

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*

May 30, 2013

Mr. Robert Lauterbach, Owner  
824 Thomas Crossing  
Burleson, Texas 76028

RE: Municipal Setting Designation (MSD) Certificate for Wilkersons 1 and 2,  
401 E. Division St. and 305 N. East St., Arlington, Tarrant County, Texas;  
MSD No. 224

Dear Mr. Lauterbach:

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) 239-2960 or via e-mail ([richard.goldsmith@TCEQ.Texas.gov](mailto:richard.goldsmith@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

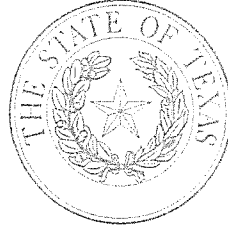
R. Stuart Goldsmith, Project Manager  
VCP-CA Section  
Remediation Division

RSG/jdm

Enclosure

cc: Ms. Vicki Modak, Petroleum Storage Tank – Responsible Party  
Remediation, PST-DCRP Section, Remediation Division, MC-137  
Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office,  
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. 224, in the City of Arlington, 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 2nd day of May, 2013

  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

*Exhibit "A"*  
*MSD No. 224*  
**BOUNDARY SURVEY**  
**LOTS 1-R & 3-R, BLOCK 60**  
**ORIGINAL TOWN OF ARLINGTON**  
**S. DAVIS SURVEY, ABSTRACT NO. 425**  
**CITY OF ARLINGTON, TARRANT COUNTY, TEXAS**

BEING A 0.425 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE S. DAVIS SURVEY, ABSTRACT NUMBER 425, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, SAME BEING ALL OF LOT 1-R, BLOCK 60 OF REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND ALL OF LOT 3-R, BLOCK 60 OF THE REVISED PLAT OF LOT 3-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-71, PAGE 44, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A CHISELED 'X' IN CONCRETE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1-R, SAME BEING AT THE INTERSECTION OF THE NORTH LINE OF EAST DIVISION STREET, A 60 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND THE EAST LINE OF NORTH EAST STREET, A 70 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, FROM WHICH A CHISELED 'X' FOUND FOR THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS LOT 1, BLOCK 26 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS BEARS NORTH 88 DEGREES 20 MINUTES 26 SECONDS WEST A DISTANCE OF 80.00 FEET;

**THENCE** ALONG THE EAST LINE OF SAID NORTH EAST STREET AND THE WEST LINES OF SAID LOT 1-R AND SAID LOT 3-R THE FOLLOWING TWO COURSES:

1. NORTH 43 DEGREES 12 MINUTES 40 SECONDS WEST A DISTANCE OF 14.14 FEET TO A 'PK' NAIL FOUND;
2. NORTH 01 DEGREES 47 MINUTES 50 SECONDS EAST, PARALLEL TO AND 70 FEET FROM THE WEST RIGHT OF WAY LINE OF SAID NORTH EAST STREET, PASSING AT A DISTANCE OF 79.75 FEET THE COMMON WEST CORNER OF SAID LOTS 1-R AND 3-R AND CONTINUING FOR A TOTAL DISTANCE OF 143.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 3-R FROM WHICH A 'PK' NAIL FOUND BEARS NORTH 45 DEGREES 01 MINUTES 27 SECONDS WEST A DISTANCE OF 0.84 FEET;

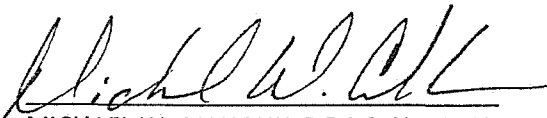
**THENCE** ALONG THE NORTH LINE OF SAID LOT 3-R SOUTH 88 DEGREES 14 MINUTES 00 SECONDS EAST A DISTANCE OF 118.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 3-R;

**THENCE** ALONG THE EAST LINES OF SAID LOT 3-R AND LOT 1-R SOUTH 00 DEGREES 01 MINUTES 48 SECONDS WEST PASSING AT A DISTANCE OF 63.53 FEET THE COMMON EAST CORNER OF SAID LOTS 3-R AND 1-R AND CONTINUING FOR A TOTAL DISTANCE OF 153.36 FEET TO A ½" REBAR FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 1-R, SAME BEING ON THE NORTH RIGHT OF WAY LINE OF SAID EAST DIVISION STREET;

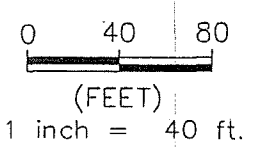
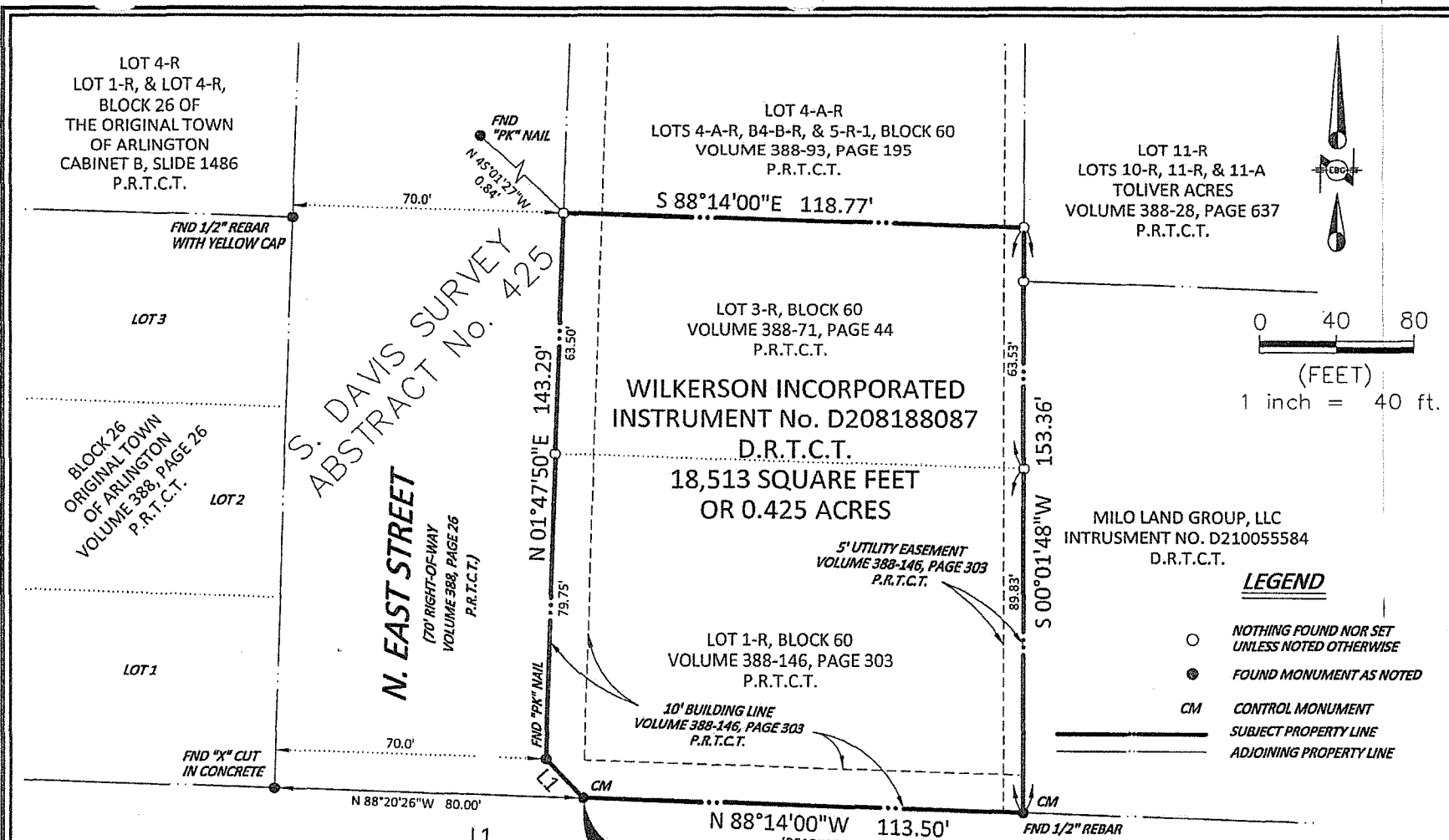
**BOUNDARY SURVEY**  
LOTS 1-R & 3-R, BLOCK 60  
ORIGINAL TOWN OF ARLINGTON  
S. DAVIS SURVEY, ABSTRACT NO. 425  
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

**THENCE** ALONG THE COMMON LINE OF SAID LOT 1-R AND SAID EAST DIVISION STREET NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST A DISTANCE OF 113.50 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 18,513 SQUARE FEET OR 0.425 ACRE OF LAND MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1-R, BLOCK 60 IF THE REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS SHOWN AS NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST THEREON.

  
MICHAEL W. CALHOUN, R.P.L.S. No. 6143  
MARCH 28, 2012





**GENERAL NOTES:**

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1-R, BLOCK 60 OF THE REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS SHOWN THEREON AS NORTH 88°14'00" WEST.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND/OR OTHER ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

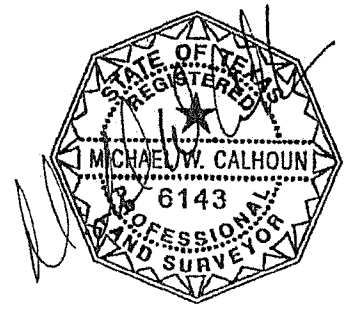
OWNERSHIP FOR THE SUBJECT AND ADJOINING PARCELS WAS OBTAINED FROM THE TARRANT COUNTY APPRAISAL DISTRICT'S WEBSITE. (WWW.TAD.ORG)

A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES AND DESCRIBES THE SUBJECT TRACT SHOWN HEREON.

**SURVEYOR'S CERTIFICATE:**

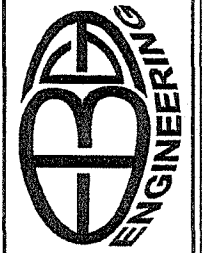
I, MICHAEL W. CALHOUN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS HEREBY CERTIFY THAT AN ACTUAL ON THE GROUND SURVEY WAS PERFORMED FOR THE SUBJECT TRACT SHOWN HEREON AND UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY CONFORMS WITH THE ACT AND RULES SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

*Michael W. Calhoun*  
 MICHAEL W. CALHOUN, RPLS #6143  
 MARCH 28, 2012



PAGE 3 OF 3  
 DATE: 03/28/12  
 JOB NO.: 12009  
 DWG FILE: 12009 BASE  
 SCALE: 1" = 40'  
 DRAWN BY: MWC  
 REVIEWED BY: MWC

EBG ENGINEERING LLC  
 CONSULTING ENGINEERS & SURVEYORS  
 10300 N CENTRAL EXPY, STE 160  
 DALLAS, TEXAS 75231  
 PHONE: (214) 321-3861  
 FAX: (214) 321-2131



BOUNDARY SURVEY  
 ALL OF LOTS 1-R & 3-R, BLOCK 60,  
 ORIGINAL TOWN OF ARLINGTON  
 LOCATED IN THE  
 S. DAVIS SURVEY, ABSTRACT NO. 425  
 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared Robert Lauterbach, as an authorized representative of Property Owner, 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.

Robert Lauterbach  
Signature

Date: 2/12/13

Robert Lauterbach

Printed Name

Owner

Title

STATE OF Texas

COUNTY OF Tarrant

SUBSCRIBED AND SWORN before me on this the 12<sup>th</sup> day of FEBRUARY 2013, to which witness my hand and seal of office.

Elle Barnard  
Notary Public in and for the State of TEXAS

