

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

March 31, 2009

Mr. Tim Slaughter, Vice President
RCC Maple, Ltd.
99 Main Street, Suite 200
Colleyville, TX 76034

RE: Municipal Setting Designation (MSD) Certificate for RCC Maple, Ltd.,
for Property Located at 2504, 2506, 2514, 2518, 2522, 2602, and
2610 Bomar Avenue, 6010 Forest Park Road, and 5919, 5925, and
6102 Maple Avenue, Dallas, Texas; MSD No. 97

Dear Mr. Slaughter:

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", with a long horizontal line extending to the right.

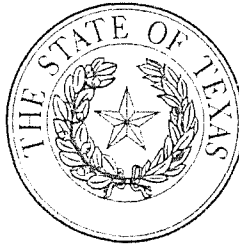
Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/hmw

Enclosure

cc: Andre Price, Project Manager VCP 2184, Remediation Division MC-221
Gary Beyer, Project Manager VCP 2162, Remediation Division MC-127

Texas Commission on Environmental Quality



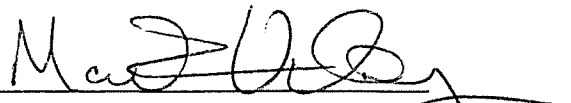
Municipal Setting Designation

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. 97, 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 25th day of March, 2009.


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

A

BEING A 17.310 ACRE TRACT OF LAND LOCATED IN THE MILES BENNETT SURVEY, ABSTRACT NO. 52, DALLAS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO RCC MAPLE, LTD., RECORDED IN INSTRUMENT NO. 20080127751, DEED RECORDS, DALLAS COUNTY, TEXAS, BEING ALL OF LOT 23-A, BLOCK D/2370, FOREST PARK ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 241, PAGE 41, MAP RECORDS, DALLAS COUNTY, TEXAS, BEING A PORTION OF BLOCK 2488, MAPLE VIEW ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 3, PAGE 311, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO TOMAINO PROPERTIES, L.P., RECORDED IN INSTRUMENT NO. 200600227192, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER IN THE SOUTHWEST LINE OF FOREST PARK, A 70 FOOT WIDE PUBLIC RIGHT-OF-WAY, SAID POINT ALSO BEING IN THE NORTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, ALSO KNOWN AS THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS, RECORDED IN VOLUME 88039, PAGE 1016, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 45°00'13" EAST, PASSING OVER AND ACROSS SAID FOREST PARK, AND PASSING AT A DISTANCE OF 70.00 FEET THE COMMON WEST CORNER OF SAID LOT 23-A AND LOT 17A, BLOCK D/2370 OF FOREST PARK ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 87109, PAGE 2372, PLAT RECORDS, DALLAS COUNTY, TEXAS, AND CONTINUING FOR A TOTAL DISTANCE OF 1,322.29 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID LOT 17A AND SAID RCC MAPLE, LTD. TRACT, SAID POINT ALSO BEING IN THE SOUTH LINE OF MAPLE AVENUE, A 60 FOOT WIDE PUBLIC RIGHT-OF-WAY, FROM WHICH THE NORTH CORNER OF SAID RCC MAPLE, LTD. TRACT BEARS, NORTH 45°00'13" EAST, A DISTANCE OF 2.00 FEET;

THENCE NORTH 44°43'41" WEST, ALONG THE COMMON LINE OF SAID LOT 17A AND SAID MAPLE AVENUE, A DISTANCE OF 471.87 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID LOT 17A AND SAID MAPLE AVENUE;

THENCE NORTH 45°09'01" EAST, PASSING OVER AND ACROSS SAID MAPLE AVENUE, AND CONTINUING ALONG THE COMMON LINE OF LOTS 1-4, BLOCK 2/2499 OF MAPLE VIEW ADDITION, SECOND INSTALLMENT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 4, PAGE 81, MAP RECORDS, DALLAS COUNTY, TEXAS AND BOMAR AVENUE, A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY, A DISTANCE OF 616.41 FEET TO A POINT IN THE COMMON LINE OF SAID BOMAR AVENUE AND BLOCK 2/2499, MAPLE VIEW ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 3, PAGE 311, MAP RECORDS, DALLAS COUNTY, TEXAS, SAID POINT ALSO BEING THE COMMON SOUTH CORNER OF LOTS 9 AND 10 OF SAID BLOCK 2/2499, MAPLE VIEW ADDITION;

THENCE SOUTH 44°50'59" EAST, PASSING OVER AND ACROSS SAID BOMAR AVENUE, A DISTANCE OF 176.05 FEET, TO A POINT IN THE COMMON LINE OF SAID BLOCK 2488, MAPLE VIEW ADDITION AND A TRACT OF LAND DESCRIBED IN DEED TO ROD MAR CORP, INC., RECORDED IN VOLUME 88237, PAGE 2258, DEED RECORDS, DALLAS COUNTY, TEXAS, SAID POINT ALSO BEING THE COMMON SOUTH CORNER OF SAID LOTS 9 AND 10 OF SAID BLOCK 2488, MAPLE VIEW ADDITION;

THENCE SOUTH 45°56'52" WEST, ALONG THE COMMON LINE OF SAID BLOCK 2488, MAPLE VIEW ADDITION AND SAID ROD MAR CORP, INC. TRACT, A DISTANCE OF 60.66 FEET TO A POINT AT THE COMMON CORNER OF LOTS 8 AND 9 OF SAID BLOCK 2488, MAPLE VIEW ADDITION, SAID ROD MAR CORP, INC. TRACT, AND SAID TOMAINO PROPERTIES, L.P. TRACT;

THENCE SOUTH 44°50'59" EAST, ALONG THE COMMON LINE OF SAID ROD MAR CORP, INC. TRACT AND SAID TOMAINO PROPERTIES, L.P. TRACT, A DISTANCE OF 228.69 FEET TO A POINT AT THE COMMON SOUTH CORNER OF SAID ROD MAR CORP, INC. TRACT AND SAID TOMAINO PROPERTIES, L.P. TRACT, SAID POINT ALSO BEING IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JLB MAPLE PARTNERS, L.P., RECORDED IN INSTRUMENT NO. 20080018681, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 45°11'18" WEST, ALONG THE COMMON LINE OF SAID TOMAINO PROPERTIES, L.P. TRACT AND SAID JLB MAPLE PARTNERS, L.P. TRACT, A DISTANCE OF 494.62 FEET TO A POINT AT THE COMMON SOUTH CORNER OF SAID TOMAINO PROPERTIES, L.P. TRACT AND SAID JLB MAPLE PARTNERS, L.P. TRACT, SAID POINT ALSO BEING IN THE NORTHEAST LINE OF SAID MAPLE AVENUE;

THENCE SOUTH 44°43'41" EAST, ALONG THE COMMON LINE OF SAID JLB MAPLE PARTNERS, L.P. TRACT AND SAID MAPLE AVENUE, A DISTANCE OF 567.06 FEET TO A POINT FOR CORNER AT THE INTERSECTION OF SAID MAPLE AVENUE WITH THE APPROXIMATE CENTERLINE OF KIMSEY AVENUE, A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY;

THENCE SOUTH 45°00'13" WEST, PASSING OVER AND ACROSS SAID MAPLE AVENUE, AND ALSO PASSING AT A DISTANCE OF 60.00 FEET, THE EAST CORNER OF SAID RCC MAPLE, LTD. TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 623.62 FEET, TO A POINT AT THE MOST SOUTHERLY CORNER OF SAID RCC MAPLE, LTD. TRACT, SAID POINT BEING IN THE WESTERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO OPEN ARMS, INC., RECORDED IN VOLUME 99097, PAGE 4667, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 43°51'51" WEST, ALONG THE COMMON LINE OF SAID RCC MAPLE, LTD. TRACT AND SAID OPEN ARMS, INC. TRACT, A DISTANCE OF 250.03 FEET TO A POINT AT THE COMMON CORNER OF SAID RCC MAPLE, LTD. TRACT AND SAID OPEN ARMS, INC. TRACT;

THENCE SOUTH 45°00'13" WEST, CONTINUING ALONG THE COMMON LINE OF SAID RCC MAPLE, LTD. TRACT AND SAID OPEN ARMS, INC. TRACT, PASSING AT A DISTANCE OF 119.88 FEET THE COMMON CORNER OF SAID RCC MAPLE, LTD. TRACT AND SAID LOT 23-A, PASSING AGAIN AT A DISTANCE OF 631.28 FEET THE COMMON SOUTH CORNER OF SAID LOT 23-A AND SAID OPEN ARMS, INC. TRACT, AND CONTINUING FOR A TOTAL DISTANCE OF 701.28 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM TRACT AND SAID FOREST PARK;

THENCE NORTH 44°59'47" WEST, ALONG THE COMMON LINE OF SAID BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM TRACT AND SAID FOREST PARK, A DISTANCE OF 248.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 754,038 ACRES OR 17.310 ACRES OF LAND.

EXHIBIT A
Municipal Setting
Designation

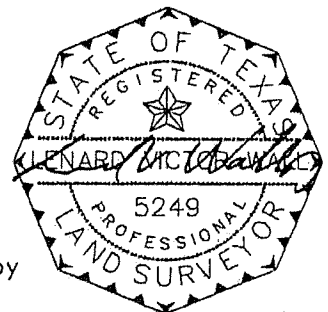
SHEET 1 OF 2

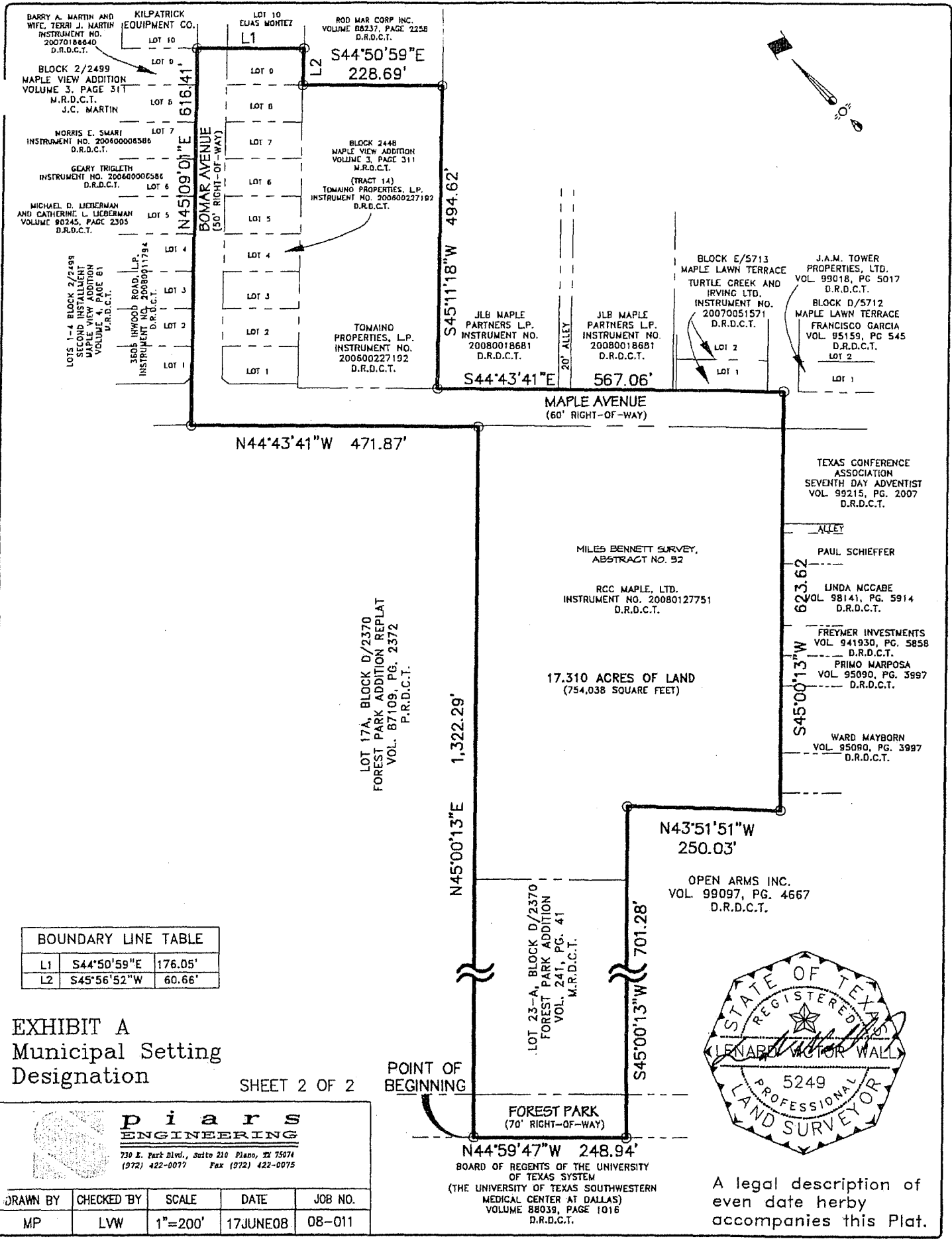
p i a r s
ENGINEERING

730 E. Park Blvd., Suite 210 Plano, TX 75074
(972) 422-0077 Fax (972) 422-0075

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
MP	LVW	1"=200'	17JUNE08	08-011

A Survey plat of even date hereby accompanies this description.





BOUNDARY LINE TABLE

L1	S44°50'59"E	176.05'
L2	S45°56'52"W	60.66'

EXHIBIT A
Municipal Setting
Designation

SHEET 2 OF 2

POINT OF
BEGINNING

piars ENGINEERING
730 E. Park Blvd., Suite 210 Plano, TX 75074
(972) 422-0077 Fax (972) 422-0075

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
MP	LVW	1"=200'	17JUNE08	08-011

FOREST PARK
(70' RIGHT-OF-WAY)
N44°59'47"W 248.94'
BOARD OF REGENTS OF THE UNIVERSITY
OF TEXAS SYSTEM
(THE UNIVERSITY OF TEXAS SOUTHWESTERN
MEDICAL CENTER AT DALLAS)
VOLUME 88039, PAGE 1016
D.R.D.C.T.



A legal description of
even date herby
accompanies this Plat.

'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.

PLEASE SEE EXHIBIT A

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<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? 03/ 18 / 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 ⁶	<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 12/1/08
Date

Before me Carla D. Woolley the undersigned authority, on this day personally appeared
TIM SLAUGHTER Name of Notary and signed this Municipal Setting Designation Application.
TIM SLAUGHTER Name of Applicant

Sworn, subscribed and signed before me in the County of TARRANT, State of TEXAS, on the 1st day of December, this month of December, 2008

