

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

January 17, 2017

Mr. Douglas M. MacMahon, Manager
9371 Garland, LLC
8214 Westchester Drive, Suite 550
Dallas, Texas 75225

Re: Municipal Setting Designation (MSD) Certificate for 9371 Garland LLC, 9371 Garland Road Site, 9371 Garland Rd., Dallas, Dallas County, Texas; Voluntary Cleanup Program (VCP) No. 2787; Customer No. CN605034354; Regulated Entity No. RN103141198

Dear Mr. MacMahon:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on September 16, 2016 and additional information supporting this MSD application on December 22, 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 that reads "Rodney Bryant".

Rodney Bryant, Project Manager
VCP-CA Section
Remediation Division

RB/jdm

cc: Mr. Kenneth Tramm, PhD, PG, CHMM, Modern Geosciences, 5100 Thompson Terrace, Colleyville, Texas 76034

Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

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. 340, 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 17th day of January, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

**MUNICIPAL SETTING DESIGNATION SURVEY
C.A. LOVEJOY SURVEY, ABSTRACT No. 829
CITY OF DALLAS BLOCK NO. C/4414, DALLAS COUNTY, TEXAS**

BEING all that certain tract or parcel of land situated in the C.A. Lovejoy Survey, Abstract No 829 in the City of Dallas, Dallas County, Texas and being a portion of Garland Road, having a variable with right-of-way and being all of that certain tract of land conveyed to City of Dallas, as recorded in Volume 2651, Page 258 of the Deed Records of Dallas County, Texas, and being all of Lots 2A, Block C/4414 of TCB-Casa Linda Addition, Revision 1, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 98095, Page 57 of the Map Records of Dallas County, Texas, also being all that certain tract of land conveyed to Akleanco, Inc, as recorded in Volume 99065, Page 3100 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a "X" found for the most westerly corner of said City of Dallas tract and interior ell corner of that certain tract of land conveyed to White Rock Community Church, as recorded in Volume 98085, Page 9324 of the Deed Records of Dallas County, Texas;

THENCE North 43 degrees 51 minutes 59 seconds East, along the northwest line of said City of Dallas tract and a southeast line of said Church tract, a distance of 102.06 feet to a point for the most northerly corner of said City of Dallas tract and the northerly most east corner of said Church tract, said point being in a southwest line of that certain tract of land conveyed to Texas Commerce Bank-Casa Linda, National Association, as recorded in Volume 80238, Page 2396 of the Deed Records of Dallas County, Texas;

THENCE South 45 degrees 13 minutes 13 seconds East, along the northeast line of said City of Dallas tract and a southwest line of said Bank tract, a distance of 21.67 feet to a "X" found for a south corner of said Bank tract and the most westerly corner of said Lot 2A;

THENCE along the northwest line of said Lot 2A and a southeast line of said Bank tract, the following four (4) courses:

- North 44 degrees 46 minutes 47 seconds East, a distance of 32.00 feet to a "X" found for corner;
- North 50 degrees 16 minutes 13 seconds East, a distance of 17.29 feet to a "X" found for corner;
- North 44 degrees 30 minutes 45 seconds East, a distance of 37.86 feet to a "X" found for corner;
- North 61 degrees 25 minutes 57 seconds East, a distance of 27.06 feet to a "X" found for corner;

THENCE South 45 degrees 13 minutes 13 seconds East, along the northeast line of said Lot 2A and the a southwest line of said Bank tract, passing at 15.6 feet the most westerly corner of that certain tract of land conveyed to System Capital Real Property Corporation, as recorded in Volume 200105, Page 309 of the Deed Records of Dallas County, Texas, continuing a total distance of 132.60 feet to a "X" found for an east corner of said Lot 2A and an interior ell corner of said System Capital tract;

LEGEND:

- | | |
|------------|------------------------------------|
| IRF | IRON ROD FOUND |
| "X" FND | X FOUND IN CONCRETE |
| SQ FT | SQUARE FEET |
| D.R.D.C.T | DEED RECORDS, DALLAS COUNTY, TEXAS |
| M.R.D.C.T. | MAP RECORDS, DALLAS COUNTY, TEXAS |



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com

Bearings are based on State Plane Coordinate System, Texas North Central Zone 4202, North American datum of 1983, (2011) on grid coordinate values, no scale and no projection.

JOB #: 1502856-2
DATE: 11/18/15
DRAWN BY: CRH
PAGE: 1 of 3

**MUNICIPAL SETTING DESIGNATION SURVEY
C.A. LOVEJOY SURVEY, ABSTRACT No. 829
CITY OF DALLAS BLOCK NO. C/4414, DALLAS COUNTY, TEXAS**

THENCE South 44 degrees 46 minutes 47 seconds West, along the most southerly east line of said Lot 2A and a northwest line of said System Capital tract, a distance of 42.49 feet to a "X" found for an interior ell corner of said Lot 2A and a west corner of said System Capital tract;

THENCE South 45 degrees 13 minutes 13 seconds East, along a northeast line of said Lot 2A and a southwest line of said System Capital tract, passing at 36.50 feet a "X" found for an easterly corner of said Lot 2A and the most southerly corner of said System Capital tract and the northwest right-of-way line of said Garland Road (called 110 foot right-of-way at this point), continuing a total distance of 146.27 feet to a point for corner in the southeast right-of-way line of said Garland Road and in the northwest line of Casa Linda Highlands, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 435 of the Map Records of Dallas County, Texas;

THENCE South 44 degrees 12 minutes 02 seconds West, along the southeast line of said Garland Road and the northwest line of said Casa Linda Highlands, a distance of 168.66 feet to a point for corner;

THENCE North 45 degrees 56 minute 30 seconds West, a distance of 309.88 feet to the POINT OF BEGINNING and containing 57,202 square feet or 1.313 acres of land, more or less.

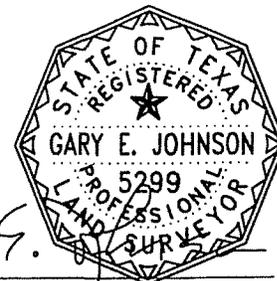
This document was prepared under 22TAC 663.21 and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

LEGEND:

IRF	IRON ROD FOUND
"X" FND	X FOUND IN CONCRETE
SQ FT	SQUARE FEET
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS



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Gary E.

Gary E. Johnson, R.P.L.S. #5299

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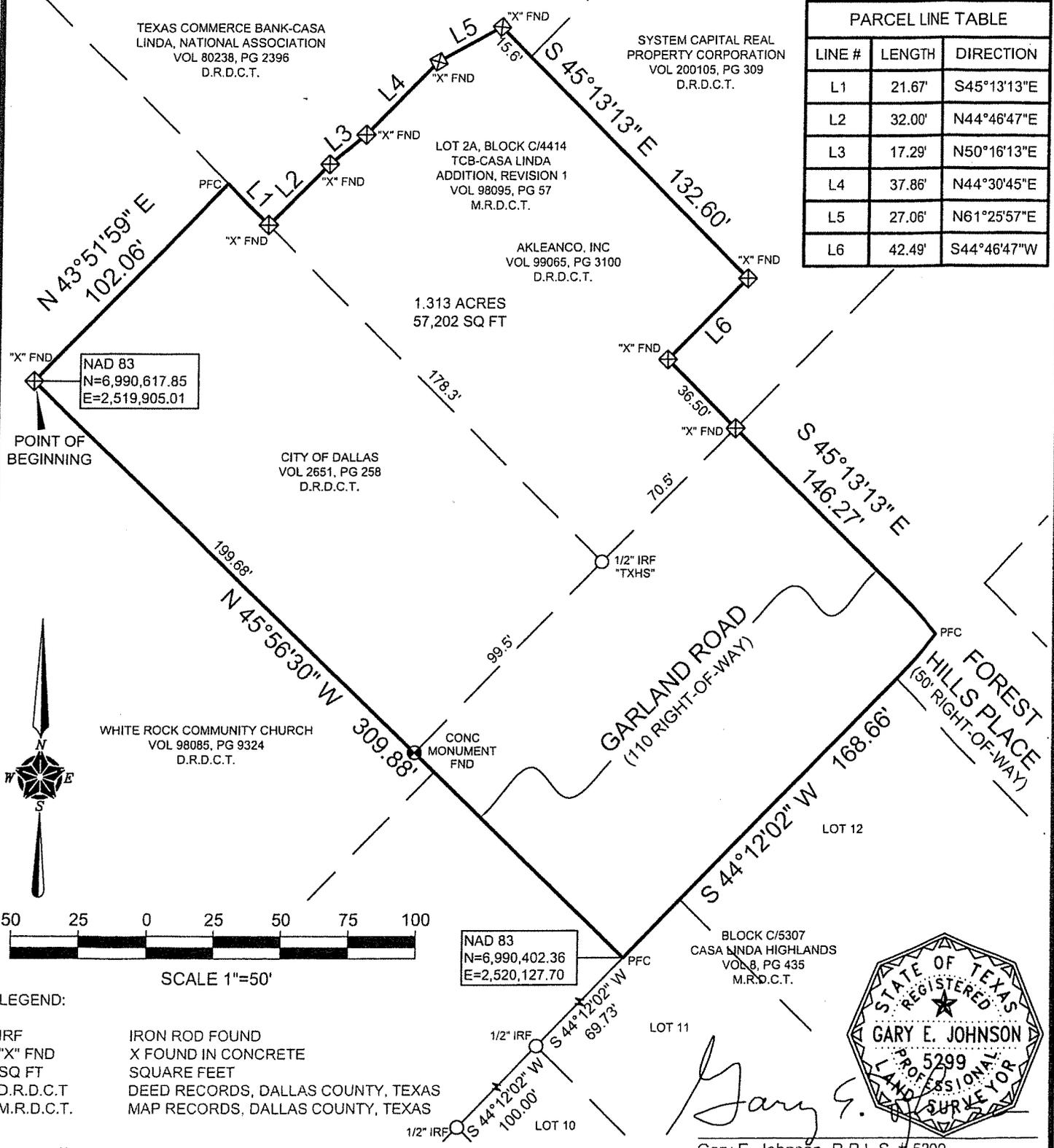
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MUNICIPAL SETTING DESIGNATION SURVEY

C.A. LOVEJOY SURVEY, ABSTRACT No. 829

CITY OF DALLAS BLOCK NO. C/4414, DALLAS COUNTY, TEXAS

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	21.67'	S45°13'13"E
L2	32.00'	N44°46'47"E
L3	17.29'	N50°16'13"E
L4	37.86'	N44°30'45"E
L5	27.06'	N61°25'57"E
L6	42.49'	S44°46'47"W



TEXAS COMMERCE BANK-CASA LINDA, NATIONAL ASSOCIATION
VOL 80238, PG 2396
D.R.D.C.T.

SYSTEM CAPITAL REAL PROPERTY CORPORATION
VOL 200105, PG 309
D.R.D.C.T.

LOT 2A, BLOCK C/4414
TCB-CASA LINDA
ADDITION, REVISION 1
VOL 98095, PG 57
M.R.D.C.T.

AKLEANCO, INC
VOL 99065, PG 3100
D.R.D.C.T.

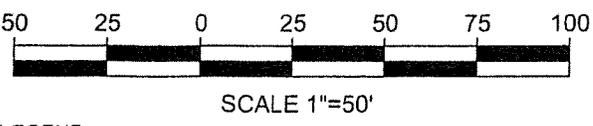
CITY OF DALLAS
VOL 2651, PG 258
D.R.D.C.T.

WHITE ROCK COMMUNITY CHURCH
VOL 98085, PG 9324
D.R.D.C.T.

BLOCK C/5307
CASA LINDA HIGHLANDS
VOL 8, PG 435
M.R.D.C.T.

NAD 83
N=6,990,617.85
E=2,519,905.01

NAD 83
N=6,990,402.36
E=2,520,127.70



- LEGEND:**
- IRF IRON ROD FOUND
 - "X" FND X FOUND IN CONCRETE
 - SQ FT SQUARE FEET
 - D.R.D.C.T DEED RECORDS, DALLAS COUNTY, TEXAS
 - M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS



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PAGE: 3 of 3

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Douglas M. MacMahon, as an authorized representative of 9371 Garland, LLC, 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.

D. M. MacMahon
Signature

Date: 9/12/16

Douglas M. MacMahon
Printed Name
Manager
Title

STATE OF TEXAS
COUNTY OF DALLAS

SUBSCRIBED AND SWORN before me on this the 12TH day of SEPTEMBER 2016, to which witness my hand and seal of office.

Andrea J McLeod
Notary Public in and for the State of TEXAS

