

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*

September 4, 2008

Mr. H.Reece Pettigrew, Chief Financial Officer  
Museum Place Holdings, LLP  
2918 Wingate Street  
Fort Worth, Texas 76107

Re: Municipal Setting Designation (MSD) Certificate for Museum Place holdings,, LLP,  
Southwest Corner of 6<sup>th</sup> Street and University Drive, Fort Worth, TX; MSD No. 70

Dear Mr. Pettigrew:

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](mailto:mfrew@tceq.state.tx.us)).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew", with a long horizontal flourish extending to the right.

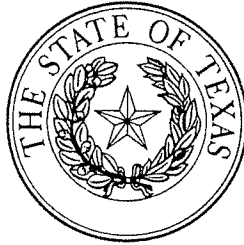
Mike Frew, P.G.  
Environmental Cleanup Section II  
Remediation Division

MF/jhm

Enclosure

cc: Lauren Pulliam, Remediation Division, Environmental Cleanup Section II, MC-137

# Texas Commission on Environmental Quality



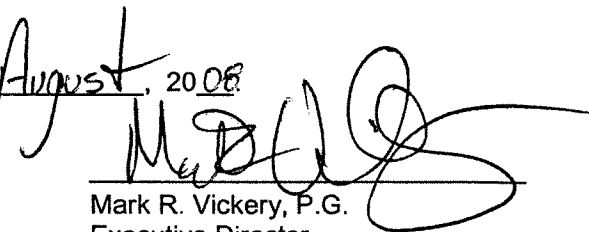
## Municipal Setting Designation

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. 70, in the City of Fort Worth, 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 28<sup>th</sup> day of August, 2008.



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

\ ' A ' /

PROPERTY DESCRIPTION

BEING a tract of land situated in the City of Fort Worth, Tarrant County, Texas and being all of Lot 4R1, Block 2, Van Zandt Hillside Addition, as recorded in Volume 388-206, Page 81, Plat Records, Tarrant County, Texas, all of Lots 3 and 4 and a portion of Lot 5, Drake Subdivision, as recorded in Volume 848, Page 437, Plat Records, Tarrant County, Texas, all of Lot A, a portion of Lot B, all of Lots 4 through 8, of Block 1, all of Lots 1 through 7, all of Lots 17 through 22, and a portion of Lot 8, of Block 5, Van Zandt Hillside Addition, as recorded in Volume 204, Page 4, Plat Records, Tarrant County, Texas, a portion of Lot 4, Block 1, Lots 10, 11, 16, 17 and a portion of Lot 12, Block 3, all of Lots 19 and 20, Block 4, William J. Bailey Addition, as recorded in Volume 310, Page 61, Plat Records, Tarrant County, Texas, all of Lot 1R, Block 1, William J. Bailey Addition, as recorded in Cabinet A, Slide 11735, Plat Records, Tarrant County, Texas, all of Lot 1R, Block 2, William J. Bailey Addition, as recorded in Cabinet A, Slide 11939, Plat Records, Tarrant County, Texas, all of Lot 13R, Block 3, William J. Bailey Addition, as recorded in Volume 388-131, Page 48, Plat Records, Tarrant County, Texas, all of Lot A-R, Block 3, William J. Bailey Addition, as recorded in Volume 388-163m Page 91, Plat Records, Tarrant County, Texas, portions of Barden Street, Bailey Avenue, West 7th Street, Arch Adams Street, Arch Adams Lane, and Darcy Street, a portion of the alley in Block 3 of said William J. Bailey Addition, as recorded in Volume 310, Page 61, Plat Records, Tarrant County, Texas, and a portion of the alley in Block 5 of said Van Zandt Addition, as recorded in Volume 204, Page 4, Plat Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said lot 4R1, Block 2, Van Zandt Addition, being at the intersection of the east right-of-way line of Boland Street and the south right-of-way line of existing West 7th Street;

THENCE South, 116.00 feet along the east right-of-way line of said Boland Street;

THENCE N 62°16'00"E, 19.24 feet;

THENCE S 26°13'10"E, 55.66 feet;

THENCE South, 43.15 feet to the northerly right-of-way line of Darcy Street;

THENCE N 63°02'06"E, 59.46 feet along the northerly right-of-way line of said Darcy Street;

THENCE S 27°17'45"E, 216.00 feet;

THENCE S 63°02'06"W, 3.07 feet;

THENCE S 27°04'32"E, 140.00 feet to the northerly right-of-way line of Camp Bowie Boulevard;

THENCE N 63°02'06"E, 611.22 feet along the northerly right-of-way line of said Camp Bowie Boulevard;

C&B Job No. 015335.010

Mapsco FW76A

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February 13, 2008

Page 1 of 3

THENCE N 00°14'50"W, 218.22 feet to the south right-of-way line of West 7th Street;

THENCE East, 209.56 feet along the south right-of-way line of said West 7th Street;

THENCE S 00°00'58"E, 112.07 feet returning to the northerly right-of-way line of said Camp Bowie Boulevard;

THENCE N 63°02'06"E, 247.15 feet to the beginning of a non-tangent curve to the left;

THENCE with said non-tangent curve to the left, an arc distance of 118.94 feet, through a central angle of 06°48'53 sec., having a radius of 1000.00 feet, the long chord of which bears N 75°57'49"E, 118.87 feet to the beginning of a compound curve to the left;

THENCE with said compound curve to the left, an arc distance of 102.66 feet, through a central angle of 47°03'15 sec., having a radius of 125.00 feet, the long chord of which bears N 54°21'16"E, 99.80 feet;

THENCE N 06°31'15"E, 111.99 feet to and along the westerly right-of-way line of University Drive North;

THENCE N 89°54'26"E, 3.58 feet continuing along the westerly right-of-way line of said University Drive North;

THENCE N 03°48'15"E, 144.39 feet continuing along the westerly right-of-way line of said University Drive North;

THENCE N 43°09'05"W, 6.83 feet to the south right-of-way line of West 6th Street;

THENCE S 89°53'38"W, 203.96 feet along the south right-of-way line of West 6th Street;

THENCE S 81°46'47"W, 98.93 feet across said Bailey Avenue to the most northerly northeast corner of said Lot 1R, Block 2, William J. Bailey Addition;

THENCE West, 224.98 feet along the north line of said Lot 1R, Block 2, William J. Bailey Addition and across said Barden Street to the west right-of-way line of said Barden Street;

THENCE N 00°03'18"W, 39.43 feet to the south line of Lot 2, Block A, Bombay Addition, as recorded in Cabinet A, Slide 10625, Plat Records, Tarrant County, Texas;

THENCE West, 549.70 feet along the south line of said Lot 2, Block A, Bombay Addition and along the south line of Lot 1, Block A, said Bombay Addition and across Arch Adams Street and Arch Adams Lane;

THENCE South, 174.35 feet to and along the west right-of-way line of said Arch Adams Lane;

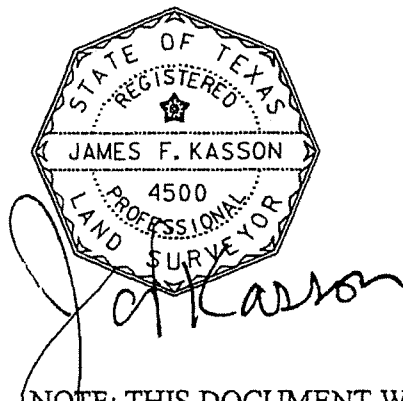
THENCE N 89°59'01"W, 100.18 feet;

THENCE S 00°10'20"E, 198.17 feet to the existing north right-of-way line of said West 7th Street;

THENCE N 89°51'03"W, 57.48 feet along the existing north right-of-way line of said West 7th Street;

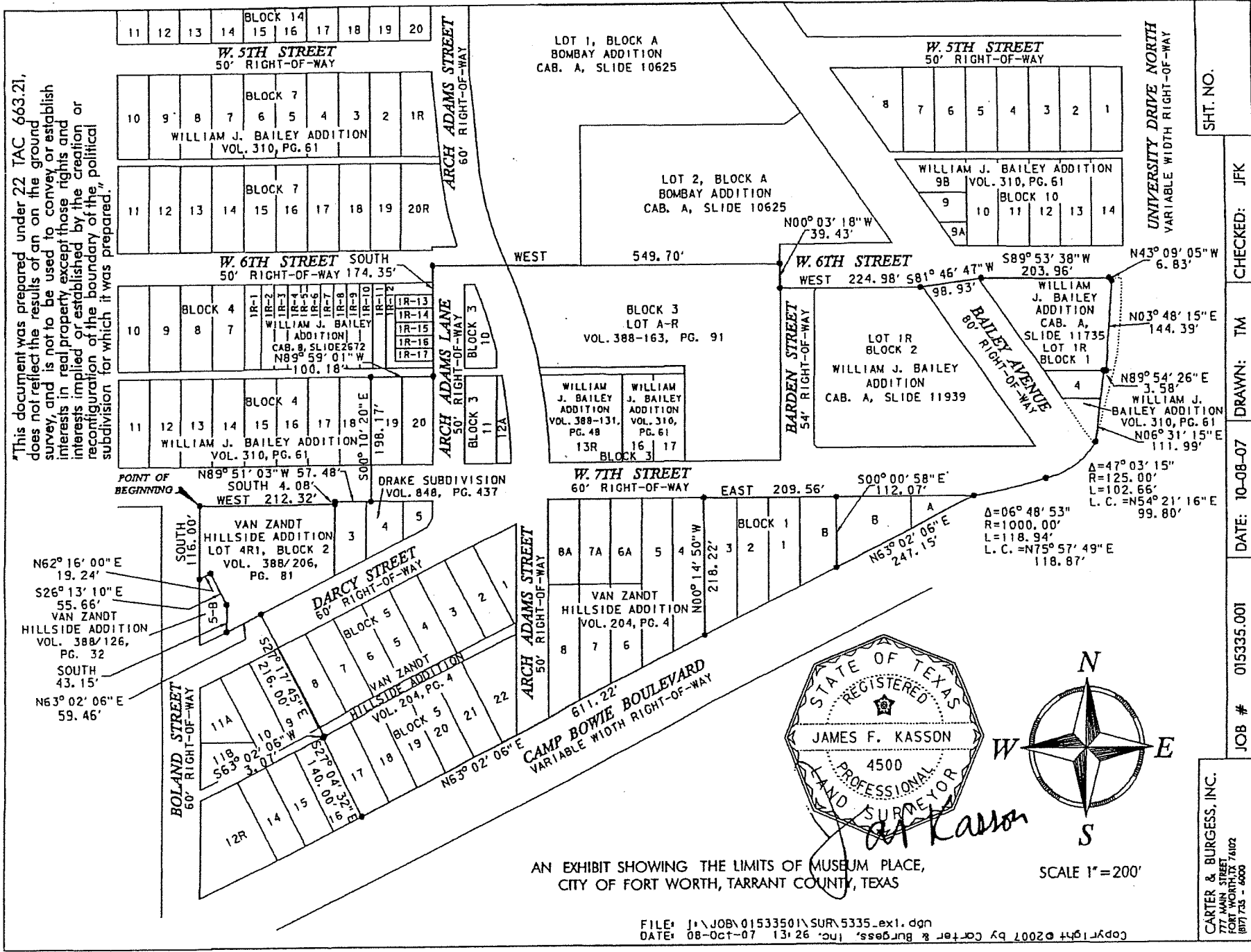
THENCE South, 4.08 feet continuing along the existing north right-of-way line of said West 7th Street;

THENCE West, 212.32 feet continuing along the existing north right-of-way line of said West 7th Street to the POINT OF BEGINNING and containing 15.361 acres of land more or less.



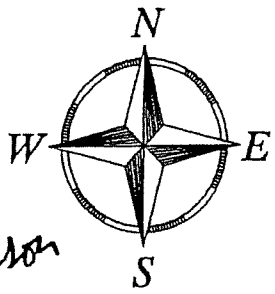
NOTE: THIS DOCUMENT WAS PREPARED UNDER 22 TAC S663.21, AND DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY, EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



AN EXHIBIT SHOWING THE LIMITS OF MUSEUM PLACE, CITY OF FORT WORTH, TARRANT COUNTY, TEXAS

SCALE 1" = 200'



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 DATE: 08-0c-07 13:22  
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CARTER & BURGESS, INC.  
 777 MAIN STREET  
 FORT WORTH, TX 76102  
 (817) 735-6000

JOB # 015335.001  
 DATE: 10-08-07  
 DRAWN: TM  
 CHECKED: JFK  
 SHT. NO.

'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 <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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 2160</u>		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GWing)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 4 4 08	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> 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.

MUSEUM PLACE HOLDINGS, LLC

By: [Signature], CFO  
Applicant Signature

5-14-08  
Date

Before me Barbie L. Lewis the undersigned authority, on this day personally appeared

H. Reece Pettigrew Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Tarrant, State of Texas, on the 14<sup>th</sup> day of May, this month of 2008.

TCEQ-20149 June 2007 Barbie L. Lewis 2

