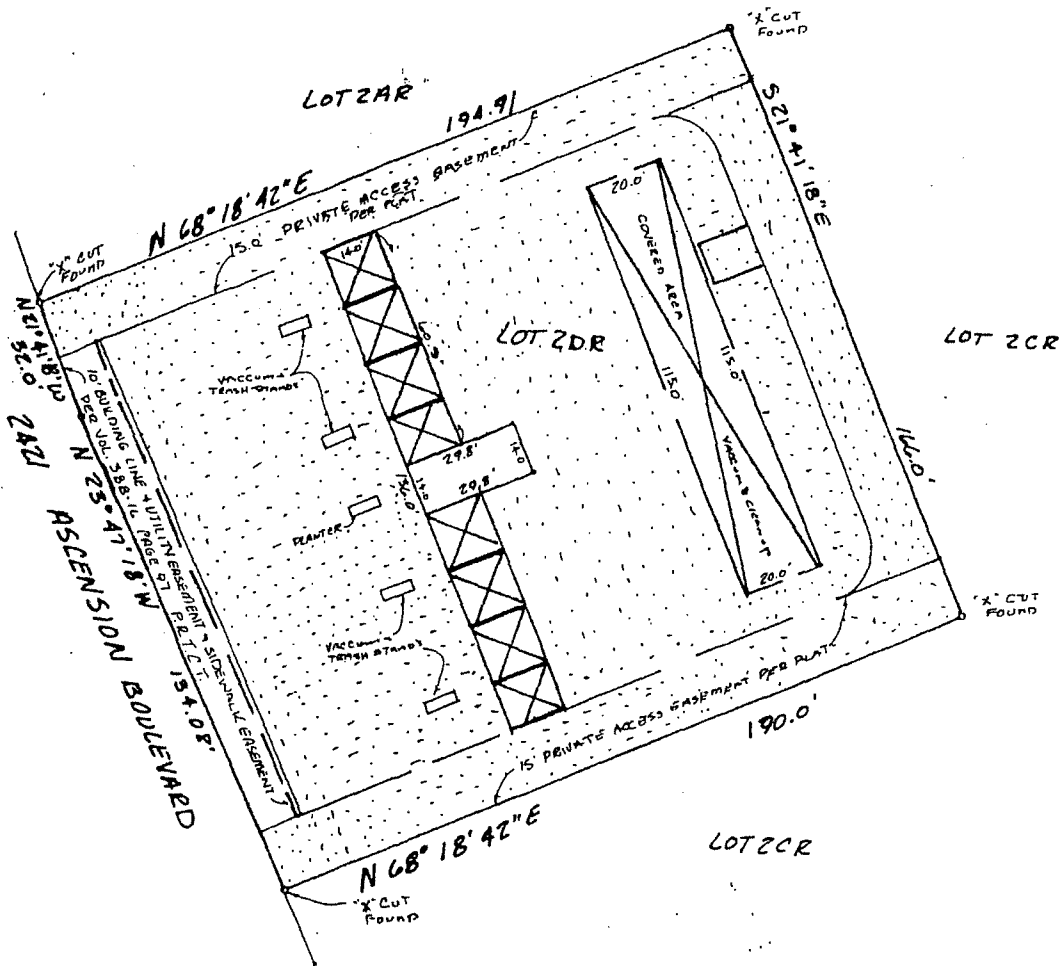
004 Trinity Surveying, LLC

<p>PROPERTY LINE SURVEY</p> <p>LOTS 2BR, 2AR2 & 2CR, BLOCK 4, MERIDIAN ADDITION CITY OF ARLINGTON, TARRANT COUNTY, TEXAS</p>	<p>TRINITY SURVEYING, LLC CONSULTING LAND SURVEYORS</p> <p><i>land title surveys • topography • subdivision planning, retail, commercial and industrial construction surveying.</i></p> <p>777 Main Street, Suite 601, Fort Worth, TX 76102 metro (817) 887-4080 fax (817) 287-8081</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Rev.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev.	Description	Date																<p>SHEET 1 OF 1</p> <p>DATE: 11/04/2004 DRAWN BY: JLR CHECKED BY: MLL FILE: T0403 BOU 2</p> 
Rev.	Description	Date																			

T. D. Disheroon Registered Professional Land Surveyor

6717 Colmont Avenue Fort Worth, Texas 76116 731-0587 FAX 732-2014

Lot 2DR, Block 4, THE MERIDIAN, SECTION ONE, An Addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 188-157, Page 15, Plat Records of Tarrant County, Texas.

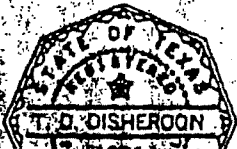


According to FEMA/ U.S. Department of Housing and Urban Development this Property is not in the 100 Year Flood Zone, According to Community Panel Number 48439C 0134G Dated January 6, 1993

I hereby certify that this survey was made on the ground of the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Surveyed on the ground May 24, 1993
T. D. Disheroon
 T. D. Disheroon, R.P.L.S. No. 1276

TITLE CO. _____
 GF. NO. _____
 MORTGAGE CO. Texas Bank
 BORROWER _____
 JOB NO. 930813



'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 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. <u>VCP 1426</u>		
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? 01/07/02	<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.

Applicant Signature [Signature]

Date FEB 4 09

Before me PENNY POUNTER the undersigned authority, on this day personally appeared

A. VANDER ERKHOVE Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of RIVERSIDE, State of CA, on the 4th day of FEB, this month of FEBRUARY, 2009

