

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 2, 2008

Mr. Joseph Calhoon
LG Magnolia, LP
2650 Cedar Springs Road, Suite 800
Dallas, TX 75201

Re: Municipal Setting Designation (MSD) Certificate for LG Magnolia, LP, 1100 McKinney Avenue,
Dallas, TX; MSD No. 76

Dear Mr. Calhoon:

Enclosed is the Municipal Setting Designation Certification for your 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,

A handwritten signature in black ink, appearing to read "Mike Frew".

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

MF/jhm

Enclosure

cc: Mary Simpson, Project Manager VCP 2093, Remediation Division, MC-127

Texas Commission on Environmental Quality



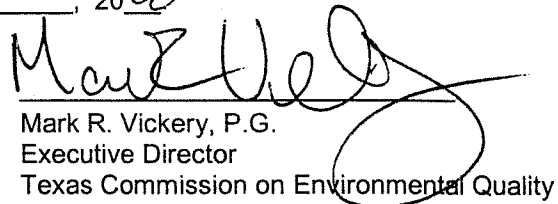
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 76, 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 26th day of September, 2008


Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

'A'

FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being all of Lots 1-4, Block 17/219 (Official City Block Numbers) of First City Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 83211, Page 4718, Deed Records, Dallas County, Texas (D.R.D.C.T.), as amended by the Certificate of Correction as recorded in Volume 92245, Page 1431, D.R.D.C.T., and re-recorded in Volume 92249, Page 70, D.R.D.C.T., said tract also being all of that tract of land described as Parcel I and Parcel II in special warranty deed to LG Magnolia LP, a Texas limited partnership, as recorded in County Clerk's Document Number 20070141958, D.R.D.C.T., also being part of McKinney Avenue (a variable width public right-of-way), also being part of North Griffin Street (a variable width public right-of-way), also being part of Corbin Street (a variable width public right-of-way), also being part of Magnolia Street (a variable width public right-of-way), and being more particularly described as follows:

BEGINNING at a found 'X' for the most northerly northeast corner of Block 14/213 (Official City Block Numbers) of W. Caruth & Bro. Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume D, Page 312, Map Records, Dallas County, Texas, said corner also being at the intersection of the southwesterly right-of-way line of said North Griffin Street with the southeasterly right-of-way line of said McKinney Avenue;

THENCE North 43 degrees 13 minutes 31 seconds West, departing said southeasterly right-of-way line of McKinney Avenue and continuing across McKinney Avenue, a distance of 70.09 feet to a set P.K. nail for corner, said corner being in the northwesterly right-of-way line of McKinney Avenue;

THENCE North 43 degrees 55 minutes 29 seconds East, along said northwesterly right-of-way line of McKinney Avenue, a distance of 488.21 feet to a set P.K. nail for corner ;

THENCE South 43 degrees 13 minutes 31 seconds East, departing said northwesterly right-of-way line of McKinney Avenue and along the northeasterly right-of-way line of Magnolia Street, a distance of 619.63 feet to a point for corner, said corner being at the intersection of said northeasterly right-of-way line of Magnolia Street with the southeasterly right-of-way line of said Corbin Street;

THENCE South 44 degrees 35 minutes 29 seconds West, along said southeasterly right-of-way line of Corbin Street, a distance of 453.72 feet to a set 'X' for the most westerly northwest corner of Block 19/221 (Official City Block Numbers), said corner also being at the intersection of the northeasterly right-of-way line of said North Griffin Street with said southeasterly right-of-way line of Corbin Street;

THENCE South 42 degrees 57 minutes 29 seconds West, departing said northeasterly right-of-way line of North Griffin Street and across North Griffin Street, a distance of 37.44 feet to a found 'X' for the most northerly corner of Block 12/215 (Official City Block Numbers), said corner also being at the intersection of said southwesterly right-of-way line of North Griffin Street with said southeasterly right-of-way line of Corbin Street;

THENCE North 42 degrees 43 minutes 14 seconds West, departing said southeasterly right-of-way line of Corbin Street, across Corbin Street and along said southwesterly right-of-way line of North Griffin Street, a distance of 34.61 feet to a set 'X' for the most easterly southeast corner of Block 13/214 (Official City Block Numbers), said corner also being at the intersection of the northwesterly right-of-way line of Corbin Street with said southwesterly right-of-way line of North Griffin Street;

 **Halff Associates**
 ENGINEERS · ARCHITECTS · SCIENTISTS · PLANNERS · SURVEYORS
 8616 NORTHWEST PLAZA DR.
 DALLAS, TEXAS 75225
 TELE. (214)346-6200 FAX (214)739-7086

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

SCALE: NOT TO SCALE AVO. 24692-S102 DRAWN: JOEL M. DESIGN: HALFF 692EXHB-002.dgn	GABLES RESIDENTIAL 3500 MAPLE, SUITE 435 DALLAS, TEXAS 75219	EXHIBIT "A" MSD AREA SURVEY 6.921 ACRES	SHEET 2/4
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THENCE North 43 degrees 13 minutes 31 seconds West, departing said northwesterly right-of-way line of Corbin Street, along the northeasterly line of said Block 13/214 and along said southwesterly right-of-way line of North Griffin Street, passing a found P.K. nail at a distance of 98.76 feet, in a total distance of 199.48 feet to a found P.K. nail for the most northerly northeast corner of said Block 13/214, said corner also being at the intersection of the southeasterly right-of-way line of Munger Avenue (a variable width public right-of-way) with said southwesterly right-of-way line of North Griffin Street;

THENCE North 38 degrees 42 minutes 35 seconds West, departing said southeasterly right-of-way line of Munger Avenue and continuing across Munger Avenue, a distance of 36.13 feet to a found 'X' for the most easterly southeast corner of said Block 14/213, said corner also being at the intersection of the northwesterly right-of-way line of said Munger Avenue with said southwesterly right-of-way line of North Griffin Street;

THENCE North 43 degrees 13 minutes 31 seconds West, continuing along said southwesterly right-of-way line of North Griffin Street, a distance of 274.94 feet to the POINT OF BEGINNING AND CONTAINING 301,487 square feet or 6.921 acres of land, more or less.

Basis of Bearing is that tract of land described as Parcel and Parcel in special warranty deed to LG Magnolia LP, a Texas limited partnership, as recorded in County Clerk's Document Number 20070141958, Deed Records, Dallas County, Texas..

SURVEYOR'S CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on June 14, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:90,376.

G. S. Kays JUN 14, 2007
 GREGORY S. KAYS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS NO. 5040



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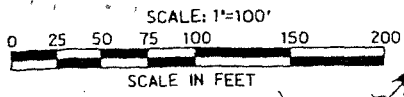
SCALE: NOT TO SCALE
 AVO. 24692-S102
 DRAWN: JOEL M.
 DESIGN: HALFF

692EXHB-002.dgn

GABLES RESIDENTIAL
 3500 MAPLE, SUITE 435
 DALLAS, TEXAS 75219

EXHIBIT "A"
 MSD AREA SURVEY
 6.921 ACRES

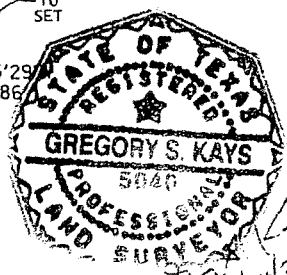
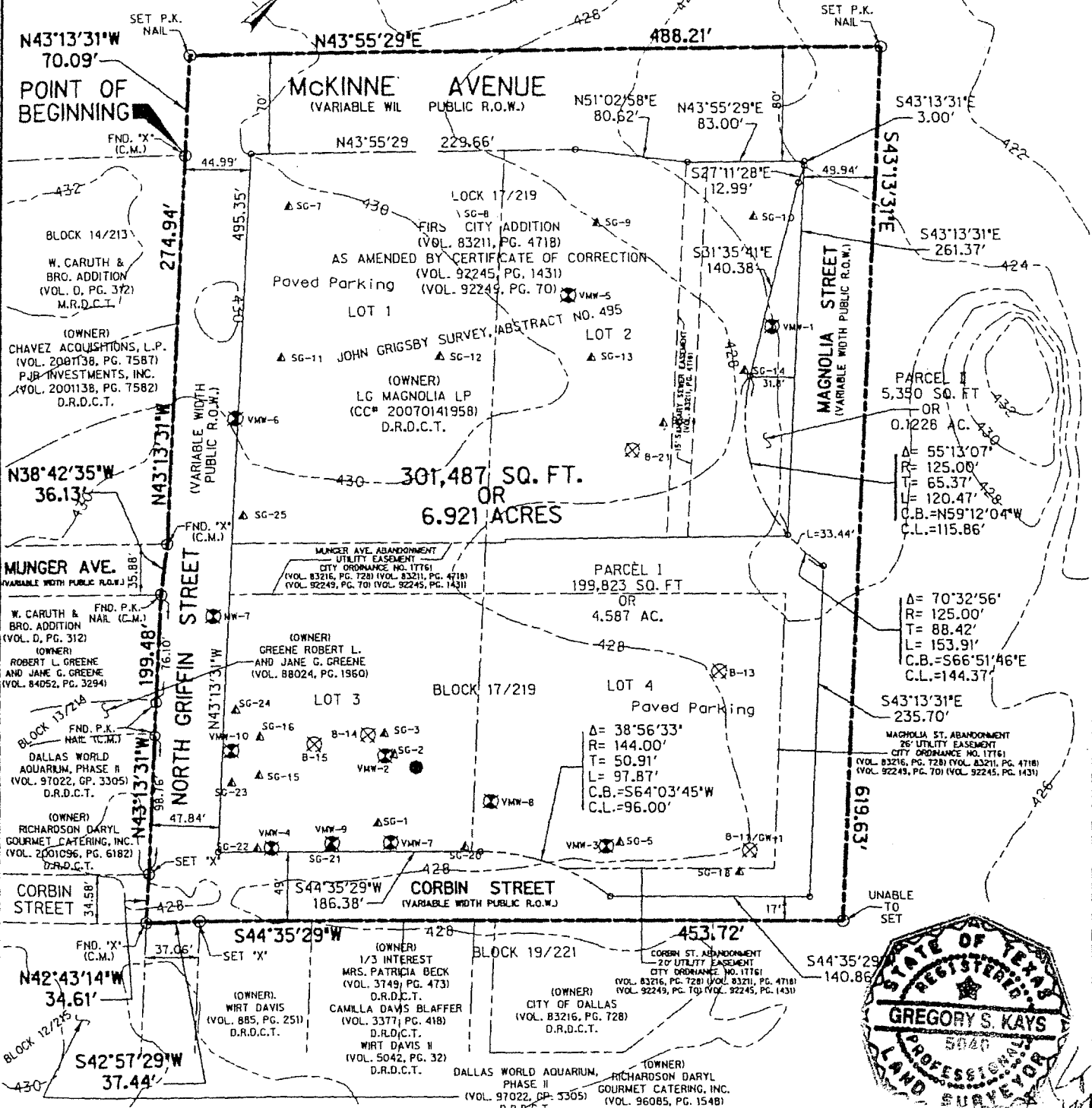
SHEET
 3/4



WOODALL RODGERS FREEWAY
(VARIABLE WIDTH PUBLIC R.O.W.)

Basis of Bearing is that tract of land described as Parcel and Parcel in special warranty deed to LG Magnolia LP, a Texas limited partnership, as recorded in County Clerk's Document Number 20070141958, Deed Records, Dallas County, Texas.

The Topographic contours shown hereon are based upon the 2001 NCTCOG maps.



- LEGEND**
- UNABLE TO LOCATE
 - VMW-X ◊ MONITORING WELL
 - SG-7 ▲ SOIL SAMPLING
 - B-X ⊗ BOREHOLE
 - (C.M.) CONTROL MONUMENT

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Reviewed By: _____

Date: _____

SPRG NO.: _____

'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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input 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.
 1) Voluntary Cleanup Program VCP No. 2093 2) Approved City of Dallas MSD Application

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? 10 / 11 / 07	<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 checked="" type="radio"/> Yes	<input 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.

Joseph Cahoon
 Applicant Signature

6/25/08
 Date

Before me Carol L. Whitener the undersigned authority, on this day personally appeared
 Name of Notary
Joseph Cahoon and signed this Municipal Setting Designation Application.
 Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 25th
 day of June, this month of June, 2008

