

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

March 4, 2014

Mr. Henry Bradbury, Director
Brownfield Redevelopment Corporation of Marshall
3918 Bobbin Lane
Addison, Texas 75001

Re: Municipal Setting Designation (MSD) Certificate for Former Applebaum
Scrapyard; 800 South Washington Ave., Marshall, Harrison County,
Texas; MSD No. 245

Dear Mr. Bradbury:

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) 239-6753 or via e-mail (joseph.bell@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Bell".

Joe Bell, Project Manager
VCP-CA Section
Remediation Division

JB/jdm

Enclosure: MSD Certificate No. 245

cc: Mr. Michael Brashear, Waste Section Manager, TCEQ Region 5 Office,
Tyler

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):

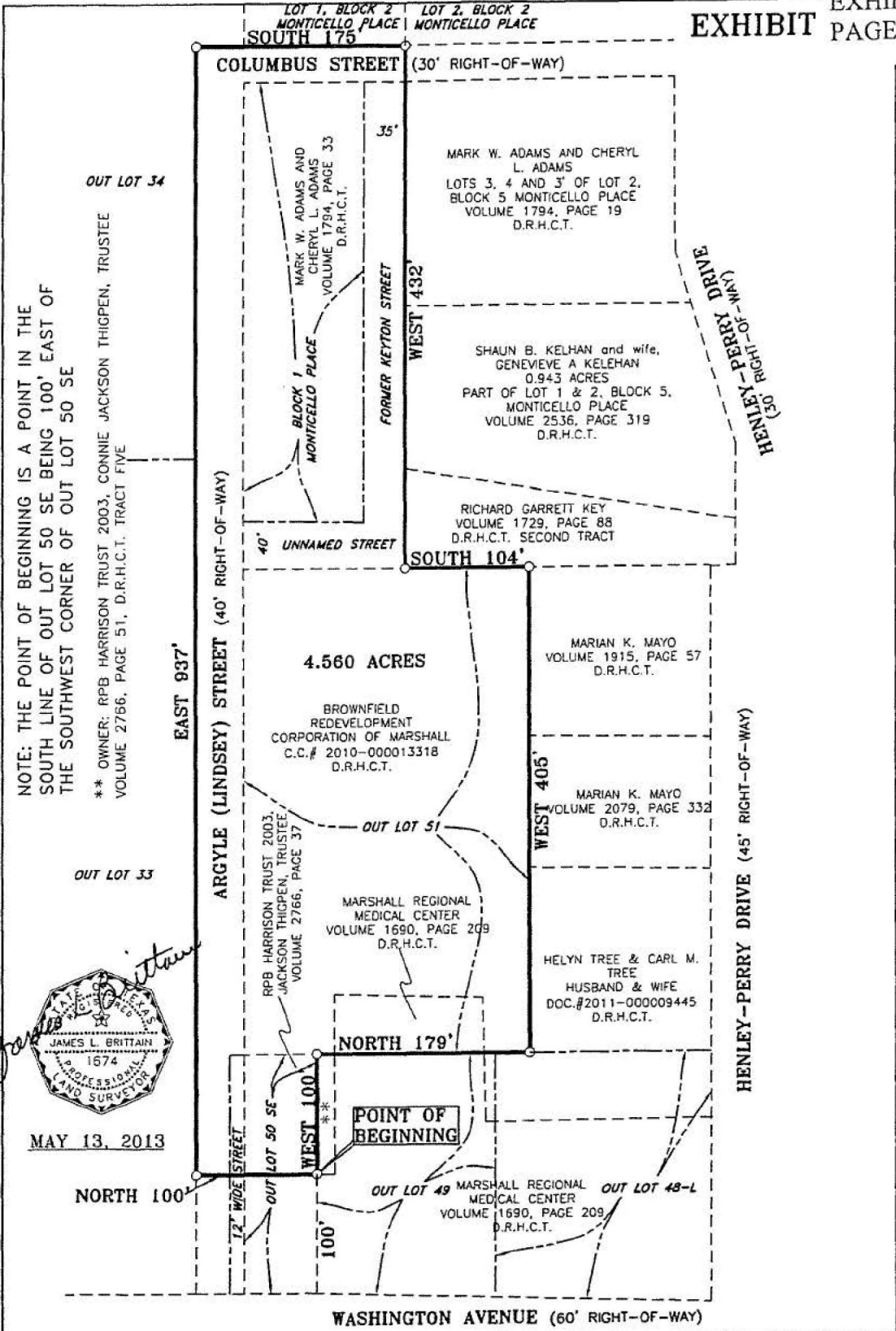
I, Richard A. Hyde, P.E., Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 245, in the City of Marshall, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 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 21st. day of February, 2014

A handwritten signature in cursive script that reads "Richard A. Hyde".

Richard A. Hyde, P.E.
Executive Director
Texas Commission on Environmental Quality



NOTE: THE POINT OF BEGINNING IS A POINT IN THE SOUTH LINE OF OUT LOT 50 SE BEING 100' EAST OF THE SOUTHWEST CORNER OF OUT LOT 50 SE

** OWNER: RPB HARRISON TRUST 2003, CONNIE JACKSON THIGPEN, TRUSTEE
VOLUME 2766, PAGE 51, D.R.H.C.T. TRACT FIVE

James L. Brittain

JAMES L. BRITTAIN
 1674
 PROFESSIONAL LAND SURVEYOR
 MAY 13, 2013

CITY OF MARSHALL, HARRISON COUNTY, TEXAS MSD		
 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: acm@brittain-crawford.com	EXHIBIT MAP OF 4.560 ACRES OF LAND LOCATED IN THE PETER WHETSTONE HEADWRIGHT SURVEY, ABSTRACT No. 756, HARRISON COUNTY, TEXAS	 SCALE 1"=100'

EXHIBIT "A"
LEGAL DESCRIPTION

BEING approximately 4.560 acres of land located in the PETER WHETSTONE SURVEY, ABSTRACT NO. 756, City of Marshall, Harrison County, Texas and being a portion of the tract of land conveyed to RPB Harrison Trust 2003, Jackson Thigpen, Trustee, by the deed recorded in Volume 2766, Page 37 of the Deed Records of Harrison County, Texas and the tract of land conveyed to Mark W. Adams and Cheryl L. Adams by the deed recorded in Volume 1794, Page 33 of the Deed Records of Harrison County, Texas and the tract of land conveyed to Marshall Regional Medical Center by the deed recorded in Volume 1690, Page 209 of the Deed Records of Harrison County, Texas and all of the tract of land conveyed to Brownfield Redevelopment Corporation of Marshall by the deed recorded in County Clerk's File No. 2010-000013318 of the Deed Records of Harrison County, Texas. Said 4.560 acres also being a portion of Out Lot 50, Southeast and all of Out Lot 51, Southeast, and all of Block 1 Monticello Place, and the right-of-way areas of former Keyton Street, Argyle Street (also known as Lindsey Street), Columbus Street, and an unnamed street lying West of said Block 1, MONTICELLO PLACE, said Out Lots, Additions, and Street rights-of-way all indicated on the official plat of the City of Marshall filed in the office of the City Engineer. Said 4.560 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South boundary line of said Out Lot 50 SE, and said POINT OF BEGINNING also being located 100 feet, East of the Southwest corner of said Out Lot 50 SE;

THENCE Northerly approximately 100 feet, along a line 100 feet East of and parallel to the East right-of-way line of Washington Ave (a 60 foot wide right-of-way) to a point in the North right-of-way line of Argyle (also known as Lindsey Street) a 40 foot wide public right-of-way;

THENCE EASTERLY approximately 937 feet, along the North right-of-way line of said Argyle (Lindsey) Street to a point at the intersection of the East right-of-way line of Columbus Street (a 30 foot wide public right-of-way);

THENCE SOUTHERLY approximately 175 feet, along the East right-of-way line of said Columbus Street to a point;

THENCE WESTERLY approximately 432 feet, along the former South right-of-way line of aforesaid Keyton Street to a point in the East boundary line of the aforesaid tract of land conveyed to Brownfield Redevelopment Corporation of Marshall and the East boundary line of said Out Lot 51;

THENCE SOUTHERLY approximately 104 feet, along the East boundary line of said Redevelopment Tract and the East boundary line of said Out Lot 51 to a point at the Southeast corner of said Redevelopment Tract and the Southeast corner of said Out Lot 51;

THENCE WESTERLY approximately 405 feet, along the South boundary line of said Brownfield Redevelopment Corporation of Marshall Tract and the South boundary line of said Out Lot 51 to a point at the Southwest corner of said Redevelopment Tract and the Southwest corner of said Out Lot 51;

THENCE NORTHERLY approximately 179 feet, running along the West boundary line of aforesaid Out Lot 51 and crossing the aforesaid tract of land conveyed to Marshall Regional Medical Center to a point at the Southeast corner of aforesaid Out Lot 50 SE;

THENCE WESTERLY approximately 100 feet, along the South boundary line of aforesaid Out Lot 50 SE being the South boundary line of the aforesaid tract of land conveyed to RPB Harrison Trust 2003, Jackson Thigpen, Trustee by the deed recorded in Volume 2766, Page 37 of the Deed Records of Harrison County, Texas, to the POINT OF BEGINNING containing approximately 4.560 acres of land.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Henry Bradbury, as an authorized representative of Brownfield Redevelopment Corporation of Marshall, 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:

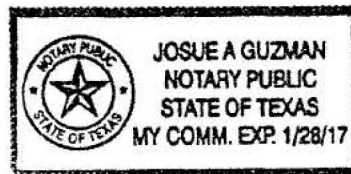
I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

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]
Signature
HENRY BRADBURY
Printed Name
DIRECTOR
Title

Date: 9/26/13



STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 26th day of September 2013, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas