

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 11, 2008

Mr. Chuck Howley  
Redfield Investments L.P.  
1489 Prudential Dr.  
Dallas, Texas 75235

Re: Municipal Setting Designation (MSD) Certificate for 5422 Redfield St., Dallas, Texas  
75235; MSD No. 77

Dear Mr. Howley:

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 512/239-3119 or via e-mail ([rciampi@tceq.state.tx.us](mailto:rciampi@tceq.state.tx.us)).

Sincerely,

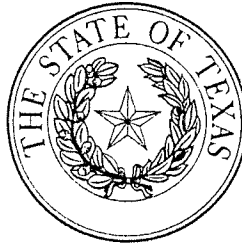
A handwritten signature in black ink, appearing to read "Rick Ciampi".

Rick Ciampi, Project Manager  
Environmental Cleanup Section II  
Remediation Division

RC/jhm

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. 77, 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 2nd day of September, 2008.

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

A

**MSD SURVEY**  
**BLOCKS 5753 and 5754**  
**Redfield Street and Butler Street**  
**City of Dallas, Dallas County, Texas**  
**562,036 sq. ft. / 12.9026 ac.**

BEING a 12.9026 acre tract of land situated in the C. Grigsby Survey, Abstract No. 533, Dallas County, Texas, in Blocks 5753 and 5754, Official City Numbers, containing Lot 8, Block 35/5754, W.G. Langley's Subdivision, an addition to the City of Dallas according to the plat thereof recorded in Volume 5, Page 101, Map Records, Dallas County, Texas, and containing parts of Redfield Street (50' R.O.W.) and Butler Street (50' R.O.W.), further containing the following five tracts: called 6.09 acres described to Redfield-Butler, L.P. by Limited Warranty Deed recorded as Instrument No. 200503538001, Official Public Records, Dallas County, Texas; called 2.421 acres and 31,590 square feet described to Redfield Investment, L.P. by Special Warranty Deed recorded as Instrument No. 200600260394, Official Public Records, Dallas County, Texas; called 1.7522 acres described to S.V. Hardy, LP by Special Warranty Deed recorded in Volume 2001129, Page 2054, Deed Records, Dallas County, Texas; called 0.2417 acres described to Redfield Investment, L.P. by Special Warranty Deed recorded as Instrument No. 20070336418, Official Public Records, Dallas County, Texas, said 12.9026 acre tract being more particularly described as follows:

**BEGINNING** at the most easterly corner of said 31,590 square feet tract, also the most northerly corner of that certain tract described to Alvin L. Goodstein by Deed Without Warranty recorded in Volume 94107, Page 01427, Deed Records, Dallas County, Texas, in the southwest line of said Redfield Street and lying N45°59'33"W - 202.11 feet from the southeast line of said Butler Street;

THENCE S 43°48'10" W departing the said southwest line of Redfield Street and along the northwest line of said Goodstein tract, passing the most westerly corner thereof, also the most northerly corner of the remainder of that certain tract described to Majors Scientific Books, Inc. by Special Warranty Deed recorded in Volume 2004201, Page 05257, Deed Records, Dallas County, Texas, and continuing, along the northwest line of said remainder tract, a distance of 210.600 feet to the northeast line of that certain tract described to J.A. Majors Company by Warranty Deed recorded in Volume 4471, Page 574, Deed Records, Dallas County, Texas;

THENCE N 45°45'50" W along the northeast line of said J.A. Majors tract, passing the most northerly corner thereof, also the most easterly corner of that certain tract described to Craddock and Norsworthy, Inc. by Warranty Deed recorded in Volume 2816, Page 64, Deed Records, Dallas County, Texas, and along the northeast line thereof, passing its most northerly corner, also a re-entrant corner in the easterly line of that certain called 1.335 acre tract described to The Salvation Army by Special Warranty Deed recorded in Volume 98096, Page 05589, Deed Records, Dallas County, Texas and continuing, in all, a total distance of 200.00 feet;

THENCE N 43°48'10" E along the easterly line of said Salvation Army tract, a distance of 210.60 feet to the aforementioned southwest line of Redfield Street;

THENCE N 45°59'33" W along the said southwest line of Redfield Street, common with the northeast line of Salvation Army tract, that certain called 11,583 square feet tract described to Brenda D. Arrington by Marital Agreement recorded in Volume 91165, Page 3272, Deed Records, Dallas County, Texas, and those certain tracts described to George M. Illes, Jr. by Warranty Deed recorded in Volume 89087, Page 1603, Deed Records, Dallas County, Texas, in all, a total distance of 345.14 feet;

THENCE N 43°34'52" E departing the said southwest line of Redfield Street and across said Redfield Street, passing a 1/2" iron rod found in the northeast line thereof, at the most southerly corner of National Accommodations Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 74138, Page 1386, Deed Records, Dallas County, Texas, and continuing, along the southeast line thereof and the southeast line of that certain called 12.828 acre tract described to The Board of Regents of The University of Texas System by Special Warranty Deed recorded in Volume 2004155, Page-00601, Deed Records, Dallas County, Texas, in all, a total distance of 728.33 feet to an "x" cut found at the most westerly corner of Lot 17 of aforementioned W.G. Langley's Subdivision;

THENCE S 46°08'26" E departing the southeast line of said University of Texas tract and along the southwest line of said W.G. Langley's Subdivision, a distance of 498.76 feet to the most southerly corner of Lot 9 thereof;

THENCE N 43°40'34" E along the southeast line of said Lot 9, a distance of 52.50 feet to the most westerly corner of Lot 7 of said W.G. Langley's Subdivision;

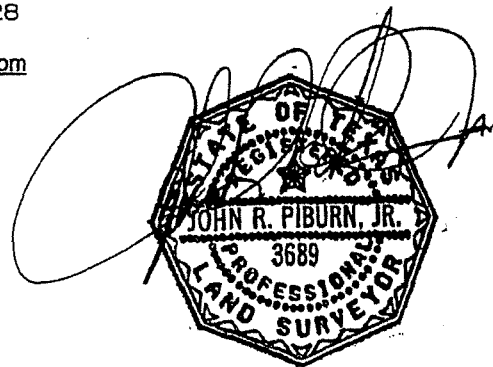
THENCE S 46°08'26" E along the southwest line of said Lot 7, passing the most southerly corner thereof in the northwest line of aforementioned Butler Street and continuing, across said Butler Street, a distance of 201.09 feet to the southwest line thereof, also the northwest line of Lot 1-A, Block 1/2373, Olmsted Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 82179, Page 462, Deed Records, Dallas County, Texas;

THENCE S 43°46'44" W along said southeast line of Butler Street, common with the northwest line of said Olmsted Addition, the northwest line of Lot 1-B, Block 1/2373, Butler Park Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 84179, Page 4295, Deed Records, Dallas County, Texas, the northwest line of Maple Lawn Realty & Development Co's Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 3, Page 191, Map Records, Dallas County, Texas, crossing Redfield Street, passing a 1/2" iron rod found at the most northerly corner of Block 5750, Official City Numbers, and continuing, along the northwest line thereof, in all, a total distance of 782.62 feet;

THENCE N 45°59'33" W departing the northwest line of said Block 5750, crossing said Butler Street, along the aforementioned southwest line of Redfield Street, also the northeast line of the aforementioned Goodstein tract, a distance of 202.11 feet to the **POINT OF BEGINNING** and containing 562,036 square feet or 12.9026 acres of land, more or less.

- Bearings are based upon State Plane Coordinates, Texas North Central Zone 4202, NAD 1983 (Conus 03)

PIBURN & PARTNERS, LLC  
3445 HIGHLAND RD., SUITE 205  
DALLAS, TX 75228  
(214) 328-3500  
[www.metrosurveyor.com](http://www.metrosurveyor.com)



(For SPRG use only)

Reviewed By:	_____
Date:	_____
SPRG NO.:	_____

September 27, 2007  
Project No. 07151  
Sht. 2 of 3

MSD SURVEY

BLOCKS 5753 and 5754  
Redfield Street and Butler Street  
City of Dallas, Dallas County, Texas  
562,036 sq. ft. / 12.9026 ac.

CALLED 12.828 ACRES  
THE BOARD OF REGENTS OF  
THE UNIVERSITY OF TEXAS SYSTEM  
VOL.2004155, PG.00601  
SPECIAL WARRANTY DEED  
D.R.D.C.T.

SCALE: 1" = 120'  
40 80 120

x" cut  
found

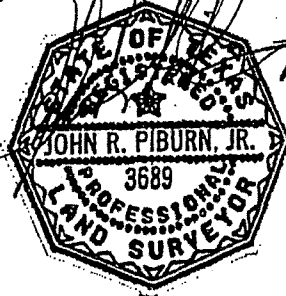
W.C. LANGLEY'S SUBDIVISION  
VOL.5, PG.101  
M.R.D.C.T.  
N 43°40'34" E  
52.50'  
BLOCK 35/5754  
S 46°08'26" E - 498.76'

BLOCK 5754

CALLED 6.09 ACRES  
REDFIELD-BUTLER, L.P.  
Instr. #200503538001  
LIMITED WARRANTY DEED  
O.P.R.D.C.T.

BLOCK 5756

CALLED 12.828 ACRES  
THE BOARD OF REGENTS OF  
THE UNIVERSITY OF TEXAS SYSTEM  
VOL.2004155, PG.00601  
SPECIAL WARRANTY DEED  
D.R.D.C.T.



C. GRIGSBY SURVEY A/533

562,036 sq. ft.  
12.9026 ac.

N 43°34'52" E - 728.33'

BUTLER ST.  
50' R.O.W.  
BUTLER ST.

KIRK OLUSTED  
PAPER COMPANY  
LOT 1-A, BLOCK 1/2373  
OLUSTED ADDITION  
VOL.82719, PG.462  
D.R.D.C.T.  
S 43°46'44" W - 782.62'  
TRACT 31  
FUTERFAS FAMILY L.P.  
V.2005143, P.03137  
S.W.D.  
D.R.D.C.T.  
LOT 1-B, BLOCK 1/2373  
BUTLER PARK ADDITION  
VOL.84179, PG.4295  
D.R.D.C.T.

BLOCK A/5757

NATIONAL ACCOMMODATIONS ADDITION  
VOL.74138, PG.1386  
D.R.D.C.T.

CALLED 2.444 ACRES  
BOARD OF REGENTS OF  
THE UNIVERSITY OF TEXAS SYSTEM  
Instr. #20070251548  
SPECIAL WARRANTY DEED  
O.P.R.D.C.T.

CALLED 1.7522 ACRES  
S.V. HARDY, LP  
VOL.2001129, PG.2054  
SPECIAL WARRANTY DEED  
D.R.D.C.T.

CALLED 2.421 ACRES  
TRACT 2  
REDFIELD INVESTMENT, L.P.  
Instr. #200600260394  
SPECIAL WARRANTY DEED  
O.P.R.D.C.T.

x" ind  
cm  
1/2" pl  
MAPLE LAWN REALTY &  
DEVELOPMENT CO'S ADDITION  
VOL.3, PG.191  
M.R.D.C.T.  
1  
2  
3  
4  
5

REDFIELD ST.

REDFIELD ST.  
50' R.O.W.

P.O.B.

REDFIELD

GEORGE M. ILLES, JR.  
Vol. 89087, Pg. 1603  
WARRANTY DEED  
D.R.D.C.T.

N 45°59'33" W - 295.14'

CALLER 11,583 S.F.  
BRENDA D. ABRINGTON  
Vol. 91165, Pg. 3272  
MARITAL AGREEMENT  
D.R.D.C.T.

CALLER 1,335 AC.  
THE SALVATION ARMY  
Vol. 98096, Pg. 05589  
SPECIAL WARRANTY DEED  
D.R.D.C.T.

N 43°34'27" E - 210.60'  
REDFIELD INVESTMENTS, L.P.  
Vol. #20070336418  
SPECIAL WARRANTY DEED  
O.P.R.D.C.T.

BLOCK 5753

CALLER 31,590 S.F.  
TRACT 1  
REDFIELD INVESTMENT, L.P.  
Instr. #200600260394  
O.P.R.D.C.T.

N 45°59'33" W  
202.11'

S 43°34'27" W  
210.60'  
ALVIN L. GOODSTEIN  
VOL.94107, PG.01427  
DEED W/O WARRANTY  
D.R.D.C.T.

[REMAINDER]  
MAJORS SCIENTIFIC BOOKS, INC.  
VOL.2004201, PG.05257  
SPECIAL WARRANTY DEED  
D.R.D.C.T.

BUTLER ST.

BLOCK 5750  
MITCHELL  
PROBATE #70-2919-P

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

= controlling monument

N 45°59'33" W - 200.00'

CRADDOCK AND  
NORSWORTHY, INC.  
Vol. 2816, Pg. 64  
WARRANTY DEED  
D.R.D.C.T.

J. A. MAJORS COMPANY  
Vol. 4471, Pg. 574  
WARRANTY DEED  
D.R.D.C.T.

September 27, 2007  
Project No. 07151  
SHT. 3 of 3

D.R.D.C.T. = Official Public Records of Dallas County, Texas  
D.R.D.C.T. = Dead Records, Dallas County, Texas  
M.R.D.C.T. = Map Records, Dallas County, Texas  
Bearings are based upon State Plane Coordinates, Texas North  
Central Zone 4202, NAD 1983 (Conus 03).

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 <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
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<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.  
VCP No. 2063 (June 2007), VCP No. 2081 (August 2007), and VCP No. 2083 (September 2007)

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> GW <sub>ing</sub> )?	<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? 06 / 07 / 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 <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.

Chuck Howley  
Applicant Signature

7/1/10  
Date

Before me TORY PADDEN  
Chuck Howley the undersigned authority, on this day personally appeared  
Name of Notary  
Chuck Howley and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of DALLAS, State of TX, on the 1<sup>st</sup>  
day of July, this month of July, 2010

TCEQ-20149 June 2007

