

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 29, 2015

Mr. Chris Franklin, Managing Member
McKinney OH LLC
1000 West Wilshire, Suite 358
Oklahoma City, Oklahoma 73116

Re: Two Retail Buildings, 2400, 2402, 2404, 2406, 2408, 2410, 2412, 2414, and 2416
McKinney Avenue, Dallas, Dallas County, TX; Voluntary Cleanup Program (VCP)
No. 2659; Municipal Setting Designation (MSD) No. 278; Customer No.
CN604551572; Regulated Entity No. RN107205551

Dear Mr. Franklin:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 24, 2015 and additional information supporting this MSD application on April 28, 2015. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-4940 or via e-mail (marissa.vara@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Marissa A. Vara".

Marissa A. Vara, Project Manager
VCP-CA Section
Remediation Division

MAV/mdh

Enclosure: MSD Certificate

cc: Mr. Lance Crabtree, P.G., Terracon Consultants, Inc., 8901 John Carpenter Fwy,
Suite 100, Dallas, Texas 75247

Mr. Sam Barrett, TCEQ Waste Section Manager, DFW Regional Office, MC R-4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS 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. 278, 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 29th day of June, 2015

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT "A"
MUNICIPAL SETTING DESIGNATION SURVEY
ALL OF LOTS 1 AND 2, BLOCK B/548, THOMAS ADDITION
A PORTION OF MCKINNEY AVENUE, FAIRMOUNT STREET, AND LEONARD STREET
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 1.330 ACRE (57,920 SQUARE FEET) TRACT OR PARCEL OF LAND SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, SAME BEING ALL OF LOTS 1 AND 2, BLOCK B/548, OF THOMAS ADDITION, AN ADDITION TO THE CITY OF DALLAS, TEXAS, RECORDED IN VOLUME 69, PAGE 560, DEED RECORDS, DALLAS COUNTY, TEXAS, BEING ALL OF AN ALLEY (15 FEET WIDE) ALONG AND ADJACENT TO THE SOUTHEAST LINE OF LOTS 1 AND 2, BLOCK B/548, OF THOMAS ADDITION, BEING A PORTION OF MCKINNEY AVENUE (A 60 FOOT RIGHT-OF-WAY), BEING A PORTION OF FAIRMOUNT STREET (A 50 FOOT RIGHT-OF-WAY), AND BEING A PORTION OF LEONARD STREET (A 50 FOOT RIGHT-OF-WAY), AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" CUT FOUND AT THE EAST CUTBACK CORNER AT THE INTERSECTION OF THE SOUTHEAST LINE OF SAID MCKINNEY AVENUE WITH THE SOUTHWEST LINE OF SAID LEONARD STREET AS DEDICATED BY THE PLAT OF HIGHLAND PARK LAND CO. NO. 1, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 98011, PAGE 13, PLAT RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, CROSSING SAID MCKINNEY AVENUE, A DISTANCE OF 80.39 FEET TO A POINT IN THE NORTHWEST LINE OF SAID MCKINNEY AVENUE, SAME BEING THE SOUTHEAST LINE OF LOT 1A, BLOCK 1/949, OF THE JAMES P. LEAKE ADDITION, AN ADDITION TO THE CITY OF DALLAS, TEXAS, RECORDED IN VOLUME 94089, PAGE 4675, PLAT RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 14 DEGREES 26 MINUTES 07 SECONDS EAST, ALONG THE NORTHWEST LINE OF SAID MCKINNEY AVENUE, A DISTANCE OF 300.79 FEET TO A POINT;

THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, CROSSING SAID MCKINNEY AVENUE, AT A DISTANCE OF 69.68 FEET PASS THE INTERSECTION OF THE SOUTHEAST LINE OF SAID MCKINNEY AVENUE WITH THE NORTHEAST LINE OF FAIRMOUNT STREET (A 50 FOOT RIGHT-OF-WAY), SAME INTERSECTION BEING THE WEST CORNER OF LOT 1, BLOCK C/549, OF THOMAS ADDITION, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 69, PAGE 560, DEED RECORDS, DALLAS COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 300.31 FEET TO A POINT;

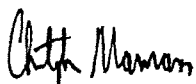
THENCE SOUTH 45 DEGREES 05 MINUTES 21 SECONDS WEST, CROSSING SAID FAIRMOUNT STREET, AT A DISTANCE OF 50.00 FEET PASS AN "X" CUT FOUND AT THE NORTH CORNER OF LOT 3C, BLOCK B/548, OF METRO CLUB I, AN ADDITION TO THE CITY OF DALLAS, TEXAS, RECORDED IN VOLUME 2004067, PAGE 34, PLAT RECORDS, DALLAS COUNTY, TEXAS, AT A DISTANCE OF 209.14 FEET PASS AN "X" CUT FOUND AT THE WEST CORNER OF SAID LOT 3C, SAME CORNER LYING IN THE NORTHEAST LINE OF AFORESAID LEONARD STREET, AND CONTINUING A TOTAL DISTANCE OF 259.00 FEET TO A POINT IN THE SOUTHWEST LINE OF SAID LEONARD STREET, SAME BEING THE NORTHEAST LINE OF AFORESAID HIGHLAND PARK LAND CO. NO. 1 ADDITION;

THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE SOUTHWEST LINE OF SAID LEONARD STREET COMMON WITH THE NORTHEAST LINE OF SAID HIGHLAND PARK LAND CO. NO. 1 ADDITION, A DISTANCE OF 66.55 FEET TO THE POINT OF BEGINNING, CONTAINING 1.330 ACRES OR 57,920 SQUARE FEET OF LAND.

EXHIBIT "A"
MUNICIPAL SETTING DESIGNATION SURVEY
ALL OF LOTS 1 AND 2, BLOCK B/548, THOMAS ADDITION
A PORTION OF MCKINNEY AVENUE, FAIRMOUNT STREET, AND LEONARD STREET
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEARINGS ARE BASED ON THE NORTHEAST LINE OF LEONARD STREET, HAVING A BEARING OF SOUTH 45 DEGREES 00 MINUTES 25 SECONDS EAST, ACCORDING TO THE FINAL PLAT OF METRO CLUB I, AN ADDITION TO THE CITY OF DALLAS, TEXAS, RECORDED IN VOLUME 2004067, PAGE 34, PLAT RECORDS, DALLAS COUNTY, TEXAS.

COMPANY NAME: EBG ENGINEERING, LLC.



CHRISTOPHER MAMAN
REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS NO. 5532
MARCH 14, 2014



Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Chris Franklin, as an authorized representative of McKinney OH, 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: 3/19/15

Signature

Chris Franklin

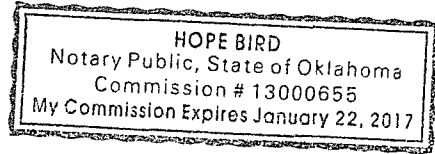
Printed Name

managing member

Title

STATE OF Oklahoma

COUNTY OF Oklahoma



SUBSCRIBED AND SWORN before me on this the 19 day of March 2015, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Oklahoma