

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 28, 2013

Mr. Greg Rogers, Attorney
Guida Slavich & Flores
816 N. Congress Avenue, Suite 1500
Austin, Texas 78701

RE: Municipal Setting Designation (MSD) Certificate for Park Forest SWC,
Ltd. 3518 Forest Lane and 3624 Forest Lane, Dallas, TX; MSD No. 223

Dear Mr. Rogers:

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) 239-4940 or via e-mail (pindy.lall@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "P Lall".

Pindy Lall, Project Manager
VCP-CA Section
Remediation Division

PL/jdm

Enclosure

cc: Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4, 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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 223, 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 28 day of February, 2013


Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"
LEGAL DESCRIPTION

BEING 18.637 acres of land located in the W. D. BARNES SURVEY, ABSTRACT NO. 152, and the JOHN RICHARDS SURVEY, ABSTRACT NO. 1220, City of Dallas, Dallas County, Texas, and said 18.637 acres of land also being the combined total of Lot 1, Block 6445, ALBERTSON'S FOREST ADDITION, to the City of Dallas, Dallas County, Texas, according to the plat recorded in County Clerk's File No. 2003-11000033 of the Deed Records of Dallas County, Texas, and the 14.4243 acre tract of land conveyed to MDF Investments, LLC, by the deed recorded in Volume 2001161, Page 7257 of the Deed Records of Dallas County, Texas, and the 0.996 acre tract of land conveyed to Park Forest SWC, Ltd., by the deed recorded in Volume 2003194, Page 2326 of the Deed Records of Dallas County, Texas, and portions of the public right-of-ways of Forest Lane (a 130-foot-wide public right-of-way), and Marsh Lane (a 100-foot-wide public right-of-way). Said 18.637 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Southeast corner of said Lot 1, Block 6445, ALBERTSON'S FOREST ADDITION, and said POINT OF BEGINNING also lying in the West right-of-way line of aforesaid Marsh Lane;

THENCE S 89° 12' 40" W 1330.04 feet, along the South boundary line of said Lot 1, Block 6445, ALBERTSON'S FOREST ADDITION, and the South boundary line of said MDF Investments, Inc. Tract, to a point at the Southwest corner of said MDF Investments, Inc. Tract;

THENCE NORTH 371.22 feet, along the West boundary line of said MDF Investments, Inc. Tract, to a point at the most Westerly Northwest corner of said MDF Investments, Inc. Tract;

THENCE N 89° 21' 00" E 140.00 feet, along the most Southerly North boundary line of said MDF Investments, Inc. Tract, to a point in the West boundary line of the aforesaid Park Forest SWC, Ltd. Tract;

THENCE NORTH along the West boundary line of said Park Forest SWC, Ltd. Tract, at 140 feet passing the Northwest corner of said Park Forest SWC, Ltd. Tract, and in all 270.01 feet, to a point in the North right-of-way line of aforesaid Forest Lane;

THENCE N 89° 21' 00" E 1050.00 feet, along the North right-of-way line of said Forest Lane, to a point;

THENCE SOUTH at 130.00 feet, passing the most Northerly Northeast corner of aforesaid Lot 1, Block 6445, ALBERTSON'S FOREST ADDITION, and the Northwest corner of Lot 1, Block B/6445, EXXON FOREST ADDITION, to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 97198, Page 3589 of the Deed Records of Dallas County, Texas, and in all 270.01 feet, to a point at the Southwest corner of said EXXON FOREST ADDITION;

THENCE N 89° 21' 00" E running along the South boundary line of said EXXON FOREST ADDITION, and the most Southerly North boundary line of said Lot 1, Block 6445, ALBERTSON'S FOREST ADDITION, at 140.00 feet, passing the most Easterly Northeast corner of said ALBERTSON'S FOREST ADDITION, and in all 240.00 feet, to a point in the East right-of-way line of aforesaid Marsh Lane;

THENCE SOUTH 367.76 feet, along the East right-of-way line of said Marsh Lane, to a point;

THENCE S 89° 12' 40" W 100.00 feet, to the POINT OF BEGINNING containing 18.637 acres of land.



EXHIBIT "A"

BRI 1815 3530, LLC
4.00 ACRES
DOCUMENT
#20080213903
D.R.D.C.T.

HOMER J. RADER
0.45 ACRE
VOLUME 93203,
PAGE 42
D.R.D.C.T.

EXXON FOREST ADDITION
LOT 1, BLOCK B/6445
VOLUME 97198, PAGE 3589
D.R.D.C.T.

H.C. MARSH
SURVEY No. 917

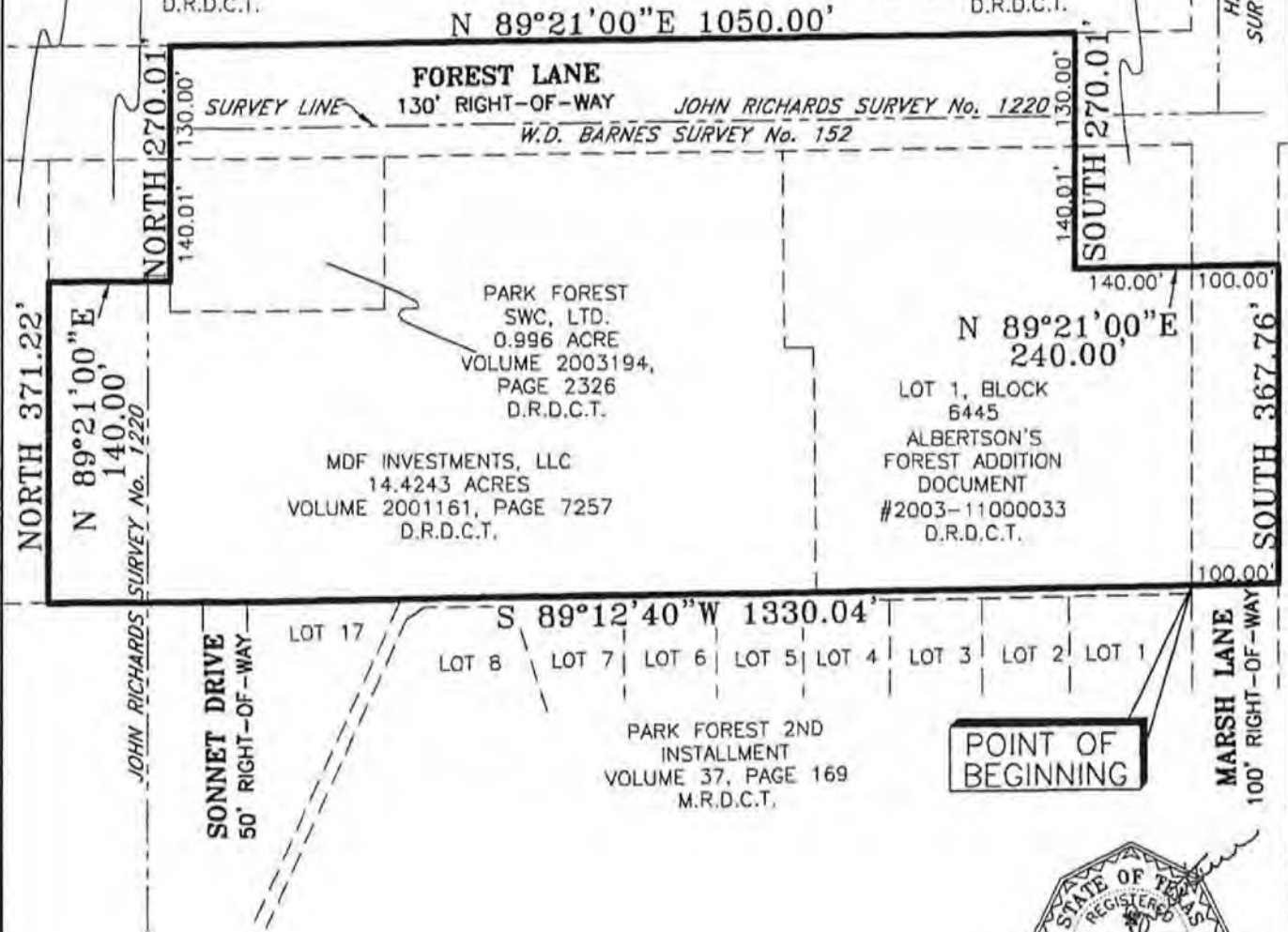


EXHIBIT MAP OF PARK FOREST SOUTHWEST SHOPPING CENTER

BRITTAIN & 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@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

EXHIBIT MAP
OF
18.637 ACRES OF LAND
LOCATED IN
THE W.D. BARNES SURVEY, ABSTRACT No. 152, AND THE JOHN RICHARDS SURVEY, ABSTRACT No. 1220, DALLAS, DALLAS COUNTY, TEXAS

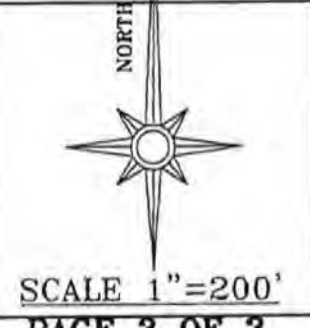


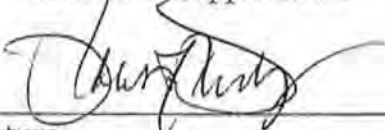
Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Robert W. Kennedy, Manager, Park Forest SWC GP, LLC, as an authorized representative of Park Forest SWC, 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: Oct 30, 2012

Robert W. Kennedy

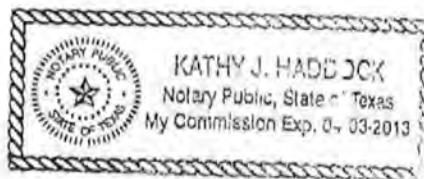
Printed Name

Manager, Park Forest SWC GP, LLC

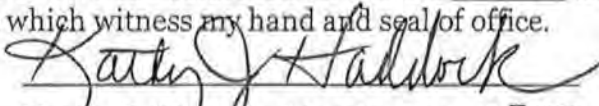
Title

STATE OF Texas

COUNTY OF Dallas



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



Notary Public in and for the State of Texas