

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

March 20, 2017

Mr. Tim Wayne
Hurst Partners One, LLC
965 Pearl Street
Denver, Colorado 80203

Re: Municipal Setting Designation (MSD) Certificate, Former Anadite Manufacturing Facility, 711 West Hurst Boulevard, Hurst, Tarrant County, TX; MSD No. 325; Customer No. CN601541840; Regulated Entity No. RN100637248

Dear Mr. Wayne:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on May 10, 2016 and additional information supporting this MSD application on July 21, 2016 and January 30, 2017. 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,

A handwritten signature in black ink, appearing to read "Anthony McGlown".

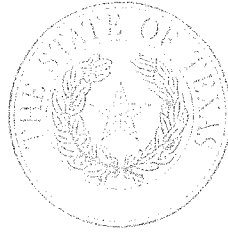
Anthony McGlown, Project Manager
VCP-CA Section
Remediation Division

ABM/mdh

cc: Ms. Xiaohong Wang, P.G., Reed Engineering, (via email)
Mr. Clay Rambaoa, Trustee, Anadite Texas Restoration Trust (via email)
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. 325, in the City of Hurst, 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 20th day of March, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

ALTA SURVEY

BEING LOT 2-R, GLENN E. BOEHMER SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS.

ACCORDING TO THE PLAT AS RECORDED IN PLAT CABINET A, SLIDE 3405, PLAT RECORDS OF TARRANT COUNTY, TEXAS.

TOGETHER WITH THAT CERTAIN EASEMENT AS CREATED IN EASEMENT AGREEMENT EXECUTED BY AND BETWEEN ANADITE, INC. AND DAVID B. LILLY COMPANY, INC. DATED DECEMBER 16, 1997, FILED JANUARY 13, 1998, AND RECORDED IN VOLUME 13041, PAGE 314, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS.

711 WEST HURST BLVD.
(A.K.A. STATE HIGHWAY No. 10)
(89 FEET OF WAY PER PLAT)

I, PATRICK CARTER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2098, CARTER SURVEYING & MAPPING, 110 A PALO PINTO ST., WEATHERFORD, TEXAS 75090, CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE AREA AS SHOWN ON THIS PLAT WAS DETERMINED WITH RESPECT TO NECESSARY EASEMENTS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE SURVEY IS SUBJECT TO ALL APPLICABLE EASEMENTS AND PLATS FROM THE DATE OF THIS SURVEY. TO PROTECT ALL PARTIES, THIS SURVEY ONLY VALID ORIGINAL LEGAL AND SURVEY APPEARANCES ON THE FACE OF THIS SURVEY OR OTHERWISE.

PATRICK CARTER, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 2098, CARTER SURVEYING & MAPPING, 110 A PALO PINTO ST., WEATHERFORD, TEXAS 75090, CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE AREA AS SHOWN ON THIS PLAT WAS DETERMINED WITH RESPECT TO NECESSARY EASEMENTS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SHOWN ON THIS PLAT OR AS RECORDED HEREON. THE SURVEY IS SUBJECT TO ALL APPLICABLE EASEMENTS AND PLATS FROM THE DATE OF THIS SURVEY. TO PROTECT ALL PARTIES, THIS SURVEY ONLY VALID ORIGINAL LEGAL AND SURVEY APPEARANCES ON THE FACE OF THIS SURVEY OR OTHERWISE.



THIS SURVEY IS ONLY VALID FOR AN INDETERMINATE PERIOD AND RESTRICTIONS ON THE USE OF THE SURVEY ARE APPROVED BY THE SURVEYOR.

SUBJECT TO THE EASEMENT AGREEMENT AS RECORDED IN VOLUME 13041, PAGE 314, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS.

THE FOLLOWING EASEMENTS DO NOT AFFECT THIS TRACT: V. 13041, P. 314, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS.

ACCORDING TO THE EASEMENT DESCRIPTIONS, THESE APPEARANCE LOCATIONS OF UTILITIES IN THE FIELD PLAN OF RECORD, PUBLIC GROUND DATA, ETC. TO LAND SURVEYOR'S PROFESSIONAL OPINION.

THE SURVEY WAS MADE FROM FIELD OBSERVATIONS PROVIDED BY CARTER SURVEYING & MAPPING AND REFLECTED IN THIS PLAT. THIS PLAT PLAN COORDINATES WITH NORTH CENTRAL ZONE, 1983. ALL ELEVATIONS ARE RELATIVE TO SEA LEVEL UNLESS NOTED OTHERWISE.

THE DATE OF THIS SURVEY IN THIS TRACT APPEARS TO BE LOCATED BY OTHER AREAS, TONE 37 - AREA DETERMINED BY ELEVATION DATA FROM THE 1985 ANNUAL CHANCE FLOOD PLANS, ACCORDING TO THE TARRANT COUNTY FLOOD PLAN, IN DECEMBER, 1985. THE DATE OF THIS SURVEY IS 09/01/00 FOR UP TO DATE FLOOD HAZARD INFORMATION SEE WWW.FEMA.GOV.

IF ALL CORNERS ARE NOT CAPTURED, THIS SURVEY IS UNLESS OTHERWISE NOTED.

UNDEGROUND UTILITIES WERE NOT LOCATED DURING THIS SURVEY. CALL LOCAL UTILITY COMPANIES FOR UTILITY PROVIDED BEFORE DIGGING OR CONSTRUCTION.

ENTIRETY OF TOTAL DESIGNATED PARKING SPACES WITH ONE DESIGNATED HANDICAPPED PARKING SPACE.

THIS TRACT ORIGINALLY SHOWN AND RECORDED BY THE TARRANT COUNTY APPRAISAL DISTRICT AS 100% OPEN SPACE FOR THE TRACT AND PARKING DESCRIBED ACTUALLY LOCATED ON THIS TRACT.

METES AND BOUNDS DESCRIPTION

BEING A 6.510 ACRES TRACT OF LAND BEING LOT 2-R, GLENN E. BOEHMER SUBDIVISION, AN ADDITION TO THE CITY OF HURST, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT AS RECORDED IN PLAT CABINET A, SLIDE 3405, PLAT RECORDS OF TARRANT COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILLIAM W. CURTAS, TRUSTEE OF TEXAS RESTORATION TRUST IN VOLUME 14211, PAGE 356, REAL PROPERTY RECORDS, TARRANT COUNTY, TEXAS, BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

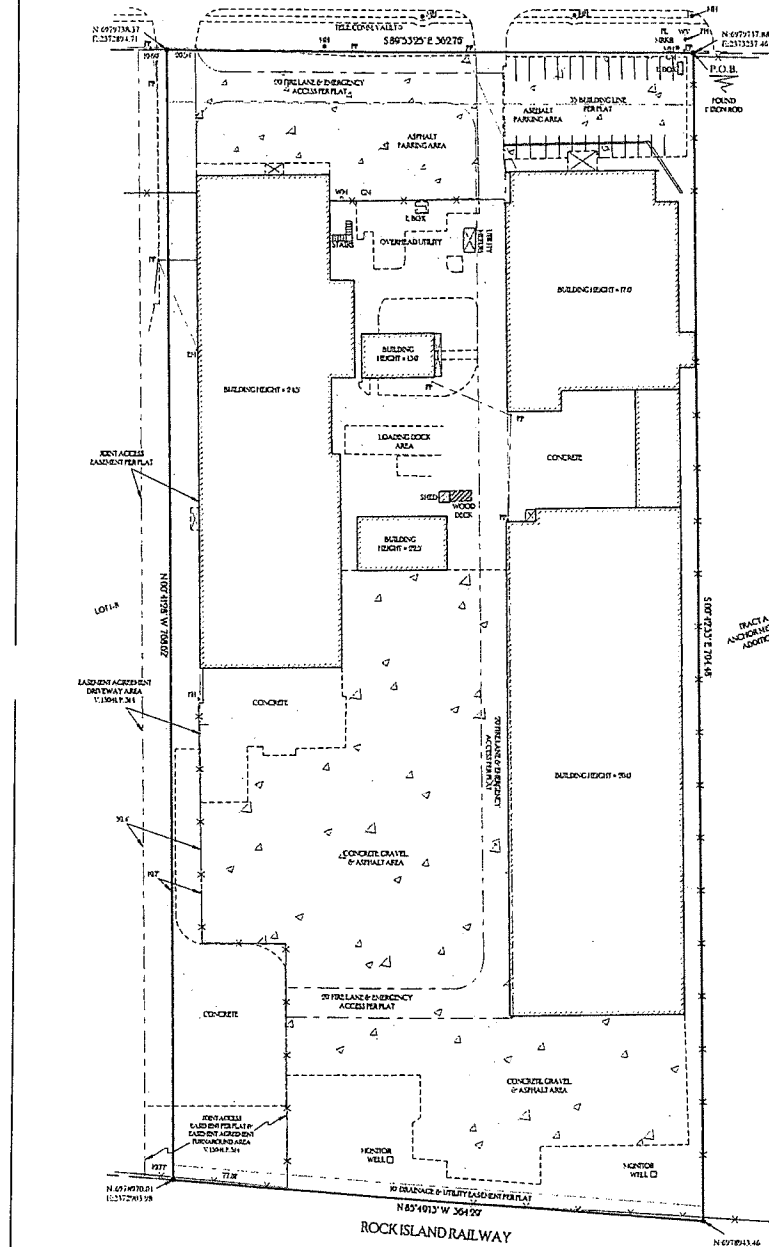
BEGINNING AT A FOUND 1" IRON ROD IN THE SOUTH RIGHT OF WAY LINE OF WEST HURST BOULEVARD, (PAVED - 160' ROW PER PLAT), AT THE NORTHEAST CORNER OF SAID LOT 2-R, FOR THE NORTHEAST AND BEGINNING CORNER OF THIS TRACT.

THENCE S 00°42'33" E 794.48 FEET TO A SET 1/2" IRON ROD (CAPPED) AT THE SOUTHEAST CORNER OF SAID LOT 2-R, IN THE NORTH RIGHT OF WAY LINE OF THE ROCK ISLAND RAILWAY LINE, FOR THE SOUTHEAST CORNER OF THIS TRACT.

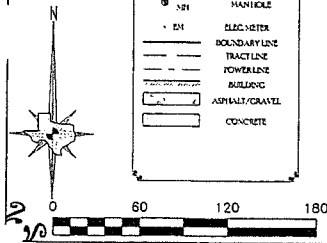
THENCE N 85°49'13" W 364.29 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SAID ROCK ISLAND RAILWAY TO A SET 1/2" IRON ROD (CAPPED) AT THE SOUTHWEST CORNER OF SAID LOT 2-R, FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE N 00°41'28" W 768.62 FEET TO A SET 1/2" IRON ROD (CAPPED) AT THE NORTHWEST CORNER OF SAID LOT 2-R, IN THE SOUTH RIGHT OF WAY LINE OF SAID WEST HURST BOULEVARD, FOR THE NORTHWEST CORNER OF THIS TRACT.

THENCE S 89°33'25" E 362.70 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF SAID WEST HURST BOULEVARD TO THE POINT OF BEGINNING.



LEGEND	
◆ FH	FIRE HYDRANT
◆ FP	POWER POLE
◆ WM	WATER METER/VALVE
◆ SH	SHANTICLE
◆ EH	ELEC. METER
---	BOUNDARY LINE
---	TRACT LINE
---	POWER LINE
---	BUILDING
---	ASPHALT/GRAVEL
---	CONCRETE



CARTER SURVEYING
& MAPPING, INC. 30
110 A PALO PINTO STREET - WEATHERFORD, TEXAS
817-294-0400 - (817)-594-0403

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Timothy Wayne, as an authorized representative of Hurst Partners ONE, 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 Timothy Wayne Date: 7/19/16

Printed Name Timothy Wayne

Title Equitable Owner, partner

STATE OF Colorado
COUNTY OF Denver

SUBSCRIBED AND SWORN before me on this the 19th day of July 2016 to which witness my hand and seal of office.

Shelly D. Vicente
Notary Public in and for the State of Colorado

