

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

July 1, 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 Hampton Village Shopping Center, 2601, 2611, 2631, 2649 S. Hampton Road and 2498 W. Illinois Avenue, Dallas, Dallas County, TX; MSD No. 68

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,

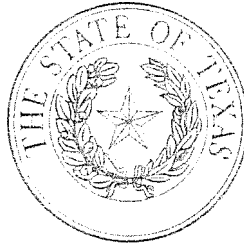
A handwritten signature in black ink, appearing to read "Mike Frew".

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. 68, 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 23rd day of June, 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

'A'

M.S.D. SURVEY

being a tract of land situated in the W. J. Walker Survey, Abstract No. 1547, in the City of Dallas, Dallas County, Texas, being part of City Block No. 6027, and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the Northwest intersection of W. Illinois Avenue (variable right-of-way) and Franklin Avenue (25 foot right-of-way) and being the Southeast corner of Lot 33, Block 4/5967 of Roland Dale No. 3, an addition to the City of Dallas, Dallas County, Texas, according to the map of plat thereof recorded in Volume 18, Page 39 of the Map Records of Dallas County, Texas;

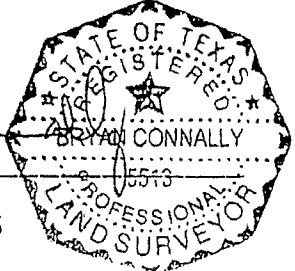
THENCE North 89 Degrees 14 Minutes 52 Seconds East along the North line of said W. Illinois Avenue, a distance of 735.44 feet to a point for corner, said corner lying in the Northeast intersection of said W. Illinois Avenue and S. Hampton Road (80 foot right-of-way) and being the Southwest corner of Lot 1A, Block 2/4755 of Eckerds of Elmwood, an addition to the City of Dallas, Dallas County, Texas, according to the map of plat thereof recorded in Volume 2004200, Page 7975 of the Map Records of Dallas County, Texas;

THENCE South 00 Degrees 28 Minutes 41 Seconds East along the East line of said S. Hampton Road, a distance of 719.76 feet to a point for corner, said corner lying in the Southeast intersection of said S. Hampton Road and Engle Avenue (25 foot right-of-way) and being the Northwest corner of Block 20/6026 of Clearview Park No. 2, an addition to the City of Dallas, Dallas County, Texas, according to the map of plat thereof recorded in Volume 14, Page 195 of the Map Records of Dallas County, Texas;

THENCE South 89 Degrees 16 Minutes 49 Seconds West along the South line of said Engle Avenue, a distance of 731.63 feet to a point for corner, said corner lying in the Southwest intersection of said Engle Avenue and Franklin Avenue, and being the Northeast corner of Block 4/6028 of Acreage Estates Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map of plat thereof recorded in Volume 41, Page 97 of the Map Records of Dallas County, Texas;

THENCE North 00 Degrees 46 Minutes 55 Seconds West along the West line of said Franklin Avenue, a distance of 719.33 feet to the POINT OF BEGINNING and containing 527,807.85 square feet or 12.1168 acres of land.

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



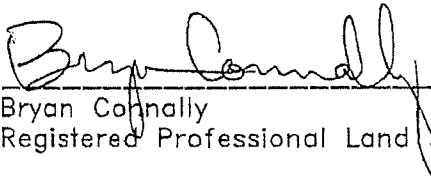

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SHEET 2 OF 3
 JOB NO. 0609437-2
 DRAWN BY: R.G..

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 2nd day of July, 2007



Bryan Connally
Registered Professional Land Surveyor No. 5513



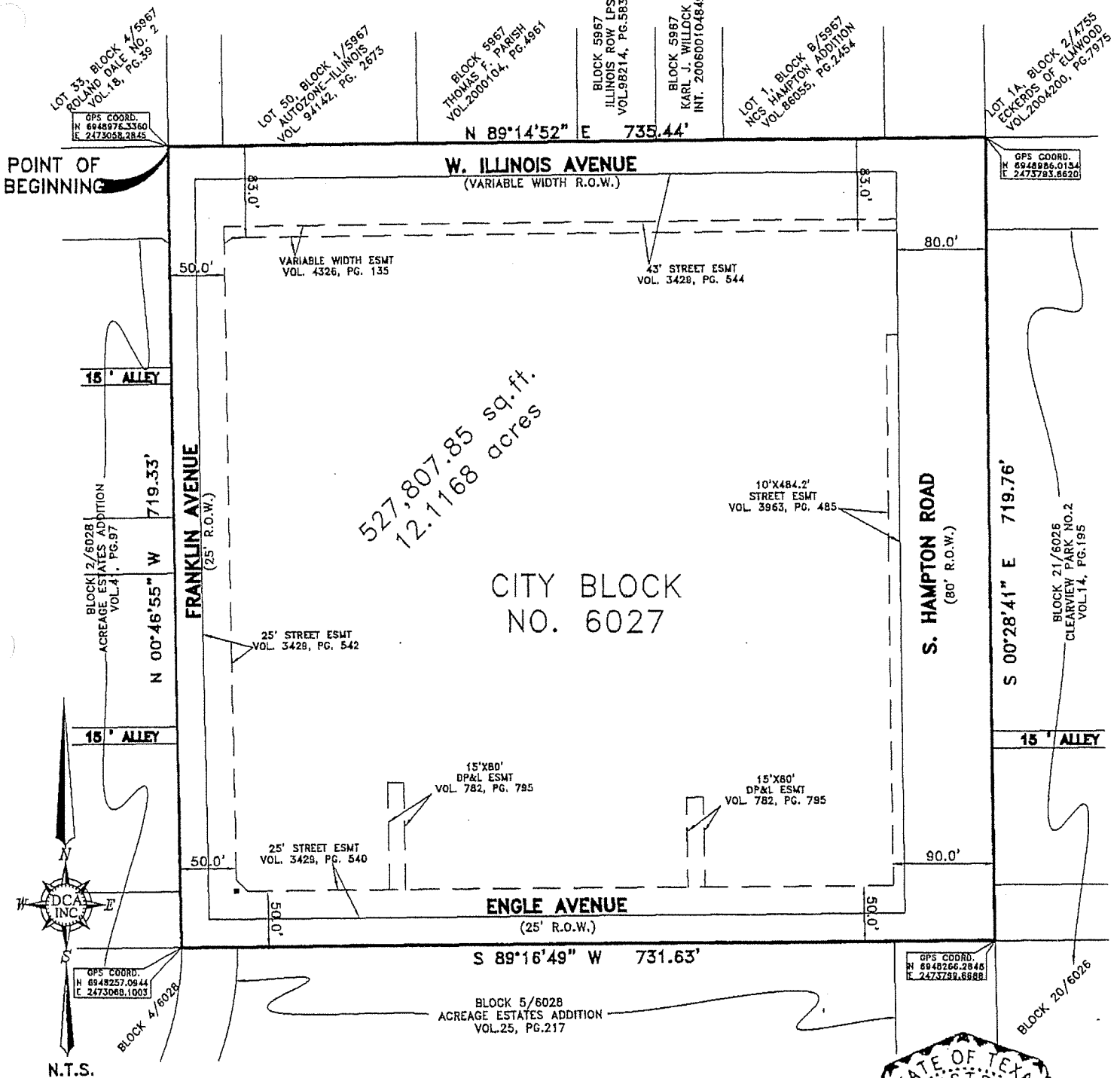
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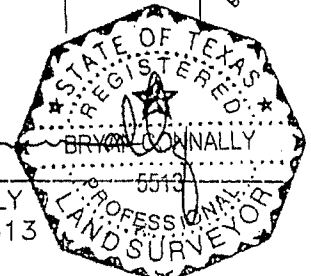
M.S.D. SURVEY



GENERAL NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE.

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



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SHEET 1 OF 3
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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 2651

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{6W} 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? 04/ 19 / 07	<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)].

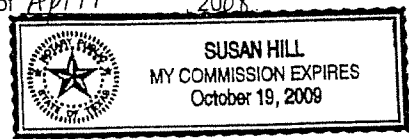
⁶ Do not submit an application.

- 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.

Applicant Signature [Signature] Date 4-3-08

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

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 3rd day of April, this month of 2008.



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 1, 2008

Ms. Debra Watkins, City Secretary
Dallas City Hall
1500 Marilla, Room 5D South
Dallas, Texas 75201

Re: Municipal Setting Designation Certification (MSD) for Charter Hampton, L.P.,
2601, 2611, 2631, 2649 S. Hampton Road and 2498 W. Illinois Avenue, Dallas,
Dallas County, TX ; MSD No. 68

Dear Ms. Watkins:

As required by TEX HEALTH & SAFETY CODE §361.807(a)(2), enclosed is a copy of the MSD dated June 23, 2008. The City of Dallas passed an ordinance (Ordinance No. 27125) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at 512/239-5872.

Sincerely,

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

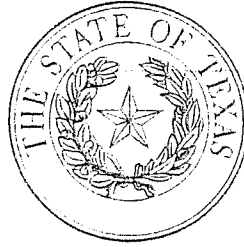
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Environmental Cleanup Section II
Remediation Division

MF/sr

Enclosure

Y900

Texas Commission on Environmental Quality



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Texas Commission on Environmental Quality

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M.S.D. SURVEY

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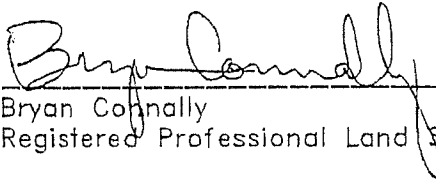

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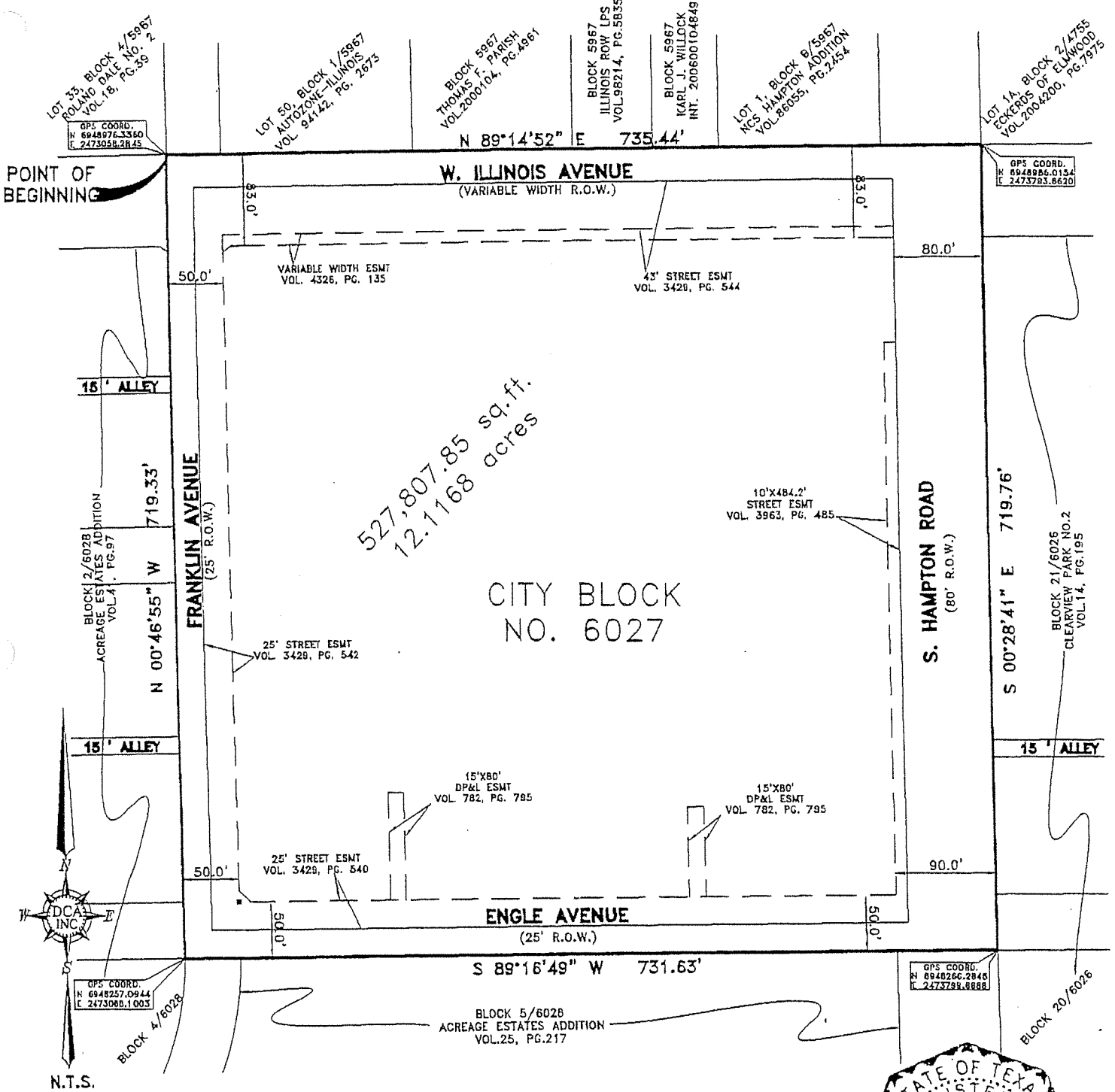

Bryan Connally
Registered Professional Land Surveyor No. 5513



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M.S.D. SURVEY



GENERAL NOTES:

1) BEARINGS SHOWN HEREON ARE BASED ON NAD 83 TEXAS NORTH CENTRAL ZONE.

Bryan Connally
BRYAN CONNALLY
 R.P.L.S. NO. 5513
 PROFESSIONAL LAND SURVEYOR



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

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VCP 2001

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
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- 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 4-3-08

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

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 3rd day of April, this month of 2008

