

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*

June 29, 2016

Mr. Tad Heimburger  
Dallas Area Rapid Transport  
1401 Pacific Avenue, MS 7207  
Dallas, Texas 75266

Re: Municipal Setting Designation (MSD) Certificate for Dallas Area Rapid Transit (DART), DART Northwest Rail Operating Facility, 9717 Abernathy Avenue, Dallas, Dallas County, Texas; MSD No. 307; Customer No. CN600330591; Regulated Entity No. RN105217962

Dear Mr. Heimburger:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on November 12, 2015 and additional information supporting this MSD application on March 11, 2016, June 6, 2016, and June 17, 2016. 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](mailto:timothy.eckert@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Eckert", with a stylized flourish at the end.

Timothy Eckert, Project Manager  
VCP-CA Section  
Remediation Division

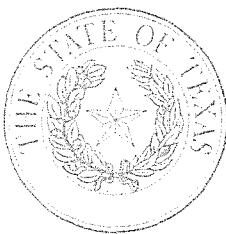
TJE/jdm

cc: Mr. Kent Belaire, Halff Associates, Inc., 1201 North Bowser Road, Richardson, TX 75081-2275

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

Enclosure: MSD Certificate No. 307

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):

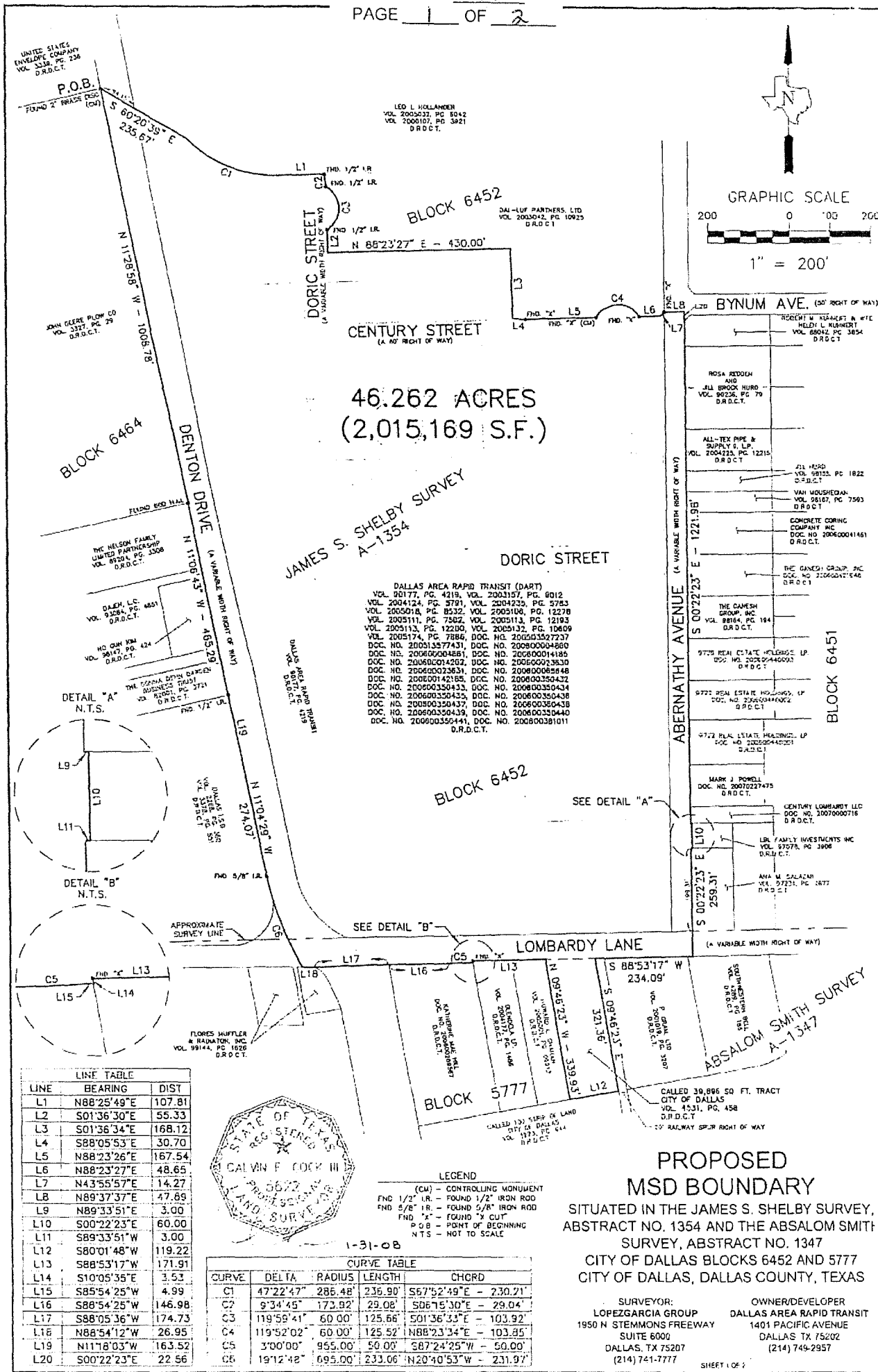
I, Maria Lebron, Assistant Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 307, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by 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 29 day of June, 2016

A handwritten signature in dark ink, appearing to read "Maria Lebron", written over a horizontal line.

Maria Lebron, Assistant Director  
Remediation Division  
Texas Commission on Environmental Quality



**PROPOSED MSD BOUNDARY**  
SITUATED IN THE JAMES S. SHELBY SURVEY, ABSTRACT NO. 1354 AND THE ABSALOM SMITH SURVEY, ABSTRACT NO. 1347  
CITY OF DALLAS BLOCKS 6452 AND 5777  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**SURVEYOR:**  
LOPEZGARCIA GROUP  
1950 N. STEMMONS FREEWAY  
SUITE 6000  
DALLAS, TX 75207  
(214) 741-7777

**OWNER/DEVELOPER**  
DALLAS AREA RAPID TRANSIT  
1401 PACIFIC AVENUE  
DALLAS TX 75202  
(214) 749-2957

SHEET 1 OF 2

# PROPOSED MSD BOUNDARY METES AND BOUNDS DESCRIPTION

Description of a 46,262 acre (2,015,169 square foot) tract of land located in the James S. Shelby Survey, Abstract Number 1354 and the Absalom Smith Survey, Abstract Number 1347, City of Dallas, Dallas County, Texas, and being all of those certain tracts of land conveyed to Dallas Area Rapid Transit (DART) as evidenced by the deeds recorded in Volume 2003157, Page 9012, Volume 2004124, Page 5791, Volume 2004235, Page 5783, Volume 2005010, Page 8532, Volume 2005106, Page 12278, Volume 2005111, Page 7502, Volume 2005113, Page 12193, Volume 2005113, Page 12200, Volume 2005132, Page 10609, Volume 2005174, Page 7686, Document Number 200503527237, Document Number 200513577431, Document Number 200600004860, Document Number 200600004861, Document Number 200600014185, Document Number 200600014202, Document Number 200600023630, Document Number 200600023631, Document Number 200600065648, Document Number 200600142185, Document Number 200600350432, Document Number 200600350433, Document Number 200600350434, Document Number 200600350435, Document Number 200600350436, Document Number 200600350437, Document Number 200600350438, Document Number 200600350439, Document Number 200600350440, Document Number 200600350441, Document Number 200600361011, all of the Deed Records of Dallas County, Texas, a portion of the DART right of way as described in Volume 90177, Page 4219 of said Deed Records, also being all of that certain tract of land conveyed to the City of Dallas as evidenced by the deed recorded in Volume 4351, Page 458 of said Deed Records, also being portions of the right of way of Abernathy Avenue, Lombardy Lane, Denton Drive, Doric Street and Century Street, said 46,262 acre tract of land being more particularly describe by metes and bounds as follows;

**BEGINNING** at a 2-inch brass disc found (controlling monument) for the common southeast corner of that certain tract of land conveyed to United States Envelope Company as evidenced by the deed recorded in Volume 3339 Page 236, of said Deed Records and northeast corner of that certain tract of land conveyed to John Deere Plow Co. as evidenced by the deed recorded in Volume 3327, Page 29 of said Deed Records, said disc being on the west right of way line of Denton Drive (a variable width right of way);

**THENCE**, SOUTH 80°20'39" EAST, across the right of way of said Denton Drive, passing at a distance of 94.15 feet the common east right of way line of said Denton Drive and west line of said DART right of way, continuing across said DART right of way for a total distance of 235.67 feet to a point in the east line of said DART right of way and being the common most northerly corner of said DART tracts and most westerly southwest corner of that certain tract of land conveyed to Leo L. Hollander as evidenced by the deeds recorded in Volume 2005032, Page 6042 and Volume 2000107, Page 3921 both of said Deed Records, said corner being the point of curvature of a non-tangent curve to the left;

**THENCE**, EASTERLY, along the southerly line of said Hollander tract and along the arc of said curve to the left having a radius of 286.48 feet, a central angle of 47°22'47", a chord bearing South 67°52'49" East for a distance of 230.21 feet, for an arc distance of 236.90 feet to the point of tangency of said curve;

**THENCE**, NORTH 88°25'49" EAST, continuing along the southerly line of said Hollander tract, a distance of 107.61 feet to a 1/2-inch iron rod found for the northeasterly corner of the remainder of that certain tract of land conveyed to Dal-Luf Partners, Ltd. as evidenced by the deed recorded in Volume 2003042, Page 10925 of said Deed Records, said corner being in the easterly right of way line of Doric Street (a variable width right of way) and the beginning of a non-tangent curve to the right;

**THENCE**, along the common most westerly line of said Dal-Luf Partners, Ltd. remainder tract and easterly right of way line of said Doric Street the following courses and distances:

SOUTHERLY, along the arc of said curve to the right having a radius of 173.92 feet, a central angle of 09°34'45", a chord bearing South 06°15'30" East for a distance of 29.04 feet, for an arc distance of 29.08 feet to a 1/2-inch iron rod found for the beginning of a non-tangent curve to the right;

SOUTHERLY, along the arc of said curve to the right having a radius of 60.00 feet, a central angle of 119°58'41", a chord bearing South 01°36'33" East for a distance of 103.92 feet, for an arc distance of 125.66 feet to a 1/2-inch iron rod found for the end of said curve;

SOUTH 01°36'30" EAST, a distance of 55.33 feet to the most westerly southwest corner of Dal-Luf Partners, Ltd. remainder tract;

**THENCE**, NORTH 88°23'27" EAST, along a south line of Dal-Luf Partners, Ltd. remainder tract, a distance of 430.00 feet to a point for corner;

**THENCE**, SOUTH 01°36'34" EAST, along the most southerly west line of Dal-Luf Partners, Ltd. remainder tract, a distance of 168.12 feet to a point for corner;

**THENCE**, SOUTH 88°05'53" EAST, along a south line of Dal-Luf Partners, Ltd. remainder tract, a distance of 30.70 feet to an "X" in concrete found in the north right of way line of Century Street (a 60 foot wide right of way);

**THENCE**, NORTH 88°23'26" EAST, along the common most southerly line of Dal-Luf Partners, Ltd. remainder tract and north right of way line of said Century Street, a distance of 167.54 feet to an "X" in concrete found (Controlling Monument) for the beginning of a non-tangent curve to the right;

**THENCE**, EASTERLY, continuing along the common most southerly line of Dal-Luf Partners, Ltd. remainder tract and north right of way line of said Century Street and along the arc of said curve to the right having a radius of 60.00 feet, a central angle of 119°52'02", a chord bearing North 88°23'34" East for a distance of 103.85 feet, for an arc distance of 125.52 feet to an "X" in concrete found for the end of said curve;

**THENCE**, NORTH 88°23'27" EAST, along the most southerly line of Dal-Luf Partners, Ltd. remainder tract, a distance of 48.65 feet to an angle point;

**THENCE**, NORTH 43°55'57" EAST, continuing along the most southerly line of Dal-Luf Partners, Ltd. remainder tract, a distance of 14.27 feet to an "X" in concrete found for corner in the west right of way line of Abernathy Avenue (a variable width right of way);

**THENCE**, NORTH 89°37'37" EAST, across the right of way of said Abernathy Avenue, a distance of 47.89 feet to a point in the extension of the east right of way line of said Abernathy Avenue at the west terminus of Bynum Avenue (a 50 foot wide right of way);

**THENCE**, SOUTH 00°22'23" EAST, along the common extension of the east right of way line of said Abernathy Avenue and west terminus of said Bynum Avenue, passing at a distance of 22.56 feet the southwest end of a cutback corner located at the southeast intersection of said Abernathy Drive with said Bynum Avenue, continuing along the east right of way line of said Abernathy Avenue for a total distance of 1,221.98 feet to an angle point;

**THENCE**, along the east right of way line of said Abernathy Avenue the following courses and distances:

NORTH 89°33'51" EAST, a distance of 3.00 feet to an angle point;

SOUTH 00°22'23" EAST, a distance of 60.00 feet to an angle point;

SOUTH 89°33'51" WEST, a distance of 3.00 feet to an angle point;

SOUTH 00°22'23" EAST, passing at a distance of 199.31 feet the north right of way line of Lombardy Lane (a variable width right of way), continuing along an extension of the east right of way line of said Abernathy Avenue, across the right of way of said Lombardy Lane for a total distance of 259.31 feet to a point in the south right of way line of Lombardy Lane (a variable width right of way);

**THENCE**, SOUTH 88°53'17" WEST, along the south right of way line of said Lombardy Lane, a distance of 174.73 feet to the northeast corner of a called 39,696.0 square foot tract of land conveyed to the City of Dallas as evidenced by the deed recorded in Volume 4531, Page 468 of said Deed Records, said corner being at the intersection of the south right of way line of said Lombardy Lane with the west line of a 20 foot railroad spur right-of-way;

**THENCE**, SOUTH 09°46'23" EAST, along the common east line of said City of Dallas tract and west line of said 20 foot railroad spur, a distance of 321.36 feet to the southeast corner of said called 39,696.0 square foot City of Dallas tract, said corner being the northeasterly corner of that certain called 100.0 foot strip of land conveyed to City of Dallas as evidenced by the deed recorded in Volume 3273, Page 644 of said Deed Records;

**THENCE**, SOUTH 80°01'48" WEST, along the common south line of said City of Dallas tract and north line of said 100.0 foot strip, a distance of 118.22 feet to the common southwest corner of said City of Dallas tract and southeast corner of that certain tract of land conveyed to Howard L. Shahan as evidenced by the deed recorded in Volume 20050001, Page 06913 of said Deed Records;

**THENCE**, NORTH 08°46'23" WEST, along the common west line of said City of Dallas tract and east line of said Shahan tract, a distance of 339.93 feet to the common northwest corner of said City of Dallas tract and northeast corner of said Shahan tract, being in the south right of way line of said Lombardy Lane;

**THENCE**, SOUTH 88°53'17" WEST, along the south right of way line of said Lombardy Lane, a distance of 171.91 feet to an "X" in concrete found for an angle point;

**THENCE**, SOUTH 10°05'35" EAST, continuing along the south right of way line of said Lombardy Lane, a distance of 3.53 feet to an angle point;

**THENCE**, SOUTH 85°54'25" WEST, continuing along the south right of way line of said Lombardy Lane, a distance of 4.89 feet to point of curvature of a curve to the right;

**THENCE**, WESTERLY, continuing along the south right of way line of said Lombardy Lane and along the arc of said curve to the right having a radius of 955.00 feet, a central angle of 03°00'00", a chord bearing South 87°24'25" West for a distance of 50.00 feet, for an arc distance of 50.00 feet to the end of said curve;

**THENCE**, SOUTH 88°54'25" WEST, continuing along the south right of way line of said Lombardy Lane, a distance of 146.98 feet to the intersection of the south right of way line of said Lombardy Lane with the east right of way line of Denton Drive;

**THENCE**, SOUTH 88°05'36" WEST, across the right of way of said Denton Drive, a distance of 174.73 feet to a point on the south right of way line of said Lombardy Lane;

**THENCE**, NORTH 88°54'12" WEST, along the south right of way line of said Lombardy Drive, a distance of 26.95 feet to a point in the extension of the west right of way line of said Denton Drive and being the point of curvature of a non-tangent curve to the right;

**THENCE**, NORTHERLY, along the extension of the west right of way line of said Denton Drive and the arc of said curve to the right having a radius of 695.00 feet, a central angle of 18°12'48", a chord bearing North 20°40'53" West for a distance of 231.97 feet, for an arc distance of 233.06 feet to a 5/8-inch iron rod found for the point of tangency of said curve;

**THENCE**, along the west right of way line of said Denton Drive the following courses and distances:

NORTH 11°04'29" WEST, a distance of 274.07 feet to a 1/2-inch iron rod found for an angle point;

NORTH 11°18'03" WEST, a distance of 163.52 feet to an angle point;

NORTH 11°06'43" WEST, a distance of 465.29 feet to a 60d nail found for an angle point;

NORTH 11°28'58" WEST, a distance of 1,008.78 feet to the **POINT OF BEGINNING**

**CONTAINING** a computed area of 46,262 acres (2,015,169 square feet)

PROPOSED  
MSD BOUNDARY  
SITUATED IN THE JAMES S. SHELBY SURVEY,  
ABSTRACT NO. 1354 AND THE ABSALOM SMITH  
SURVEY, ABSTRACT NO. 1347  
CITY OF DALLAS BLOCKS 6452 AND 5777  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SURVEYOR:  
LOPEZGARCIA GROUP  
1950 N. STEMMONS FREEWAY  
SUITE 6000  
DALLAS, TX 75207  
(214) 741-7777

OWNER/DEVELOPER:  
DALLAS AREA RAPID TRANSIT  
1401 PACIFIC AVENUE  
DALLAS, TX 75202  
(214) 749-2957

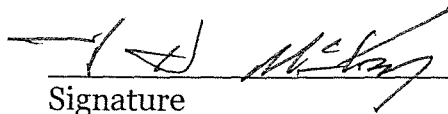
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Timothy H. McKay, as an authorized representative of  
Dallas Area Rapid Transit, 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.

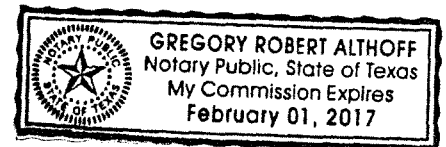
  
Signature

Date: 11/9/15

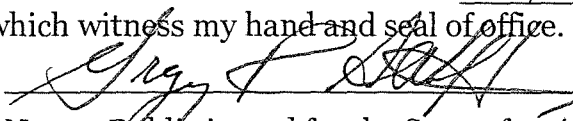
Timothy H. McKay, P.E.  
Printed Name

Executive Vice President, Growth/Regional Development  
Title

STATE OF Texas  
COUNTY OF Dallas



SUBSCRIBED AND SWORN before me on this the 9<sup>th</sup> day of  
November 2015, to which witness my hand and seal of office.

  
Notary Public in and for the State of Texas