

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 4, 2019

RECEIVED

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TCEQ
CENTRAL FILE ROOM

Mr. Steven D. Leeke, Property Manager
Second Hickory, Ltd.
4441 Buena Vista Street
Dallas, Texas 75205

Re: Municipal Setting Designation (MSD) Certificate for Second Hickory, Ltd., Second Hickory Site, located at 325, 409, 413, 424 and 429 South 2nd Avenue, Dallas, Dallas County, TX; MSD No. 393; Customer No. CN605417229; Regulated Entity No. RN109948786

Dear Mr. Leeke:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on August 16, 2018 and additional information supporting this MSD application on November 2, 2018. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-1747 or via e-mail (Anthony.McGlown@tceq.texas.gov).

Sincerely,


Anthony McGlown, Project Manager
VCP-CA Section
Remediation Division

ABM/jdm

cc: Ms. Erin Gorman, Waste Section Manager, TCEQ Ft. Worth/Dallas Regional Office, R-4
Mr. Clay Snider, PG, W&M Environmental, 906 E. 18th St., Plano, TX 75074

Enclosure: MSD Certificate

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 393, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains in effect.

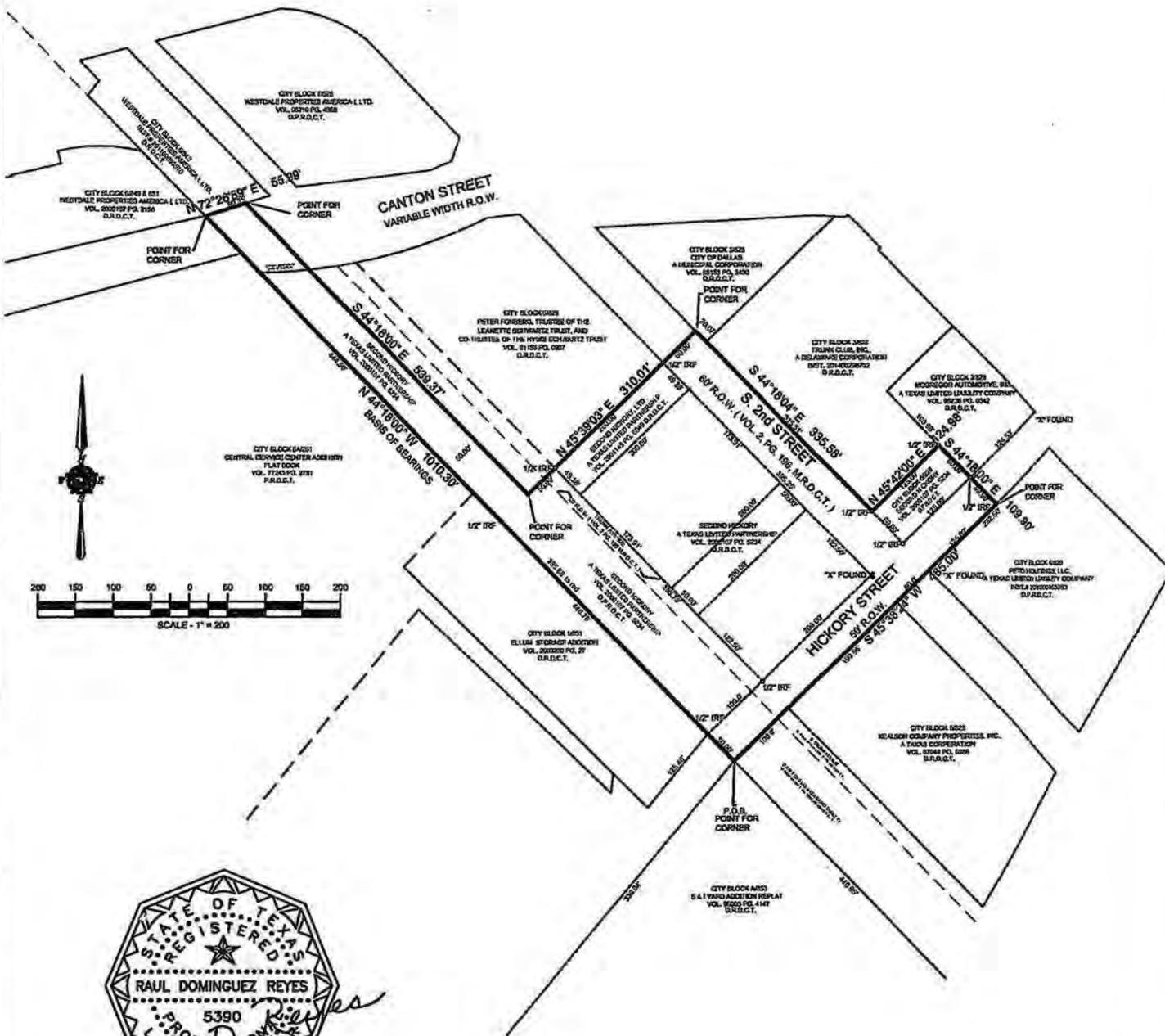
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 29th day of December, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

**MUNICIPAL SETTING DESIGNATION SURVEY
JOHN GIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



Raul D. Reyes, R.P.L.S.# 5390



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
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Firm No. 10169300

BEARINGS ARE BASED ON THE
SOUTHWEST LINE OF DEED RECORDED
IN VOLUME 2000107, PG. 5234, D.R.D.C.T.
(N44°18'00\"/>

JOB# 1201075-5
DRAWN BY: BRB
DATE: 10/20/2017
Page 1 of 3

**MUNICIPAL SETTING DESIGNATION SURVEY
JOHN GIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING all those certain tracts and parcels of land situated in the John Gigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being a tract of land conveyed to Second Hickory, LTD., a Texas limited partnership by Special Warranty Deeds recorded in Volume 2000107, Page 5234, and Volume 2001145, Page 6049, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner at the intersection of the southeasterly right-of-way line of Hickory Street (called 50 foot right-of-way) and the southwesterly right-of-way line of D.A.R.T. (Dallas Area Rapid Transit) (called 80 foot right-of-way) and also being the west corner of a tract of a land conveyed to Dallas Area Rapid Transit, by Special Warranty Deed recorded in Volume 96005, Page 4147, Deed Records, Dallas County, Texas;

Thence North 44 degrees 18 minutes 00 seconds West, departing the southeasterly right-of-way line of said Hickory Street, passing at a distance of 50.00 feet to a 1/2 inch iron found for the east corner of a tract of land conveyed to Ellum Storage Addition, according to the plat thereof recorded in Volume 2003239, Volume 27, Plat Records, Dallas County, Texas, and also being the south corner of a tract of conveyed to Second Hickory , LTD Tract, A Texas Limited Partnership, as recorded in Volume 2000107, Page 5234, Deed Records, Dallas County, Texas, and passing at a distance of 445.75 feet along the northeasterly line of said Ellum Storage Addition, and the southwesterly line of said Second Hickory Addition, to a 1/2 inch iron rod found, continuing on and passing at a distance of 496.78 feet, the north corner of said Ellum Storage Addition, and also being the east corner of a tract of land conveyed to Central Service Center Addition, as recorded Volume 77243, Page 2781, Plat Records, Dallas, Texas, continuing on and passing at distance of 941.20 feet to a point for corner at the north corner of said Central Service Center Addition, and also lying in the southeasterly right-of-way line of Canton Street (variable width right-of-way), and continuing at a total distance of 1010.30 feet, to a point for corner, and being the south corner of a tract of land conveyed to Westdale Properties America I, LTD., as recorded in Instrument No. 201100093570, Plat Records, Dallas County, Texas, and also being the east corner of said Westdale Properties America I, LTD., as recorded in Volume 2000167, Page 2156, Deed Records, Dallas County, Texas, and also lying in the northwesterly right-of-way line of said Canton Street;

Thence North 72 degrees 26 minutes 59 seconds East, along the northwesterly right-of-way line of said Canton Street, common with the southeasterly line of said Westdale Properties America I, LTD., a distance of 55.99 feet to a point for corner;

Thence South 44 degrees 18 minutes 00 seconds East , along a northeasterly line of said Second Hickory, LTD Tract, at a distance of 539.37 to a feet to a point for corner,

Thence North 45 degrees 39 minutes 03 seconds East, along the northwesterly line of said Second Hickory, LTD Tract, passing at distance of 50.00 feet to a 1/2 inch rod found, being the west corner of Second Hickory, LTD Tract (Volume 200145, Page 6049), and also being the south corner of a tract of land conveyed to Peter Fonberg, Trustee of the Jeanette Schwartz Trust, and Co-Trustee of the Hymie Schwartz Trust, as recorded in Volume 91166, Page 909, Deed Records, Dallas County, Texas, and passing at a distance of 250.00 feet along the northwesterly line of said Second Hickory, LTD Tract, common with the southeasterly line of said Peter Fonberg Tract, to a 1/2 inch iron rod found, also lying in the southwesterly right-of-way line of S. 2nd Street, according to the Map or Plat thereof recorded in Volume 2, Page 196, Map or Plat Records, Dallas County, Dallas, Texas, continuing on a total distance of 310.00 feet, to a point for corner and lying in the northwesterly right-of-way line of said S. 2nd Street, also being the southwesterly line of a tract of land conveyed to the City of Dallas, A Municipal Corporation, as recorded in Volume 85153, Page 3400, Deed Records, Dallas County, Texas;

Raul D. Reyes

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(N44°18'00"W)

JOB# 1201075-5
DATE: 10/20/17
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Page 2 of 3

**MUNICIPAL SETTING DESIGNATION SURVEY
JOHN GIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Thence South 44 degrees 18 minutes 04 seconds, along northeasterly right-of-way line of said S. Second Street, and being the southwesterly line of said City of Dallas, A Municipal Corporation, passing at a distance of 20.07 feet, the south corner of said City of Dallas, A Municipal Corporation, and also being the west corner of a tract of land conveyed to Trunk Club, Inc., A Delaware Corporation, as recorded in Instrument No. 201400298702, Special Warranty Deed, Dallas County, Texas, continuing on a total distance of 335.58 feet to a 1/2 iron rod found, being the south corner of said Trunk Club, Inc., and also being an ell corner of said tract of Second Hickory, LTD Tract;

THENCE North 45 degrees 42 minutes 00 seconds East, along a northwesterly line of said Second Hickory, LTD Tract, and also being the southeasterly line of said Trunk Club, Inc., passing at a distance of 124.98 feet to a 1/2 inch rod found, the east corner of said Trunk Club, Inc., and also being in the southwesterly line of a tract of land conveyed to McGregor Automotive, Inc., A Texas Limited Liability Company, as recorded in Volume 96236, Page 0542, Deed Records, Dallas County, Texas;

Thence South 44 degrees 18 minutes 00 seconds East, along southwesterly line of said Mcgregor Automotive, Inc., and also being a northeasterly line of said Second Hickory Addition, a distance of 60.00 feet to a 1/2 inch rod found, being an east corner of said Second Hickory, LTD Tract, and also lying in the northwesterly right-of-way line of Said Hickory Street, continuing on and passing at a total distance of 109.90 feet, to a point for corner, lying in the the southeasterly right-of-way line of said Hickory Street, and also being on the northwesterly line of a tract of land conveyed to Peto Holdings, LLC., A Texas Limited Liability Company, as recorded in Instrument No. 201000165383, Plat Records, Dallas County, Dallas, Texas;

Thence South 45 degrees 36 minutes 24 seconds West, along the southeasterly line of said Hickory Street, also being the northwesterly line of said Peto Holdings, LLC., passing at a distance of 125.02 feet, a "X" cut found, being the west corner of said Peto Holdings, LLC., and being in the northeasterly right-of-way line of said S. 2nd Street, continuing on and passing at a distance of 185.02 feet to a point, being the north corner of a tract of land conveyed to Kealson Company Properties, Inc., A Texas Corporation, as recorded in Volume 97044, Page 6986, Deed Records, Dallas County, Texas, continuing on and passing at a distance of 384.98 feet along the southeasterly line of said Hickory Street, and the northwesterly line of said Kealson Company Properties, LLC., to a point being the west corner of said Kealson Company Properties, and being in the northeasterly right-of-way line of said Trunk Avenue, continuing along total distance of 484.99 feet, to the POINT OF BEGINNING and containing 20,178.25 square foot or 4.632 acre's of land.



Raul D. Reyes, R.P.L.S.# 5390



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JOB# 1201075-5
DATE: 10/20/17
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Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Mr. Steven D. Leeke, as an authorized representative of
Second Hickory, 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)

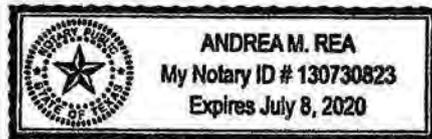
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility
criteria provided by THSC 361.803 have been satisfied and are included with the
application.
- A true and accurate copy of a legal description of the 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: 8/1/2018

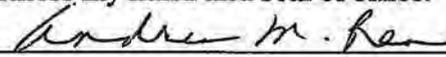
STEVEN D. LEEKE
Printed Name

Authorized Representative
Title



STATE OF TX
COUNTY OF DALLAS

SUBSCRIBED AND SWORN before me on this the 1 day of
AUGUST 2018, to which witness my hand and seal of office.


Notary Public in and for the State of TEXAS