

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

August 6, 2015

Ms. Renee Dowl, City Secretary
City of Garland
200 North 5th Street
Garland, State 75040

Re: Municipal Setting Designation (MSD) Certificate for BREOF AIP Dallas, LP,
Nortgate III, 10503 Forest Lane, Dallas, Dallas County, TX; MSD No. 285;
Customer No. CN603649500; Regulated Entity No. RN100637719

Dear Ms. Dowl:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated August 5, 2015. The City of Garland passed a resolution (29590) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2445 or via e-mail (otu.ekpo-otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G
VCP-CA Section
Remediation Division

OE/jdm

Enclosure: Copy of MSD Certificate No. 285

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2015

Ms. Rossa A. Rios, City Secretary
City of Dallas
1500 Marilla Street
Dallas, TX 75201

Re: Municipal Setting Designation (MSD) Certificate for BREF AIP Dallas, LP,
Northgate III, 10503 Forest Lane, Dallas, Dallas County, TX; MSD No. 285;
Customer No. CN123456789; Regulated Entity No. RN123456789

Dear Ms. Rios:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated August 5, 2015. The City of Dallas passed an ordinance (Ordinance No. 29590) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2445 or via e-mail (otu.ekpo-otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G
VCP-CA Section
Remediation Division

OE/jdm

Enclosure: Copy of MSD Certificate No. 285

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 6, 2015

Mr. Michael Speer, Senior Vice President
BREF OF AIP Dallas, LP
601 South Figueroa Street, Suite 2200
Los Angeles, CA 90017

Re: Municipal Setting Designation (MSD) Certificate for BREF OF AIP Dallas, LP,
Northgate III, 10503 Forest Lane, Dallas, Dallas County, TX; MSD No. 285;
Customer No. CN603649500; Regulated Entity No. 100637719

Dear Mr. Speer:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on June 2, 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) 239-2445 or via e-mail (Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G.
VCP-CA Section
Remediation Division

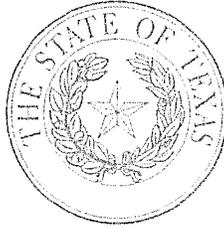
OE/jdm

cc: Ms. Mary Helen Niemann, P.G., Terracon Consultants, Inc. 8901 John Carpenter
Freeway, Suite 100, Dallas, TX 75247

Mr. Jason Ybarra, Waste Section Manager, TCEQ Region 12 Office, Houston

Enclosure: MSD Certificate No. 285

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. 285, 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 5th day of August, 2015

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

29590

142175

GIS_Approved

"EXHIBIT A"
MUNICIPAL SETTING DESIGNATION SURVEY
A PORTION OF BLOCK A/8444
FORESTGATE INDUSTRIAL PARK
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1001
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 01° 46' 06" West continuing along the common line between said Breof DDR Dallas LP tract and said Breof AIP Dallas LP tract, passing at a distance of 204.00 feet a chiseled "X" in concrete found for the southerly southwest corner of said Breof AIP Dallas LP tract, and continuing a total distance of 504.03 feet to a 1/2 inch iron rod with yellow plastic cap stamped "Huitt Zollars" found for corner in the north line of said Forest Lane, said rod being the southeast corner of said Breof DDR Dallas LP tract;

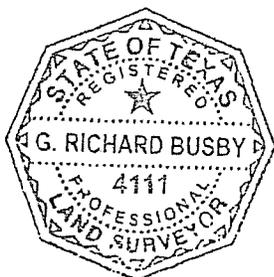
THENCE South 01° 33' 22" East over and across said Forest Lane a distance of 120.55 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the south line of said Forest Lane and the north line of Lot 1A, Block C/8072, GCC Addition No. 1, an addition to the City of Dallas according to the plat recorded in Volume 91189, Page 2859, Deed Records, Dallas County, Texas, and being in the north line of a tract of land conveyed to Alfred Investment Group & Associates, Inc. by Special Warranty Deed recorded in Instrument No. 201100276195, Official Public Records, Dallas County, Texas;

THENCE South 88° 26' 38" West along the south line of said Forest Lane a distance of 11.32 feet to a chiseled "X" in concrete found for corner at the beginning of a non-tangent curve to the left;

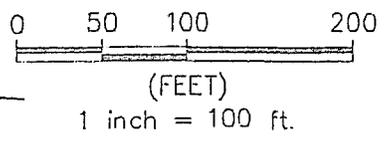
THENCE in a southwesterly direction continuing along the south line of said Forest Lane and along said non-tangent curve to the left whose chord bears South 86° 38' 14" West a distance of 183.55 feet, having a radius of 2804.79 feet, a central angle of 03° 45' 01" and an arc length of 183.58 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the south line of said Forest Lane and the north line of Block A/8073 of Northgate Business Park, First Installment, an addition to the City of Dallas according to the plat recorded in Volume 74113, Page 1136, Deed Records, Dallas County, Texas, and being in the north line of a tract of land conveyed to Northgate Business Park by Special Warranty Deed recorded in Volume 96129, Page 3976, Deed Records, Dallas County, Texas;

THENCE North 05° 28' 41" West over and across said Forest Lane a distance of 122.58 feet to the POINT OF BEGINNING and containing 156,299 square feet or 3.588 acres, more or less.

Basis of Bearings: The east line of Tract I (South 01° 46' 06" West) conveyed by Special Warranty Deed recorded in Instrument No. 201000332801, Official Public Records, Dallas County, Texas.




G. Richard Busby R.P.L.S. No. 4762
10/14/2014

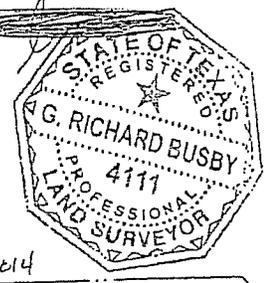


BASIS OF BEARINGS: THE EAST LINE OF TRACT 1 (S01°46'06"W) CONVEYED BY DEED RECORDED IN INST. NO. 201000332801, OFFICIAL PUBLIC RECORDS, DALLAS, COUNTY, TEXAS.

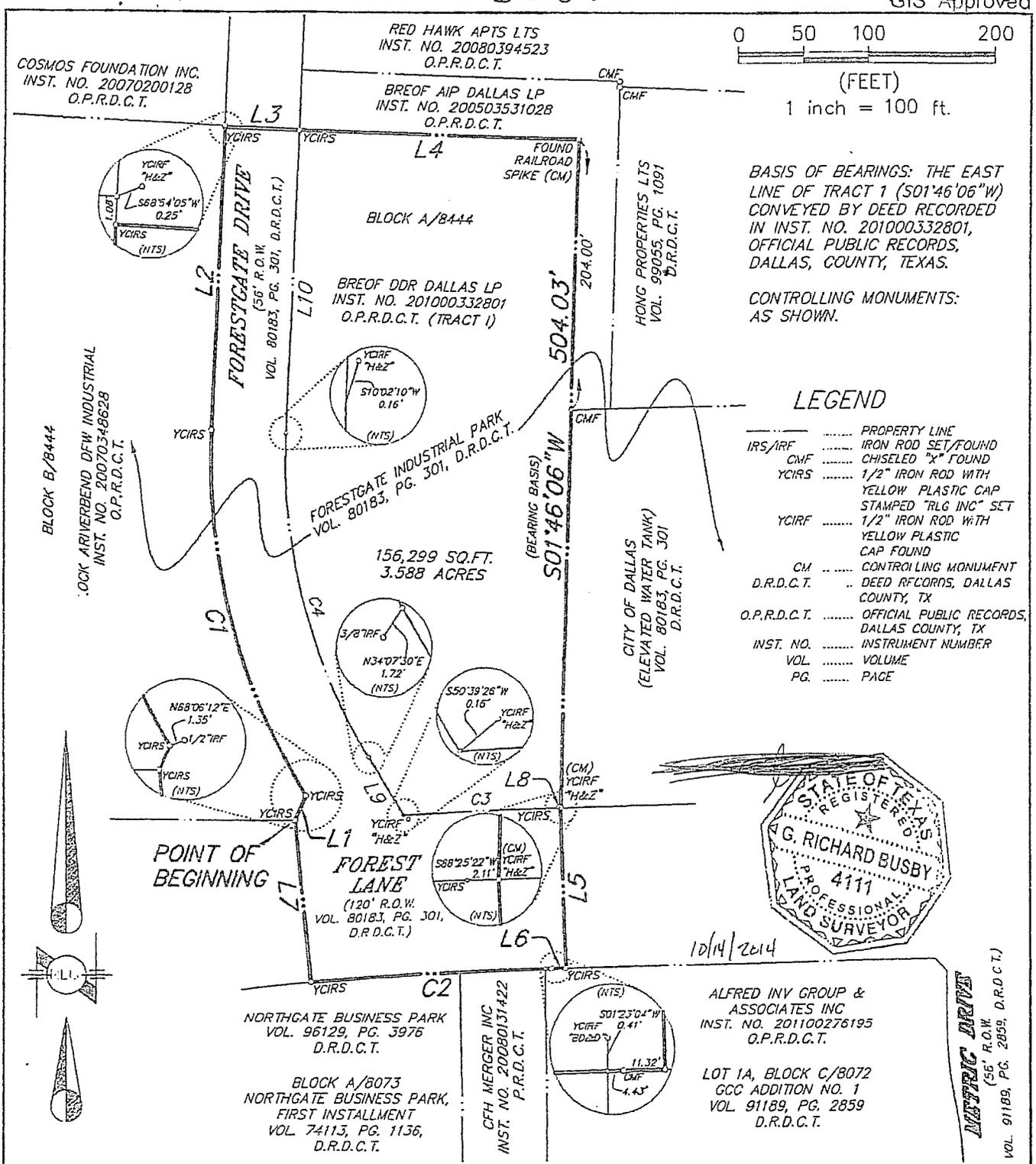
CONTROLLING MONUMENTS: AS SHOWN.

LEGEND

- PROPERTY LINE
- IRS/IRF IRON ROD SET/FOUND
- CMF CHISELED "X" FOUND
- YCIRS 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET
- YCIRF 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND
- CM CONTROLLING MONUMENT
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO. INSTRUMENT NUMBER
- VOL VOLUME
- PG PAGE



10/14/2014



RAYMOND L. GOODSON JR., INC.
 5445 LA SIERRA, STE 300, LB 17
 DALLAS, TX. 75231-4138
 214-739-8100
 rlg@rlginc.com
 TEXAS PE REG #F-493
 TBPLS REC #100341-00

MUNICIPAL SETTING DESIGNATION SURVEY
A PORTION OF BLOCK A/8444
FORESTGATE INDUSTRIAL PARK
 MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1001
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: _____
 Date: _____
 SPRG NO.: _____

SCALE	1" = 100'	DATE	09-24-2014	SHEET	3 OF 4
JOB NO.	14088	E-FILE	14088.dwg	DWG NO.	26,033 X

LINE TABLE		
LINE	BEARING	LENGTH
L1	N24°05'40"E	20.40'
L2	N02°37'41"E	227.73'
L3	S87°22'19"E	56.00'
L4	S88°13'54"E	214.75'
L5	S01°33'22"E	120.55'
L6	S88°26'38"W	11.32'
L7	N05°28'41"W	122.58'
L8	S88°25'22"W	2.11'
L9	N31°22'19"W	51.43'
L10	N02°37'41"E	227.73'

CURVE TABLE						
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CH. BRG.	CHORD
C1	33°59'58"	488.00'	149.19'	289.58'	N14°22'18"W	285.35'
C2	3°45'01"	2804.79'	91.82'	183.58'	S86°38'14"W	183.55'
C3	2°18'48"	2924.79'	59.05'	118.09'	S87°15'58"W	118.08'
C4	34°00'00"	432.00'	132.08'	256.35'	N14°22'19"W	252.61'

RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

MUNICIPAL SETTING DESIGNATION SURVEY
A PORTION OF BLOCK A/8444
FORESTGATE INDUSTRIAL PARK
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1001
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____

SCALE	1" = 100'	DATE	09-24-2014	SHEET	4 OF 4
JOB NO.	14088	E-FILE	14088.dwg	DWG NO.	26,033 X

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
01/13/2015 02:11:06 PM
\$66.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

201500009782

Exhibit B

Municipal Setting Designation

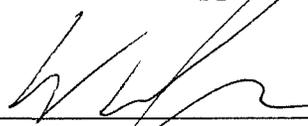
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL SPEER, as an authorized representative of BREOF AIP Dallas, LP, 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: MAY 4 2015

MICHAEL SPEER
Printed Name

ASO
Title

STATE OF _____

COUNTY OF _____

SEE ATTACHED

SUBSCRIBED AND SWORN before me on this the _____ day of _____ 20___, to which witness my hand and seal of office.

Notary Public in and for the State of _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

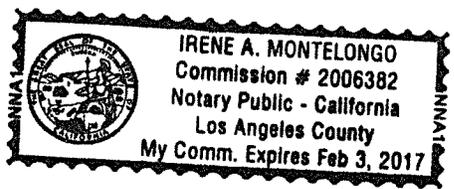
Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me
on this 4 day of May, 2015,
by Michael Spear
Date Month Year

(1) Michael Spear
(and (2) _____),
Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Signature Irene A. Montelongo
Signature of Notary Public

Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: 1 Signer(s) Other Than Named Above: _____