

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*

January 22, 2009

Mr. Richard Clonts, Vice President, Finance and CFO  
Sewell Corporation and Sewell Village Cadillac Company, Inc.  
3860 West Northwest Highway, Suite 102  
Dallas, TX 75220

Re: Municipal Setting Designation (MSD) Certificate for Sewell Corporation, 6211  
and 6303 Cedar Springs Road, Dallas, TX; MSD No. 88

Dear Mr. Clonts:

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 "mfrew".

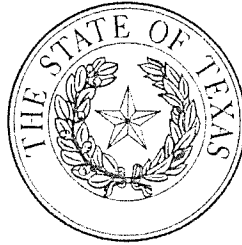
Mike Frew, P.G.  
Environmental Cleanup Section II  
Remediation Division

MF/sr

Enclosure

cc: Kirk Coulter, VCP No. 1926 Project Manager, Remediation Division, MC-221

# Texas Commission on Environmental Quality



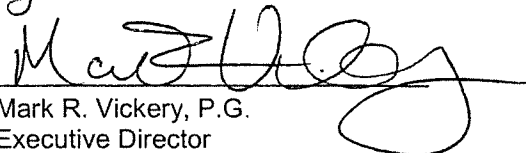
## Municipal Setting Designation

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. 88, 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 14<sup>th</sup> day of January, 2009.

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

'A'

**DAVID PETREE**  
**REGISTERED PROFESSIONAL LAND SURVEYOR**  
11015 Midway Road  
Dallas, Texas 75229  
Phone: (214) 358-4500  
Fax: (214) 358-4600

**Metes and Bounds Description**  
**11.0384 Acres of Land**  
**City Block No. 5720**  
**Miles Bennett Survey, A-52**  
**City of Dallas**  
**Dallas County, Texas**

Being all that certain lot, tract or parcel of land, out of the MILES BENNETT SURVEY, ABSTRACT NO. 52, City Block 5720, City of Dallas, Texas, same being all of the property conveyed by TMT Realty, LP, to Sewell Village Cadillac Company, Inc. by deed recorded in Volume 200202 at Page 4926 of the Deed Records of Dallas County, Texas and being all of that certain tract of land conveyed by Air Logistics Corporation to Sewell Corporation by deed recorded in County Clerk's File No. 200600160022, of the Deed Records of Dallas County, Texas, and also being a portion of Manor Way and a portion of Cedar Springs Road, a foot public right-of-way, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod found for corner at the south corner of said Sewell Corporation called 4.4489 acre tract, same being in the northerly right-of-way line of M.K & T. Railroad (40' DART right-of-way), said iron rod bearing South 44° 51' 26" West a distance of 504.65 feet from a 1/2" iron rod found in the southerly right-of-way line of Cedar Springs Road (variable width right-of-way) and a distance of 509.67 feet from an 'x' set in concrete at the east corner of said Sewell Corporation called 4.4489 acre tract;

**THENCE** North 45° 14' 13" West along said northerly right-of-way line of M.K & T. Railroad (40' right-of-way) for a distance of 380.00 feet to a 1/2 inch iron rod found for corner at the west corner of said Sewell Corporation called 4.4489 acre tract, same being at the intersection of said northerly right-of-way line of M.K & T. Railroad and the southeasterly right-of-way line of Manor Way (50 foot public right-of-way);

**THENCE** North 44° 20' 50" West departing said Sewell Corporation called 4.4489 acre tract for a distance of 50.00 feet to a 5/8 inch iron rod found for corner at the south corner of said Sewell Village Cadillac Company, Inc. called 5.0147 acre tract, same being at the intersection of the northwesterly right-of-way line of said Manor Way (50 foot public right-of-way) and the northerly right-of-way line of said M.K & T. Railroad (40' DART right-of-way);

Metes and Bounds Description  
11.0384 Acres of Land  
City Block No. 5720  
Miles Bennett Survey, A-52  
City of Dallas  
Dallas County, Texas

~ continued~

THENCE North 45° 15' 34' West departing said Manor Way and continuing along the northerly right-of-way line of said M.K & T. Railroad (40' DART right-of-way), for a distance of 428.90 feet to a 5/8 inch steel rod found for corner at the west corner of said Sewell Village Cadillac Company, Inc. called 5.0147 acre tract and the common southerly corner of a called 2.0272 acre tract of land described in a deed to Betzdearborn, Inc., recorded in Volume 98237, Page 8681, of the Deed Records of Dallas County, Texas;

THENCE North 44° 54' 48" East departing said M.K & T. Railroad (40' DART right-of-way) along a common line of said Betzdearborn, Inc. called 2.0272 acre tract and said Sewell Village Cadillac Company, Inc. called 5.0147 acre tract, passing the southerly line of Cedar Springs Road, passing a steel pin found at the north corner of said Sewell Village Cadillac Company, Inc. called 5.0147 acre tract, and continuing on for a total distance of 560.47 feet to a corner in the northerly line of said Cedar Springs Road (variable width right-of-way) and a common southerly line of City Block 5718;

THENCE South 45° 08' 34" East along the northerly line of said Cedar Springs Road (variable width right-of-way), crossing the aforesaid Manor Way and continuing on for a total distance of 858.35 feet to a point in the northerly line of said Cedar Springs Road and the common southerly line of City Block 5717;

THENCE South 44° 51' 26" West, crossing said Cedar Springs Road, and continuing on along the southeast line of aforesaid Sewell Corporation called 4.4489 acre tract, for a total distance of 559.67 feet to the POINT OF BEGINNING and CONTAINING 11.0384 ACRES OF LAND, more or less.

Revised February 5, 2007  
Metes and Bounds Description  
Prepared January 11, 2007  
From Surveys.

By:

*David Petree*

David Petree, RPLS  
Registered Professional Land Surveyor  
No. 1890



CITY BLOCK NO. 5720

CITY BLOCK NO. 5720

CITY BLOCK NO. 5718

CITY BLOCK NO. 5717

**M. K. & T. R. R.**  
(40' DART RIGHT-OF-WAY)

N 44°20'50" W  
50.00'

N 45°15'34" W  
428.90'

FND. 5/8" STEEL ROD

(2.0272 AC.), BETZDEARBORN, INC.  
VOL. 98237, PG. 8681

509.60'

FOUND STEEL PIN IN CONCRETE

N 44°54'48" E - 560.47'

MILES BENNETT SURVEY,  
ABSTRACT NO. 52

CITY BLOCK 5720

EASEMENT FOR INSTALLATION  
& SAFETY FACILITIES FOR  
LOVE FIELD AIRPORT  
VOL. 67190, PG. 1205  
TRACT 2

EASEMENT FOR INSTALLATION  
& SAFETY FACILITIES FOR  
LOVE FIELD AIRPORT  
VOL. 67190, PG. 1205  
TRACT 1

EASEMENT TO CITY OF DALLAS  
FOR STREET PURPOSES  
VOL. 917, PG. 902

TRACT 3  
5' DRAINAGE DITCH EASEMENT  
TO CITY OF DALLAS  
VOL. 2051, PG. 189

5.0147 ACRES

SEWELL VILLAGE CADILLAC COMPANY, INC.  
VOL. 200202, PG. 4926  
D.R.D.C.T.

#6303 CEDAR SPRINGS ROAD  
ONE STORY MASONRY  
COMMERCIAL BUILDING

S 45°00'00" W - 509.60'

FND. 5/8" I.R.

**MANOR WAY**

(50' PUBLIC RIGHT-OF-WAY)

X" SET

SET X"  
IN CONCRETE

N 44°51'26" E - 510.29'

1/2" I.R.F.

CITY BLOCK NO. 5720

4.4489 ACRES

SEWELL CORPORATION  
CCF# 200600160022  
D.R.D.C.T.

#6211 CEDAR SPRINGS ROAD  
ONE STORY CONCRETE TILTWALL & BLOCK BUILDING

N 45°14'13" W  
380.00'

CITY OF DALLAS - EASEMENT  
FOR STREET PURPOSES  
VOL. 750, PG. 1469, D.R.D.C.T.

20'  
21.23'

365.00'

PARCEL I  
PARCEL II

CITY BLOCK NO. 5720

27' X 80' RESERVE STRIP  
VOL. 3818, PG. 450, D.R.D.C.T.

504.65'

5.02'

50.00'

5/8" I.R.F.

S 44°51'26" W - 559.67'

1/2" I.R.F.  
SET X"  
IN CONCRETE

POINT OF BEGINNING

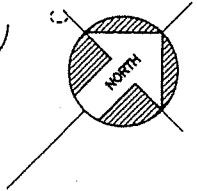


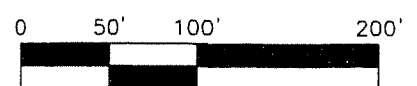
EXHIBIT MAP

11.0384 ACRES

MILES BENNETT SURVEY, A-52

CITY OF DALLAS, DALLAS COUNTY, TEXAS

NOVEMBER 13, 2006



GRAPHIC SCALE: 1" = 100'

'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>
---	---------------------------	---------------------------------------	--

<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. <i>VCP 1926</i>		
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? 05 / 01 / 06	<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.

*Richard Clonts*  
Applicant Signature

9/30/08  
Date

Before me Carolyn K. Koriath the undersigned authority, on this day personally appeared  
Name of Notary  
Richard Clonts 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 \_\_\_\_\_ day of 30th, this month of September, 2008.

TCEQ-20149 Sept 2006 *Carolyn K. Koriath* 2

