

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 14, 2010

Mr. John Sears
Weichsel Farm Limited Partnership
2602 McKinney Avenue, LB#7 (Suite 400)
Dallas, Texas 75204

Re: Municipal Setting Designation (MSD) Certificate for 3020 W. Mockingbird Lane,
Dallas, Dallas County, Texas; MSD No. 123

Dear Mr. Sears:

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 512/239-2362.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arthur".

Mark Arthur, P.G., Project Manager
Corrective Action Team 2, VCP-CA Section
Remediation Division

MA/sr

Enclosure

cc: Ms. Lauren Pulliam, TCEQ Project Manager, Remediation Division, MC-221

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, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 123, 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 5th day of January, 2010

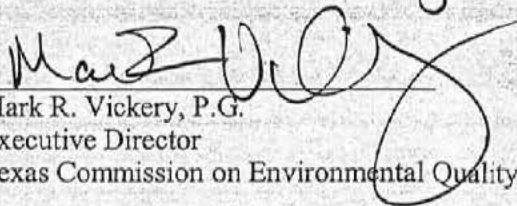

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

Exhibit "A"

MSD SURVEY
BLOCKS 2571 and 5719
Mockingbird Lane and Cedar Springs Road
City of Dallas, Dallas County, Texas
875,423 sq. ft. / 20.0969 ac.

BEING a 20.0969 acre (875,423 square feet) tract of land situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas, and lying in City Blocks 2571 and 5719, Official City Numbers, said 20.0969 acre tract containing Lots 2 thru 5, Block A/5719, THIRTY-THREE HUNDRED MOCKINGBIRD, an addition to the City of Dallas according to the plat thereof recorded as Instrument No. 200312100129, Official Public Records, Dallas County, Texas; Lots 1 thru 3, Block A/2571, ELMA W. KNIGHT SUBDIVISION, recorded in Volume 88010, Page 24, Deed Records, Dallas County, Texas; that certain tract described to Mockingbird Partners, L.P. by Deed Without Warranty recorded in Volume 2000215, Page 03486, Deed Records, Dallas County, Texas; that certain tract described to Mockingbird Partners, L.P. by Limited Warranty Deed recorded as Instrument No. 20070268750, Official Public Records, Dallas County, Texas; that certain tract described to Weichsel Farm LP by Special Warranty Deed recorded in Volume 94250, Page 02009, Deed Records, Dallas County, Texas; that certain tract described to Weichsel Farm LP by Special Warranty Deed recorded as Instrument No. 20080002719, Official Public Records, Dallas County, Texas; that certain tract described to Viceroy Cedar, LP by Special Warranty Deed recorded as Instrument No. 20080008555, Official Public Records, Dallas County, Texas; that certain tract described to Weichsel Farm Limited Partnership by Special Warranty Deed recorded as Instrument No. 20080116610, Official Public Records, Dallas County, Texas; Parts of Mockingbird Lane (100' R.O.W.), Cedar Springs Road (50' R.O.W.), and Collville Avenue (53' R.O.W.), said 20.0969 acre tract being more particularly described as follows:

BEGINNING at the intersection of the northwest line of Mockingbird Lane (100' R.O.W.) with the projection of the northeast line of Collville Avenue (53' R.O.W.);

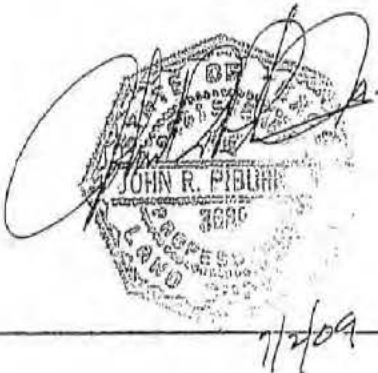
THENCE S 45°53'53" E departing the said northwest line of and across Mockingbird Lane, continuing along the said northeast line of Collville Avenue a distance of 528.16 feet to the northwest line of a tract described to DART by deed recorded in Volume 88083, Page 4905, Deed Records, Dallas County, Texas;

THENCE along the northwest line of said DART tract the following:

S 56°54'37" W a distance of 143.14 feet to the beginning of a non-tangent curve to the left which has a central angle of 13°02'00", a radius of 614.80 feet, and a chord which bears S 50°23'37" W - 139.55 feet;

With said curve to the left, an arc distance of 139.85 feet to the end of said curve;

S 43°54'59" W a distance of 1204.14 feet to an "x" cut found in the northeast line of Cedar Springs Road (50' R.O.W.);



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S 43°47'50" W a distance of 50.78 feet to a "T" cut found in the southwest line of said Cedar Springs Road;

S 44°03'29" W a distance of 509.82 feet to the northeast line of that certain tract III d 5 described to Patrick Realty Corp. by Deed Without Warranty recorded in Volume 88028, Page 1253, Deed Records, Dallas County, Texas;

THENCE N 46°09'01" W departing the northwest line of the aforementioned DART tract, and along the northeast line of said Patrick Realty tract, a distance of 484.32 feet to the aforementioned northwest line of Mockingbird Lane;

THENCE N 44°20'39" E along the said northwest line of Mockingbird Lane, a distance of 465.32 feet;

THENCE S 45°39'21" E departing the northwest line of and across Mockingbird Lane, a distance of 100.00 feet to the southeast line of Mockingbird Lane at the southwest corner of that certain tract described to DART recorded in Volume 2004222, Page 7308, Deed Records, Dallas County, Texas;

THENCE N 84°45'14" E departing said southeast line of Mockingbird Lane and along a south line of said DART tract, a distance of 24.14 feet;

THENCE S 86°48'54" E continuing along a south line of said DART tract, a distance of 19.62 feet to a 1/2" capped iron rod found for the east corner of said DART tract;

THENCE N 50°23'54" W along the northeast line of said DART tract, a distance of 20.53 feet;

THENCE S 86°58'39" W along the north line of said DART tract, a distance of 14.71 feet to a 1/2" capped iron rod found in the aforementioned southeast line of Mockingbird Lane;

THENCE N 45°39'21" W departing the southeast line of and across Mockingbird Lane, a distance of 100.00 feet to the aforementioned northwest line of Mockingbird Lane;

THENCE N 44°20'39" E along said northwest line of Mockingbird Lane, a distance of 79.15 feet to the projection of the aforementioned northeast line of Cedar Springs Road;

THENCE S 46°25'38" E departing the said northwest line of and across Mockingbird Lane, and continuing along the said northeast line of Cedar Springs Road a distance of 201.29 feet to the south corner of Lot 1, Block A/5719, Mockingbird Cedar Addition recorded in Volume 86245, Page 0793, Deed Records, Dallas County, Texas;

A handwritten signature in black ink is written over a circular surveyor's seal. The seal contains the text "JOHN A. STELLER" and "SURVEYOR" and is partially obscured by the signature. Below the seal, the date "7/2/09" is handwritten.

MSD SURVEY
BLOCKS 2571 and 5719
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THENCE N 43°57'04" E along the southeast line of said Lot 1, a distance of 195.06 feet to a 5/8" iron rod found at the easterly corner of said Lot 1;

THENCE N 46°07'14" W along the northeast line of said Lot 1, passing an "x" cut found at the northerly corner thereof and continuing, with the projection of said northeast line, a distance of 201.22 feet to the aforementioned northwest line of Mockingbird Lane;

THENCE N 44°04'37" E along the said northwest line of Mockingbird Lane a distance of 89.53 feet;

THENCE S 46°23'18" E departing the northwest line of and across said Mockingbird Lane and passing a 1/2" iron rod found at the most westerly corner of that certain tract described to Hsueh-Cheng Li & Tsung-Yiu Lai by Warranty Deed recorded in Volume 80057, Page 1551, Deed Records, Dallas County, Texas and continuing along the southwest line thereof, a distance of 201.03 feet to a pk nail found at the most southerly corner of said Li & Lai tract;

THENCE along the southeast line of said Li & Lai tract the following:

N 43°57'04" E a distance of 75.00 feet;

S 46°12'56" E a distance of 67.06 feet;

N 43°57'04" E a distance of 205.40 feet to a 1/2" iron rod found at the most easterly corner of said Li & Lai tract;

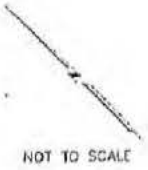
THENCE N 46°15'23" W along the northeast line of said Li & Lai tract, passing a 5/8" capped iron rod at the most northerly corner thereof and continuing, with the projection of said northeast line, a distance of 264.36 feet to the aforementioned northwest line of Mockingbird Lane;

THENCE N 43°42'37" E with the said northwest line of Mockingbird Lane a distance of 915.43 feet to the **POINT OF BEGINNING** and containing 875,423 square feet or 20.0969 acres of land, more or less.

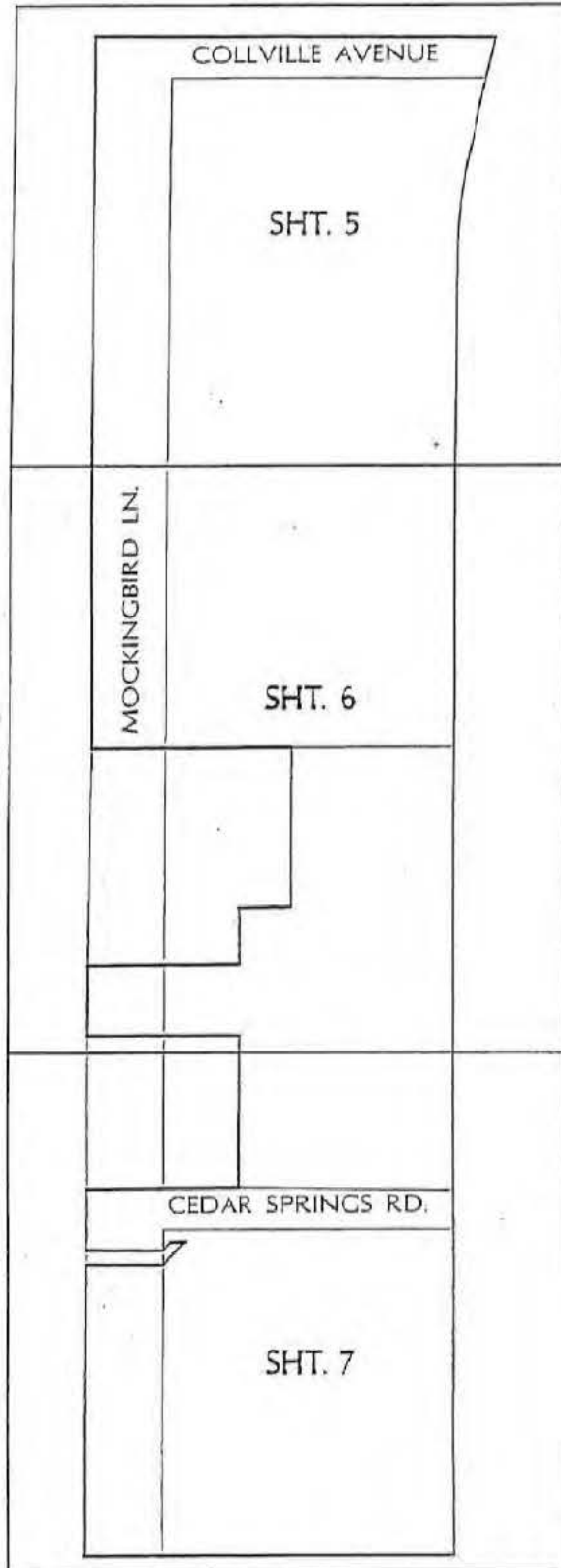
- Bearings are based upon State Plane Coordinates, Texas North Central Zone 4202, NAD 1983 (Conus 03).

A handwritten signature in black ink is written over a faint, circular survey diagram. The diagram appears to be a plan view of a tract with various lines and points. Below the signature, the date '7/2/09' is handwritten.

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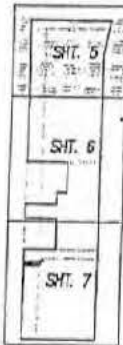


KEY MAP



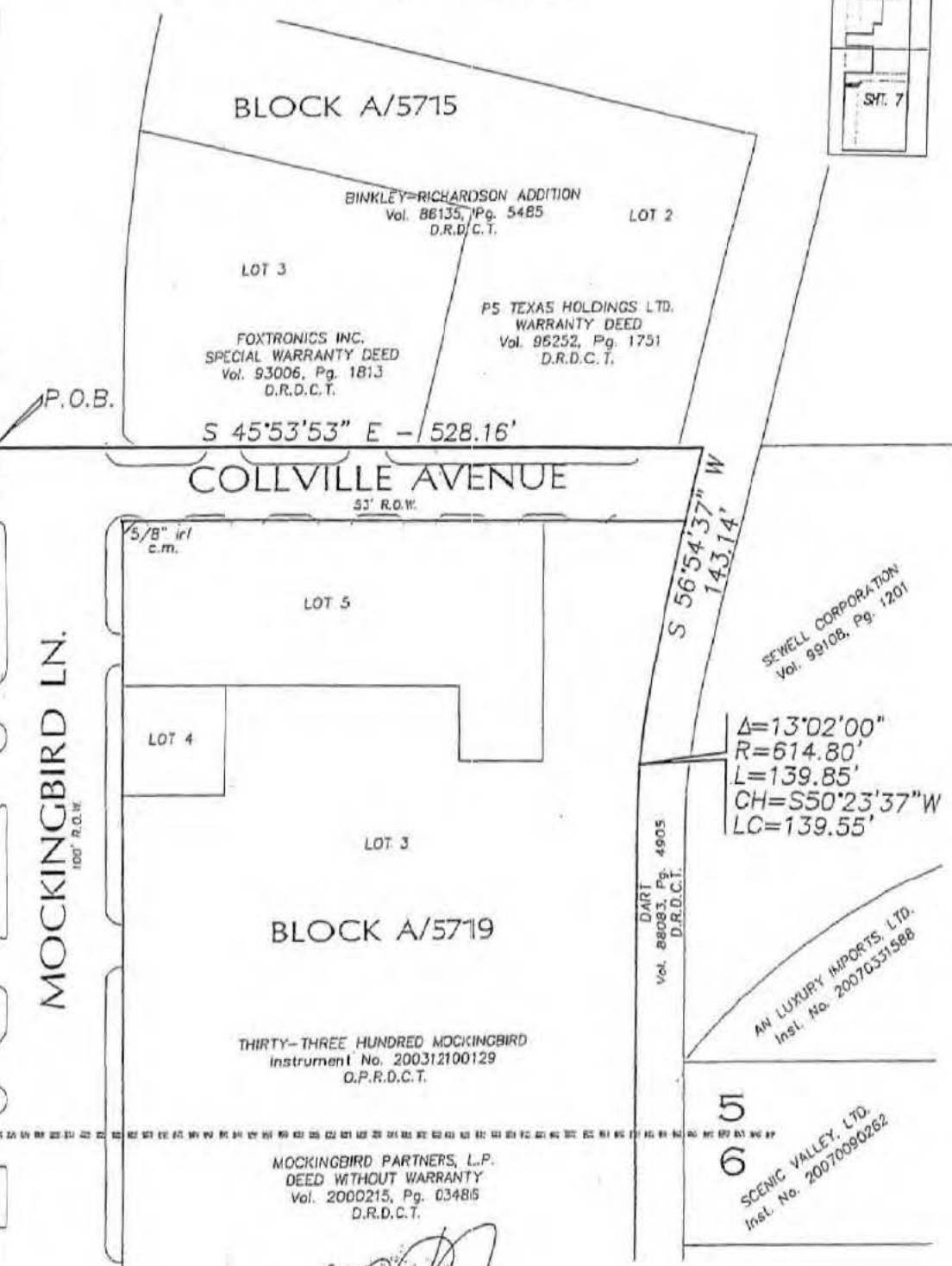
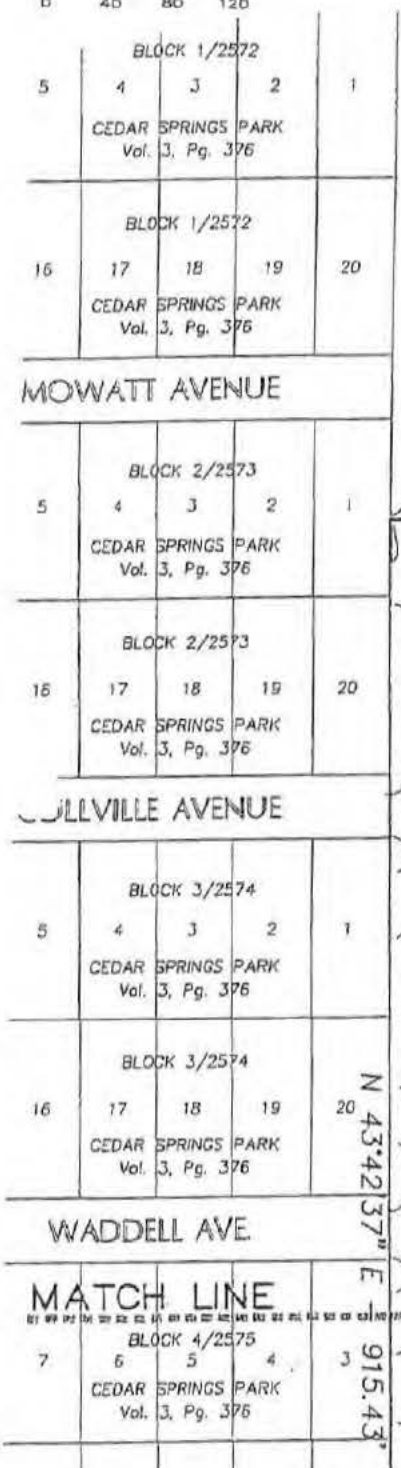
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7/2/09

MSD SURVEY
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SCALE: 1" = 120'

0 40 80 120



NOTES:

c.m. = controlling monument

.D.C.T. = Official Public Records of Dallas County, Texas

.J.C.T. = Deed Records, Dallas County, Texas

.M.R.D.C.T. = Map Records, Dallas County, Texas

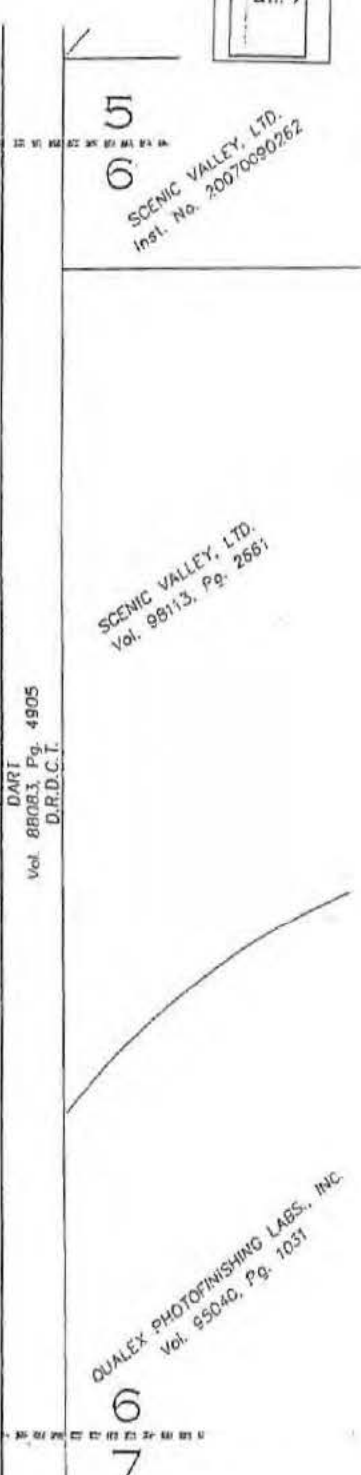
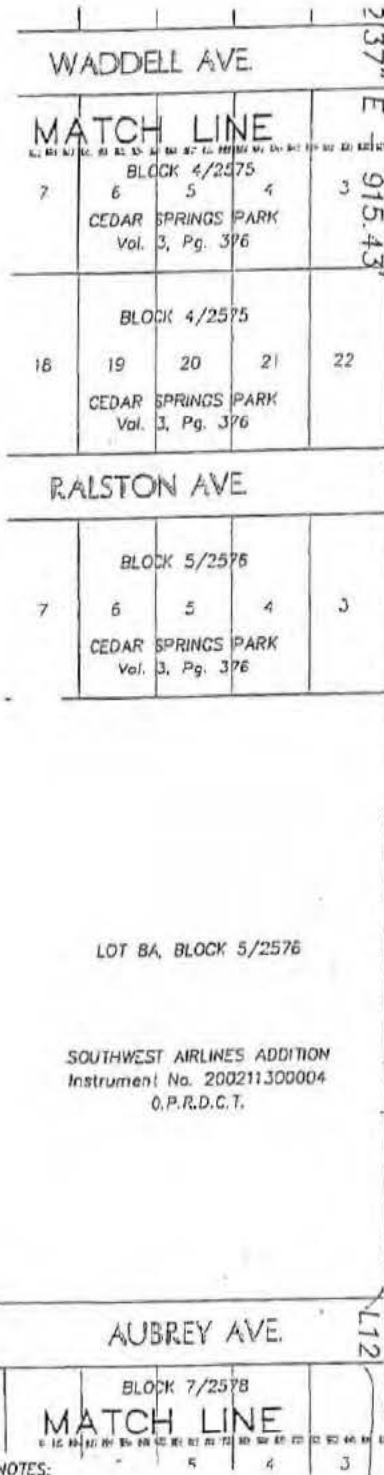
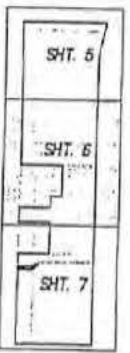
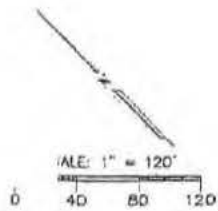
Bearings are based upon State Plane Coordinates, Texas North
 Central Zone 4202, NAD 1983 (Conus 03).

July 2, 2009
 Project No. 08127
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9/2/09

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BLOCKS 2571 and 5719
 Mockingbird Lane and Cedar Springs Road
 City of Dallas, Dallas County, Texas
 875,423 sq. ft. / 20.0969 ac.



NOTES:
 c = controlling monument
 O.P.R.D.C.T. = Official Public Records of Dallas County, Texas
 D.R.D.C.T. = Deed Records, Dallas County, Texas
 M.R.D.C.T. = Map Records, Dallas County, Texas

Bearings are based upon State Plane Coordinates, Texas North Central Zone 4202, NAD 1983 (Conus 03).

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 7/2/09

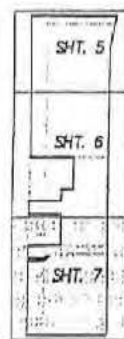
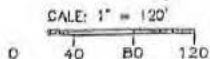
July 2, 2009
 Project No. 08127
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MSD SURVEY

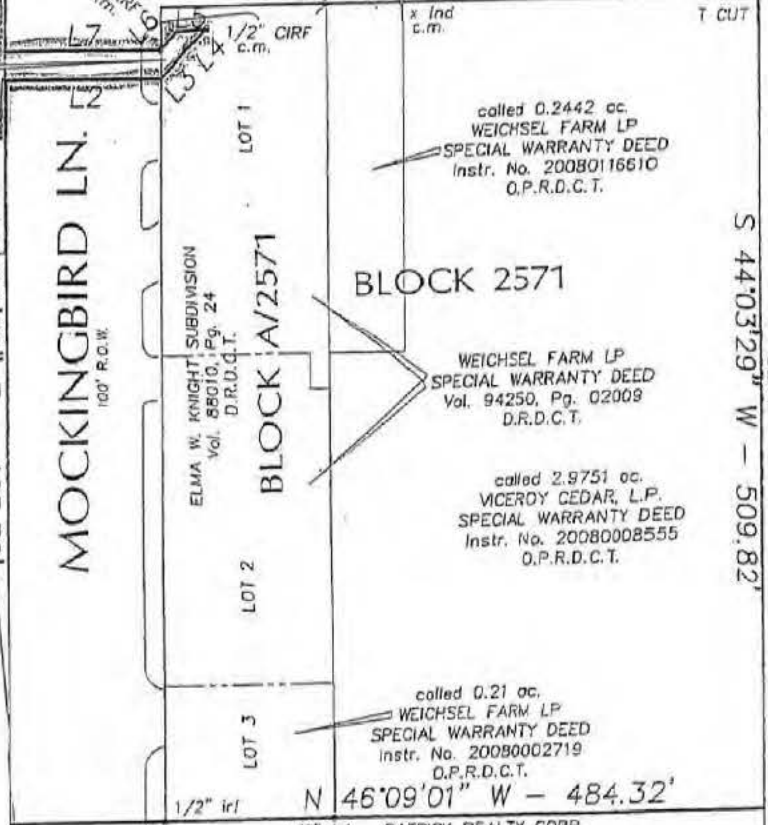
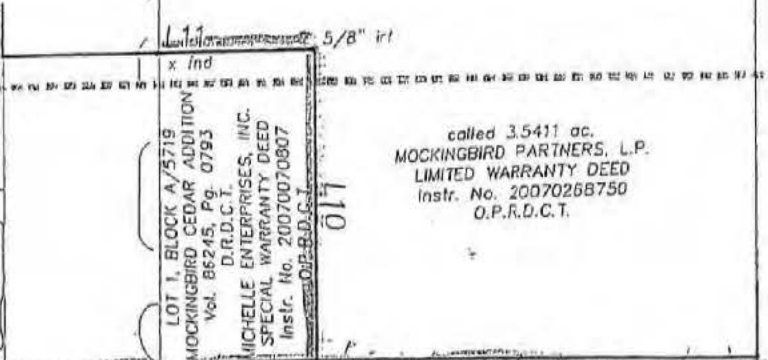
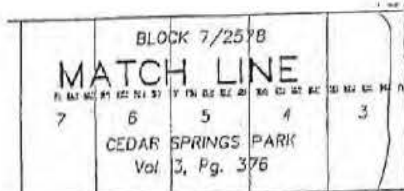
BLOCKS 2571 and 5719

Mockingbird Lane and Cedar Springs Road
City of Dallas, Dallas County, Texas

875,423 sq. ft. / 20.0969 ac.



QUALEX PHOTOFINISHING LABS., INC.
Vol. 95040, Pg. 1031



DART
Vol. 2004222, Pg. 7308
D.R.D.C.T.

DALLAS
LOVE FIELD

BETZEL ARBORN, INC.
Vol. 96257, Pg. 8661

[Handwritten Signature]
7/2/09

NOTES:

- c-m = controlling monument
- D.C.T. = Official Public Records of Dallas County, Texas
- D.R.D.C.T. = Deed Records, Dallas County, Texas
- M.R.D.C.T. = Map Records, Dallas County, Texas

BEHRINGER HARVARD 2800 MOCKINGBIRD L.P.
SPECIAL WARRANTY DEED
Vol. 2005050, Pg. 8193
D.R.D.C.T.

Bearings are based upon State Plane Coordinates, Texas North
Central Zone 4202 NAD 1983 (Conus 03).

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MSD SURVEY
BLOCKS 2571 and 5719
Mockingbird Lane and Cedar Springs Road
City of Dallas, Dallas County, Texas
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LINE	BEARING	DISTANCE
L1	S 43°47'50" W	50.78
L2	S 45°39'21" E	100.00
L3	N 84°45'14" E	24.14
L4	S 86°48'54" E	19.62
L5	N 50°23'54" W	20.53
L6	S 86°58'39" W	14.71
L7	N 45°39'21" W	100.00
L8	N 44°20'39" E	79.15
L9	S 46°25'38" E	201.29
L10	N 43°57'04" E	195.06
L11	N 46°07'14" W	201.22
L12	N 44°04'37" E	89.53
L13	S 46°23'18" E	201.03
L14	N 43°57'04" E	75.00
L15	S 46°12'56" E	67.06
L16	N 43°57'04" E	205.40
L17	N 46°15'23" W	264.36

PIBURN & PARTNERS, LLC

9535 Forest Lane, Suite 229
Dallas, Texas 75243
214-328-3500
www.metrosurveyor.com



7/2/09

NOTES:

Bearings are based upon State Plane Coordinates, Texas North
Central Zone 4202, NAD 1983 (Conus 03).

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Exhibit "B"

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ NA only when no such municipality, private well owner, or retail public utility exists			

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. VCP No. 2200 (August 2008), PST No. 26616 (Inactive), Former LPST No. 091674, and PST No. 76177		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 02/08/1988	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ Do not submit an application.		

I affirmatively state that (place an X in all applicable blanks):

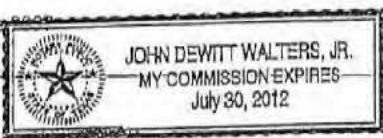
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice was 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.

Applicant Signature: Date: 9/24/09

Before me John D. Walters, Jr. the undersigned authority, on this day personally appeared
Name of Notary
John R. Sears and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 24 day of September, this month of 2009.

TCEQ-20149 June 2009



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