

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*

October 21, 2014

Ms. Allison Chang, Manager  
E Ave F LLC  
P.O. Box 631010  
Irving, Texas 75063

RE: Municipal Setting Designation (MSD) Certificate for E Ave F LLC,  
Commonwealth Center, 3131, 3137 & 3141 Irving Boulevard, 3140 & 3160  
Commonwealth Drive, and 5021 Lakawana Street, Dallas, Dallas County,  
Texas; MSD No. 263

Dear Ms. Chang:

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) 239-2960 or via e-mail at [Richard.Peltier@tceq.texas.gov](mailto:Richard.Peltier@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Richard Peltier".

Richard A. Peltier, P.G., Project Manager  
VCP-CA Section  
Remediation Division

RP/jdm

Enclosure: MSD Certificate No. 263

cc: Mr. Paul S. Rodusky, W&M Environmental Group, 6825 Manhattan  
Boulevard, Suite 125, Fort Worth, Texas 76120  
Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office,  
Dallas/Fort 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. 263, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 21<sup>st</sup> day of October, 2014

Beth Seaton

Beth Seaton, Director  
Texas Commission on Environmental Quality

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

BEING 18.801 acres of land located in the JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845, and the THOMAS E. MANNIN SURVEY, ABSTRACT NO. 958, City of Dallas, Dallas County, Texas, and said 18.801 acres of land also being the combined total of the tract of land known as Commonwealth Center, conveyed to Commonwealth Industrial, LLC, by the deed recorded in County Clerk's File No. 201000123137 of the Deed Records of Dallas County, Texas, consisting of all of Lots 3, 4, 5, 6, 7, 8, 9, 12, 13, and 14, and a portion of Lots 2 and 11, of Block 2/6368 of the EXPRESSWAY INDUSTRIAL DISTRICT, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 117, Page 2150 of the Plat Records of Dallas County, Texas, and portions of the public right-of-ways of Irving Boulevard (174-foot-wide public right-of-way), Commonwealth Drive (a 224-foot-wide public right-of-way), and Lakawana Street (a 60-foot-wide public right-of-way). Said 18.801 acres of land being more particularly described by metes and bounds as follows:

COMMENCING at a point at the intersection of the Southeast right-of-way line of Commonwealth Drive and the Southwest right-of-way line of Iron Bridge Street;

THENCE S 48° 02' 58" W 138.50 feet, along the Southeast right-of-way line of aforesaid Commonwealth Drive to the North corner of aforesaid Commonwealth Industrial, LLC Tract, and the POINT OF BEGINNING;

THENCE along the Northeast boundary line of aforesaid Commonwealth Industrial, LLC Tract, as follows:

1. S 41° 57' 02" E 250.00 feet, to a point;
2. S 48° 02' 58" W 9.83 feet, to a point;
3. S 41° 57' 02" E at 200.03 feet, passing the most Easterly Northeast corner of said Commonwealth Industrial, LLC Tract, and in all 260.03 feet, to a point in the East right-of-way line of aforesaid Lakawana Street;

THENCE along the East right-of-way line of Lakawana Street, as follows:

1. S 48° 02' 48" W 67.39 feet, to a point at the beginning of a curve to the left;
2. SOUTHWESTERLY 81.93 feet, along said curve to the left having a radius of 98.77 feet, a central angle of 47°31'35", and a chord bearing S 24° 17' 34" W 79.60 feet, to a point at the end of said curve;

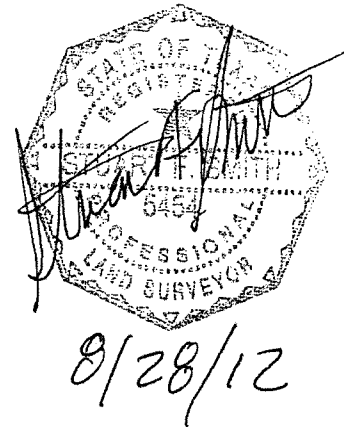
3. S 00° 26' 08" W            296.56 feet, to a point lying in the South right-of-way line of aforesaid Irving Boulevard;

THENCE    along the South right-of-way line of Irving Boulevard, as follows:

1. SOUTHWESTERLY    137.23 feet, along a curve to the right having a radius of 2973.79 feet, a central angle of 02°38'38", and a chord bearing S 89° 08' 45" W    137.21 feet, to a point at the end of said curve;
2. N 89° 32' 02" W            1326.81 feet, to a point being the intersection of the South right-of-way line of Irving Boulevard and the projected Northwest right-of-way line of Commonwealth Drive;

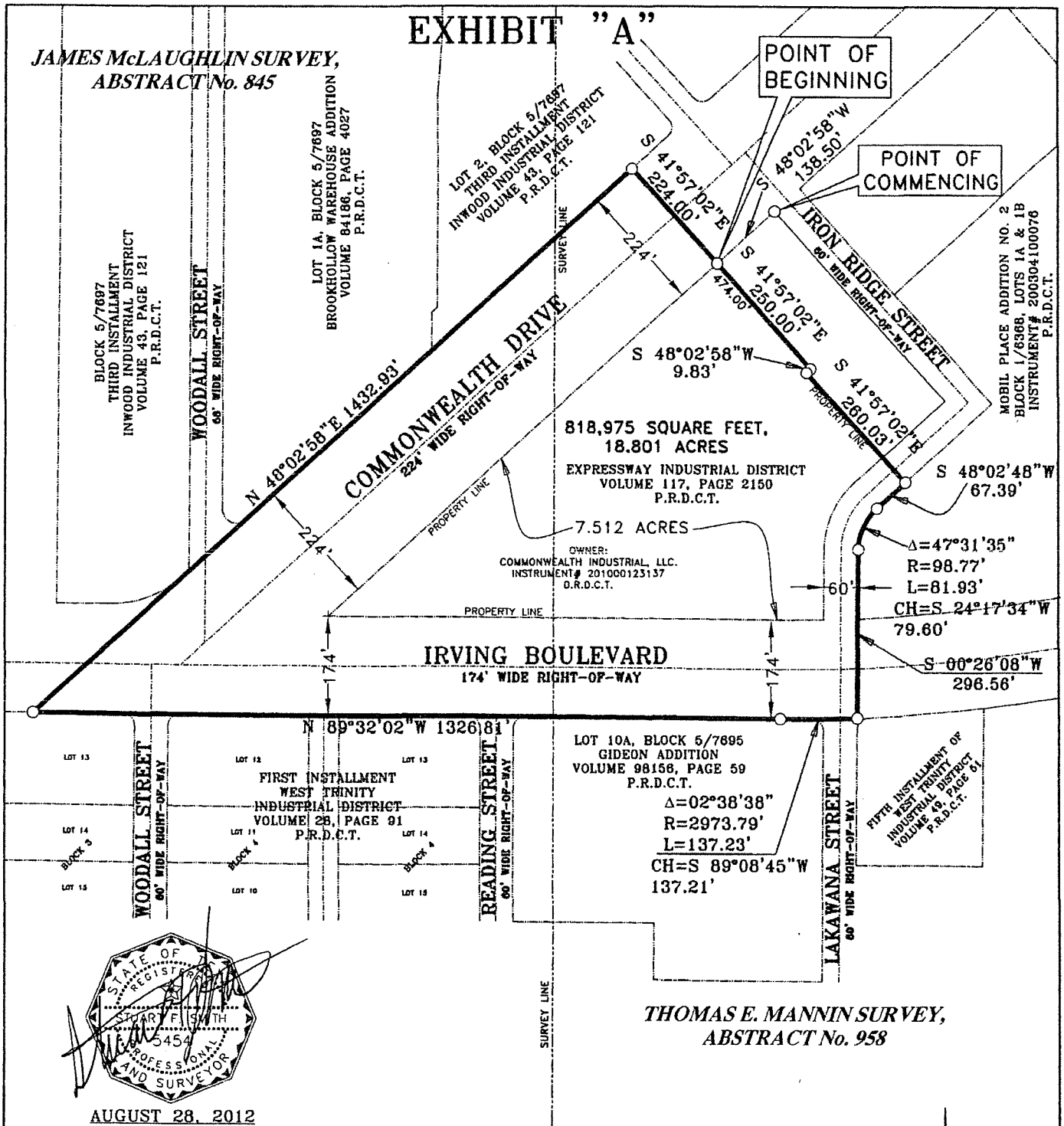
THENCE    N 48° 02' 58" E            1432.93 feet, along the Northwest right-of-way line of said Commonwealth Drive, to a point;

THENCE    S 41° 57' 02" E            224.00    feet,    crossing    said Commonwealth Drive, to the POINT OF BEGINNING containing 18.801 acres of land.



# EXHIBIT "A"

JAMES McLAUGHLIN SURVEY,  
ABSTRACT No. 845



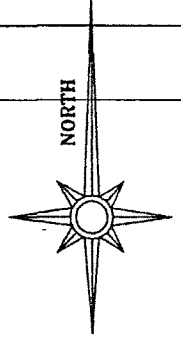
AUGUST 28, 2012

THOMAS E. MANNIN SURVEY,  
ABSTRACT No. 958

## EXHIBIT MAP OF COMMONWEALTH CENTRE

**BRITAIN & CRAWFORD**  
LAND SURVEYING &  
TOPOGRAPHIC MAPPING  
(817) 926-0211 - METRO (817) 429-5112  
FAX No. (817) 926-9347  
P.O. BOX 11374 \* 3908 SOUTH FREEWAY  
FORT WORTH, TEXAS 76110  
EMAIL: admin@britain-crawford.com

EXHIBIT MAP  
OF  
18.801 ACRES OF LAND  
LOCATED IN THE  
JAMES McLAUGHLIN SURVEY,  
ABSTRACT No. 845 AND THOMAS E.  
MANNIN SURVEY, ABSTRACT No. 958  
DALLAS, DALLAS COUNTY, TEXAS



SCALE 1"=250'  
PAGE 3 OF 3

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Allison Chang, as an authorized representative of  
E Ave F 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.

Allison Chang  
Signature

Date: 6/10/2014

Allison Chang

Printed Name

Manager  
Title

STATE OF Texas

COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 10<sup>th</sup> day of  
June 2014, to which witness my hand and seal of office.

Maggie Fan  
Notary Public in and for the State of Texas

