

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 14, 2016

Mr. Rich Salazar
Lucchese, Inc.
40 Walter Jones Blvd
El Paso, Texas 79906

Re: Municipal Setting Designation (MSD) Certificate for Lucchese, Inc., 1615/1621 Dragon Street Property, 1621 Dragon Street, Dallas, Dallas County, TX; MSD No. 298; Voluntary Cleanup Program (VCP) No. 2616; Customer No. CN600386015; Regulated Entity No. RN100684760

Dear Mr. Salazar:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on August 12, 2015 and additional information supporting this MSD application on December 9, 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) 239-2267 or via e-mail (travis.wicks@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Travis Wicks".

Travis Wicks, Project Manager
VCP-CA Section
Remediation Division

TZW/jdm

cc: Mr. Frank W. Clark, P.E., P.G., W&M Environmental Group, Inc., 906 East 18th Street, Plano, TX 75074

Ms. Susan Rainey, Attorney, Locke Lord LLP, 2200 Ross Avenue, Suite 2200, Dallas, TX 75201

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

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS 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. 298, 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.

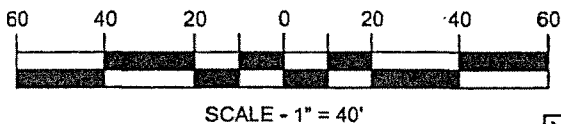
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on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

EXECUTED this the 13th day of January, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

MUNICIPAL SETTING DESIGNATION SURVEY
McKINNEY - WILLIAMS SURVEY, ABSTRACT NO. 1052
CITY OF DALLAS BLOCK NO. 6/6836, DALLAS COUNTY, TEXAS



NAD 83
N=6,970,514.415
E=2,479,045.282

POINT OF BEGINNING

LOT 1, BLOCK 1/6851
TRINITY INDUSTRIAL DISTRICT, INSTALLMENT NO. 22
VOLUME 75183, PAGE 2599
MAP RECORDS, DALLAS COUNTY, TEXAS

GHASEM ASHORALI
VOLUME 92045, PAGE 458
DEED RECORDS, DALLAS COUNTY, TEXAS

LOT 37

N 63°28'14" E 205.00'

LOT 38

80' PUBLIC RIGHT-OF-WAY
80' AT TRINITY INDUSTRIAL DISTRICT NO. 22
VOLUME 75183, PAGE 2599, MAP RECORDS, DALLAS COUNTY, TEXAS

DRAGON STREET

1500 DRAGON STREET ASSOCIATES, LTD
VOLUME 2000660, PAGE 493
DEED RECORDS, DALLAS COUNTY, TEXAS
BLOCK 6861

LUCCHESI, INC., A DELAWARE CORPORATION
INSTRUMENT NO. 201300087600
OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

LOT 39

LOT 40

S 63°28'14" W 205.00'

LOT 41

THE ZUEGER SECOND FAMILY LIMITED PARTNERSHIP
VOLUME 2003075, PAGE 1625
DEED RECORDS, DALLAS COUNTY, TEXAS

NAD 83
N=6,970,302.067
E=2,478,922.169

GHASEM ASHORALI
VOLUME 92045, PAGE 458
DEED RECORDS, DALLAS COUNTY, TEXAS

LOT 63

50' THE ZUEGER SECOND FAMILY LIMITED PARTNERSHIP
DEED RECORDS, DALLAS COUNTY, TEXAS

THE ZUEGER SECOND FAMILY LIMITED PARTNERSHIP
VOLUME 2003075, PAGE 1625
DEED RECORDS, DALLAS COUNTY, TEXAS

26.50' THE ZUEGER SECOND FAMILY LIMITED PARTNERSHIP
DEED RECORDS, DALLAS COUNTY, TEXAS



Gary E. Johnson, R.P.L.S.# 5299



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com

BEARINGS ARE BASED ON NAD 83
GIS COORDINATE SYSTEM

JOB# 1303019-1
DATE: 09/16/13
Page 1 of 2

**MUNICIPAL SETTING DESIGNATION SURVEY
McKINNEY - WILLIAMS SURVEY, ABSTRACT NO. 1052
CITY OF DALLAS BLOCK NO. 6/6836, DALLAS COUNTY, TEXAS**

Being all that certain lot, tract of parcel of land located in the McKinney - Williams Survey, Abstract No. 1052, Dallas County, Texas, and being all of Lots 38, 39 and 40, Block 6/6836 and that portion of Dragon Street as dedicated by plat of Trinity Industrial District No. 2, recorded in Volume 10, Page 95, Map Records, Dallas County, Texas and including the same land described in Special Warranty Deed to Lucchese, Inc., a Delaware Corporation, recorded in Instrument No. 201300087600, Real Property Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

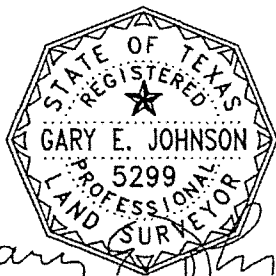
BEGINNING at a point for corner in the Northeast line of said Dragon Street, an 80 foot wide public right-of-way, same being in the Southwest line of Lot 1, Block 1/6851 of said Trinity Industrial District No. 22;

THENCE South 26°31'46" East, along the common line of said Dragon Street and said Lot 1, a distance of 135.00 feet to a point for corner in the Southwest line of a tract of land described in deed to 1500 Dragon Street Associates, LTD same being the said Northeast line of said Dragon Street;

THENCE South 63°28'14" West, leaving said Northeast line of Dragon Street and passing at a distance of 80.00 feet the East corner of said Lot 40, same being the North corner of Lot 41 of said Block 6/6836, and being in the Southwest right-of-way line of said Dragon Street and continuing a total distance of 205.00 feet to a point at the South corner of said Lot 40 and the West corner of said Lot 41, same being in the Northeast line of Lot 63 of said Block 6/6836 and being the North corner of a tract of land described in deed to The Zueger Second Family Limited Partnership, recorded in Volume 2003075, Deed Records, Dallas County, Texas;

THENCE North 26°31'46" West, with the Northwest line of said Lot 63, passing at 45.00 feet the North corner of said Zueger tract, same being the West corner of said Lot 40 and continuing a total distance of 135.00 feet to a point at the West corner of Lot 38 and the South corner of Lot 37 of said Block 6/6836, same being the North corner of another tract of land described in deed to The Zueger Second Family Limited Partnership, recorded in Volume 98176, Page 5586, Deed Records, Dallas County, Texas and the East corner of a tract of land described in deed to Ghasem Ashorali, recorded in Volume 93198, Page 1082, Deed Records, Dallas County, Texas;

THENCE North 63°28'14" East, along the common line of said Lots 37 and 38 and passing at a distance of 125.00 feet, the North corner of said Lot 38, same being the East corner of said Lot 37, in the Southwest line of said Dragon Street, and continuing a total distance of 205.00 feet to the POINT OF BEGINNING and containing 27,675 square feet or 0.64 of an acre of land.



Gary E. Johnson, P.L.S.# 5299



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com

BEARINGS ARE BASED ON NAD 83
GIS COORDINATE SYSTEM

JOB# 1303019-1
DATE: 09/16/13
Page 2 of 2

Exhibit B

Municipal Setting Designation

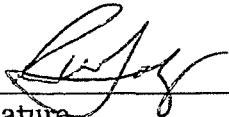
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Richard W Salazar, as an authorized representative of Lucchese, Inc., 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

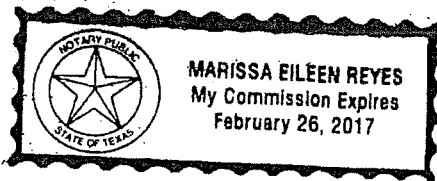
Date: 06-12-2015

Richard W Salazar
Printed Name

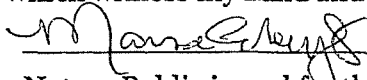
VP Finance and CFO
Title

STATE OF Texas

COUNTY OF El Paso



SUBSCRIBED AND SWORN before me on this the 12 day of June 2015, to which witness my hand and seal of office.


Notary Public in and for the State of Texas