

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*

November 28, 2016


Mr. Doug Janeway, Chief Development Officer  
City of Irving  
825 W. Irving Boulevard  
Irving, Texas 75060

Re: Municipal Setting Designation (MSD) Certificate for Heritage Crossing Tract 9,  
439 and 501 W. 2<sup>nd</sup> Street, 416 West Irving Boulevard, 127 and 129 O'Connor  
Road, Irving, Dallas County, Texas; MSD No. 339; Customer No. CN600243471;  
Regulated Entity No. RN108896507

Dear Mr. Janeway:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on September 16, 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) 239-3737 or via e-mail ([Joanna.Manning@tceq.texas.gov](mailto:Joanna.Manning@tceq.texas.gov)).

Sincerely,

  
Joanna Manning, Project Manager  
VCP-CA Section  
Remediation Division

JAM/jdm

cc: Mr. Lance Crabtree, P.G., Senior Project Manager, Terracon (via email)  
Mr. Sam Barrett, Waste Section Manager, TCEQ Dallas/Fort Worth Region  
Office, R4

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, Maria Lebron, P.G., Assistant Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 339, in the City of Irving, 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 22 day of November, 2016

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

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

"OWNER CERTIFICATION"

THE CITY OF IRVING, TEXAS, HAS REVIEWED THE PLAT HEREIN AND CERTIFIES THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF ITS KNOWLEDGE AND BELIEF. THE CITY OF IRVING, TEXAS, HAS REVIEWED THE PLAT HEREIN AND CERTIFIES THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF ITS KNOWLEDGE AND BELIEF. THE CITY OF IRVING, TEXAS, HAS REVIEWED THE PLAT HEREIN AND CERTIFIES THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF ITS KNOWLEDGE AND BELIEF.

"SURVEYOR CERTIFICATION"

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

My commission expires \_\_\_\_\_.

"NOTARIAL CERTIFICATION"

STATE OF TEXAS  
COUNTY OF DALLAS

NOTARIAL PUBLIC, My commission expires \_\_\_\_\_.

"GENERAL NOTES"

1. Being a subdivision of a tract, subject to a deed restriction, the plat herein is subject to the provisions of the deed restriction.
2. The plat herein is subject to the provisions of the deed restriction.
3. The plat herein is subject to the provisions of the deed restriction.
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11. The plat herein is subject to the provisions of the deed restriction.

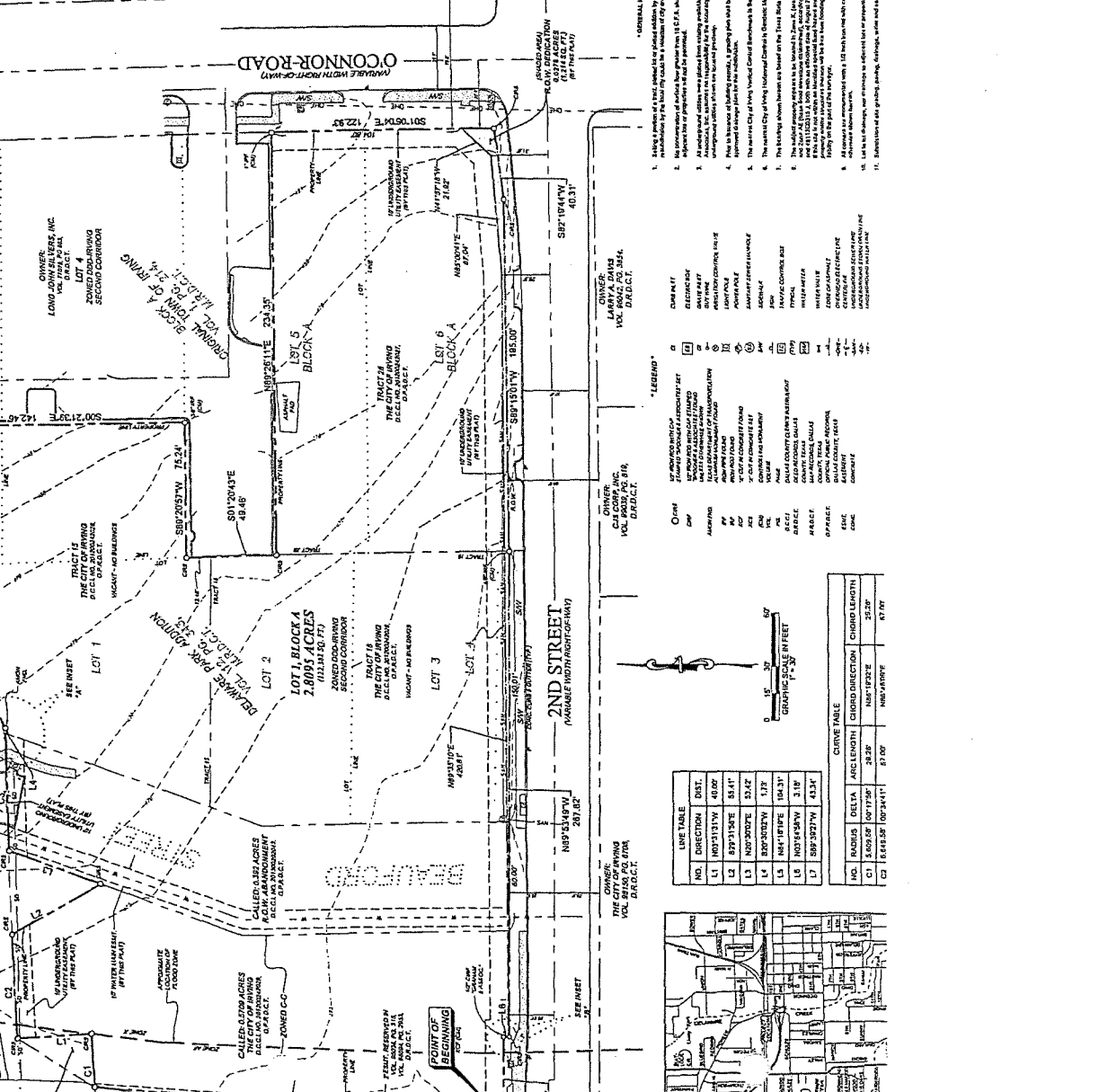
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My commission expires \_\_\_\_\_.

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## EXHIBIT A

WHEREAS, THE CITY OF IRVING, is the sole owner of a 2.8095 acre tract of land located in the Hiram Bennett Survey, Abstract No. 122, City of Irving, Dallas County, Texas, said 2.8095 acre tract of land being all of Lots 2 and 3, and a portion of Lots 1 and 4, DELAWARE PARK ADDITION, being an addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Volume 12, Page 343, Map Records, Dallas County, Texas (M.R.D.C.T.), said 2.8095 acre tract also being a portion of Lots 3, 4, 5 and 6, Block A, ORIGINAL TOWN OF IRVING, being an Addition to the City of Irving, Dallas County, Texas, according to the plat thereof recorded in Volume 1, Page 214, M.R.D.C.T., said 2.8905 acre tract of land also being all of a called 0.5709 acre tract of land conveyed to the CITY OF IRVING, by deed as recorded in Dallas County Clerk's Instrument No. (D.C.C.I.) 201200242029, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 2.8095 acre tract also being all of that certain tract of land described as Tract 28, conveyed to the CITY OF IRVING, by deed as recorded in D.C.C.I. No. 201200242027, O.P.R.D.C.T., said 2.8095 acre tract of land also being all of those certain tracts of land described as Tracts 15 and 16, conveyed to the CITY OF IRVING, by deed as recorded in D.C.C.I. No. 201200242028, O.P.R.D.C.T., 2.8095 acre tract of land also being all of a called 0.392 acres of right-of-way also known as Beauford Street, abandoned and conveyed to the CITY OF IRVING, by deed as recorded in D.C.C.I. No. 201300202043, O.P.R.D.C.T., said 2.8095 acre tract of land being herein more particularly described by metes and bounds as follow:

BEGINNING at an "X" cut in concrete found (Controlling Monument) at the southwest property corner of the said 0.5709 acre tract of land, same being on the east line of a 70 feet wide drainage and utility easement, conveyed to the City of Irving, by deed as recorded in Volume 4919, Page 141, Deed Records, Dallas County, Texas (D.R.D.C.T.), said beginning point also being on the north right-of-way line of 2nd Street (being a variable width right-of-way at this point);

THENCE North 04°21'29" East, along the west property line of the said 0.5709 acre tract and along the said easement, a distance of 225.09 feet to an "X" cut in concrete found at a northwest property corner of the said 0.5709 acre tract, same being the southwest property corner of a called 615 square feet tract of land conveyed to Suri Management Corp., by deed as recorded in Volume 2003087, Page 3760, D.R.D.C.T., and being at the beginning of a curve to the right having a radius of 5,609.58 feet;

THENCE along a north property line of the said 0.5709 acre tract and along the south line of the said 615 square feet tract, with said curve to the right, through a central angle of 00°17'56", an arc length of 29.26 feet, and across a chord which bears North 86°19'32" East, a chord length of 29.26 feet to a 1/2 Inch Iron rod with a cap stamped "SPOONER & ASSOCIATES" set (hereinafter referred to as an iron rod set) at an interior property corner of the said 0.5709 acre tract, same being the southeast property corner of the said 615 square feet tract;

THENCE North 03°31'31" West, along a west property line of the said 0.5709 acre tract and along the east property line of the said 615 square feet tract, a distance of 40.00 feet to an iron rod set at the most northerly northwest property corner of the said 0.5709 acre tract, same being the northeast property corner of the said 615 square feet tract, said iron rod set also being on the southerly right-of-way line of State Highway No. 356 (being a variable width right-of-way also known as West Irving Boulevard), and being at the beginning of a curve to the right having a radius of 5,649.58 feet;

THENCE along the most northerly north property line of the said 0.5709 acre tract and along the said southerly right-of-way line of State Highway No. 356, through a central angle of 00°34'41", an arc length of 57.00 feet, and across a chord which bears North 86°46'09" East, a chord length of 57.00 feet to an iron rod set at the most northerly northeast property corner of the said 0.5709 acre tract;

THENCE South 29°31'56" East, along a northeast property line of the said 0.5709 acre tract and along the said southerly right-of-way line, a distance of 55.41 feet to an iron rod set at a northeast property corner of the said 0.5709 acre tract, same being on the west property line of the aforesaid 0.392 acre tract (Dallas County Clerk's Instrument No. 201300202043, O.P.R.D.C.T.);

THENCE North 20°30'02" East, along the west property line of the said 0.392 acre tract and continuing along the said southerly right-of-way, a distance of 53.42 feet to an iron rod set at the most northerly northwest property corner of the said 0.392 acre tract, and being at the beginning of a curve to the right having a radius of 5,649.58 feet;

THENCE along the north property line of the said 0.392 acre tract and along the said southerly right-of-way line, through a central angle of 00°39'26", an arc length of 64.81 feet, and across a chord which bears North 88°17'30" East, a chord length of 64.81 feet to an iron rod set at the northeast property corner of the said 0.392 acre tract;

THENCE South 20°30'02" West, along an east property line of the said 0.392 acre tract and continuing along the said southerly right-of-way line, a distance of 1.73 feet to an iron rod set at a northwest property corner of the aforesaid Tract 15 (D.C.C.I. No. 201200242028);

THENCE North 64°16'19" East, along a northwest property line of said Tract 15 and along the said southerly right-of-way line, at a distance of 3.87 feet passing a Texas Department of Transportation aluminum monument found, and continuing in all a total distance of 104.31 feet to a Texas Department of Transportation aluminum monument found at a northerly property corner of said Tract 15, and being on the said southerly right-of-way line;

THENCE North 89°14'28" East, along a north property line of said Tract 15 and continuing along the said southerly right-of-way line, a distance of 77.69 feet to an Iron rod set at the most northerly northeast property corner of said Tract 15, same being the most northerly northwest property corner of that certain tract of land conveyed to Long John Silvers, Inc., by deed as recorded in Volume 77078, Page 965, D.R.D.C.T.;

THENCE South 00°21'39" East, along an east property line of said Tract 15 and along a west property line of the said Long John Silvers tract, a distance of 142.46 feet to a 3/8 Inch Iron rod found (Controlling Monument) at a southeast property corner of said Tract 15, same being an Interior ell corner in the said Long John Silvers tract;

THENCE South 89°20'57" West, along a south property line of said Tract 15 and along a north property line of the said Long John Silvers tract, a distance of 75.24 feet to an Iron rod set at an Interior property corner of said Tract 15, same being a northwest property corner of the said Long John Silvers tract;

THENCE South 01°20'43" East, along an east property line of said Tract 15 and along a west property line of the said Long John Silvers tract, at a distance of 13.46 feet passing the most southerly southeast property corner of said Tract 15, same being the most northerly northeast property corner of the aforesaid Tract 16 (D.C.C.I. No. 201200242028), and continuing along an east property line of said Tract 16 and along a west property line of the said Long John Silvers tract, in all a total distance of 49.46 feet to an Iron rod set at northwest property corner of the aforesaid Tract 28 (D.C.C.I. No. 201200242027), same being the southwest property corner of the said Long John Silvers tract;

THENCE North 89°26'11" East, along a north property line of said Tract 28 and along the south property line of the said Long John Silvers tract, a distance of 234.35 feet to a 1 Inch Iron pipe found (Controlling Monument) at the northeast property corner of said Tract 28, same being the southeast property corner of the said Long John Silvers tract, and being on the west right-of-way line of O'Connor Road (being a variable width right-of-way at this point);

THENCE South 01°06'04" East, along an east property line of said Tract 28, a distance of 122.93 feet to an Iron rod set at the southeast property corner of said Tract 28, and being at the intersection of the said west right-of-way line and the aforesaid north right-of-way line of 2nd Street;

THENCE South 82°19'44" West, along a south property line of said Tract 28 and along the said north right-of-way line, a distance of 40.31 feet to an Iron rod set;

THENCE South 89°15'01" West, continuing along the said south property line and along the said right-of-way line, a distance of 195.00 feet to a 5/8 Inch Iron rod found (Controlling Monument) at the southwest property corner of said Tract 28, same being the most southerly southeast property corner of said Tract 16;

THENCE North 89°53'49" West, along the south property line of said Tract 16 and along the said north right-of-way line, at a distance of 150.01 feet passing the southwest property corner of said Tract 16, same being the southeast property corner of the aforesaid 0.392 acre tract, and continuing along the south property line of the said 0.392 acre tract and along the said right-of-way line, at a distance of 210.01 feet passing the southwest property corner of the said 0.392 acre tract, same being the southeast property corner of the aforesaid 0.5709 acre tract, and continuing along the south property line of the said 0.5709 acre tract and along the said north right-of-way line, in all a total distance of 267.62 feet to an Iron rod set at a southwest property corner of the said 0.5709 acre tract;

THENCE North 03°54'58" West, along a west property line of the said 0.5709 acre tract and along the said north right-of-way line, a distance of 3.18 feet to a 1/2 Inch Iron rod with a cap stamped "GRAHAM & ASSOC" found at a southerly property corner of the said 0.5709 acre tract;

THENCE South 89°39'27" West, along a south property line of the said 0.5709 acre tract and along the said north right-of-way line, a distance of 43.34 feet to the POINT OF BEGINNING, and containing 2.8095 acres (122,382 square feet) of land, more or less.

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Doug Janeway, as an authorized representative of City of Irving, 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.

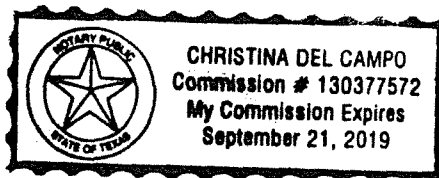
[Signature]  
Signature

Date: 9/14/2016

Doug Janeway  
Printed Name

Chief Development Officer  
Title

STATE OF Texas  
COUNTY OF Dallas



SUBSCRIBED AND SWORN before me on this the 14th day of September 2014, to which witness my hand and seal of office.

[Signature]  
Notary Public in and for the State of Texas