

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 30, 2013

Ms. Sandy Owens, Vice President
Prescott Interests, LTD
7979 Inwood Road, Suite 225
Dallas, Texas 75209

RE: Municipal Setting Designation (MSD) Certificate for Lone Star, 5040
Lemmon Avenue, Dallas, Dallas County, TX; MSD No. 207

Dear Ms. Owens:

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) 239-2241 or via e-mail (chris.swiderski@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Swiderski".

Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

Enclosure: MSD Certificate No. 207



MUNICIPAL SETTING DESIGNATION CERTIFICATE

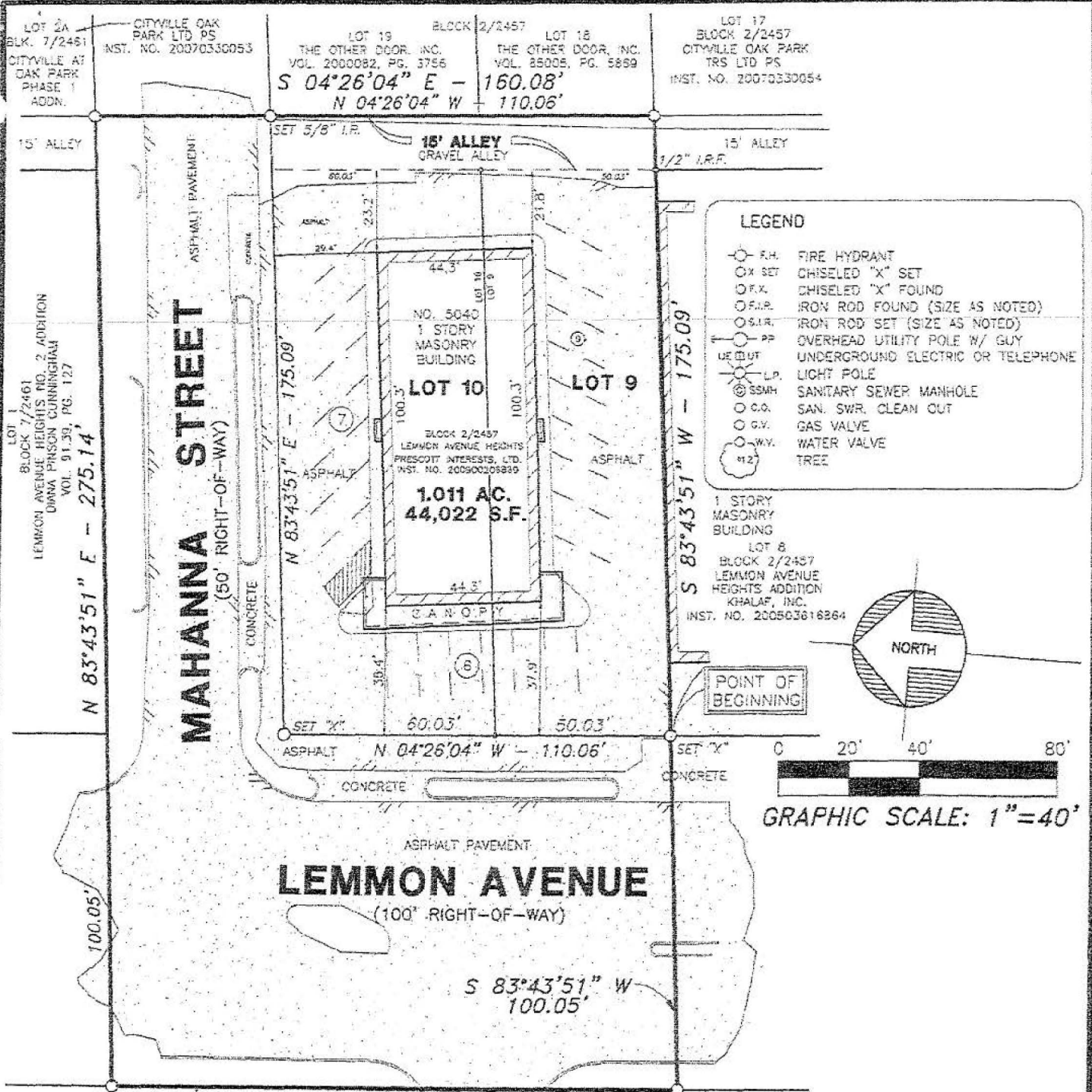
As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 207, 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 24th day of July, 2013


Zak Covar
Executive Director
Texas Commission on Environmental Quality



- LEGEND**
- F.H. FIRE HYDRANT
 - X SET CHISELED "X" SET
 - F.X. CHISELED "X" FOUND
 - F.M.P. IRON ROD FOUND (SIZE AS NOTED)
 - S.I.R. IRON ROD SET (SIZE AS NOTED)
 - PP OVERHEAD UTILITY POLE W/ GUY
 - U.E.B.U.T UNDERGROUND ELECTRIC OR TELEPHONE
 - L.P. LIGHT POLE
 - S.S.M.H. SANITARY SEWER MANHOLE
 - C.O. SAN. SWR. CLEAN OUT
 - G.V. GAS VALVE
 - W.V. WATER VALVE
 - T2 TREE

1 STORY MASONRY BUILDING
 LOT 8
 BLOCK 2/2457
 LEMMON AVENUE HEIGHTS ADDITION
 KHALAF, INC.
 INST. NO. 200563616264

POINT OF BEGINNING

NORTH

0 20' 40' 80'

GRAPHIC SCALE: 1"=40'

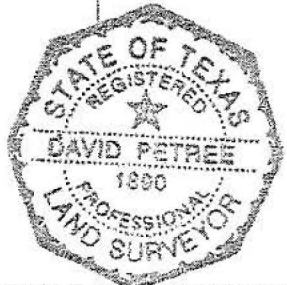
LOT 1A
 BLOCK 8/5701
 CUSTOM DESIGNS ADDITION
 SERVICE KING
 PAINT & BODY
 INST. NO. 200503605122

LOT 6
 BLOCK 2/2343
 LEMMON AVENUE HEIGHTS ADDITION
 SERVICE KING
 PAINT & BODY, LP
 INST. NO. 200600416249

LOT 1B
 BLOCK 2/2343
 UNIVERSITY PARK
 AUDI ADDITION
 5033 LEMMON, LP
 VOL. 2003154, PG. 2424

EXHIBIT MAP AND DESCRIPTION
 PREPARED FROM SURVEYS
 DATED OCTOBER 12, 2009
 BY:

MSD SURVEY
5040 LEMMON AVENUE
LOTS 9 & 10 - BLOCK 2/2457
LEMMON AVENUE HEIGHTS ADDITION



David Petree
 DAVID PETREE
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890
 11015 MIDWAY ROAD
 DALLAS, TEXAS
 (214) 358-4500 PHONE

MSD SURVEY

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE FOLLOWING DESCRIBED PROPERTY:

BEING LOT 9 AND LOT 10 IN BLOCK 2/2457 OF LEMMON AVENUE HEIGHTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 124 AT PAGE 19 OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS, AS CONVEYED TO PRESCOTT INTERESTS, LTD., BY DEED RECORDED IN INSTRUMENT NO. 200900206889 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND A PORTION OF LEMMON AVENUE (100 FOOT RIGHT OF WAY) AND A PORTION OF MAHANA STREET (50 FOOT RIGHT OF WAY), AND A PORTION OF A 15' ALLEY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" CUT FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 9 IN BLOCK 2/2457, SAID POINT ALSO BEING IN THE EASTERLY RIGHT OF WAY LINE OF SAID LEMMON AVENUE;

THENCE SOUTH 83° 43' 51" WEST AND CROSSING LEMMON AVENUE FOR A DISTANCE OF 100.05 FEET TO A POINT IN THE WESTERLY RIGHT OF WAY LINE OF SAID LEMMON AVENUE;

THENCE NORTH 04° 26' 04" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID LEMMON AVENUE FOR A DISTANCE OF 160.08 FEET TO A POINT FOR CORNER;

THENCE NORTH 83° 43' 51" EAST AND CROSSING LEMMON AVENUE AND AT A DISTANCE OF 100.05 FEET AND FOLLOWING THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID MAHANA STREET AND CONTINUING IN ALL FOR A DISTANCE OF 275.14 FEET AT A POINT FOR CORNER AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MAHANA STREET AND THE EASTERLY LINE OF AFORESAID 15 FOOT ALLEY;

THENCE SOUTH 04° 26' 04" EAST AND CROSSING THE RIGHT OF WAY LINE OF MAHANA STREET AND CONTINUING ALONG THE EASTERLY LINE OF SAID 15 ALLEY FOR A DISTANCE OF 160.08 FEET TO A 1/2" IRON ROD FOUND CORNER;

THENCE SOUTH 83° 43' 51" WEST (BASIS OF BEARINGS PER DEED RECORDED IN INSTRUMENT NO. 20070431740 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS) AND CROSSING THE SAID 15' ALLEY AND PASSING THE SOUTHEAST CORNER OF THE AFORESAID LOT 9 IN BLOCK 2/2457 AND CONTINUING ALONG THE SOUTH LINE OF SAID LOT 9 IN BLOCK 2/2457 FOR A DISTANCE OF 175.09 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.011 ACRES OF LAND, MORE OR LESS.

David Petree

DAVID PETREE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1890



MSD SURVEY
5040 LEMMON AVENUE
LOTS 9 & 10 - BLOCK 2/2457
LEMMON AVENUE HEIGHTS ADDITION

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Scott K. Harlan, P.G., as an authorized representative of
Prescott Interests, LTD, 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: 5/23/12

Scott K. Harlan, P.G.

Printed Name

Senior Geologist

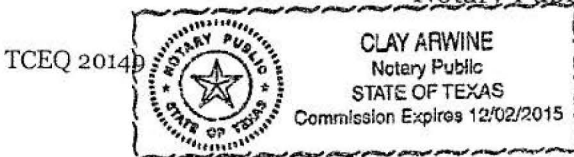
Title

STATE OF Texas

COUNTY OF Tarrant

May SUBSCRIBED AND SWORN before me on this the 30 day of
2012, to which witness my hand and seal of office.

Notary Public in and for the State of TEXAS



August 2011