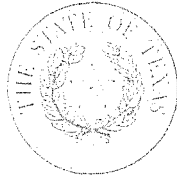


Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 15, 2016

Mr. Michael D. Nalley, Director of Corporate Real Estate
BOKF, NA dba Bank of Texas
6242 East 41st Street
Tulsa, Oklahoma 74135

Re: Municipal Setting Designation (MSD) Certificate for 4217 Swiss Avenue Site, 4217 Swiss Avenue, Dallas, Dallas County, Texas; MSD No. 315; Voluntary Cleanup Program (VCP) No. 2718; Customer No. CN604729137; Regulated Entity No. RN107939134

Dear Mr. Nalley:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on December 30, 2015 and additional information supporting this MSD application on March 11, 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) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Bryant".

Rodney Bryant, Project Manager
VCP-CA Section
Remediation Division

RDB/jdm

cc: Mr. Lance Crabtree, Terracon Consultants, Inc., 8901 Carpenter Freeway, Suite 100, Dallas, Texas 75247

Mr. John Slavich, Guida, Slavich & Flores, PC, 750 North St. Paul, 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 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. 315, 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 11th day of April, 2016

A handwritten signature in cursive script that reads "Beth Seaton".

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

"EXHIBIT A"
MUNICIPAL SETTING DESIGNATION SURVEY
LOT 1A, BLOCK 10/740
SWISS AVENUE BANK – LIVE OAK ADDITION
AND A PORTION OF LIVE OAK STREET, NORTH PEAK STREET,
SYCAMORE STREET & SWISS AVENUE
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being 4.974 acre tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being all of Lot 1A, Block 10/740, Swiss Avenue Bank - Live Oak Addition, an addition to the City of Dallas according to the plat recorded in Volume 96068, Page 2790, Deed Records, Dallas County, Texas, and being a portion of Live Oak Street (an 81' right-of-way), North Peak Street (a variable width right-of-way), Sycamore Street (an 80' right-of-way), and Swiss Avenue (an 80' right-of-way), said 4.974 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "DC&A" at the intersection of the southeast line of said Swiss Avenue and the northeast line of North Peak Street, said rod being the west corner of Lot 8, Block 8/768, Jefferson Peak Suburban Addition, an addition to the City of Dallas according to the plat recorded in Volume 45, Page 56, Deed Records, Dallas County, Texas;

THENCE South 45° 00' 00" West across said North Peak Street, passing at a distance of 60.00 feet the north corner of Block 7/767 of said Jefferson Peak Suburban Addition and the intersection of the southeast line of said Swiss Avenue and the southwest line of said North Peak Street, continuing along the southeast line of said Swiss Avenue, passing at a distance of 99.99 feet a 1/2 inch iron rod found for the north corner of Lot 3A, Block 7/767, Swiss Avenue Addition, an addition to the City of Dallas according to the plat recorded in Volume 2002067, Page 7, Deed Records, Dallas County, Texas and the west corner of a tract of land conveyed to Swiss Medical Building, LLC by Special Warranty Deed recorded in Instrument No. 201200225191, Official Public Records, Dallas County, Texas, and continuing a total distance of 290.00 feet to a point for corner in the southeast line of said Swiss Avenue and the northwest line of said Block 7/767, from which a found capped 1/2 inch iron rod bears North 51° 49' 01" East a distance of 2.47 feet;

THENCE North 44° 54' 00" West across said Swiss Avenue, passing at a distance of 80.00 feet a 1/2 inch iron rod found in the northwest line of said Swiss Avenue, said rod being the south corner of said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition and the east corner of a tract of land conveyed to Gary Poplawski by Special Warranty Deed recorded in Volume 93022, Page 2693, Deed Records, Dallas County, Texas, from which a found 1/2 inch iron rod with red plastic cap bears South 41° 35' 14" West a distance of 2.65 feet, and continuing along the common line between said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition and said Poplawski tract, passing at a distance of 380.00 feet the north corner of said Poplawski tract, same being the east corner of Lot 3, Block 10/740 in Haskoak, an addition to the City of Dallas according to the plat recorded in Instrument No. 200900020194, Official Public Records, Dallas County, Texas, and continuing a total distance of 457.00 feet to a 1/2 inch iron rod found for corner, from which a found 1/2 inch iron rod bears South 37° 02' 51" West a distance of 1.08 feet;

THENCE along the common line between said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition and said Lot 3, Block 10/740, Haskoak the following courses and distances:

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Reviewed By: _____
Date: _____
SPRG NO.: _____

"EXHIBIT A"
MUNICIPAL SETTING DESIGNATION SURVEY
LOT 1A, BLOCK 10/740
SWISS AVENUE BANK – LIVE OAK ADDITION
AND A PORTION OF LIVE OAK STREET, NORTH PEAK STREET,
SYCAMORE STREET & SWISS AVENUE
J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 45° 00' 00" West a distance of 4.00 feet to a point for corner, from which a found 1/2 inch iron rod bears South 23° 17' 04" West a distance of 0.39 feet;

North 44° 54' 00" West a distance of 80.00 feet to a 1/2 inch iron rod found for corner in the northeast line of said Lot 3, Block 10/740, Haskoak, said rod being the most southerly west corner of said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition and the south corner of a tract of land conveyed to L.B. Billingsly Investment Co. by Special Warranty Deed recorded in Volume 93014, Page 1850, Deed Records, Dallas County, Texas;

THENCE along the common line between said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition and said L.B. Billingsly Investment Co. tract the following courses and distances:

North 45° 00' 00" East a distance of 74.00 feet to a point for corner, from which a found 1/2 inch iron rod bears North 44° 54' 00" West a distance of 0.29 feet;

North 44° 54' 00" West, passing at a distance of 193.00 feet the most northerly northwest corner of said Lot 1A, Block 10/740, Swiss Avenue Bank – Live Oak Addition, the north corner of said L.B. Billingsly Investment Co. tract, and the southeast line of said Live Oak Street, and continuing across said Live Oak Street a total distance of 274.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the northwest line of said Live Oak Street and the southeast line of Lot 2, Block 11/723, Live Oak Technology Center, an addition to the City of Dallas according to the plat recorded in Volume 2000156, Page 1868, Deed Records, Dallas, County, Texas;

THENCE North 45° 00' 00" East along the northwest line of said Live Oak Street, passing at a distance of 150.00 feet the intersection of the northwest line of Live Oak Street and the cut-off line between the northwest line of said Live Oak Street and the southwest line of said North Peak Street, and continuing across said North Peak Street a total distance of 220.00 feet to a point for corner in the northeast line of said North Peak Street and the southwest line of Lot 8, Block 8/768 in said Jefferson Peak Suburban Addition, from which a chiseled "X" in concrete bears South 12° 52' 24" East a distance of 0.76 feet;

THENCE South 44° 54' 00" East along the northeast line of said North Peak Street, passing at a distance of 1.00 foot the intersection of the northwest line of said Live Oak Street and the northeast line of said North Peak Street, same being the south corner of said Lot 8, Block 8/768 in said Jefferson Peak Suburban Addition, and continuing across said Live Oak Street, passing at a distance of 80.00 feet the intersection of the southeast line of said Live Oak Street and the northeast line of said North Peak Street, same being the west corner of Lot 13, Block 9/738, McKell's Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 241, Page 96, Deed Records, Dallas County, Texas, and

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Date: _____
SPRG NO.: _____

"EXHIBIT A"
MUNICIPAL SETTING DESIGNATION SURVEY
LOT 1A, BLOCK 10/740
SWISS AVENUE BANK - LIVE OAK ADDITION
AND A PORTION OF LIVE OAK STREET, NORTH PEAK STREET,
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J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

continuing along the northeast line of said North Peak Street, passing at a distance of 135.00 feet a PK nail found for the south corner of said Lot 13, Block 9/738, McKell's Subdivision at the intersection of the northeast line of said North Peak Street and the northwest line of a 15-foot alley, and continuing a total distance of 366.00 feet to a point for corner at the intersection of the northeast line of said North Peak Street and the northwest line of said Sycamore Street, said point being the south corner of Lot 26, Block 9/738 of said McKell's Subdivision, from which a found 3/4 inch iron pipe bears South 58° 14' 22" West a distance of 0.33 feet;

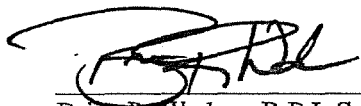
THENCE North 45° 00' 00" East along the northwest line of said Sycamore Street a distance of 2.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner;

THENCE South 44° 54' 00" East across said Sycamore Street, along the northeast line of said North Peak Street a distance of 162.98 feet to a point for corner under a fence, said point being the south corner of Lot 1-A, Block 9/739, Revision of Part of Lots 1, 2 and 3, Jefferson Peak Suburban Addition, an addition to the City of Dallas according to the plat recorded in Volume 83091, Page 2254, Deed Records, Dallas County, Texas and being in the north line of Lot 1, Block 9/739;

THENCE South 45° 00' 00" West a distance of 2.00 feet to a 1/2 inch iron rod with yellow plastic cap stamped "RLG INC" set for corner in the northeast line of said North Peak Street;

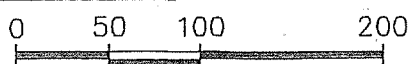
THENCE South 44° 54' 00" East continuing along the northeast line of said North Peak Street, passing at a distance of 200.00 feet the intersection of the northeast line of said North Peak Street and the northwest line of said Swiss Avenue, and continuing across said Swiss Avenue a total distance of 282.02 feet to the **POINT OF BEGINNING** and containing 216,656 square feet or 4.974 acres, more or less.

Basis of Bearings: The southwest line of N. Peak Street (South 44° 54' 00" East) per the Swiss Avenue Bank - Live Oak Addition recorded in Volume 96068, Page 02790, Deed Records, Dallas, County, Texas.

 12/8/14
Brian R. Wade R.P.L.S. No. 6098



(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO.: _____



(FEET)
1 inch = 100 ft.

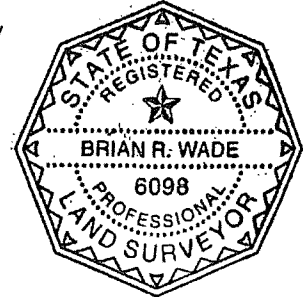
BASIS OF BEARINGS: THE SOUTHWEST LINE OF N. PEAK STREET (S44°54'00"E) PER THE SWISS AVENUE BANK - LIVE OAK ADDITION RECORDED IN VOLUME 96068, PAGE 02790, DEED RECORDS, DALLAS, COUNTY, TEXAS.

CONTROLLING MONUMENTS: AS SHOWN.

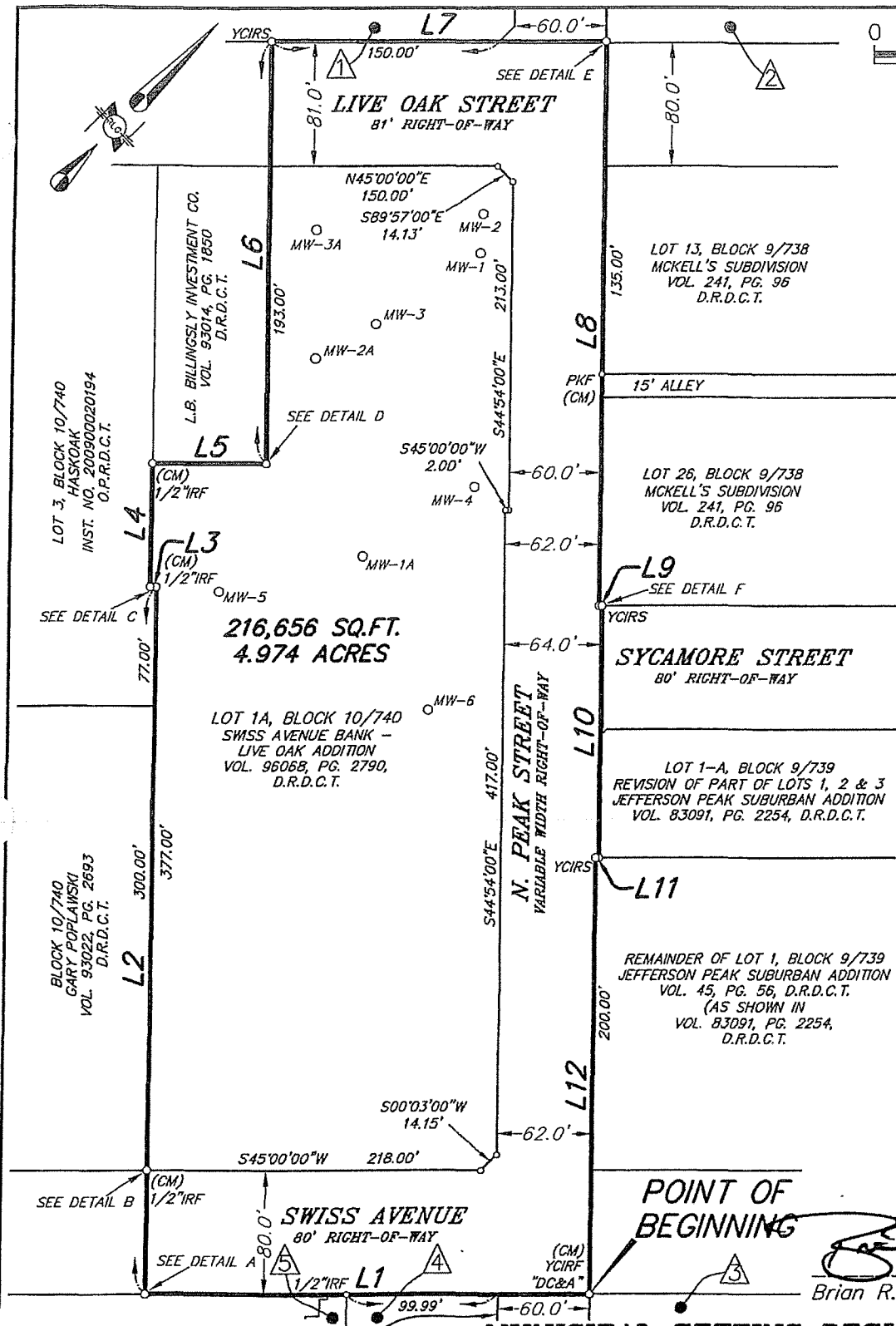
SEE SHEET 5 OF 5 FOR DETAILS A THROUGH E, THE LINE TABLE, MONITORING WELL DATA, AND ADJOINER INFORMATION.

LEGEND

- PROPERTY LINE
- IRF IRON ROD FOUND
- CMF CHISELED "X" FOUND
- YCIRS 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" SET
- YCIRF 1/2" IRON ROD WITH YELLOW PLASTIC CAP FOUND
- RCIRF 1/2" IRON ROD WITH RED PLASTIC CAP FOUND
- CIRF 1/2" IRON ROD WITH PLASTIC CAP FOUND
- IPF 3/4" IRON PIPE FOUND
- PKF PK NAIL FOUND
- CM CONTROLLING MONUMENT
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TX
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
- INST. NO. INSTRUMENT NUMBER
- VOL. VOLUME
- PG. PAGE
- MW MONITORING WELL



Brian R. Wade 12/8/14
Brian R. Wade R.P.L.S. No. 6098



**216,656 SQ.FT.
4.974 ACRES**

POINT OF BEGINNING

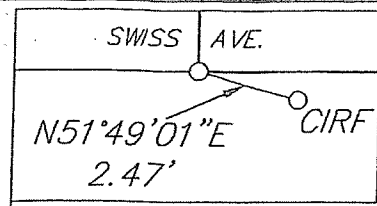
**MUNICIPAL SETTING DESIGNATION SURVEY
LOT 1A, BLOCK 10/740
SWISS AVENUE BANK - LIVE OAK ADDITION
AND A PORTION OF
LIVE OAK STREET, NORTH PEAK STREET,
SYCAMORE STREET & SWISS AVENUE**

J. GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

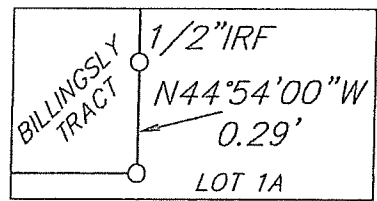
RAYMOND L. GOODSON JR., INC.
5445 LA SIERRA, STE 300, LB 17
DALLAS, TX. 75231-4138
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

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Reviewed By: _____
Date: _____
SPRG NO.: _____

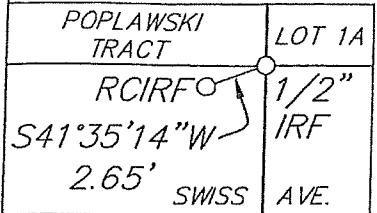
SCALE	1" = 100'	DATE	10-10-2014	SHEET	4 OF 5
JOB NO.	14097	E-FILE	14097.dwg	DWG NO.	26,051 X



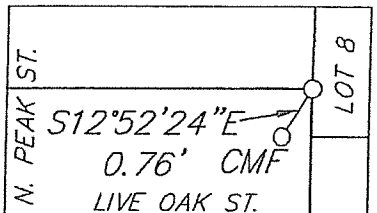
DETAIL A (NTS)



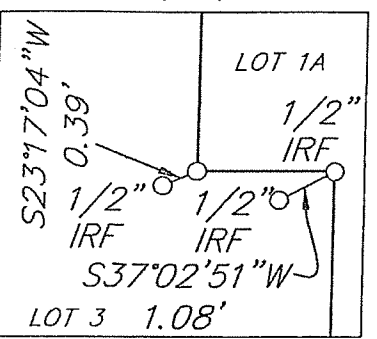
DETAIL D (NTS)



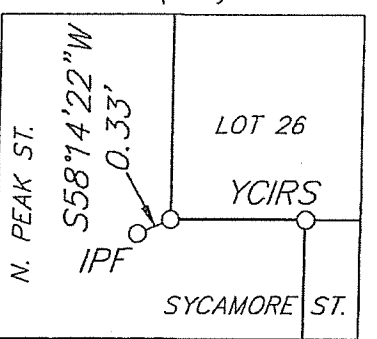
DETAIL B (NTS)



DETAIL E (NTS)



DETAIL C (NTS)



DETAIL F (NTS)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°00'00"W	290.00'
L2	N44°54'00"W	457.00'
L3	S45°00'00"W	4.00'
L4	N44°54'00"W	80.00'
L5	N45°00'00"E	74.00'
L6	N44°54'00"W	274.00'
L7	N45°00'00"E	220.00'
L8	S44°54'00"E	366.00'
L9	N45°00'00"E	2.00'
L10	S44°54'00"E	162.98'
L11	S45°00'00"W	2.00'
L12	S44°54'00"E	282.02'

MONITORING WELL DATA		
MONITORING WELL NO.	GRADE ELEV. (IN FEET)	CASING ELEV. (IN FEET)
MW-1	103.51	103.00
MW-2	103.68	103.16
MW-3	103.30	103.10
MW-4	103.00	102.71
MW-1A	103.18	103.08
MW-2A	103.31	102.88
MW-3A	102.51	102.08
MW-5	103.73	103.40
MW-6	103.02	102.74

DATE OF OBSERVATIONS: 10-10-2014
 (MW-5 & MW-6 WERE OBSERVED ON 12-03-2014)
 NOTE: GRADE ELEVATIONS WERE OBSERVED AT THE NORTH SIDE OF THE MONITORING WELL CASING.

RAYMOND L. GOODSON JR., INC.
 5445 LA SIERRA, STE 300, LB 17
 DALLAS, TX. 75231-4138
 214-739-8100
 rlg@rlginc.com
 TEXAS PE REG #F-493
 TBPLS REG #100341-00

- ① LOT 2, BLOCK 11/723
LIVE OAK TECHNOLOGY CENTER, VOL. 2000156, PG. 1868, D.R.D.C.T.
- ② LOT 8, BLOCK 12/724
MCKELL'S SUBDIVISION VOL. 241, PG. 96, D.R.D.C.T.
- ③ LOT 8, BLOCK 8/768
JEFFERSON PEAK SUBURBAN ADDITION VOL. 45, PG. 56, D.R.D.C.T.
- ④ SWISS MEDICAL BUILDING, LLC INST. NO. 201200225191 O.P.R.D.C.T.
- ⑤ LOT 3A, BLOCK 7/767
SWISS AVENUE ADDITION VOL. 2002067, PG. 7, D.R.D.C.T.

MUNICIPAL SETTING DESIGNATION SURVEY
LOT 1A, BLOCK 10/740
SWISS AVENUE BANK - LIVE OAK ADDITION
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 J. CRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

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 Reviewed By: _____
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SCALE	1" = 100'	DATE	10-10-2014	SHEET	5 OF 5
JOB NO.	14097	E-FILE	14097.dwg	DWG NO.	26,051 X

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Michael D. Nalley, as an authorized representative of BOKE, NA, a national banking association d/b/a Bank of Texas, 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.

Michael D. Nalley
Signature

Date: 12-22-15

Michael D. Nalley
Printed Name

Senior Vice President
Title

STATE OF Oklahoma
COUNTY OF Tulsa

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

Andrea Dawes
Notary Public in and for the State of Oklahoma

