

MSD -59-00

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 14, 2008

Mr. Greg Rogers
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, Texas 75201

Re: Municipal Setting Designation (MSD) Certificate for Wycliff Tollway, Ltd, 2525 Wycliff Avenue, Dallas, Dallas County, TX; MSD No. 59

Dear Mr. Rogers:

Enclosed is the Municipal Setting Designation Certification for the above-referenced site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

Handwritten signature of Mike Frew in cursive.

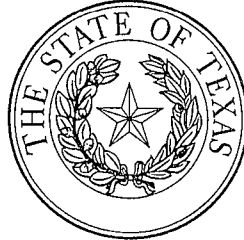
Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/cjh

Enclosure

Msd.59cert

Texas Commission on Environmental Quality



Municipal Setting Designation

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 59, in the City of Dallas, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 8th day of February, 2008.

A handwritten signature in black ink, appearing to read "G. Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

'A'

LEGAL DESCRIPTION
FOR DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION APPLICATION
CITY OF DALLAS BLOCK 12/2258
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 162,813 square feet or 3.7377 acre tract of land situated in the James A. Sylvester Survey, Abstract No. 1383, City of Dallas, Dallas County, Texas, said tract being all of Lots 18 through 28, Block 12/2258 of Clifton Place Addition No. 2, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 2, Page 214, Map Records of Dallas County, Texas, said tract conveyed to Wycliff Partners, Ltd. by deed recorded in Volume 93223, Page 794, Deed Records of Dallas County, Texas, and part of the existing 15 foot Alley right of way adjacent to Block 12/2258, part of Brown Street right of way and part of Wycliff Avenue right of way, and being more particularly described as follows:

COMMENCING at a found "x" cut on concrete pavement for a corner at the intersection of the northwest line of Wycliff Avenue (a 100 foot right of way) with the southwest line of Brown Street (a 50 foot right of way), said point being the east corner of said Lot 28; Thence, N 28°08'25" W, a distance of 172.40 feet to the Point of Beginning, said point being the south corner of Lot 7, Block 11/2257 of the said Clifton Place No. 2 addition;

THENCE, S 45°00'00" E, with the northeast line of Brown Street and crossing the right of way of Wycliff Avenue, a distance of 265.00 feet to a point for a corner in the projected southeast line of Wycliff Avenue;

THENCE, S 45°00'00" W, with the projected southeast line of Wycliff Avenue, passing at a distance of 100.0 feet the intersection of the southeast line of Wycliff Avenue with the west line of Dallas North Tollway (a variable width right of way) and the north corner of a tract of land in Block A/2272 conveyed to Texas Turnpike Authority by deed recorded in Volume 93001, Page 2079, Deed Records of Dallas County, Texas, passing at a distance of 600.0 feet the intersection of the southeast line of Wycliff Avenue with the northeast line of a 15 foot Alley right way, continuing in all a distance of 614.39 feet to a point for a corner;

THENCE, N 45°00'00" W, crossing the right of way of Wycliff Avenue, passing at a distance of 100.0 feet the intersection of the northwest line of Wycliff Avenue with the southwest line of a called 15 foot Alley right of way, said point being the east corner of Lot 17, Block 12/2258 of the said Clifton Place No. 2 addition, continuing in all distance of 265.00 feet to a point for a corner;

LEGAL DESCRIPTION (continued)

THENCE, N 45°01'00" E, crossing the said 15 foot Alley right of way, passing at a distance of 14.39 feet the south corner of Lot 11, Block 12/2258 of the said Clifton Place No. 2 addition, continuing with the northwest line of the said Alley right of way, passing at a distance of 564.39 feet the intersection of the northwest line of the said Alley right of way with the southwest line of Brown Street, continuing in all a distance of 614.39 feet to the Point of Beginning, and Containing 162,813 square feet or 3.7377 acres of land.

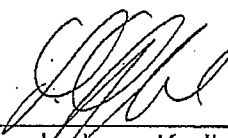
(A survey plat of even date herewith accompanies this description.)

(The bearing basis is bearing of S 45°01'00" W for the northwest line of Wycliff Avenue as indicated in the deed to Wycliff Partners, Ltd. by deed recorded in Volume 93223, Page 794, Deed Records of Dallas County, Texas.)

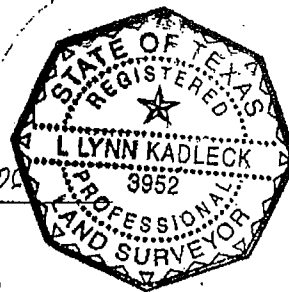
SURVEYOR'S CERTIFICATE

The undersigned hereby certifies the above legal description was prepared from an on ground survey performed May 5, 2006, under the supervision of the undersigned and that the legal description accurately sets out the metes and bounds of the tract of land described.

Dated: September 30, 2006

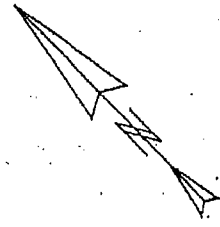


L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



Texas Turnpike Authority
Vol. 93046, Pg. 2801
D.R.D.C.T.

DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION APPLICATION
CITY BLOCK 12/2258
CITY OF DALLAS, DALLAS COUNTY, TEXAS



CLIFTON PLACE NO. 2
Vol. 2, Pg. 214, M.R.D.C.T.
BLOCK 11/2257

POINT OF BEGINNING

DALLAS NORTH TOLLWAY
VARIABLE WIDTH ROW

SCALE: 1"=100'

0 50 100

DATE: Sept. 30, 2006
JOB #2854-MSD

LEGEND

FIR Found Iron Rod
SIR Set Iron Rod
CM Controlling Monument

NOTE: APPROXIMATE
CENTER OF PROPERTY
LATITUDE: 32°48'40"
LONGITUDE: -96°49'10"
X: 2484790
Y: 6981925
INFORMATION OBTAINED FROM
NCTCOG MAPPING SERVICE

POINT OF COMMENCING

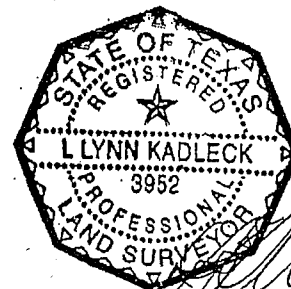
Texas Turnpike Authority
Vol. 93001, Pg. 2079
D.R.D.C.T.
BLOCK A/2272

NOTE: The bearing basis is a bearing of
S 45°01'00" W for the northwest line of
Wycliff Avenue as indicated in the
deed to Wycliff Partners, Ltd.
recorded in Volume 93223, Page 794,
Deed Records of Dallas County, Texas.

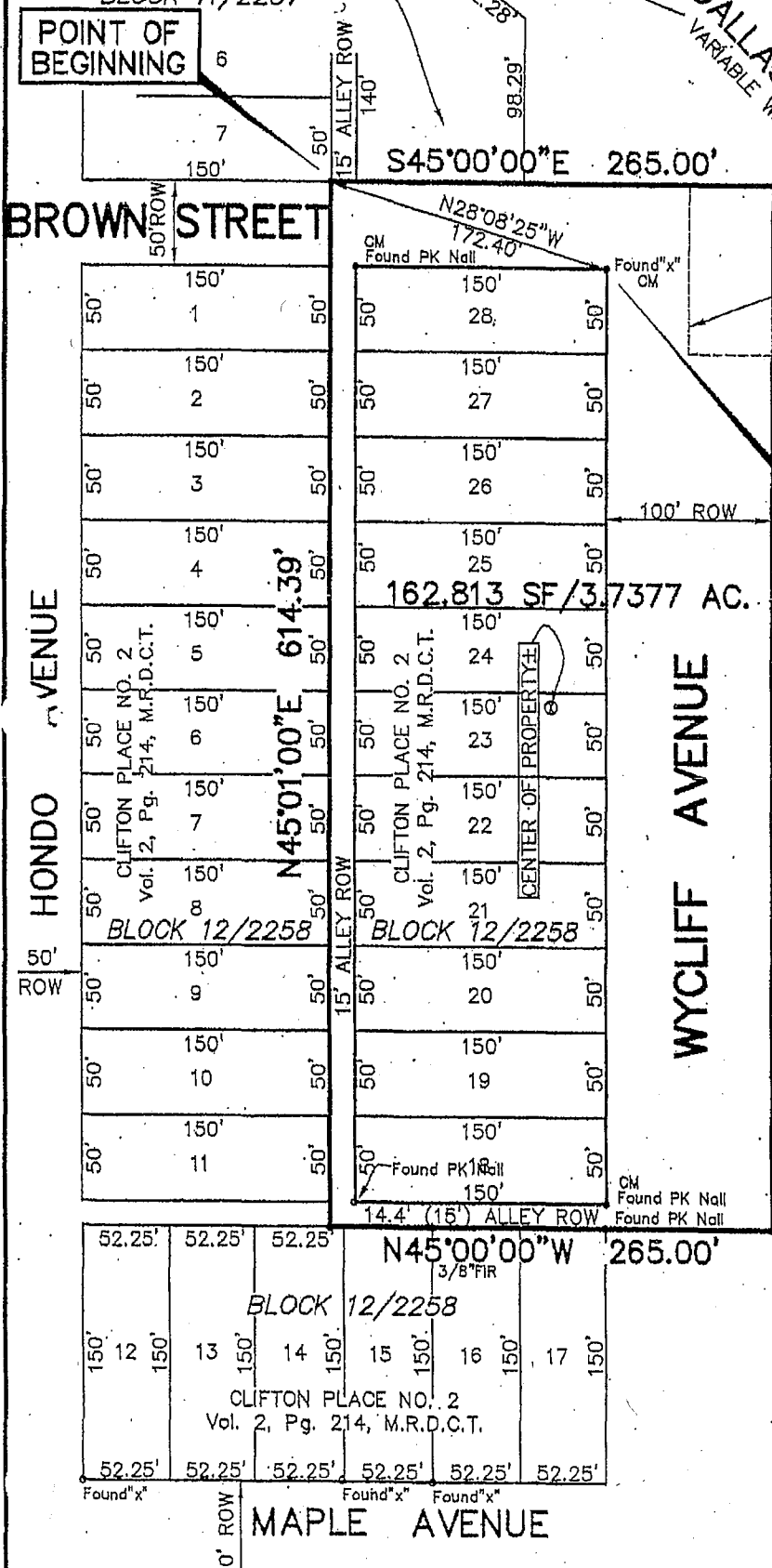
A legal description of even
survey date herewith
accompanies this plat of survey.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the
above legal description was prepared
from an on the ground survey
performed on May 5, 2006, under the
supervision of the undersigned and
that the legal description accurately
sets out the metes and bounds of
the tract described.



Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



'B'

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
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³ Do not submit application.

⁴ NA only when no such municipality, private well owner, or retail public utility exists

MSD Information:

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.

VCP 1953

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 08 / 29 / 06	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes ⁶	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

⁶ Do not submit an application.

I affirmatively state that (place an X in all applicable blanks):

- The MSD eligibility criteria of THSC §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 was 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]
Applicant Signature

11-02-07
Date

Before me Susan Hill the undersigned authority, on this day personally appeared Greg Rogers and signed this Municipal Setting Designation Application.
Name of Notary
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 2nd day of November, 2007.