

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

November 25, 2008

Mr. David Claassen, Manager
3643 Northwest HWY., LP
8400 Westchester, Suite 300
Dallas, TX 75225

Re: Municipal Setting Designation (MSD) Certificate for 3643 West Northwest Highway, Dallas, Dallas County, TX; MSD No. 82

Dear Mr. Claassen:

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".

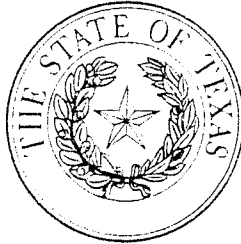
Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/sr

Enclosure

cc: Chris Siegel, Project Manager VCP No. 2075, Remediation Division, MC-221

Texas Commission on Environmental Quality



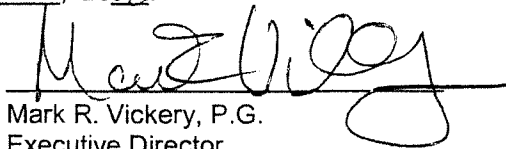
Municipal Setting Designation

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. 82, 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 18th day of November, 2008.


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

'A'

PROPERTY DESCRIPTION

BEING a 42.874 acre tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, and the Joel Walker Survey, Abstract No. 1585, and the William C. Trimble Survey, Abstract No. 1484, City of Dallas, and being a part of the Official City of Dallas Blocks 5775, 6144, 4423, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set at the Southwest corner of Lot 1, Block 4/5086, Hilltop Homes Addition Plat recorded in Volume 15, Page 213, Map Records, Dallas County, Texas, said point being in the Northeast line of Marsh Lane (a 110' ROW);

THENCE North 89 degrees 45 minutes 09 seconds East, a distance of 10.00 feet to a 1/2 inch iron rod set in the Southeast line of an alley, dedicated by said Hilltop Homes Addition Plat, said iron rod being at the beginning of a curve to the left, having a central angle of 22 degrees 14 minutes 08 second, a radius of 563.69 feet, with a chord bearing and distance of South 11 degrees 21 minutes 55 seconds East, 217.39 feet;

THENCE around said curve to the left and along the Northeast ROW line of Marsh Lane, an arc distance of 218.76 feet to a 1/2 inch iron rod set at the end of said curve, said point being in the Northwest line of a tract of land conveyed to Dayton Hudson Corp., recorded in Volume 94039, Page 3504, Deed Records, Dallas County, Texas;

THENCE South 30 degrees 16 minutes 54 seconds East, a distance of 547.52 feet to a cross set for corner at the intersection of the Northwest line of West Northwest Highway (a variable width ROW) , and the Northeast ROW line of Marsh Lane;

THENCE South 72 degrees 12 minutes 09 seconds West, a distance of 492.69 feet along the Northwest line of West Northwest Highway, to a 1/2 inch iron rod set in the Northwest ROW line of West Northwest Highway;

THENCE South 72 degrees 00 minutes 29 seconds West, a distance of 136.85 feet to a 1/2 inch iron rod set for angle;

THENCE South 36 degrees 30 minutes 19 seconds West, a distance of 34.35 feet to a 1/2 inch iron rod set for angle;

THENCE South 72 degrees 10 minutes 08 seconds West, a distance of 245.27 feet to a cross set for angle;

THENCE South 71 degrees 37 minutes 00 seconds West, a distance of 255.51 feet to a cross found at the beginning of a curve to the left having a central angle of 08 degrees 24 minutes 31 seconds, a radius of 1960.08 feet, with a chord bearing and distance of South 67 degrees 24 minutes 44 seconds West, 287.40 feet;

THENCE around said curve to the left an arc distance of 287.66 feet to a cross set for corner;

THENCE North 44 degrees 58 minutes 20 seconds West, 100.50 feet to a 1/2 inch iron rod set

for angle;

THENCE North 45 degrees 16 minutes 35 seconds West, a distance of 305.50 feet along the Northwest line of said Red Bird I 20 Corp. tract to a 1/2 inch iron rod set for corner at the Southwest corner of a tract of land conveyed to Northwest Webb Chapel Properties, recorded in Instrument No. 200600185054, Official Public Records, Dallas County, Texas;

THENCE North 45 degrees 23 minutes 26 seconds East, 9.91 feet to a 1/2 inch iron rod set for corner;

THENCE North 44 degrees 52 minutes 43 seconds West, 993.12 feet to a 1/2 inch iron rod set for corner in the Southeast line of an Unnamed Street, said point being at the Northwest corner of said Northwest Webb Chapel Properties tract;

THENCE North 45 degrees 56 minutes 01 seconds East, a distance of 600.78 feet, along the Northwest line of said Northwest Webb Chapel Properties tract to a 1/2 inch iron rod set for corner in the Southwest line of a tract of land conveyed by deed to Kuveng Ly, recorded in Volume 2005121, Page 5644, Deed Records, Dallas County, Texas, said point being in the Northeast ROW line of Webb Chapel Road;

THENCE South 43 degrees 59 minutes 43 seconds East, a distance of 810.56 feet, along the Northeast line of Webb Chapel Road to a cross set for corner at the South corner of a tract of land conveyed to the City of Dallas recorded in Instrument No. 20070088255, Official Public Records, Dallas County, Texas, said point being in the Northwest ROW line of El Centro Drive (a 60' ROW);

THENCE North 46 degrees 01 minutes 59 seconds East, a distance of 324.19 feet along the Northwest ROW line of El Centro Drive a distance of 324.19 feet to a cross set at the beginning of a curve to the left having a central angle of 43 degrees 52 minutes 40 seconds, a radius of 58.00 feet, with a chord bearing and distance of North 24 degrees 05 minutes 39 seconds East, 43.34 feet;

THENCE around said curve to the left and the Northwest ROW line of El Centro Drive an arc distance of 44.42 feet to a cross set at the end of said curve;

THENCE North 02 degrees 09 minutes 19 seconds East, a distance of 279.86 feet to a cross set for corner in the Northwest line of El Centro Drive;

THENCE North 89 degrees 44 minutes 39 seconds East, 756.74 feet to a 1/2 inch iron rod set for corner in the Northeast ROW line of Marsh Lane (a variable width ROW), said point being in the West line of said Hilltop Homes Addition,

THENCE South 00 degrees 14 minutes 51 seconds East, a distance of 206.71 feet along the Northeast line of said Marsh Lane and the Southeast line of said Hilltop Homes Addition to the PLACE OF BEGINNING and containing 42.874 acres of land.

SAVE AND EXCEPT the following:

BEING a tract of land out of the Dickerson Parker Survey, Abstract No. 1113, being part of

Official Dallas City Block 5775, being that tract of land conveyed by Deed to ASIA FV PRODUCTS CORP. recorded in Volume 93230, Page 4129, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the Southwest ROW line of Webb Chapel Road (a variable width ROW), said iron rod being North 44 degrees 06 minutes 00 seconds West, a distance of 516.75 feet from the intersection of the projection of the Northwest ROW line of West Northwest Highway (a variable width ROW) and the Southwest ROW line of Webb Chapel Road (a variable width ROW);

THENCE South 45 degrees 56 minutes 00 seconds West, a distance of 140.00 feet to a 1/2 inch iron rod found for corner;

THENCE North 44 degrees 06 minutes 00 seconds West, a distance of 100.00 feet to a 1/2 inch iron rod found for corner;

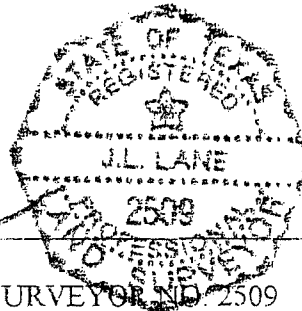
THENCE North 45 degrees 56 minutes 00 seconds East, a distance of 140.00 feet to a 1/2 inch iron rod found for corner in the Southwest ROW line of Webb Chapel Road;

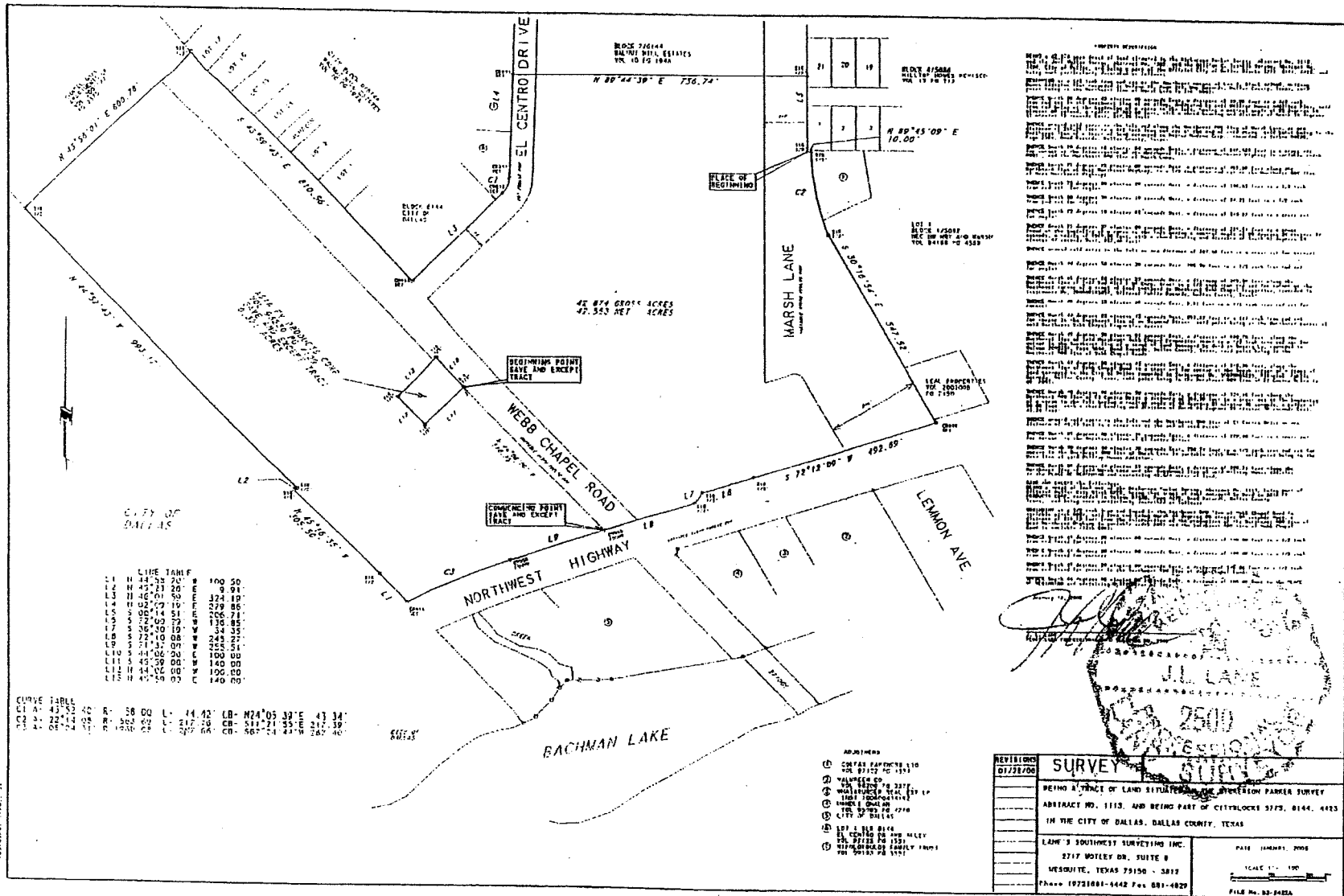
THENCE South 44 degrees 06 minutes 00 seconds East, a distance of 100.00 feet to the PLACE OF BEGINNING and containing 0.321 acres of land.

January 18, 2008


J. L. LANE

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2509





LINE TABLE

LINE	BEARING	DISTANCE	AREA
L1	N 44° 35' 20" E	100.50	
L2	N 47° 23' 20" E	3.91	
L3	N 46° 01' 50" E	324.19	
L4	N 02° 07' 19" E	329.86	
L5	S 08° 14' 51" E	255.71	
L6	S 72° 05' 05" W	125.85	
L7	S 36° 30' 19" W	34.315	
L8	S 71° 10' 08" W	243.55	
L9	S 71° 17' 01" W	255.051	
L10	S 44° 06' 30" E	100.00	
L11	S 45° 59' 00" W	140.00	
L12	N 44° 02' 00" E	100.00	
L13	N 47° 59' 02" E	140.00	

CURVE TABLE

LINE	ANGLE	RADIUS	CHORD	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	A=43° 30' 40"	R=58.00	L=44.42	LB=M24° 05' 32" E	43.34	
C2	A=22° 14' 05"	R=130.00	L=217.26	CB=S81° 21' 35" E	217.39	
C3	A=01° 42' 15"	R=1510.00	L=229.66	CB=S67° 24' 43" W	267.40	

- ADJACENTS
- 1. CENTAS PAPER CO. 110 VOL. 87102 PG. 1511
 - 2. WILMEX CO. VOL. 87102 PG. 2871
 - 3. WOLFEBOCKER TRACT, 214 AC. 1921
 - 4. WOLFEBOCKER TRACT, 214 AC. 1921
 - 5. CITY OF DALLAS
 - 6. LOT 1 BLK 8164
 - 7. LOT 2 BLK 8164
 - 8. LOT 3 BLK 8164
 - 9. WILMEX CO. TRACT, 214 AC. 1921
 - 10. WILMEX CO. TRACT, 214 AC. 1921

BEING A PORTION OF LAND DESCRIBED IN THE SURVEY OF THE CITY OF DALLAS, TEXAS, AND BEING PART OF CITYBLOCKS 5775, 6144, 4425 IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS.

THESE ARE THE TERMS AND CONDITIONS OF THE SURVEY:

1. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

2. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

3. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

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5. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

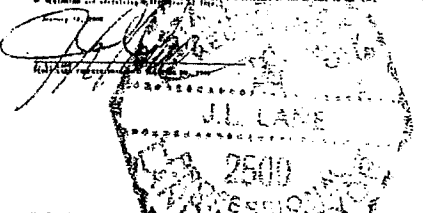
6. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

7. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

8. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

9. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.

10. THE SURVEY IS MADE FROM THE CORNER OF THE SECTION 25, T12N, R10E, S10W, COUNTY OF DALLAS, TEXAS.



REVISIONS: 07/21/00

SURVEY

BEING A PORTION OF LAND DESCRIBED IN THE SURVEY OF THE CITY OF DALLAS, TEXAS, AND BEING PART OF CITYBLOCKS 5775, 6144, 4425 IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS.

LAJW'S SOUTHWEST SURVEYING INC.
2717 WOLFE DR., SUITE B
MESQUITE, TEXAS 75150 - 5872
PHONE 19721881-4442 FAX 681-4829

DATE JANUARY, 2000
SCALE 1" = 100'
FILE NO. 82-2426A

'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.
VLP 2075

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} Wing)?	<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? 6 / 14 / 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 ⁵	<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 checked="" type="radio"/> Yes	<input 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

8-11-08
Date

RECEIVED
AUG 13 2008
REMEDIATION DIVISION

Before me *[Signature]* the undersigned authority, on this day personally appeared
Name of Notary
David E. Claassen 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 11th day of August, this month of August, 2008

TCEQ-20149 June 2007

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