

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 23, 2017

Mr. Erik Ward, Vice President  
Belclaire Realty, Ltd.  
4011 Commerce Street  
Dallas, Texas 75226

Re: Municipal Setting Designation (MSD) Certificate for Commercial Properties located at 3001, 3011, & 3015 Gaston Avenue and 3014 & 3016 Floyd Street, Dallas, Dallas County, Texas; MSD No. 343; Customer No. CN603055161; Regulated Entity No. RN108859851

Dear Mr. Ward:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on October 17, 2016 and additional information supporting this MSD application on February 9, 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) 239-1107 or via e-mail ([kirk.coulter@tceq.texas.gov](mailto:kirk.coulter@tceq.texas.gov)).

Sincerely,

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

Kirk Coulter, P.G., Project Manager  
VCP-CA Section  
Remediation Division

KEC/mdh

cc: Mr. Kevin Almaguer, PG, EnviroPhase, Inc., 703 McKinney Ave., Suite 332,  
Dallas, TX 75202

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. 343, 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 23<sup>rd</sup> day of March, 2017

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

LEGAL DESCRIPTION  
DESIGNATED PROPERTY  
MUNICIPAL SETTING DESIGNATION BOUNDARY

1.878 Acre Tract Being All of Lot 7, 8 and a Portion of Lot 9, Block 493 of Nussbaumer's Gaston Avenue Addition, and Portions of Floyd Street, Oak Street, and Gaston Avenue, City of Dallas, Dallas County, Texas

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, said tract being all of Lot 7, 8 and a Portion of Lot 9, Block 493 of Nussbaumer's Gaston Avenue Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 71, Page 301, Deed Records of Dallas County, Texas, and Portions of Floyd Street, Oak Street, and Gaston Avenue, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the northwest line of Gaston Avenue (80 foot right-of-way), said point being the south corner of Lot 6 and the east corner of Lot 7, Block 493 of the said Nussbaumer's Gaston Avenue Addition;

THENCE N 45°00'00" E, with the northwest line of Gaston Avenue, a distance of 74.00 feet to a point for corner, said point being the east corner of said Lot 6;

THENCE S 45°00'00" E, crossing Gaston Avenue, a distance of 80.00 feet to a point for a corner in the southeast line of Gaston Avenue, said point being in the northwest line of Block B/491 of Nussbaumer's Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 106, Page 237, Deed Records of Dallas County, Texas;

THENCE S 45°00'00" W, with the southeast line of Gaston Avenue, passing at a distance of 295.90 feet the intersection of the southeast line of Gaston Avenue with the northeast line of Oak Street (a 40 foot right of way), continuing in all a distance of 335.90 feet to a point for a corner at the intersection of the southeast line of Gaston Avenue with the southwest line of Oak Street;

THENCE N 45°28'54" W, crossing Gaston Avenue, passing at a distance of 80.00 feet the intersection of the northwest line of Gaston Avenue with the southwest line of Oak Street, said point being the east corner of Block 2/492, passing at a distance of 248.97 feet the intersection of the southwest line of Oak Street with the southeast line of Floyd Street (a 50 foot right of way), continuing in all a distance of 299.15 feet to a point for a corner at the intersection of southwest line of Oak Street with the northwest line of Floyd Street, said point being the east corner of Block 497;

THENCE N 49°16'40" E, crossing Oak Street, passing at a distance of 40.00 feet the intersection of the northwest line of Floyd Street with the northeast line of Oak Street and the south corner of Block 494 of the said Nussbaumer's Gaston Avenue Addition, continuing in all a distance of 263.05 feet to a point for a corner;

THENCE S 45°36'00" E, crossing Floyd Street, passing at a distance of 50.00 feet the southeast line of Floyd Street and the north corner of said Lot 7 and the west corner of said Lot 6, continuing in all a distance of 199.52 feet to the Point of Beginning and Containing 81,815 square feet or 1.878 acre of land.

Date: February 8, 2016



L. Lynn Kadleck  
Registered Professional  
Land Surveyor No. 3952



**Basis of Bearing:**

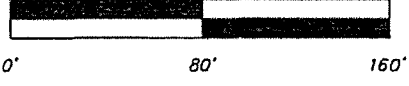
The bearing basis for this survey is a bearing of S 45°00'00" W for the northwest line of Gaston Avenue as indicated in the deed to Bellclaire Realty, Ltd. Recorded in Instrument Number 201400308711, Official Public Records of Dallas, County, Texas.

DESIGNATED PROPERTY  
MUNICIPAL SETTING DESIGNATION BOUNDARY

1.878 Acres Being a Portion of City LOT 7, All of City LOT 8 & 9, BLOCK 493,  
and Portions of Floyd Street, Oak Street, and Gaston Avenue,  
City of Dallas, Dallas County, Texas

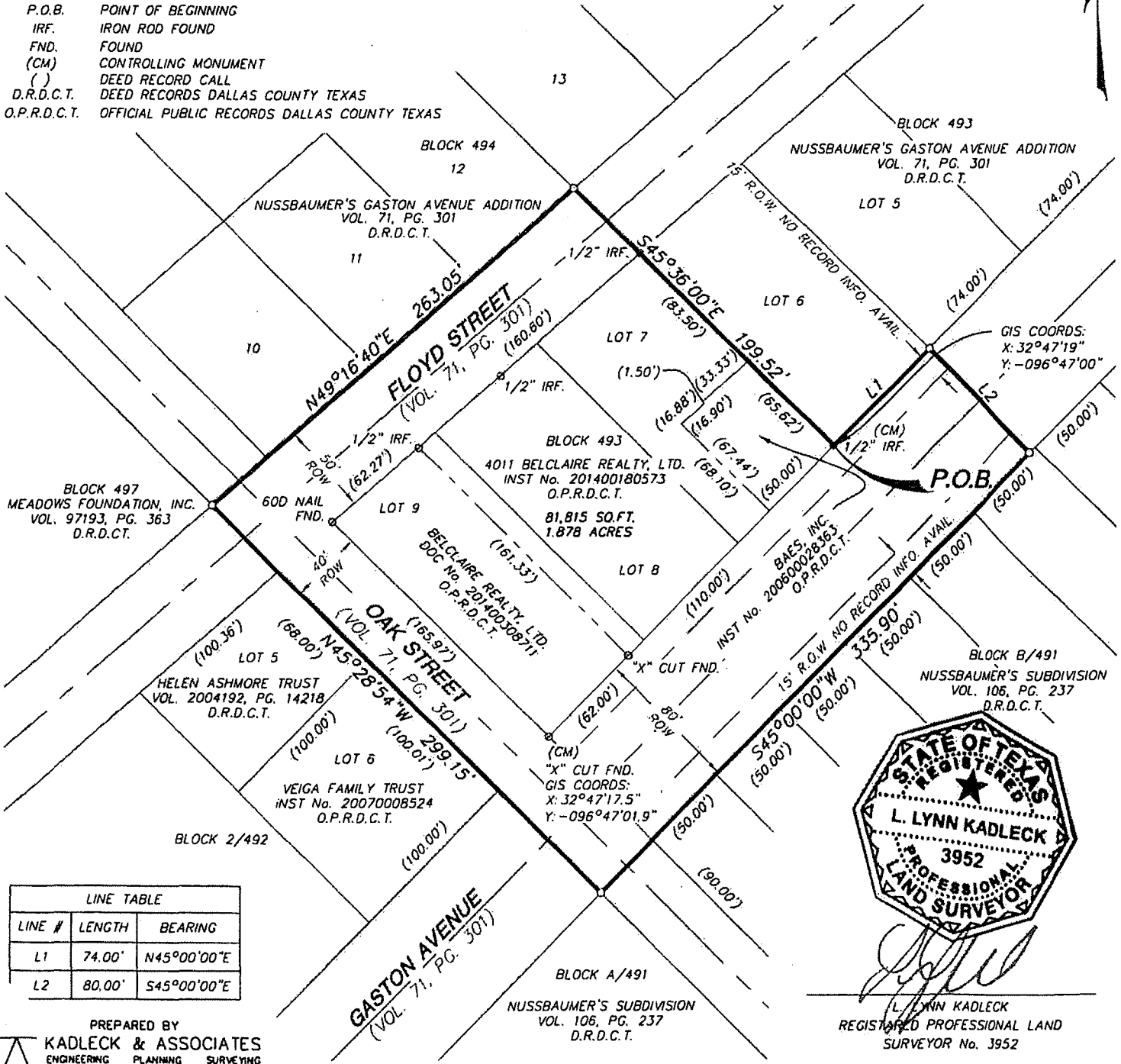
The bearing basis for this survey is a bearing of S 45°00'00" W for the northwest line of Gaston Avenue as indicated in the deed to Belclaire Realty, Ltd. Recorded in Instrument Number 201400308711, Official Public Records of Dallas County, Texas.

GRAPHIC SCALE 1" = 80'

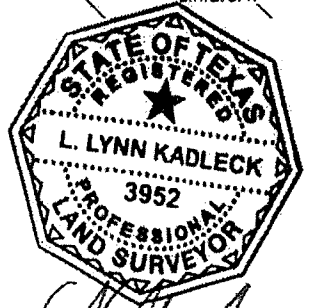


LEGEND

- P.O.B. POINT OF BEGINNING
- IRF. IRON ROD FOUND
- FND. FOUND
- (CM) CONTROLLING MONUMENT
- ( ) DEED RECORD CALL
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS



GIS COORDS:  
X: 32°47'19"  
Y: -096°47'00"



L. LYNN KADLECK  
REGISTERED PROFESSIONAL LAND  
SURVEYOR No. 3952

LINE TABLE		
LINE #	LENGTH	BEARING
L1	74.00'	N45°00'00"E
L2	80.00'	S45°00'00"E

PREPARED BY  
**KADLECK & ASSOCIATES**  
ENGINEERING PLANNING SURVEYING  
2000 N. CENTRAL EXPRESSWAY SUITE 113  
(972) 881-0771 75074  
TBP Reg. No. F-6460/TBPLS Reg. No. 100555-00

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Erik Ward, as an authorized representative of Belclaire Investment Corporation - General Partner for Belclaire Realty, Ltd., 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)

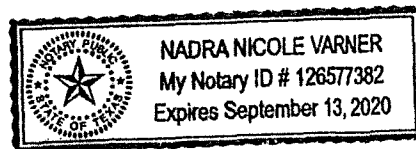
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Erik Ward  
Signature

Date: 10-13-16

Erik Ward  
Printed Name

Vice President  
Title



STATE OF Texas  
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 14th day of October 2016, to which witness my hand and seal of office.

Nadra Varner  
Notary Public in and for the State of Texas