

MSD 65-60

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 31, 2008

Mr. Greg Rogers
Guida, Slavich & Flores, P.C.
750 N St. Paul Street, Suite 200
Dallas, TX 75201


RE: Municipal Setting Designation (MSD) Certificate for Holman Boiler Works, Inc., 1956 Singleton Blvd., Dallas, Dallas County, TX: MSD No. 65

Dear Mr. Rogers:

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,


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

MF/cjh

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 No. 65, 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 25 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

'A'

**MSD SURVEY
SITUATED IN THE D. HUNTER SURVEY, ABSTRACT NO. 606,
CITY OF DALLAS BLOCKS A/7235, A/7238, C/7238, E/7238, G/7238, I/7238, AND 7239
CITY OF DALLAS,
DALLAS COUNTY, TEXAS**

BEING a 14.53 acre tract of land situated in the City of Dallas, Dallas County, Texas, and being a part of Block 7235 in the City of Dallas, and being all of Lots 1-9, Block 7237, of Pinola Heights Addition (Unrecorded), and Lots 1-3, 22-26, Block A/7238, Lots 1-5, and the west half of Lot 6, Lots 13-16, Block E/7238, and Lots 1-6, Block G/7238, and Lots 1-4, 23, 25, and 26, Block I/7238, Lots 1-5 in Block C/7238, and portion of Bedford Street, and Akron Street of College Park Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 84, Page 604, of the Plat Records of Dallas County, Texas, and being all of Lots 25, and 26, Block 7239, of College Park Annex, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 227, of the Plat Records of Dallas County, Texas, and being all of a tract of land conveyed to Holman Boiler Works, Inc. by deeds recorded in Volume 89042, Page 1303, Volume 89170, Page 4846, Volume 91084, Page 2100, and Volume 95034, Page 217, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found at the intersection of the west right-of-way line of Puget Street (a 60' right-of-way), and the south right-of-way line of Singleton Boulevard (a 70' right-of-way);

THENCE North 00 deg. 18 min. 42 sec. West, through the interior of said Singleton Boulevard, a distance of 70.02 feet to a point for corner, said point being in the north right-of-way line of said Singleton Boulevard;

THENCE South 89 deg. 03 min. 40 sec. East, with the south right-of-way line of said Singleton Boulevard, a distance of 410.40 feet to a point for corner;

THENCE South 00 deg. 00 min. 00 sec. East, through the interior of said Singleton Boulevard, passing the south right-of-way line of said Singleton Boulevard, and the northeast corner of said Lot 3, same being the northwest corner of Lot 4, of said College Park Addition, and continuing along the common line of said Lots 3, and 4, Block A/7238, a total distance of 212.50 feet to a "X" cut in concrete found for corner, said point being the southeast corner of said Lot 3 Block A/7238, same being the southwest corner of said Lot 4, Block A/7238, same being the northwest corner of said Lot 23, Block A/7238, same being the northeast corner of said Lot 24, Block A/7238;

THENCE North 90 deg. 00 min. 00 sec. East, along the common line of said Lots 23, and 4, Block A/7238, of said College Park Addition, passing the common corners of said Lots 4, 5, 23 and 22, Block A/7238, of said College Park Addition, and continuing a total distance of 100.00 feet to a 1/2 inch iron rod found for corner, said point being the northeast corner of said Lot 22, Block A/7238, same being the southeast corner of said Lot 5, Block 7238, same being the southwest corner of said Lot 6, Block A/7238, of said College Park Addition, same being the northwest corner of Lot 21, Block A/7238, of said College Park Addition;

THENCE South 00 deg. 00 min. 00 sec. East, along the common lines of said Lots 21, and 22, Block A/7238, passing the southeast corner of said Lot 21, Block A/7238, same being the southeast corner of said Lot 22, Block A/7238, and the north right-of-way line of Bedford Street, and continuing through the interior of said Bedford Street, and along the common line of said Lots 5 and 6, Block C/7238, of said College Park Addition, a distance of 307.50 feet to a point for corner, said point being the southeast corner of said Lot 5, Block C/7238, same being the southwest corner of said Lot 6, Block C/7238;

THENCE North 90 deg. 00 min. 00 sec. East, along the common line of said Lots 6, and 7, Block C/7238, of said College Park Addition, and the north right-of-way line of said Akron Street, a distance of 75.00 feet to a point for corner, said point being in the south line of said Lot 7, Block C/7238;

THENCE South 00 deg. 00 min. 00 sec. East, through the interior of said Akron Street, and through the interior of said Lot 6, Block E/7238, a distance of 100.00 feet to a 1/2 inch iron rod found for corner, said point being in the south line of said Lot 6, same being in the north line of Lot 7, Block E/7238;

THENCE South 90 deg. 00 min. 00 sec. West, along the south right-of-way line of Akron Street, and the common line of Lots 6, and 7, Block E/7238, a distance of 75.00 feet to a 1/2 inch iron rod found for corner, said point being in the east line of said Lot 5, Block E/7238, same being the northwest corner of said Lot 7, Block E/7238, same being the southwest corner of said Lot 6, Block E/7238;

THENCE South 00 deg. 00 min. 00 sec. East, along the common line of said Lots 5, 6, 7, and 8, Block E/7238, of said College Park Addition, a distance of 100.00 feet to a 1/2 inch iron rod found for corner, said point being the common corner of said Lots 5, 8, 9, and 12, Block E/7238, of said College Park Addition;

THENCE South 90 deg. 00 min. 00 sec. West, along the common line of Lots 5, and 12, Block E/7238, a distance of 50.00 feet to a 1/2 inch iron rod found for corner, said point being the common corner of said Lots 4, 5, 12, and 13, Block E/7238, of said College Park Addition;

THENCE South 00 deg. 00 min. 00 sec. East, along the common line of Lots 12, and 13, Block E/7238, a distance of 150.00 feet to a 1/2 inch iron rod found for corner in the north right-of-way line of Duluth Street (a 50' right-of-way);

THENCE North 90 deg. 00 min. 00 sec. East, along the common line of said Lots 12, and 11, Block E/7238, of said College Park Addition, and the north right-of-way line of said Duluth Street, a distance of 98.19 feet to a point for corner;

THENCE South 00 deg. 00 min. 00 sec. East, through the interior of said Duluth Street, a distance of 50.00 feet to a 1/2 inch iron rod found for corner in the south line right-of-way line of said Duluth Street, and being the northeast corner of said Lot 6, Block G/7238, and the northwest corner of Lot 7, Block G/7238, of said College Park Addition;

THENCE South 02 deg. 15 min. 54 sec. West, along the common line of said Lots 6, and 7, Block G/7238, a distance of 125.10 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Lot 6, Block G/7238, and the southwest corner of said Lot 7, Block G/7238, same being in the north right-of-way line of Bayonne Street (a 40' right-of-way);

THENCE South 00 deg. 00 min. 00 sec. East, through the interior of said Bayonne Street, a distance of 40.00 feet to a point for corner, said point being in the south right-of-way line of said Bayonne Street, same being in the north line of Lot 6, Block I/7238, of said College Park Addition;

THENCE South 90 deg. 00 min. 00 sec. West, along the common line of said Lots 6, and 5, Block I/7238, of said College Park Addition, and the south right-of-way line of said Bayonne Street, a distance of 93.24 feet to a point for corner, said point being the northwest corner of said Lot 5, Block I/7238, same being the northeast corner of said Lot 4, Block I/7238;

THENCE South 00 deg. 00 min. 00 sec. East, along the common line of said Lots 4, 5, 22, and 23, Block I/7238, of said College Park Addition, passing the north right-of-way line of Muncie Avenue per plat recorded in Volume 8, Page 227, of the Plat Records of Dallas County, Texas, and continuing a total distance of 283.46 feet to a point in the south right-of-way line of said Muncie Avenue per plat recorded in Volume 8, Page 227, of the Plat Records of Dallas County, Texas, same being in the north line of said Lot 25, Block 7239, same being in the north right-of-way line of Muncie Avenue per plat recorded in Volume 8, Page 604, of the Plat Records of Dallas County, Texas,

THENCE South 89 deg. 35 min. 17 sec. East, along the common line of said Lot 25, Block 7239, and the north right-of-way line of said Muncie Avenue per plat recorded in Volume 84, Page 604, of the Plat Records of Dallas County, Texas, a distance of 23.54 feet to a point for corner, said point being the northeast corner of said Lot 25, Block 7239, same being the northwest corner of Lot 24, Block 7239, of said College Park Annex;

THENCE South 00 deg. 19 min. 17 sec. East, along the common line of said Lots 24, and 25, Block 7239, passing the south right-of-way line of said Muncie Avenue per plat recorded in Volume 84, Page 604, of the Plat Records of Dallas County, Texas, and continuing a total distance of 131.81 feet to a point for corner, said point being the southeast corner of said Lot 25, Block 7239, same being the southwest corner of said Lot 24, Block 7239, same being in the north line of a 15' alley;

THENCE North 80 deg. 58 min. 17 sec. West, along the common line of said Lots 25, and 26, and said 15' alley, a distance of 111.47 feet to a point for corner, said point being the southwest corner of said Lot 26, Block 7239, same being the southeast corner of Lot 27, Block 7239, of said College Park Annex;

THENCE North 00 deg. 19 min. 17 sec. West, along the common line of said Lots 26, and 27, Block 7239, passing the south right-of-way line of said Muncie Avenue per plat recorded in Volume 84, Page 604, of the Plat Records of Dallas County, Texas, and continuing a total distance of 115.11 feet to a point for corner, said point being the northwest corner of said Lot 26, Block 7239, same being the northeast corner of said Lot 27, Block 7239, same being in the south right-of-way line of said Muncie Avenue per plat recorded in Volume 8, Page 227, of the Plat Records of Dallas County, Texas, same being in the north right-of-way line of Muncie Avenue per plat recorded in Volume 8, Page 604, of the Plat Records of Dallas County, Texas;

THENCE North 89 deg. 35 min. 17 sec. West, along the common line of said Lots 27, and 28, Block 7239, and the point in the south right-of-way line of said Muncie Avenue per plat recorded in Volume 8, Page 227, of the Plat Records of Dallas County, Texas, and the north right-of-way line of Muncie Avenue per plat recorded in Volume 8, Page 604, of the Plat Records of Dallas County, Texas, a distance of 107.11 feet to a point for corner;

THENCE South 00 deg. 00 min. 00 sec, East, a distance of 12.45 feet to a 1/2 inch iron rod found for corner, said point being the southeast corner of said Tract 1, of said Holman Boiler Works tract;

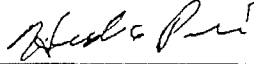
THENCE North 89 deg. 08 min. 10 sec. West, along the south line of said Tract 1, a distance of 28.78 feet to a 1/2 inch iron rod found for corner, said point being the beginning of a curve to the right having a radius of 409.28 feet, and a delta angle of 39 deg. 41 min. 42 sec.;

THENCE along the south line of said Tract 1, and along said curve to the right, an arc distance of 283.55 feet, and a chord bearing and distance of North 38 deg. 08 min. 36 sec. West, 277.92 feet to a 1/2 inch iron rod found for corner;

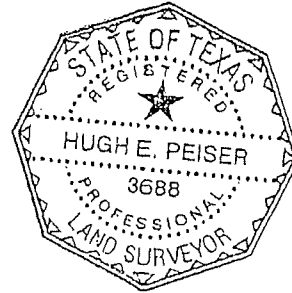
THENCE North 00 deg. 18 min. 40 sec. West, along the west line of said Tract 1, a distance of 421.37 feet to the southeast corner of said Puget Street;

THENCE South 89 deg. 59 min. 10 sec. West, along the south right-of-way line of said Puget Street, a distance of 60.00 feet to a 5/8 inch iron rod found for the southwest corner of said Puget Street;

THENCE North 00 deg. 18 min. 42 sec. West, along the west right-of-way line of said Puget Street, a distance of 675.90 feet to the POINT OF BEGINNING and containing 632,749 square feet or 14.53 acres of computed land. Save and Except that tract of land conveyed to Mazzmania LP by deed recorded in Volume 2005154, Page 5475, of the Deed Records of Dallas County, Texas, as Lot 24, Block 1/7238, of College Park Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 84, Page 5604, of the Plat Records of Dallas County, Texas.



Hugh E. Peiser
R.P.L.S. No. 3688
July 17, 2007



PEISER SURVEYING CO.
www.peiserurveying.com

JOB NO. P-2001480
DATE: 03/16/2007
REV: 06/06/2007
SCALE: NTS
DRAWN BY: C.A.
CHECKED BY: K.E.P.

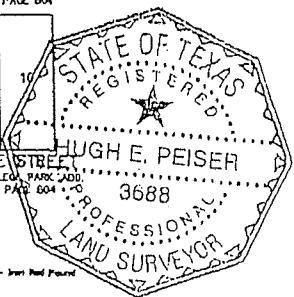
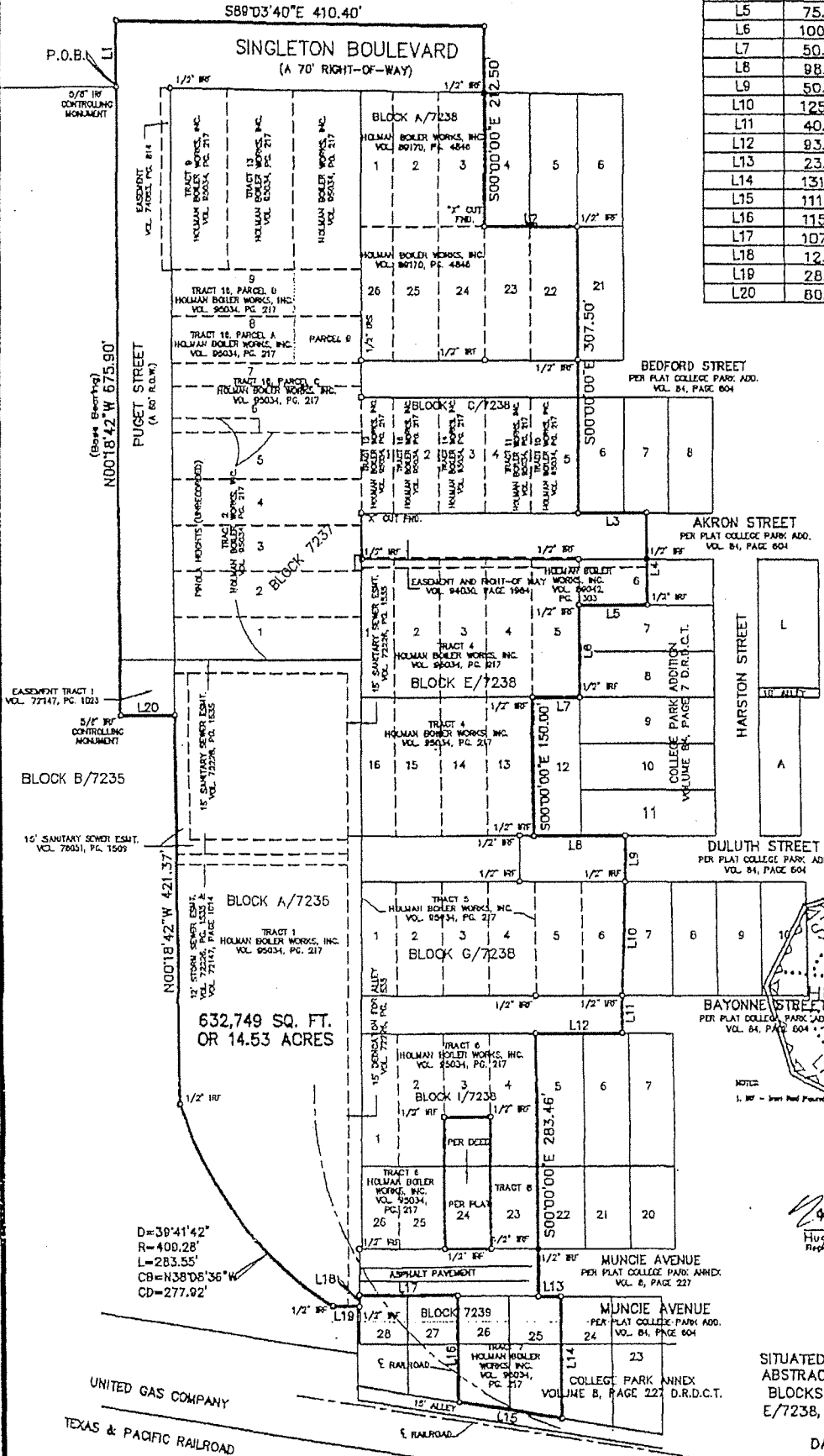
823 E. DALLAS ROAD
GRAPEVINE, TEXAS 76031
817-481-1808 (D)
817-481-1806 (F)

COMMERCIAL
RESIDENTIAL
BOUNDARIES
TOPOGRAPHY
MORTGAGE

Member Board 1977

SHEET 1 OF 1

LINE	LENGTH	BEARING
L1	70.02'	N00°18'42"W
L2	100.00'	N90°00'00"E
L3	75.00'	N90°00'00"E
L4	100.00'	S00°00'00"E
L5	75.00'	S90°00'00"W
L6	100.00'	S00°00'00"E
L7	50.00'	S90°00'00"W
L8	98.19'	N90°00'00"E
L9	50.00'	S00°00'00"E
L10	125.10'	S02°15'54"W
L11	40.00'	S00°00'00"E
L12	93.24'	S90°00'00"W
L13	23.54'	S89°35'17"E
L14	131.81'	S00°19'17"E
L15	111.47'	N80°58'17"W
L16	115.11'	N00°19'17"W
L17	107.11'	N89°35'17"W
L18	12.45'	S00°00'00"E
L19	28.78'	N69°08'10"W
L20	80.00'	S89°59'10"W



Hugh E. Peiser
Hugh E. Peiser
Registered Professional Land Surveyor No. 3688

MSD SURVEY
SITUATED IN THE D. HUNTER SURVEY,
ABSTRACT NO. 606, CITY OF DALLAS
BLOCKS A/7235, A/7238, C/7238,
E/7238, G/7238, I/7238, AND J239
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

'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 1847		
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? 07/ 19 / 05	<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 type="radio"/> Yes	<input checked="" 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.

[Signature] Applicant Signature 12-28-07 Date

Before me Susan Hill the undersigned authority, on this day personally appeared Greg Rogers Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 28th day of December, this month of December, 2007.

