

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*

December 10, 2008

Mr. Stacey Standridge  
Texas Blue Saddle, Ltd.  
14860 Montford Drive, Suite 241  
Dallas, TX 75254

RE: Municipal Setting Designation (MSD) Certificate for Texas Blue Saddle,  
Southwest Corner of IH 35 and US Highway 380, Denton, TX; MSD No. 084

Dear Mr. Standridge:

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 cursive script that reads "Mike Frew".

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

MF/sr

Enclosure

cc: Scott Lawless, Project Manager VCP 2120, Remediation Division , 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. 84, in the City of Denton, 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 3<sup>rd</sup> day of December, 2008.

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

## Exhibit A

Tract 1

### DESCRIPTION OF PROPERTY SURVEYED

SITUATED in the City of Denton, Denton County, Texas, and being a tract of land in the B.B.B. & C. R.R. COMPANY SURVEY, Abstract No. 192, and being a portion of that certain tract described in deeds to Rayzor Investments, Ltd. recorded in Volume 5340, Page 2278 (43.02%), and Volume 5340, Page 2283 (56.98%), of the Denton County Deed Records, and said portion described more fully as follows:

BEGINNING at the northeast corner of Lot 1, Block 3, Commerce Center, as shown on plat thereof recorded in Cabinet E, Slide 152, of the Denton County Plat Records, in a westerly line of Interstate Highway 35 (variable width right-of-way at this point), and from which point a 5/8" iron rod found in place bears South 72 degrees West, 4.60 feet;

THENCE South 68 degrees, 00minutes, 05 seconds West with the northerly line of said Commerce Center, at 400.26 feet passing a 1/4" iron rod found in place for the northwest corner of said Commerce Center and continuing across said Rayzor Investments tract, in all 587.60 feet to a point the easterly line of the Kansas City Southern Railway (former Gulf, Colorado, and Santa Fe Railroad) right-of-way (150 feet wide at this point) for the westerly line of said Rayzor Investments tract, from which point a 1/2" iron rod found in place bears South 38 degrees West, 2.17 feet;

THENCE North 22 degrees, 01 minute, 20 seconds West with said easterly line of railway right-of-way for the westerly lines of said Rayzor Investments tracts, 829.07 feet to a point in the southerly line of a certain portion of said Rayzor Investment tract currently pending conveyance to the State of Texas for widening U. S. Highway 380, for corner, from which point a "Texas Department of Transportation" capped 5/8" iron rod bears South 65 degrees West, 0.48 foot;

THENCE easterly with said southerly line of State of Texas pending tract, crossing said Rayzor Investments tract, the following courses and distances:

North 64 degrees, 58 minutes, 35 seconds East, 88.28 feet to a "Texas Department of Transportation" capped 5/8" iron rod found in place;

South 88 degrees, 04 minutes, 15 seconds East, 142.63 feet to a 5/8" iron rod found in place;

South 71 degrees, 41 minutes, 15 seconds East, 163.31 feet to a "Texas Department of Transportation" capped 5/8" iron rod found in place; and,

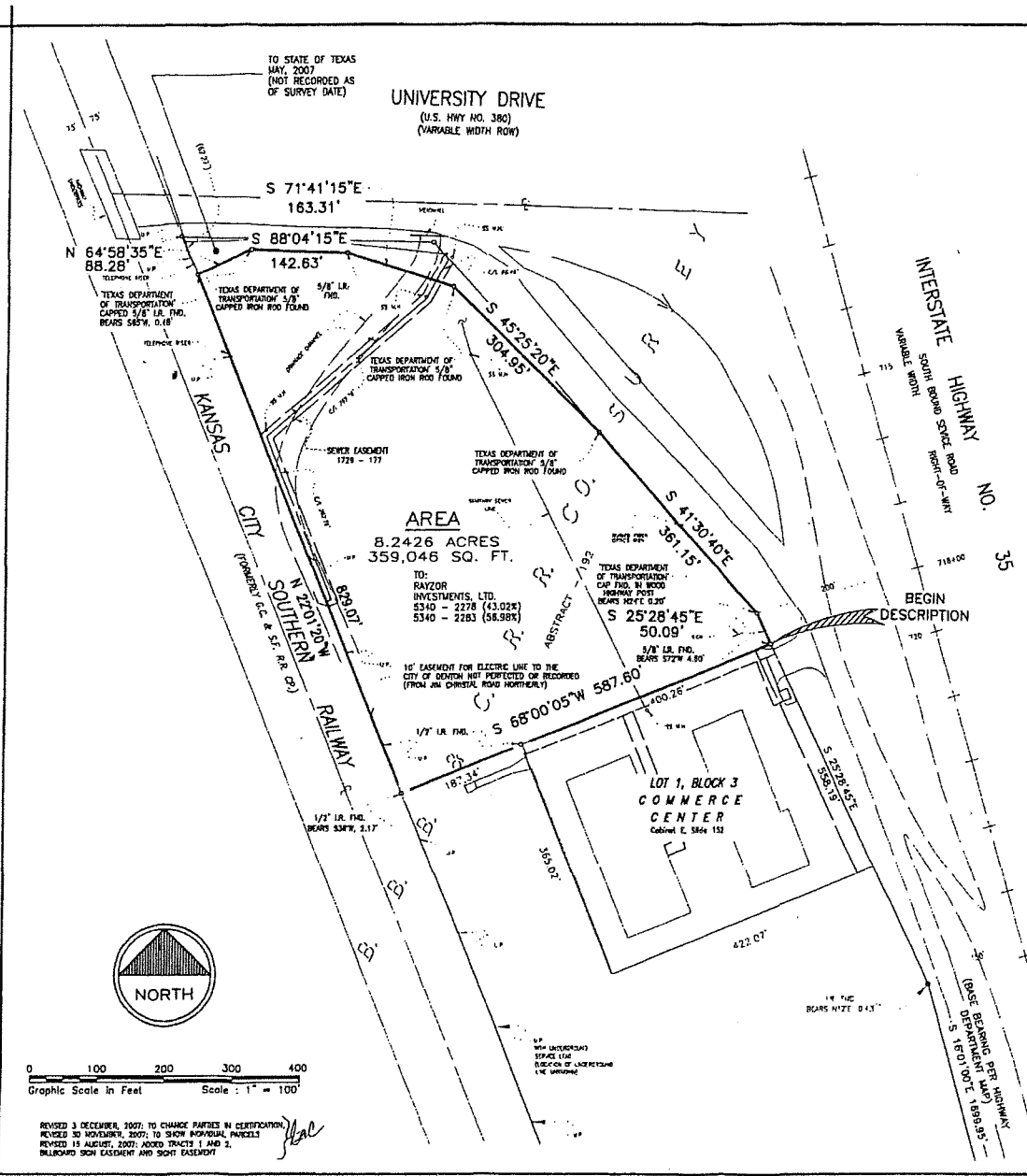
South 45 degrees, 25 minutes, 20 seconds East, 304.95 feet to a "Texas Department of Transportation" capped 5/8" iron rod found in place in the westerly line of Interstate Highway 35 and the easterly line of said Rayzor Investments tract for the southeasterly corner of said pending State of Texas tract;

THENCE South 41 degrees, 30 minutes, 40 seconds East with said westerly line of Interstate Highway 35 and easterly line of Rayzor Investments tract, 361.15 feet to an angle point in said westerly and easterly lines, at a point depicted in Texas Department of Transportation maps as being 200 feet from I-35 centerline station 718+00, from which point a Texas Department of Transportation cap found in a wood guard post bears North 24 degrees East, 0.20 foot;

THENCE South 25 degrees, 28 minutes, 45 seconds East, continuing with said westerly line of Interstate Highway 35 and easterly line of Rayzor Investments tract, 50.09 feet to the PLACE OF BEGINNING, and containing 8.2424 acres (359,040 square feet).

**This description prepared to accompany a survey map of the described property.**

**The base bearing for this description is Texas Department of Transportation's (TxDOT) bearing for the next course southerly along I-35 from the southeasterly corner of the described property of South 16 degrees, 01 minute East**



**LEGEND**

E	Center Line
CD	Clear Cut
	Concrete Pavement
	Fence & Type
FK	Fire Hydrant
GW	Gas Water
M/C	Manholes (Cover)
M	Monument
M/D	Monument Destroyed
CU	Curbed
PS	Post Station
P	Property Line
UP	Under Pole
M	Water Meter
WV	Water Valve

NOTE: All originally signed documents produced by the surveying organization identified hereon will contain an impressed seal. Any document appearing with this company's identification block and surveyor's signature without the impressed seal should be considered a copy not produced under the surveyor's supervision, and may have been altered without the surveyor's knowledge or consent.

- NOTES:
1. THIS PROPERTY IS RESTRICTED FROM DIRECT ACCESS TO THE FREIGHT LANE OF INTERSTATE HIGHWAY NO. 35 BY TERMS OF DEED RECORDED IN VOLUME 400, PAGE 93, VOLUME 470, PAGE 95, AND VOLUME 400, PAGE 97.
  2. VOLUME 528, PAGE 302, WHICH RESTRICTS DIRECT ACCESS TO THE FREIGHT LANE OF INTERSTATE HIGHWAY NO. 35, RESERVES A TRACT OF LAND LOCATED ON THE EAST SIDE OF SAID HIGHWAY AND DOES NOT AFFECT THIS TRACT.
  3. NO PART OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED FLOOD HAZARD AREA AS SHOWN ON FEMA'S FLOOD INSURANCE RATE MAP NO. 48014-0205-D, DATED 4 AUGUST 1997.

**SURVEY MAP of**  
a tract of land in the  
**B. B. B. & C. CO. SURVEY, Abstract No. 192,**  
in the City of Denton,  
Denton County, Texas.  
(See accompanying description)

I hereby certify to Standridge Investments, Inc., to Texas Blue Saddle, Ltd., and to Republic Title of Texas, Inc. and First American Title Insurance Company, that the survey map hereon and the accompanying descriptions depict and describe the results of surveys made on the ground, under my supervision, and that visible improvements found on the property are depicted, that visible easements and those made known to us affecting the property are depicted, and that visible intrusions and protrusions across boundary lines are depicted as detected by survey. The corners are marked or referenced as shown hereon.

GERRY CURTIS ASSOCIATES, INC., Surveyors  
*Gerald A. Curtis*  
Gerald A. Curtis, RPLS 21 June 2007  
Texas Registration No. 1840

**GCA** GERRY CURTIS ASSOCIATES, INC.  
Surveyors  
P.O. Box 9668 817/334-0381  
Fort Worth, Texas 76147-2688

REVISED 3 DECEMBER, 2007, TO CHANGE PARCELS IN CERTIFICATION.  
REVISED 30 NOVEMBER, 2005, TO SHOW INDIVIDUAL PARCELS.  
REVISED 15 AUGUST, 2007, ADDED TRACTS 1 AND 2,  
BILLBOARD SIGN EASEMENT AND SIGN EASEMENT

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.  
VCP 2120

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? 12/ 05 / 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.

TEXAS BLUE SADDLE LTD.

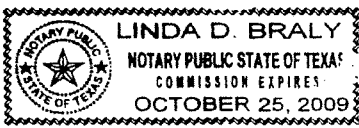
[Signature]  
Applicant Signature

8/26/08  
Date

TEXAS BLUE SADDLE GP INC.

Before me LINDA BRALY the undersigned authority, on this day personally appeared  
 Name of Notary  
Stacy O. Standridge and signed this Municipal Setting Designation Application.  
 Name of Applicant

Sworn, subscribed and signed before me in the County of Denton, State of TX, on the 26  
 day of August, this month of August, 2008.



2 Linda Braly