

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



COPY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2015

Ms. Rosa A. Rios, City Secretary
Dallas City Hall
1500 Marilla Street
Room 5D South
Dallas, Texas 75201-6390

Re: Municipal Setting Designation (MSD) Certificate for City Lights Property, 2601 Live Oak Street, Dallas, Dallas County, Texas; MSD No. 290; Customer No. CN604368563; Regulated Entity No. RN100587476

Dear Ms. Rios:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated October 29, 2015. The City of Dallas passed an ordinance (Ordinance No. 295659) 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) 239-2205 or via e-mail (Rodney.Bryant@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Bryant".

Rodney Bryant, Project Manager
VCP-CA Section
Remediation Division

RB/mdh

Enclosure: Copy of MSD Certificate No. 290

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

Protecting Texas by Reducing and Preventing Pollution

October 29, 2015

Mr. Laird Sparks, Vice President
Elan Dallas City Lights Owners, LP
600 East Las Colinas Boulevard, Suite 2100
Irving, Texas 75039

Re: Municipal Setting Designation (MSD) Certificate for City Lights Property, 2601 Live Oak Street, Dallas, Dallas County, Texas; MSD No. 290; Customer No. CN604368563; Regulated Entity No. RN100587476

Dear Mr. Sparks:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on June 15, 2015 and additional information supporting this MSD application on October 1, 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) 239-2205 or via e-mail (Rodney.Bryant@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Rodney Bryant".

Rodney Bryant, Project Manager
VCP-CA Section
Remediation Division

RB/mdh

cc: Mr. Kenneth Tramm, PhD, PG, CHMM, Modern Geosciences, 1904 Industrial Boulevard, Suite 107, Colleyville, Texas 76034

Mr. Sam Barrett, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office, R-4

Enclosure: MSD Certificate

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. 290, 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 October, 2015

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

LEGAL DESCRIPTION

BEING 12.339 acres of land located in the JOHN GRIGSBY SURVEY, Abstract No. 495, Dallas County, Texas, and being portions of Dallas City Blocks A/276, A/283, and A/289. Said 12.339 acres of land also being all of the tract of land conveyed to Elan Dallas City Lights Owner, LP, by the deed recorded in County Clerk's File No. 201300271062, of the Deed Records of Dallas County, Texas, and all of the tracts of land conveyed to Minerva Partners, Ltd., by the deed recorded in County Clerk's File No. 201100339315, of the Official Public Records of Dallas County, Texas, and all of the tracts of land conveyed to Margaux City Lights Partner, Ltd., by the deed recorded in County Clerk's File No. 201200259842, of the Official Public Records of Dallas County, Texas. Said 12.339 acres of land also including portions of the public right-of-ways for Boll Street, Bryan Street, Cantegral Street, Live Oak Street, and Texas Street and a fifteen foot wide public alley located within aforesaid Dallas City Block A/289. Said 12.339 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the Southeast right-of-way line of said Live Oak Street and the Northeast right-of-way line of Texas Street, and said POINT OF BEGINNING also being the West corner of the tract of land conveyed to Volunteer Center of Dallas County, Texas, by the deed recorded in Volume 2000224, Page 826, of the Deed Records of Dallas County, Texas;

THENCE S 45° 00' 50" W 719.40 feet, along the Southeast right-of-way line of said Live Oak Street, to a point in the Northwest boundary line of Lot 3, GOOD HOMESTEAD ADDITION, also being the Northwest boundary line of the tract of land designated as Tract I, in the deed to the City of Dallas, by the deed recorded in Volume 97143, Page 4692, of the Deed Records of Dallas County, Texas;

THENCE N 44° 59' 10" W 73.00 feet, crossing aforesaid Live Oak Street, to a point at the most Northerly Northwest corner of the tract of land designated as Tract 6 in the deed to Dallas Area Rapid Transit, recorded in County Clerk's File No. 2007022677, of the Official Public Records of Dallas County, Texas;

THENCE S 45° 00' 50" W 125.00 feet, along the most Easterly Northwest boundary line of said Dallas Area Rapid Transit Tract and the new Northwest right-of-way line of said Live Oak Street to a point at the most Southerly corner of the aforesaid tract of land conveyed to Elan Dallas City Lights Owner, LP;

THENCE along the Southwest boundary line of said Elan Dallas City Lights Owner LP Tract and the Northeast boundary line of the tracts of land designated as Tract 5 and Tract 6 in the deed to Dallas Area Rapid Transit recorded in County Clerk's File No. 2007022267 of the Official Public Records of Dallas County, Texas as follows:

1. N 88° 02' 54" W 18.69 feet, to a point;
2. N 45° 02' 05" W 93.71 feet, to a point;
3. N 53° 17' 32" W 105.17 feet, to a point;

4. N 49° 01' 02" W 85.02 feet, to a point;
5. N 45° 08' 24" W 40.50 feet, to a point at the beginning of a curve to the right;
6. NORTHWESTERLY 22.64 feet, along said curve to the right having a radius of 346.47 feet, a central angle of 03° 44' 41", and a chord bearing N 42° 58' 50" W 22.64 feet, to a point;
7. N 02° 28' 48" E 21.99 feet, to a point at the most Northerly corner of aforesaid Tract 5, to Dallas Area Rapid Transit, lying in the East right-of-way line of U.S. Highway No. 75 (North Central Expressway) and the West boundary line of the aforesaid tract of land conveyed to Elan Dallas City Lights Owner, LP, recorded in County Clerk's File No. 201300271062, of the Official Public Records of Dallas County, Texas;

THENCE along the East right-of-way line of said U.S. Highway No. 75 (North Central Expressway) as follows:

1. N 44° 56' 59" E 75.96 feet, along the West boundary line of the aforesaid tract of land conveyed to Elan Dallas City Lights Owner, LP, to a point;
2. N 17° 11' 48" E 57.39 feet, along the West boundary line of said Elan Dallas City Lights Owner, LP Tract, to a point in the Southeast right-of-way line of aforesaid Bryan Street;
3. N 44° 44' 08" W 126.01 feet, crossing said Bryan Street to a point in the Northwest right-of-way line of said Bryan Street;
4. N 45° 15' 52" E 76.21 feet, along the Northwest right-of-way line of said Bryan Street to a point at the intersection of the Southwest right-of-way line of aforesaid Boll Street;
5. N 44° 25' 22" W 110.27 feet, along the Southwest right-of-way line of said Boll Street to a point;
6. N 04° 52' 20" W 308.84 feet, to a point in the Southwest boundary line of the tract of land designated as Tract I, in the deed to 910 N. Central L.L.C., recorded in Volume 2003223, Page 6039, of the Official Public Records of Dallas County, Texas;

THENCE S 44° 14' 46" E 15.90 feet, along the Southwest boundary line of said Tract I, to a point at the South corner of said Tract I;

THENCE N 45° 45' 14" E 30.00 feet, along the Southeast boundary line of said Tract I to a point in the Southwest boundary line of the tract designated as Tract II, in the aforesaid deed to 910 N. Central L.L.C, recorded in Volume 2003223, Page 6039, of the Official Public Records of Dallas County, Texas;

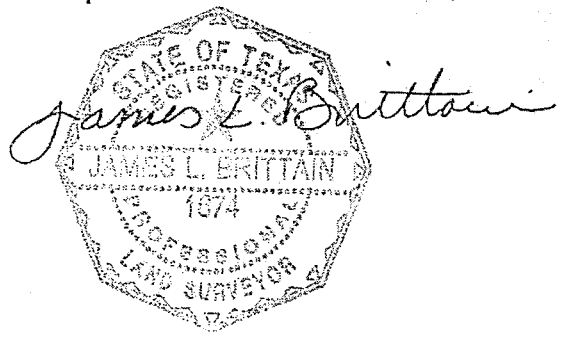
THENCE S 44° 14' 46" E 79.70 feet, along the Southwest boundary line of said Tract II, to a point at the South corner of said Tract II;

THENCE N 45° 45' 14" E 220.04 feet, along the Southeast boundary line of said Tract II, and the Northwest boundary line of the tract of land designated as Parcel III in the deed to Margaux City Lights Partner, Ltd., recorded in Volume 201200259843, of the Official Public Records of Dallas County, Texas, and crossing aforesaid Texas Street to a point in the Northeast right-of-way line of said Texas Street and the Southwest boundary line of Lot 1, JEFFERSON @ BRYAN PLACE ADDITION, to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 98057, Page 62, of the Plat Records of Dallas County, Texas;

THENCE along the Northeast right-of-way line of said Texas Street as follows:

1. S 44° 15' 20" E 312.61 feet, along the Southwest boundary line of said Lot 1, JEFFERSON @ BRYAN PLACE ADDITION, and crossing aforesaid Bryan Street to a point at the Southwest corner of Lot 1, Block 1/289, of the amended plat of JEFFERSON AT BRYAN PLACE-PHASE II, according to the plat recorded in Volume 2002-189, Page 00024, of the Plat Records of Dallas County, Texas, and the beginning of a curve to the left;
2. SOUTHEASTERLY 227.23 feet, along said curve to the left and the South boundary line of said Lot 1, Block 1/289, with a curve to the left having a radius 341.85 feet, a central angle 38° 05' 06", and chord bearing S 68° 50' 42" E 223.07 feet, to a point at the end of said curve;
3. S 87° 18' 09" E 41.67 feet, along the South boundary line of said Lot I, Block A/289 to a point at the beginning of a curve to the right;
4. SOUTHEASTERLY 240.77 feet, along said curve to the right and the South boundary line of said Lot 1, Block 1/289, with a curve to the right have a radius 412.28 feet, a central angle 33° 27' 36", and a chord bearing S 68° 33' 05" E 237.36 feet, to a point at the end of said curve and the most Westerly Southeast corner of said Lot 1, Block 1/289;
5. S 44° 59' 10" E 82.44 feet, crossing aforesaid Live Oak Street, to the POINT OF BEGINNING containing 12.339 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

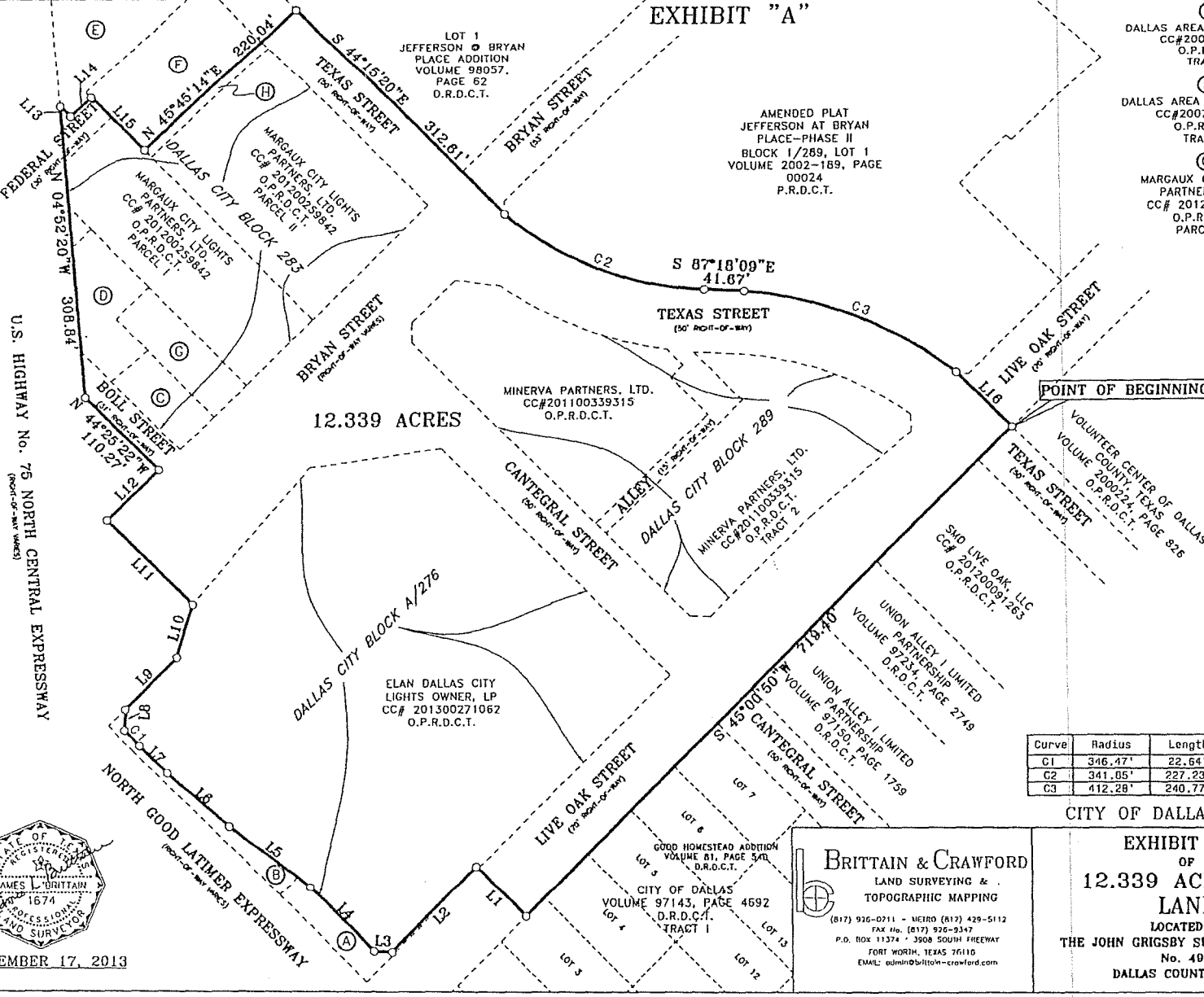


GIS Approved

U.S. HIGHWAY No. 75 NORTH CENTRAL EXPRESSWAY
(part of survey)

NORTH GOOD LATIMER EXPRESSWAY
(part of survey)

EXHIBIT "A"



- (A) DALLAS AREA RAPID TRANSIT
CC# 20070222677
O.P.R.D.C.T.
TRACT 6
- (B) DALLAS AREA RAPID TRANSIT
CC# 20070222677
O.P.R.D.C.T.
TRACT 5
- (C) MARGAUX CITY LIGHTS PARTNERS, LTD.
CC# 201200259842
O.P.R.D.C.T.
PARCEL VI
- (D) MARGAUX CITY LIGHTS PARTNERS, LTD.
CC# 201200259842
O.P.R.D.C.T.
PARCEL IV
- (E) 910 N. CENTRAL L.L.C.
VOLUME 2003223, PAGE 6039
O.P.R.D.C.T.
TRACT I
- (F) 910 N. CENTRAL L.L.C.
VOLUME 2003223, PAGE 6039
O.P.R.D.C.T.
TRACT II
- (G) MARGAUX CITY LIGHTS PARTNERS, LTD.
CC# 201200259842
O.P.R.D.C.T.
- (H) MARGAUX CITY LIGHTS PARTNERS, LTD.
CC# 201200259843
O.P.R.D.C.T.
PARCEL III

Course	Bearing	Distance
L1	N 44°59'10" W	73.00'
L2	S 45°00'50" W	125.00'
L3	N 00°02'54" W	18.69'
L4	N 45°02'05" W	93.71'
L5	N 53°17'32" W	105.17'
L6	N 49°01'02" W	85.02'
L7	N 45°08'24" W	40.50'
L8	N 02°20'40" E	21.99'
L9	N 44°56'59" E	75.96'
L10	N 17°11'48" E	57.39'
L11	N 44°44'08" W	126.01'
L12	N 45°15'52" E	76.21'
L13	S 44°14'46" E	15.90'
L14	N 45°45'14" E	30.00'
L15	S 44°14'46" E	79.70'
L16	S 44°59'10" E	82.44'

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	346.47'	22.64'	3°44'41"	22.64'	N 42°50'50" W
C2	341.05'	227.23'	38°05'06"	223.07'	S 68°50'42" E
C3	412.28'	240.77'	33°27'36"	237.36'	S 68°33'05" E

CITY OF DALLAS, DALLAS COUNTY, TEXAS MSD



SEPTEMBER 17, 2013

BRITAIN & CRAWFORD
LAND SURVEYING & TOPOGRAPHIC MAPPING
(817) 926-0711 • WEIRO (817) 429-5112
FAX No. (817) 926-9347
P.O. BOX 11374 • 3508 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@britain-crawford.com

EXHIBIT MAP
OF
12.339 ACRES OF LAND
LOCATED IN
THE JOHN GRIGSBY SURVEY, ABSTRACT
No. 405,
DALLAS COUNTY, TEXAS

SCALE 1"=100'

(PHB) 2013 PROJECTS\MODERN GEO-DALLAS\CANTEGRAL-750.DWG

Exhibit B

Municipal Setting Designation

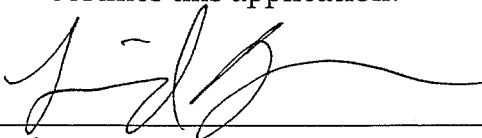
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Laird Sparks, as an authorized representative of Elan Dallas City Lights Owner, 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.

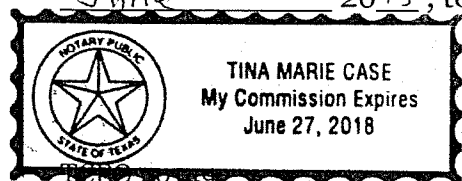

Signature

Date: 6.5. 2015

Laird Sparks
Printed Name
vice President
Title

STATE OF TEXAS
COUNTY OF DALLAS

SUBSCRIBED AND SWORN before me on this the 5th day of June 2015, to which witness my hand and seal of office.



Tina Marie Case
Notary Public in and for the State of TEXAS