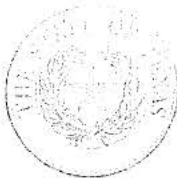


Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 13, 2011

Ms. Maxine Taylor, Property Manager
W2007 MVP Dallas, LLC
c/o Chartres Lodging Group LLC
50 California Street, Suite 300
San Francisco, California 94111

RE: Municipal Setting Designation Certification (MSD) for W2007 MVP
Dallas, LLC, 400 & 443 North Olive Street, 2007 & 2117 Live Oak Street,
Dallas, TX; MSD No. 137

Dear Ms. Taylor:

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).

Sincerely,

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

R. Stuart Goldsmith, Program Coordinator
VCP-CA Section
Remediation Division

RSG/jdm

Enclosure: MSD Certificate No. 137

cc: Mr. Chris Keffer, VCP 2138 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



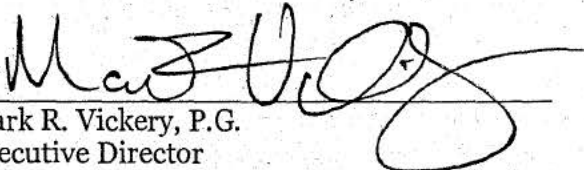
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

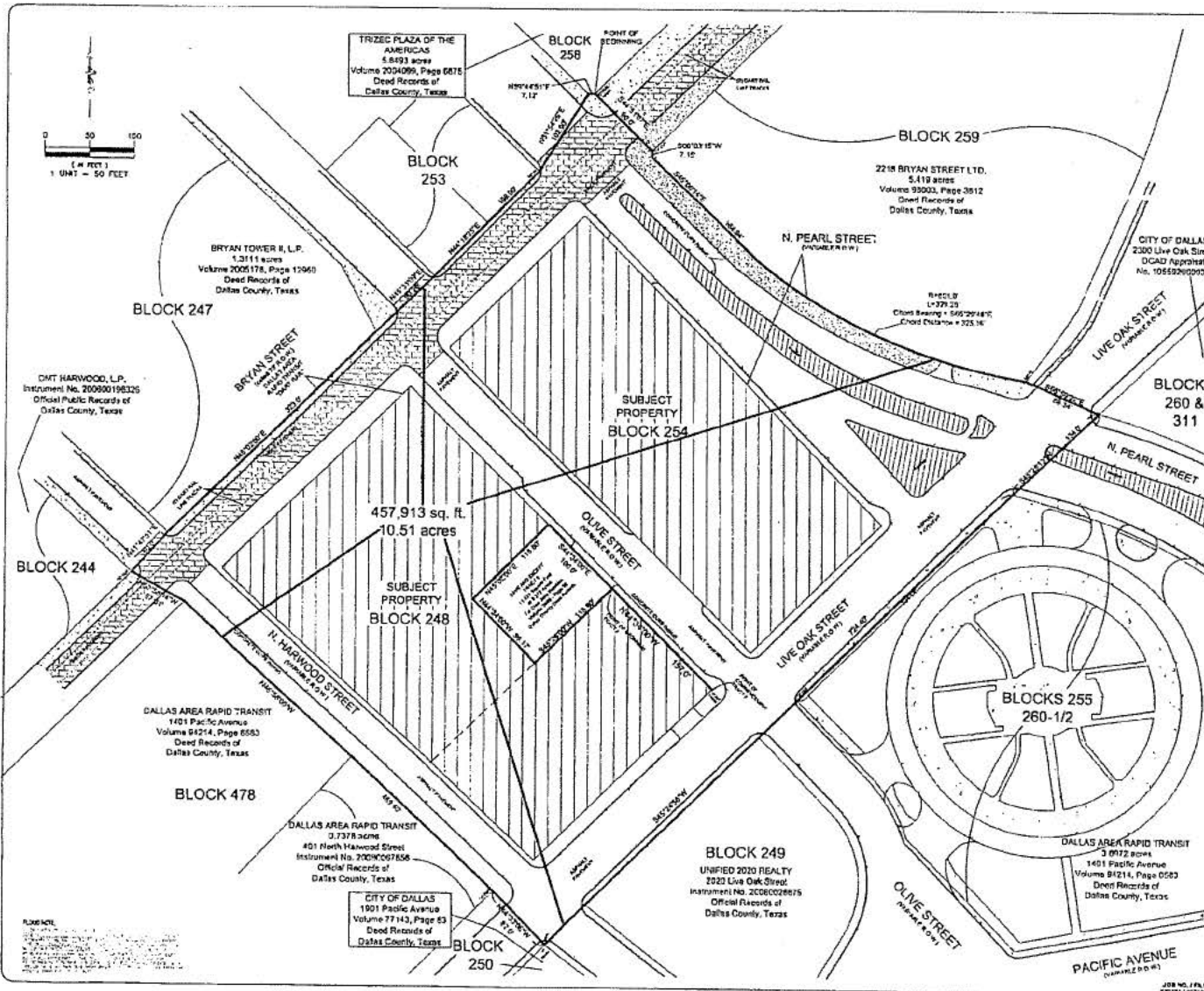
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 137, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 9th day of May, 20 11



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



THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION, AND I AM A LICENSED SURVEYOR IN THE STATE OF TEXAS. I HAVE BEEN ADVISED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE REVIEWED THE RECORDS OF THE PUBLIC RECORDS OFFICE OF DALLAS COUNTY, TEXAS, FOR THE PURPOSES OF THIS SURVEY. I HAVE FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE REVIEWED THE RECORDS OF THE PUBLIC RECORDS OFFICE OF DALLAS COUNTY, TEXAS, FOR THE PURPOSES OF THIS SURVEY. I HAVE FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DONALD E. HAYES, INC.
3949
DALLAS, TEXAS

SCALE: 1" = 50 FEET
DATE: 08/12/2021
TYPED: _____

NOTE: THIS SURVEY WAS MADE IN accordance with the permission granted by the owner. The surveyor has not reviewed the land title records for the existence of any claims, mortgages, liens or other encumbrances. The land description shown herein is not subject to survey and any requirements for land ownership and other matters should be verified by the appropriate authority.

PART: Dallas Area Rapid Transit
SUBJECT: Deed Records of Dallas County, Texas
OP: Public Records of Dallas County, Texas
DCAD: Dallas County Appraisal District

M.S.D. SURVEY EXHIBIT
PART OF BLOCKS
244 - 247 - 248 - 249 - 253 - 254 - 258 - 259
260 - 261 - 311 - 478
all surrounding
BLOCKS 244 & 254
CITY OF DALLAS, DALLAS COUNTY, TEXAS
LIVE OAK ST., N. PEARL ST., OLIVE ST.,
BRYAN ST. & N. HARWOOD ST.

JOB NO. 1746-80
8/2/21 10:31 AM
Revised 2017/08 - Settlement 3/23/18 from final inventory - 03/21/18 - revised layout

MSD 137
EXHIBIT A

MSD 137

JOB NO. / FILE NO.
802101 / 802101.dwg

Field Description

BEING a tract of land situated in the JOHN GRIGSBY SURVEY, ABSTRACT No. 495, and being a part of City Block Numbers 244, 247, 249, 250, 253, 255, 258, 259, 260, 260 1/2, 311 and 478 in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point (called "chisel mark") for corner, said corner lying in City of Dallas Block No. 258 and in the northwesterly right-of-way line of Bryan Street and being the southern most corner of a called 5.4801 acre tract of land conveyed to Tritac Plaza Of The Americas, according to Volume 2004099, Page 6576, of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

THENCE South 44°51'07" East, a distance of 90.0 feet to a point (called "*" mark) for corner, said point lying in City of Dallas Block No. 259 and being in the southeasterly right-of-way line of Bryan Street and the most northern northwest corner of a called 5.419 acre tract of land as recorded in Volume 98003, Page 3812 (D.R.D.C.T.);

THENCE South 00°03'15" West, a distance of 7.15 feet to a point for corner, same being the most southern northwest corner of said called 5.419 acre tract, and being in the easterly right-of-way line of North Pearl Street;

THENCE South 45°00'14" East, along the easterly right-of-way line of said North Pearl Street, a distance of 164.94 feet to a point for corner, same being the beginning of a non-tangent curve to the left, having a radius of 601.0 feet and a chord bearing and distance of South 66°29'48" East, 325.16 feet.

THENCE continuing along said easterly right-of-way line of North Pearl Street and along said non-tangent curve to the left, an arc length of 329.26 feet to the southwest corner of said 5.419 acre tract, same point being in the northern right-of-way line of Live Oak Street;

THENCE South 66°59'22" East, departing said southwest corner and said northern right-of-way line of Live Oak Street, a distance of 86.34 feet to a point for corner, said corner lying in City of Dallas Block No. 250 and being the northwest corner of a 44,480 square feet tract of land conveyed to The City of Dallas, and said point lying in the southern right-of-way line of Live Oak Street and the easterly right-of-way line of said North Pearl Street;

THENCE South 45°25'13" West, departing said easterly right-of-way line of North Pearl Street and along the southern right-of-way line of Live Oak Street, a distance of 134.0 feet to a point for corner in the westerly right-of-way line of North Pearl Street, same point being the north corner of a 3,6972 acre tract of land conveyed to Dallas Area Rapid Transit (D.A.R.T.), lying in City of Dallas Block No. 250-1/2 and recorded in Volume 94214, Page 6593, (D.R.D.C.T.);

THENCE South 45°24'56" West, continuing along the southern right-of-way line of Live Oak Street, passing at a distance of 334.58 feet a point (called "X-Cut") for corner, same being the northwest corner of said 3.6972 acre tract and being in the easterly right-of-way line of Olive Street, and continuing along the southern right-of-way line a total distance of 724.40 feet to a point (called "*" mark) marking the northeast corner of that certain tract of land conveyed to The City of Dallas by deed recorded in Volume 77143, Page 63, (D.R.D.C.T.) and lying in City of Dallas Block No. 250 and being the northeast corner of said Block;

THENCE North 44°33'06" West, departing said southerly right-of-way line of Live Oak Street and said northeast corner of Block No. 250, a distance of 82.0 feet to a point (called "X-Cut") for corner, same being the south east corner of City of Dallas Block No. 478 and being the southeast corner of that certain tract of land conveyed to the City of Dallas by Instrument No. 20080067856, Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.) and lying in the northerly right-of-way line of Live Oak Street and the westerly right-of-way line of North Harwood Street;

THENCE North 46°58'00" West, along said westerly right-of-way line and the westerly line of Block No. 478, a distance of 463.40 feet to a point for corner, same point being the northeast corner of said City of Dallas tract and the northeast corner of Block No. 478 and lying in the southerly right-of-way line of the aforementioned Bryan Street;

THENCE North 60°58'14" West, departing said southerly right-of-way, a distance of 67.01 feet to a point (called "X-Cut") for corner, same being the southeast corner of that certain tract of land called Lx 4, City of Dallas Block No. 244 conveyed to DMT Harwood, L.P. and recorded in Instrument No. 200600196326, (O.P.R.D.C.T.) and same being the southeast corner of City of Dallas Block No. 244 and lying in the northerly right-of-way line of the aforementioned Bryan Street;

THENCE North 41°47'51" East, departing said easterly right-of-way line of North Harwood Street and along the northerly right-of-way line of said Bryan Street, a distance of 60.0 feet to a point for corner, same corner being the southwest corner of Dallas City Block No. 247 and the southwest corner of that certain tract of land conveyed to Bryan Tower II, L.P., and recorded in Volume 2005178, Page 12960, (D.R.D.C.T.);

THENCE North 45°02'00" East, continuing along said northerly right-of-way line and along the southerly line of said City of Dallas Block No. 247, a distance of 323.0 feet to a point for the southeast corner of said Bryan Tower tract, same point lying in the westerly right-of-way line of Olive Street;

THENCE North 45°31'09" East, continuing along said northerly right-of-way line, a distance of 90.26 feet to a point for the southwest corner of City of Dallas Block No. 253, same point being the southwest corner of that certain tract of land conveyed to the City of Dallas according to Dallas County Appraisal District File No. 105488000000;

THENCE North 44°18'25" East, continuing along said northerly right-of-way line and with the south line of said Block No. 253, a distance of 166.90 feet to a point (called 1/2" iron rod) for corner, same point being the southeast corner of said City of Dallas tract and lying in the westerly right-of-way line of the aforementioned North Pearl Street;

THENCE North 01°54'26" East, departing said westerly right-of-way line, a distance of 102.90 feet to a point for corner, same point being the western most south corner of the aforementioned Tritac Plaza Of The Americas tract;

THENCE North 89°44'51" East, a distance of 7.12 feet to the POINT OF BEGINNING and containing within these miles and bounds 469,744 square feet or 10.78 acres of land more or less, of which 11,831 square feet or 0.272 acres of land are deducted for the Save & Except portion leaving a total of 457,913 square feet or 10.51 acres of land more or less.

SAVE & EXCEPT (As furnished)
TRACT II - 11,831 Square Feet or 0.272 Acres

LEASEHOLD ESTATE as created in LEASE AGREEMENT, by and between Cleo Jane Halebian and H.S. Halebian, as Lessor, and Jack D. Watson, Trustee, as Lessee, as evidenced by Short Form Lease, dated 7/29/74, filed 9/23/74, recorded in Volume 74186, Page 510, Deed Records, Dallas County, Texas; said lease having been assigned to Prentiss/Copley Investment Group, a Delaware general partnership by instruments recorded in Volume 74186, Page 519, Volume 77023, Page 926, Volume 79953, Page 1066, Volume 80013, Page 2266, Volume 81057, Page 3071, Volume 85141, Page 4903, Volume 88061, Page 3238, Volume 68061, Page 3240, and Volume 80093, Page 1089, Deed Records, Dallas County, Texas; said lease having been assigned to PNRA Land Income Fund by Special Warranty Assignment and Assumption of Lease dated 2/23/96, filed 2/23/96, recorded in Volume 96038, Page 4561; said lease having been assigned to Seven Seventeen HB Dallas Corporation by Special Warranty Assignment and Assumption of Lease dated 2/3/97, filed 2/6/97, recorded in Volume 97025, Page 1381, Deed Records, Dallas County, Texas, which leasehold estate is in the following described property:

Part of the John Grigsby Survey, Abstract 495, situated in the City of Dallas, in Dallas County, Texas, being a portion of Block 248, official City of Dallas Block numbers, embracing all of Tract II described in the Deed of Seven Seventeen HB Dallas Corporation recorded in volume 97025, page 1374 of the Deed Records of Dallas County, Texas, said Tract II being the same property described in the deed to Cleo Jane Halebian recorded in Volume 3968, Page 92 of said Deed Records.

Commencing at a "X" mark in concrete found at the intersection of the northwest line of said Live Oak Street with the southwest line of said Olive Street for the most easterly corner of said Seven Seventeen HB Dallas Corporation tract described in Volume 97037, Page 4308 of said Deed Records.

Thence North 44 degrees 34 minutes 00 seconds West, along the southwest line of said Olive Street and the northeast line of said Block 248 and of said Seven Seventeen HB Dallas Corporation tract described in Volume 97037, Page 4308 of said Deed Records a distance of 157.0 feet to an "X" cut found in the southwest line of said Olive Street for the most easterly corner of Tract II and the Point of Beginning.

Thence South 45 degrees 26 minutes 00 seconds West, along the southeast line of said Tract II and the northwest line of said Seven Seventeen HB Dallas Corporation tract described in Volume 97037, Page 4308 of said Deed Records, a distance of 118.80 feet to the most southerly east corner of said Tract I described in Volume 97025, Page 1374 of said Deed Records, and the most southerly corner of said Tract II.

Thence North 44 degrees 34 minutes 00 seconds West, along the southwest line of said Tract II and a northeast line of said Tract I, a distance of 99.17 feet to the most westerly east corner of said Tract I and the most westerly corner of said Tract II.

Thence North 45 degrees 02 minutes 00 seconds East, along the northwest line of said Tract II and a southeast line of said Tract I, a distance of 118.80 feet to the most northerly corner of said Tract II and the most northerly east corner of said Tract I.

Thence South 44 degrees 34 minutes 00 seconds East, along the southwest line of said Olive Street and the northeast line of said Tract II, a distance of 100.0 feet to the Point of Beginning.


Donald James Jackson
Registered Professional Land Surveyor No. 3949

Date: 2/14/10



A Survey Exhibit of even data accompanies this description.

1020 131
Page 1 of 1

Exhibit "B"

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

Executed this 16 day of March, 2011.

W2007 MVP DALLAS, LLC, a Delaware limited liability company

By: W2007 MVP Hotels Mezz, LLC, a Delaware limited liability company, its Sole Member

By: W2007 MVP Hotels Sole Member, LLC, a Delaware limited liability company, its Sole Member

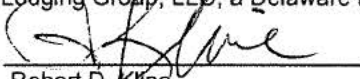
By: W2007 MVP Hotels Preferred Investors, LLC, a Delaware limited liability company, its Sole Member

By: W2007 MVP Hotels, LLC, a Delaware limited liability company, its Managing Member

By: MVP Hotels Investors, LLC, a Delaware limited liability company, its Member

By: The Chartres Lodging Group, LLC, a Delaware limited liability company, its Manager

By:


Robert D. Kline
President

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On March 16, 2011, before me, Lizeth Melero (notary public), personally appeared Robert David Kline, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public Signature

