

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 23, 2014

Mr. Charles Epperson, President
Epperson Environmental Group, LLC
12407 N. MoPac Expressway, Suite 250-353
Austin, Texas 78758

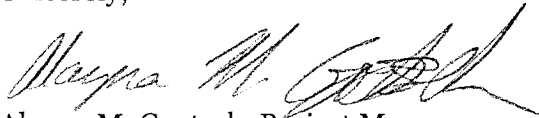
RE: Municipal Setting Designation (MSD) Certificate for Epperson Environmental Group,
Old Dallas High School, 2218 Bryan Street and 538 Pearl Street; MSD No. 250

Dear Mr. Epperson:

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) 239-2236 or via e-mail (Alayna.Goetsch@TCEQ.Texas.gov).

Sincerely,


Alayna M. Goetsch, Project Manager
VCP-CA Section
Remediation Division

AMG/jdm

Enclosure: MSD Certificate No. 250

cc: Mr. Franklin G. Murphy, Sr. Vice President, Wynne/Jackson, Inc., Dallas
Mr. Joel Behrens, TCDFW Development, Inc., Dallas
Mr. Sam Barrett, Waste Program Manager, TCEQ Region 4 Office, Dallas/Ft Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 250, in the City of Dallas, for 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 the 18th day of June, 2014

Beth Seaton

Beth Seaton, Director
Texas Commission on Environmental Quality

Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
To Acquire a Municipal Setting Designation
Situating in City Blocks 259, 264, 1/312 and 2/312
Being Adjacent to City Blocks 253, 254, 255, 258 and 260
And Adjacent to Lot 7A, Block 316, Americas Tower Addition
And Lot 3, Block 263, Burk's Subdivision
From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 9.623 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of unplatted property in Blocks 259, 264, 1/312 and 2/312, Official Numbers of the City of Dallas, Texas; said tract being all of that certain tract of land described in Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in Volume 98003, Page 3812 of the Deed Records of Dallas County, Texas; part of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 70206, Page 1648 of said Deed Records; part of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 70217, Page 143 of said Deed Records and part of those certain tracts of land described as "Tract 1" and "Tract 2" in Confirmation Warranty Deed to the City of Dallas, Texas recorded in Volume 72034, Page 12 of said Deed Records; said tract also being part of Live Oak Street (a variable width public right-of-way), part of Pearl Street (a variable width public right-of-way) and part of Bryan Street (a variable width public right-of-way); said 9.623 acre tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 45 degrees, 08 minutes, 48 seconds East for a southeast right-of-way line of Bryan Street according to the said Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in said Volume 98003, Page 3812 of the said Deed Records):

COMMENCING, at a PK nail found at the intersection of the said southeast line of Bryan Street (at this point a 70-foot wide right-of-way) and the northeast right-of-way line of Olive Street (a variable width right-of-way); said point being the westernmost corner of that certain tract of unplatted land situated in Block 254 and described as "Tract IV" in Special Warranty Deed to W2007 MVP Dallas, LLC recorded in Instrument No. 20080044377 of the Official Public Records of Dallas County, Texas;

THENCE, North 44 degrees, 51 minutes, 03 seconds East, along the said southeast line of Bryan Street and the northwest line of said "Tract IV", a distance of 212.17 feet to the POINT OF BEGINNING; said point being at the intersection of the said southeast line of Bryan Street and the southwest right-of-way line of said Pearl Street; said point also being the northernmost corner of said "Tract IV";

THENCE, North 45 degrees, 02 minutes, 02 seconds West, departing the said southeast line of Bryan Street and into and across the said Bryan Street right-of-way, along the projected southwest line of Pearl Street, a distance of 70.00 feet to an angle point at the intersection of the northwest right-of-way line of said Bryan Street and the said southwest line of Pearl Street; said point being the easternmost corner of that certain tract of unplatted land situated in Block 253 and described in Special Warranty Deed to the City of Dallas, Texas recorded in Volume 80100, Page 231 of said Deed Records;

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And Adjacent to Lot 7A, Block 316, Americas Tower Addition
And Lot 3, Block 263, Burk's Subdivision
From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

THENCE, North 45 degrees, 31 minutes, 57 seconds West, along the said southwest line of Pearl Street and a northeast line of the last said City of Dallas tract, a distance of 19.50 feet to a point for corner;

THENCE, North 45 degrees, 19 minutes, 40 seconds East, departing the said southwest line of Pearl Street and into and across the said Pearl Street right-of-way along the projected northwest right-of-way line of Bryan Street, at a distance of 106.14 feet passing a "+" cut in concrete found at the east end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the northeast right-of-way line of said Pearl Street and the southeast corner of that certain tract of unplatted land situated in Block 258 and described in Special Warranty Deed to Trizec Plaza of the Americas Limited Partnership recorded in Volume 2004099, Page 6675 of said Official Public Records; continuing along the said northwest line of Bryan Street and the southeast line of said Trizec Plaza tract, at a distance of 461.65 feet passing a "+" cut in concrete found at the south end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the southwest right-of-way line of Crockett Street (a variable width right-of-way) and the southernmost east corner of said Trizec Plaza tract; continuing into and across the said Crockett Street right-of-way and along the said projected northwest line of Bryan Street, at a distance of 514.94 feet passing a "+" cut in concrete found at the east end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the northeast right-of-way line of said Crockett Street and the southernmost east corner of Lot 7A, Block 316, Americas Tower Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 83004, Page 891 of said Deed Records; continuing along the said northwest line of Bryan Street and the southeast line of said Lot 7A, at a distance of 652.78 feet passing a "+" cut in concrete found at the south end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the southwest right-of-way line of Leonard Street (a variable width right-of-way) and the southernmost east corner of said Lot 7A; then continuing into and across the said Leonard Street right-of-way and along the said projected northwest line of Bryan Street in all a total distance of 712.32 feet to a point for corner in the northeast right-of-way line of said Leonard Street and the southwest line of Lot 3, Block 263, Burk's Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume W, Page 800 of said Deed Records; said point being an angle point in the said northwest line of Bryan Street and South 44 degrees, 55 minutes, 32 seconds East, a distance of 21.20 feet from a "+" cut in concrete found at the southernmost corner of that certain tract of land described as DART Parcel No. CBD-4-XS1 in Special Warranty Deed to Spire Development Holdings, LLC recorded in Instrument No. 201100251898 of said Official Public Records;

THENCE, South 44 degrees, 55 minutes, 32 seconds East, along an offset in the said northwest line of Bryan Street and the southwest line of said Lot 3, a distance of 18.67 feet to a point for corner; said point being an angle point in the said northwest line of Bryan Street and the southernmost corner of said Lot 3;

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City of Dallas, Dallas County, Texas

THENCE, North 45 degrees, 08 minutes, 48 seconds East, continuing along the said northwest line of Bryan Street and the southeast line of said Lot 3, a distance of 64.33 feet to a point for corner;

THENCE, South 44 degrees, 51 minutes, 12 seconds East, departing the said northwest line of Bryan Street and the said southeast line of Lot 3 and into and across the said Bryan Street right-of-way, a distance of 70.00 feet to a metal fence post found for corner in the southeast right-of-way line of said Bryan Street; said point being the northernmost corner of said 2218 Bryan Street, Ltd. tract and the westernmost corner of that certain tract of unplatted land in Block 264 described in Warranty Deed with Vendor's Lien to Eugene Quantan, Jr. and Peter W. Baldwin recorded in Volume 68189, Page 918 of said Deed Records;

THENCE, South 45 degrees, 18 minutes, 14 seconds East, departing the said southeast line of Bryan Street and along the northeast line of said 2218 Bryan Street, Ltd. tract and the southwest line of the said Quantan/Baldwin tract, a distance of 216.33 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being an east corner of said 2218 Bryan Street, Ltd. tract and a reentrant corner of the said Quantan/Baldwin tract;

THENCE, South 44 degrees, 51 minutes, 46 seconds West, along a southeast line of the said 2218 Bryan Street, Ltd. tract and a northwest line of the said Quantan/Baldwin tract, at a distance of 3.40 feet passing a west corner of said Quantan/Baldwin tract and a north corner of that certain tract of land described in Deed to the State of Texas dated February 15, 1967, then continuing along a northwest line of said State of Texas tract in all a total distance of 18.85 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being a reentrant corner of the said 2218 Bryan Street, Ltd. tract and a west corner of said State of Texas tract;

THENCE, South 45 degrees, 00 minutes, 14 seconds East, along a northeast line of said 2218 Bryan Street, Ltd. tract and a southwest line of said State of Texas tract, a distance of 65.51 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the easternmost corner of the said 2218 Bryan Street, Ltd. tract, the northernmost corner of that certain tract of land described in Controlled Access Highway Facility Deed to the State of Texas recorded in Volume 69239, Page 1729 of said Deed Records and the beginning of a non-tangent curve to the right;

THENCE, departing the said southwest line of the first referenced State of Texas tract and along the easterly and southeast line of the said 2218 Bryan Street, Ltd. tract and the westerly and northwest line of the second referenced State of Texas tract, the following three (3) calls:

Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
To Acquire a Municipal Setting Designation
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City of Dallas, Dallas County, Texas

In a southerly direction, along said curve to the right, having a central angle of 14 degrees, 02 minutes, 07 seconds, a radius of 933.93 feet, a chord bearing and distance of South 15 degrees, 23 minutes, 45 seconds West, 228.20 feet, an arc distance of 228.78 feet to a Texas Department of Transportation aluminum disk found at the end of said curve;

South 23 degrees, 20 minutes, 04 seconds West, (non-tangent to the last said curve) a distance of 159.56 feet to a concrete monument found at the beginning of a non-tangent curve to the right;

In a southwesterly direction, along said curve to the right, having a central angle of 09 degrees, 40 minutes, 29 seconds, a radius of 944.93 feet, a chord bearing and distance of South 36 degrees, 58 minutes, 15 seconds West, 159.37 feet, an arc distance of 159.56 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in the northwest right-of-way line of Live Oak Street (a variable width right-of-way); said point being the southernmost corner of the second referenced State of Texas tract;

THENCE, South 44 degrees, 52 minutes, 10 seconds East, departing the said southeast line of the 2218 Bryan Street, Ltd. tract and the said northwest line of Live Oak Street and into and across the said Live Oak Street right-of-way, a distance of 69.39 feet to a point for corner; said point being in the projected southeast right-of-way line of Live Oak Street and South 45 degrees, 07 minutes, 50 seconds West, a distance of 5.12 feet from a PK nail with washer stamped "CITY OF DALLAS" found at the intersection of the south right-of-way line of said Live Oak Street and the northeast right-of-way line of said Pearl Street;

THENCE, South 45 degrees, 07 minutes, 50 seconds West, along the said projected southeast line of Live Oak Street, at a distance of 132.82 feet passing a PK nail with washer stamped "CITY OF DALLAS" found at the intersection of the southeast right-of-way line of Live Oak Street and the southwest right-of-way line of said Pearl Street and the northernmost corner of that certain tract of unplatted land in Block 255 and Block 260 described as "Tract C" in Special Warranty Deed and Assignment to the Dallas Area Rapid Transit recorded in Volume 94214, Page 6583 of said Deed Records; continuing along the said southeast line of Live Oak Street and the northwest line of said Dallas Area Rapid Transit tract, at a distance of 157.57 feet passing a PK nail with washer stamped "CITY OF DALLAS" found; then continuing in all a total distance of 263.40 feet to a point for corner;

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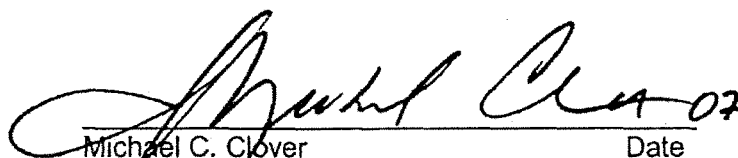
THENCE, North 44 degrees, 44 minutes, 57 seconds West, departing the said southeast line of Live Oak Street and the said northwest line of the Dallas Area Rapid Transit tract, and into and across the said Live Oak Street right-of-way, a distance of 70.04 feet to a metal "L" stamped "PROPERTY LINE" in concrete found at an angle point; said point being at the intersection of the said northwest line of Live Oak Street and the said southwest line of Pearl Street and the easternmost corner of the said W2007 MVP Dallas, LLC, "Tract IV";

THENCE, North 43 degrees, 53 minutes, 27 seconds West, along the said southwest line of Pearl Street and the northeast line of the said "Tract IV", a distance of 478.03 feet to the POINT OF BEGINNING;

CONTAINING, 419,178 square feet or 9.623 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

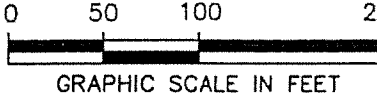
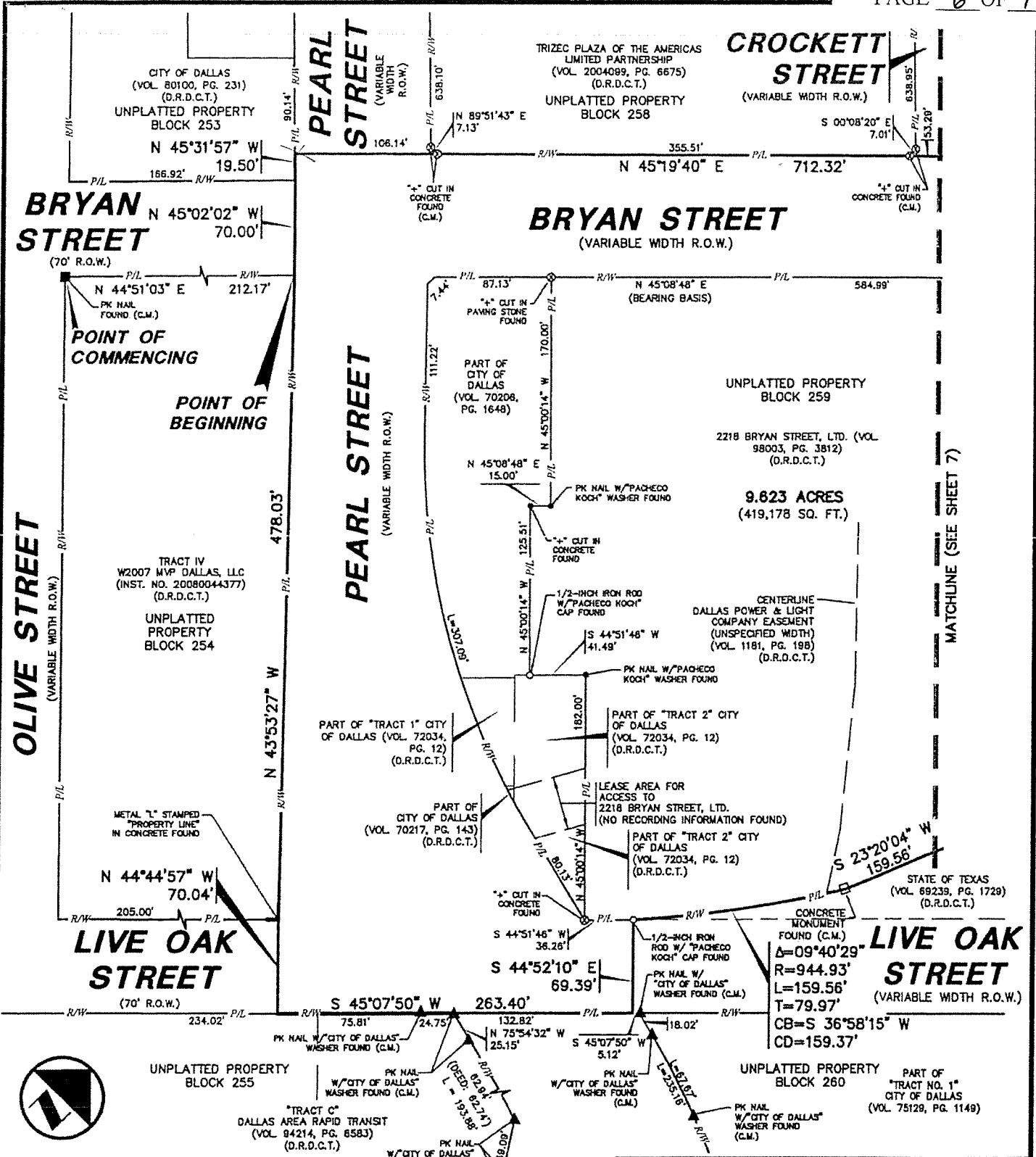
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.



Michael C. Clover
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



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1860-12.218 mcc/mww



SEE SHEET 2 FOR GENERAL NOTES, LEGEND AND SURVEYOR'S CERTIFICATE.

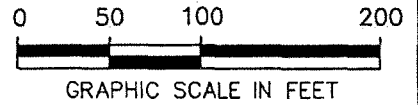
MSD SURVEY 2218 BRYAN STREET

LOCATED IN BLOCKS 259, 264, 1/312 AND 2/312, OFFICIAL NUMBERS OF THE CITY OF DALLAS, TEXAS
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS
PAGE 6 OF 7

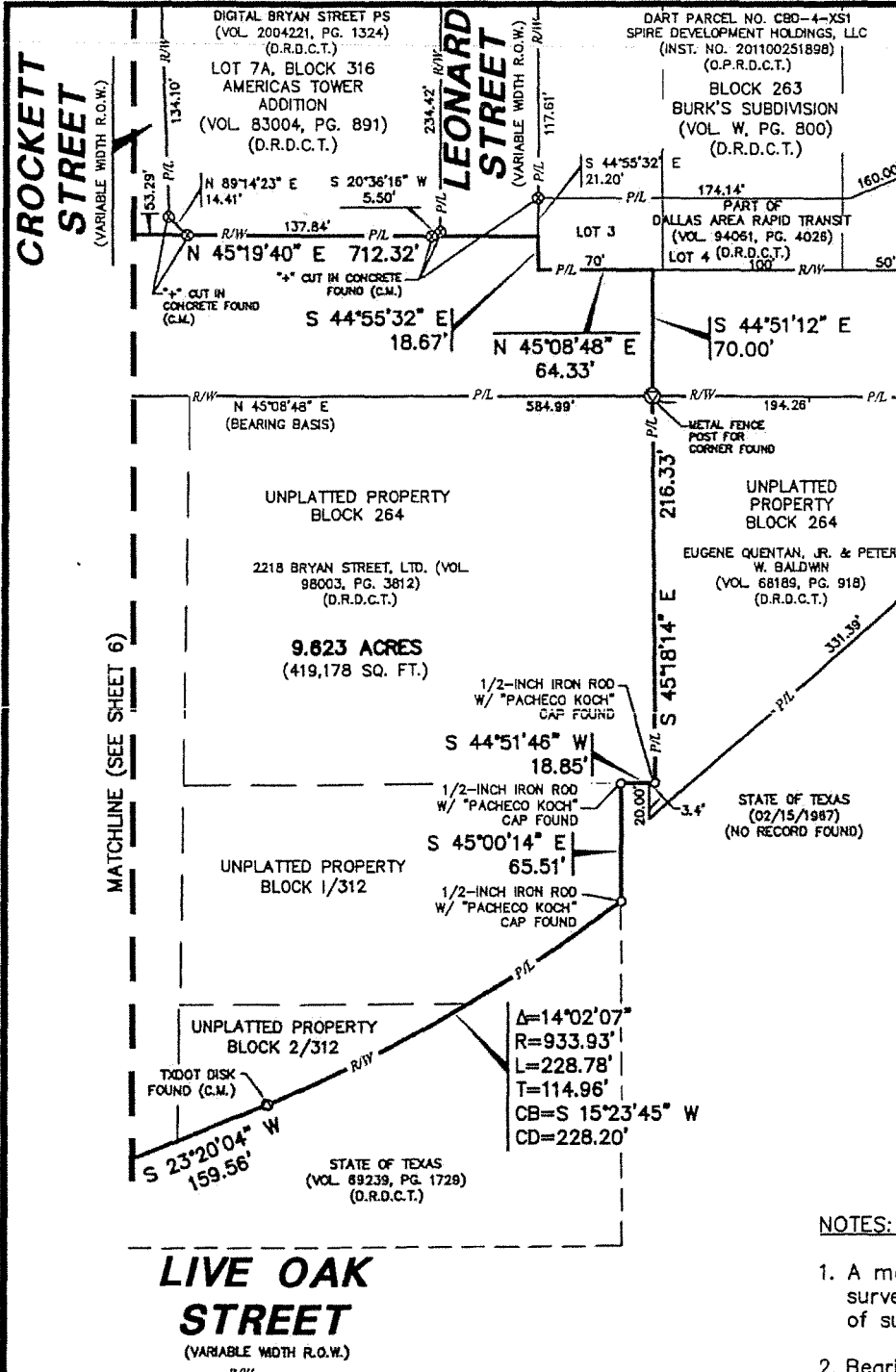
Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031
DALLAS • FORT WORTH • HOUSTON TX REG. ENGINEERING FIRM F-469 TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY MWW	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2012	JOB NUMBER 1860-12.218
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LEGEND	
---	BLOCK LINE
---	PROPERTY LINE
-P/L-	SUBJECT PROPERTY EXHIBIT LINE
-P/L-R/W-	RIGHT-OF-WAY LINE
(C.M.)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O,P,R,D,C,T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
⊕	"+" CUT IN CONCRETE FOUND
○	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND
●	PK NAIL W/"PACHECO KOCH" WASHER FOUND
▲	PK NAIL W/"CITY OF DALLAS" WASHER FOUND
⊙	TXDOT DISK FOUND
└┘	METAL "L" STAMPED "PROPERTY LINE" IN CONCRETE FOUND
□	CONCRETE MONUMENT FOUND
■	PK NAIL FOUND
⊗	METAL FENCE POST FOUND



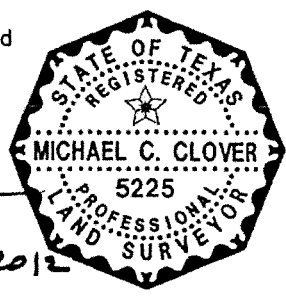
NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 45 degrees, 08 minutes, 48 seconds East for a southeast right-of-way line of Bryan Street according to the Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in Volume 98003, Page 3812 of the Deed Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover
Michael C. Clover
Registered Professional
Land Surveyor No. 5525

Date
07/23/2012



MSD SURVEY
2218 BRYAN STREET
LOCATED IN BLOCKS 259, 264, 1/312 AND 2/312, OFFICIAL NUMBERS OF THE CITY OF DALLAS, TEXAS
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS
PAGE 7 OF 7

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75206 972.235.3031 TX REG. ENGINEERING FIRM F-469 DALLAS • FORT WORTH • HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY MWW	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2012	JOB NUMBER 1860-12.218
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M.CLOVER


Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Charles Epperson, as an authorized representative of Epperson Environmental Group, LLC, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 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 has been 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

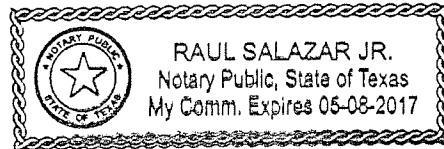
Date: November 21, 2013

Charles Epperson
Printed Name

President
Title

STATE OF Texas

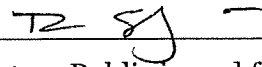
COUNTY OF Travis



STATE OF Texas

COUNTY OF Travis

SUBSCRIBED AND SWORN before me on this the 21 day of Nov 2013, to which witness my hand and seal of office.


Notary Public in and for the State of Texas