

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



COPY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 31, 2008

Ms. Jean Karotkin
MHJ, Ltd.
4217 Bryn Mawr Drive
Dallas, TX 75225

RE: Municipal Setting Designation (MSD) Certificate for MHJ, Ltd., 6608, 6612, 6620, 6650 & 6700 Harry Hines Boulevard, Dallas, TX; MSD No. 66

Dear Ms. Karotkin:

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,

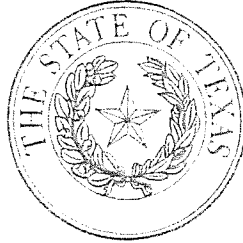
A handwritten signature in black ink, appearing to read "Mike Frew".

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

MF/sr

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, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 66, 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 22 day of July, 2008

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

FIELD NOTE DESCRIPTION
MSD AREA

A

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the Miles Bennett Survey, Abstract Number 52, City of Dallas, Dallas County, Texas, being part of City Block A/5758, also being part of Lot 4, Block A/5758 of Forest Park Addition, an addition to the City of Dallas, as recorded in Volume 241, Page 41, Deed Records, Dallas County, Texas (D.R.D.C.T.), also being all of that tract of land described in deed to MHJ, Ltd., a Texas limited partnership, as recorded in Volume 95050, Page 3907, D.R.D.C.T., also being part of Mockingbird Lane (100 foot wide public right-of-way), and being more particularly described as follows:

BEGINNING at a 1/2 inch set iron rod with yellow plastic cap stamped "HALFF ASSOC., INC." (hereinafter referred to as "with cap") for the northeast corner of said MHJ tract, said corner also being in the northwesterly right-of-way line of said Mockingbird Lane;

THENCE South 46 degrees 45 minutes 00 seconds East, departing said northwesterly right-of-way line of Mockingbird Lane and across Mockingbird Lane, a distance of 100.04 feet to a 1/2 inch set iron rod with cap for corner, said corner being in the southeasterly right-of-way line of said Mockingbird Lane;

THENCE South 44 degrees 45 minutes 55 seconds West, passing at a distance of 404.28 feet the most northerly corner clip for the intersection of said southeasterly right-of-way line of Mockingbird Lane with the northeasterly right-of-way line of said Harry Hines Boulevard (a 190 foot wide public right-of-way), in all a total distance of 417.39 feet to a 1/2 inch set iron rod with cap for corner, said corner being in the prolongation of said northeasterly right-of-way line of Harry Hines Boulevard;

THENCE North 46 degrees 45 minutes 00 seconds West, continuing along said prolongation of said northeasterly right-of-way line of Harry Hines Boulevard, a distance of 100.03 feet to a 1/2 inch set iron rod with cap for corner at the most southerly corner of a tract of land described in deed to Dallas Area Rapid Transit (hereinafter referred to as D.A.R.T.) as recorded in County Clerk's No. 200503524436, D.R.D.C.T. and also being the intersection of the northwesterly right-of-way line of said Mockingbird Lane and the northeasterly right-of-way line of said Harry Hines Boulevard;

THENCE North 44 degrees 45 minutes 55 seconds East, departing the northeasterly right-of-way line of said Harry Hines Boulevard and along the northwesterly right-of-way line of said Mockingbird Lane, a distance of 177.22 feet to a 1/2 inch set iron rod with cap for corner at the northeast corner of said D.A.R.T. tract;

THENCE South 54 degrees 45 minutes 59 seconds West, departing the northwesterly right-of-way line of said Mockingbird Lane and along the northwest line of said D.A.R.T. tract, a distance of 39.57 feet to a 1/2 inch set iron rod with cap for corner;

THENCE South 44 degrees 39 minutes 31 seconds West, continuing along the northwest line of said D.A.R.T. tract, a distance of 99.71 feet to a 1/2 inch set iron rod with cap for corner;

THENCE North 45 degrees 19 minutes 31 seconds West, continuing along the northwest line of said D.A.R.T. tract, a distance of 6.16 feet to a 1/2 inch set iron rod with cap for corner;

THENCE South 43 degrees 16 minutes 36 seconds West, continuing along the northwest line of said D.A.R.T. tract, a distance of 38.85 feet to a 1/2 inch set iron rod with cap for corner on the existing northeasterly right-of-way line of said Harry Hines Boulevard and also being the most southerly corner of said MHJ tract;

THENCE North 46 degrees 45 minutes 00 seconds West, along said northeasterly right-of-way line of Harry Hines Boulevard, a distance of 421.29 feet to a 1/2 inch set iron rod with cap for corner for the southwest corner of the MHJ tract;

THENCE North 46 degrees 56 minutes 20 seconds East, departing said northeasterly right-of-way line of said Harry Hines Boulevard, a distance of 389.05 feet to a 1/2 inch set iron rod with cap for the northwest corner of said MHJ tract;

THENCE South 45 degrees 27 minutes 40 seconds East, along the northeast line of said MHJ tract, a distance of 159.47 feet to a 1/2 inch set iron rod with cap for corner;

THENCE North 44 degrees 27 minutes 00 seconds East, continuing along said northeast line of MHJ tract, a distance of 32.60 feet to a 1/2 inch set iron rod with cap for corner;

THENCE South 46 degrees 45 minutes 00 seconds East, continuing along said northeast line of MHJ tract, a distance of 259.02 feet to THE POINT OF BEGINNING AND CONTAINING 212,966 square feet or 4.8890 acres of land, more or less.

NOTES:

The Basis of Bearing of this Survey is that tract of land described in deed to MHJ, Ltd, a Texas limited partnership, as recorded in Volume 95050, Page 3907, D.R.D.C.T.

The Topographic contours shown hereon are based upon the 2001 NCTCOG maps.

SURVEYOR'S CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on November 12, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:234,888.

G. S. Kays NOV. 12, 2007

GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040



1201 N. BOWSER ROAD
RICHARDSON, TEXAS 75081-2275
TEL (214) 346-6200
FAX (214) 739-0095

(For SPRG use only)

Reviewed By: _____

Date: _____

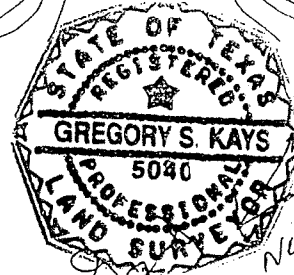
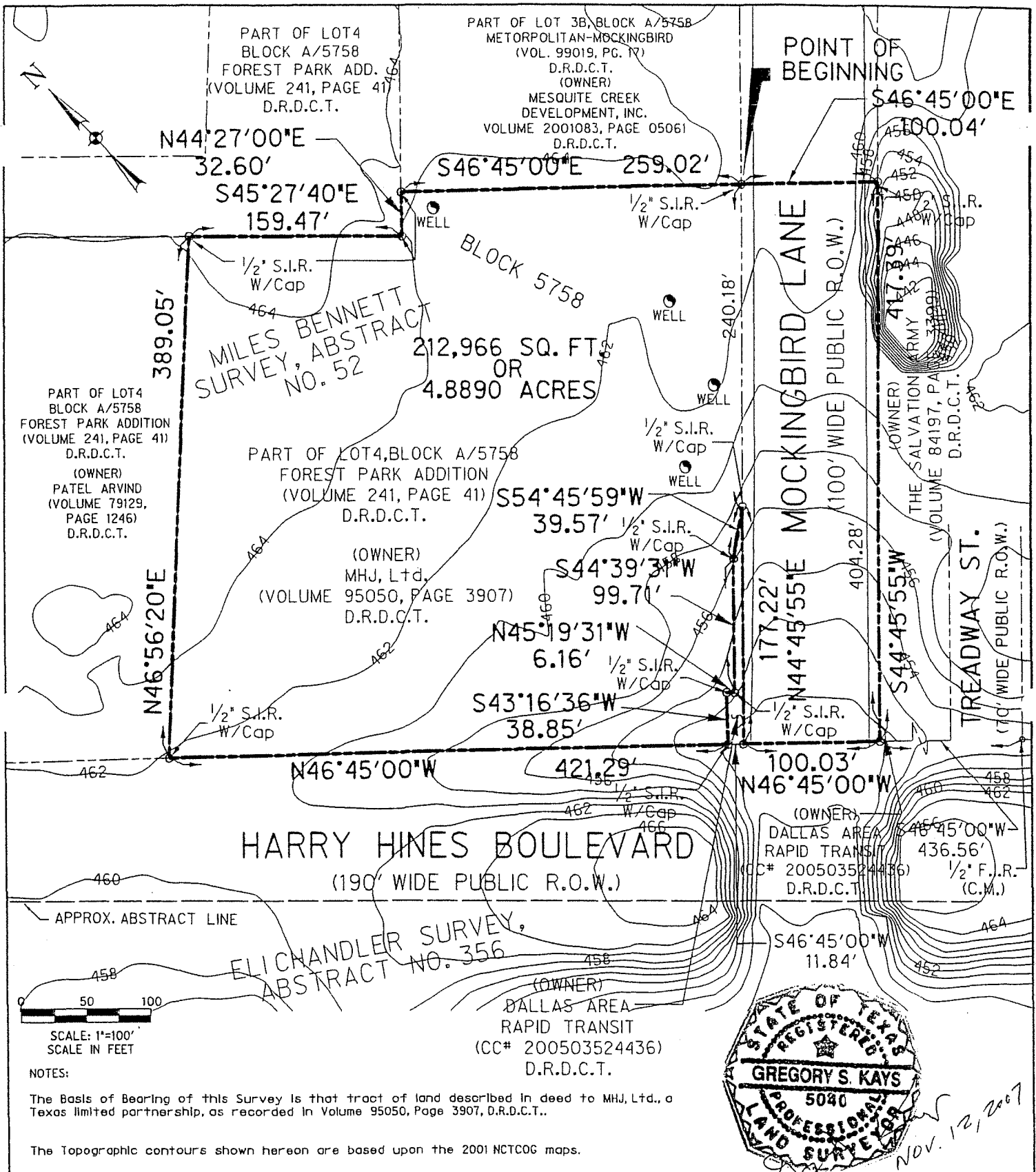
SPRG NO.: _____

SCALE: 1"=100'
AVO. 24245-EA08
DRAWN: DANIEL D.
DESIGN: HALFF

PART OF
LOT 4, BLOCK A/5758
FOREST PARK ADDITION
DALLAS, TEXAS 75235

EXHIBIT "A"
MSD AREA SURVEY
4.8890 ACRES

SHEET
2/3




HALFF
 1201 N. BOWSER ROAD
 RICHARDSON, TEXAS 75081-2275
 TEL (214) 346-6200
 FAX (214) 739-0095

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

- LEGEND
- UNABLE TO LOCATE
 - WM-X ○ WELL MONITORING WELL
 - SG-7 ▲ SOIL SAMPLING
 - B-X ⊗ BOREHOLE
 - (CM) CONTROL MONUMENT

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
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³ Do not submit application.
⁴ NA only when no such municipality, private well owner, or retail public utility exists

MSD Information:

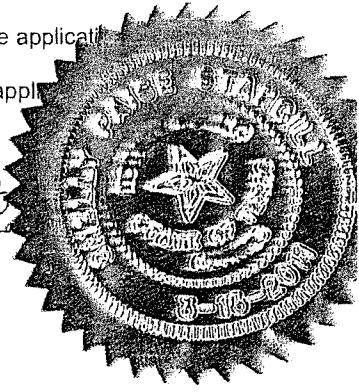
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.
VCP 2033

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 / 09 /2007	<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 and will be provided before the executive director certifies this application.

Applicant Signature: Jean Karotkin Date: 1/18/08
 Before me, Shelly Paige Stancill the undersigned authority, on this day personally appeared Jean Karotkin and signed this Municipal Setting Designation Application.
 Name of Notary: Shelly Paige Stancill
 Name of Applicant: Jean Karotkin



Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 18 day of January, this month of January, 2008.

TCEQ-20149 June 2007
Shelly Paige Stancill²