

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 11, 2016

Mr. John Allums
LMI Park Central Two, LLC
1707 Marketplace Boulevard, Suite 260
Irving, Texas 75063

Re: Municipal Setting Designation (MSD) Certificate for Park Central North, 7800 Banner Drive, Dallas, Dallas County, Texas; MSD No. 296; Voluntary Cleanup Program (VCP) No. 2674; Customer No. CN604607572; Regulated Entity No. RN102067691

Dear Mr. Allums:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on July 29, 2015 and additional information supporting this MSD application on October 2, 2015 and November 30, 2015. 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) 239-3044 or via e-mail (timothy.eckert@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "T. Eckert".

Timothy Eckert, Project Manager
VCP-CA Section
Remediation Division

TJE/jdm

cc: Mr. Kenneth Tramm, Modern Geosciences, 5100 Thompson Terrace, Colleyville, Texas 76034

Mr. Kyle Ballard, Guida, Slavich and Flores, 750 North St. Paul Street, Suite 200, Dallas, Texas 75201

Mr. Sam Barrett, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office, R-4

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. 296, 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 8th day of January, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

EXHIBIT A

Page 1 of 3

**30.468 Acres
Being All Of
BLOCK C/7731, PARK CENTRAL VI
And
BLOCK D/7731, PARK CENTRAL V
And
Adjoining Public Right-of-ways
M. J. Sanchez Survey, Abstract No. 1272 &
Hiram Wilburn Survey, Abstract No. 1568
City of Dallas
Dallas County, Texas**

BEING 30.468 acres of land situated in the City of Dallas, in the M. J. Sanchez Survey, Abstract No. 1272 and the Hiram Wilburn Survey, Abstract No. 1568 of Dallas County, Texas, and being all of Park Central V, as recorded in Volume 74238, Page 2322 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and all of Park Central VI, as recorded in Volume 77167, Page 608, D.R.D.C.T. and same being all of that certain 8.996 acres of land described in a deed from LMI PARK CENTRAL, LLC to LMI PARK CENTRAL TWO, LLC, dated October 4, 2013 and recorded in Instrument No. 201300315447, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and the remainder of that certain called 21.188 acre tract of land described in a deed to LMI PARK CENTRAL, LLC, dated March 28, 2013 and recorded in Instrument No. 201300096555, O.P.R.D.C.T. and a portion of the right-of-way's of Coit Road, Churchill Way, Merit Drive and Banner Drive that adjoin said LMI Park Central and LMI Park Central Two properties, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the north right-of-way line of Banner Drive (100' R.O.W.) and the east right-of-way line of Coit Road (100' R.O.W.) and same being on the west line of Lot 1B, Block 1/7755 of North Central Plaza, recorded in Volume 85151, Page 1874, D.R.D.C.T.;

THENCE: South 00 deg. 44 min. 55 sec. West (Reference Bearing), along the common line of said Coit Road and City Blocks 7755 and 7754, a distance of 1,253.88 feet to a point for corner;

THENCE: North 82 deg. 43 min. 56 sec. West, departing from the west line of said City Block 7754 and across said Coit Road, a distance of 100.14 feet to a point for corner at the intersection of the west right-of-way line of said Coit Road and the south right-of-way line of Churchill Way (variable width R.O.W. at this point) and same being on the northeasterly line of Lot 2, Block A/7731 of Gates of Park Central, recorded in Volume 98193, Page 29, D.R.D.C.T.;

THENCE: North 34 deg. 34 min. 57 sec. West, along the common line of said Lot 2, Block A/7731 and Churchill Way, a distance of 17.39 feet to a point for corner at the beginning of a non-tangent curve to the right, having a radius of 502.00 feet and a chord that bears North 60 deg. 08 min. 33 sec. West - 166.47 feet;

THENCE: Continuing along the common line of said Lot 2, Block A/7731 and Churchill Way and with said curve to the right, through a central angle of 19 deg. 05 min. 18 sec. and along an arc distance of 167.24 feet to point of reverse curve to the left, having a radius of 453.21 feet and a chord that bears North 74 deg. 29 min. 42 sec. West - 367.18 feet;

THENCE: Continuing along the common line of said Lot 2, Block A/7731 and Churchill Way and with said curve to the left, through a central angle of 47 deg. 47 min. 35 sec. and along an arc distance of 378.04 feet to a point for corner;

THENCE: South 81 deg. 36 min. 31 sec. West, continuing along the common line of said Lot 2, Block A/7731 and Churchill Way and the northern line of Lot 1, Block A/7731 of Lacosta Villas, recorded in Volume 97149, Page 3668, D.R.D.C.T., a distance of 571.64 feet to a point for corner on the East right-of-way line of Merit Drive (variable width R.O.W. at this point) and same being the northerly northwest corner of said Lot 1, Block A/7731;

THENCE: North 86 deg. 31 min. 37 sec. West, across said Merit Drive, a distance of 102.43 feet to the intersection of the south line of Churchill Way and the west line of said Merit Drive and same being the northerly northeast corner of that certain called 2.984 acre tract of land described in a deed to Presbyterian Communities and Services, Inc., recorded in Instrument No. 200900028064, O.P.R.D.C.T.;

THENCE: North 02 deg. 13 min. 31 sec. West, across said Churchill Way, a distance of 100.13 feet to a point for corner at the intersection of the north right-of-way of Churchill Way and the west right-of-way line of Merit Drive (80' wide R.O.W. at this point) and said point also being the southeast corner of Lot 1, Block B/7730 of Churchill On The Park, recorded in Volume 98110, Page 38, D.R.D.C.T.;

THENCE: North 08 deg. 10 min. 02 sec. West, along the common line of said Lot 1, Block B/7730 and Merit Drive, a distance of 84.73 feet to a point for corner at the beginning of a curve to the right, having a radius of 630.00 feet and a chord that bears North 15 deg. 48 min. 24 sec. East - 511.96 feet;

THENCE: Continuing along the common line of said Lot 1, Block B/7730 and Merit Drive and with said curve to the right, through a central angle of 47 deg. 56 min. 51 sec. and along an arc distance of 527.21 feet to a point for corner on the Southeasterly line of that certain called 2.00 acre tract of land described in a deed to Benihana National Corp., recorded in Volume 2004039, Page 5543, D.R.D.C.T.

THENCE: North 39 deg. 46 min. 50 sec. East, along the common line of said Benihana tract and Merit Drive, a distance of 20.46 feet to a point for corner at the beginning of a curve to the left, having a radius of 505.13 feet and a chord that bears North 20 deg. 16 min. 37 sec. East - 337.38 feet;

THENCE: Continuing along the common line of said Benihana tract and Merit Drive, with said curve to the left, through a central angle of 39 deg. 01 min. 03 sec. and along an arc distance of 343.99 feet to a point for the most easterly northeast corner of said Block 7731, on the south right-of-way line of the above described Banner Drive;

THENCE: North 00 deg. 40 min. 32 sec. East, crossing said Banner Drive, a distance of 124.99 feet to a point for corner at the intersection of the west right-of-way line of Merit Drive and the north right-of-way line of said Banner Drive and same being the southeast corner of Block C/7729, Park Central North Sector Development Center No. 1, recorded in Volume 76216, Page 1514, D.R.D.C.T.;

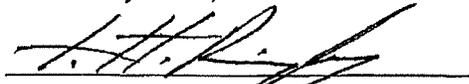
THENCE: North 88 deg. 50 min. 08 sec. East, across said Merit Drive, a distance of 100.16 feet to the intersection of the east right-of-way line of said Merit Drive and the north right-of-way line of Banner Drive and same being the southwest corner of Lot 1, Block E/7731 of Park Central VII, recorded in Volume 81025, Page 257, D.R.D.C.T.;

THENCE: South 89 deg. 13 min. 10 sec. East, along the common line of said Lot 1, Block E/7731 and Banner Drive, at 836.44 feet, passing the southeast corner of said Lot 1, Block E/7731 and the west right-of-way line of the above mentioned Coit Road, and continuing across said Coit Road for a total distance of 936.47 feet to the POINT OF BEGINNING and containing 1,327,168 square feet or 30.468 acres of land.

Note:

1. The Reference Bearing for the above prepared metes & bounds description is South 00 deg. 44 min. 55 sec. West along the west right-of-way line of Coit Road as described in Instrument No. 201300098655, Official Public Records of Dallas County, Texas.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
3. A drawing exhibit of equal date, accompanies this metes & bounds description

Prepared Under My Hand and Seal,
This 24th Day of June, 2014.

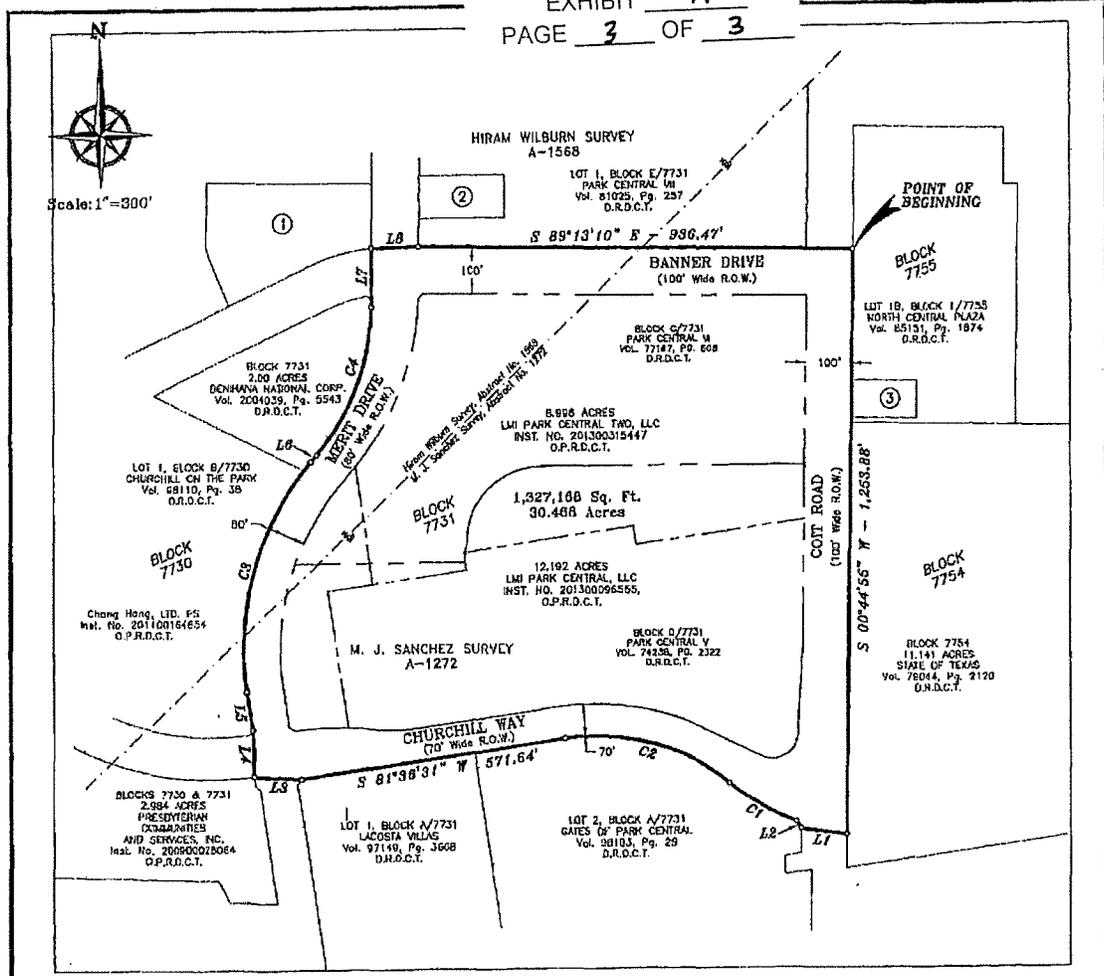


Lawrence H. Ringley, R.F.L.S.
State of Texas, No. 4701



Prepared By:

RINGLEY & ASSOCIATES, INC.
701 S. Tennessee Street
McKinney, Texas 75069
972-542-1266



ADJOINER PROPERTIES:

- 1.) BLOCK C/7729
PARK CENTRAL NORTH SECTOR
DEVELOPMENT CENTER NO. 1
Volume 76216, Page 1514-D.R.D.C.T.
- 2.) LOT 1, BLOCK D/7731
PARK CENTRAL HELIPORT
Volume 77123, Page 1325-D.R.D.C.T.)
- 3.) BLOCK 7754
JAMES MAXWELL SEEHORN, II
Instrument No. 201000262323-O.P.R.D.C.T.

| CURVE | DELTA ANGLE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|-------------|---------|------------|---------------|--------------|
| C1 | 19°05'18" | 502.00' | 167.24' | N 80°08'33" W | 166.47' |
| C2 | 47°47'35" | 453.21' | 378.04' | N 74°29'42" W | 367.18' |
| C3 | 47°56'51" | 630.00' | 527.21' | N 15°48'24" E | 511.96' |
| C4 | 39°01'03" | 505.13' | 343.89' | N 20°16'37" E | 337.38' |

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 82°43'56" W | 100.14' |
| L2 | N 34°34'57" W | 17.39' |
| L3 | N 86°31'37" W | 102.43' |
| L4 | N 02°13'31" W | 100.13' |
| L5 | N 08°10'02" W | 84.73' |
| L6 | N 39°46'50" E | 20.46' |
| L7 | N 00°40'32" E | 124.99' |
| L8 | N 88°50'08" E | 100.16' |

REFERENCE BEARING:

The Basis of Bearings for this Exhibit is South 00 deg. 44 min. 55 sec. West, along the west right-of-way line of Coit Road as described in Instrument No. 201300098555, Official Public Records, Dallas County, Texas.

CERTIFICATION

I, Lawrence H. Ringley, Registered Professional Land Surveyor in and for the State of Texas, hereby certify that this document was prepared under 22 TAC 663.21, does not necessarily reflect all the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared this 24th Day of June, 2014.

[Signature]
LAWRENCE H. RINGLEY, R.L.S. No. 4701



A metes & bounds description of equal date accompanies this drawing exhibit.

EXHIBIT A

PAGE 3 OF 3

30.468 ACRES
Block C/7731, PARK CENTRAL VI &
Block D/7731, PARK CENTRAL V
And
Adjoining Public Street Right-of-Ways
M.J. Sanchez Survey, A-1272
Hiram Wilburn Survey, A-1568
City of Dallas
Dallas County, Texas

RINGLEY & ASSOCIATES, INC.
SURVEYING • MAPPING • PLANNING
704 E. Tennessee - McKinney, Texas 75068
(972) 512-1268

| | | |
|------------------|---------------|---------|
| Drawn by | Date | Scale |
| <i>Mark Mack</i> | 06/24/14 | 1"=300' |
| Job | Title | Sheet |
| 13083 | 13083-MSD.DWG | 3 of 3 |

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared John Allums, as an authorized representative of LMI Park Central, LLC, a Delaware limited liability company, 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)

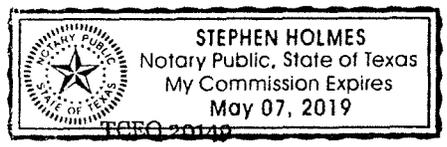
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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

LMI Park Central, LLC, a Delaware limited liability company, its sole member
By: Crest at Park Central JV, LLC, a Delaware limited liability company, its sole member
By: LMI Park Central Investor, LLC, a Delaware limited liability company, its Administrative Member
By: Lennar Multifamily Communities, LLC (fka Lennar Multifamily Investors, LLC), a Delaware limited liability company, its sole member

By: [Signature]
John Allums, Vice President
7/22/15
Date

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 22 day of July, 2015, to which witness my hand and seal of office.



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