

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 10, 2018

Mr. David E. Claassen, Manager  
Josey-Val Retail, LP  
8400 Westchester Dr., Suite 300  
Dallas, Texas 75225

Re: Municipal Setting Designation (MSD) Certificate for Valley View-Josey Property, LP;  
Josey-Val Shopping Center, Inc.; Josey-Val Retail, LP; Josey at Valley Outparcels III, LP;  
MSD No. 361; Customer No. CN604910133; Regulated Entity No. RN110111879

Dear Mr. Claassen:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on April 28, 2017 and additional information supporting this MSD application on July 14, 2018. 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) 239-2238 or via e-mail ([aaron.correll@tceq.texas.gov](mailto:aaron.correll@tceq.texas.gov)).

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Correll".

Aaron Correll, P.G., Project Manager  
VCP-CA Section  
Remediation Division

AC/jdm

cc: Mr. Frank W. Clark, P.E., P.G., W&M Environmental Group, Inc., 906 East 18<sup>th</sup> Street, Plano, Texas 75074

Ms. Erin Gorman, TCEQ, Waste Section Manager, DFW Regional Office, MC 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):

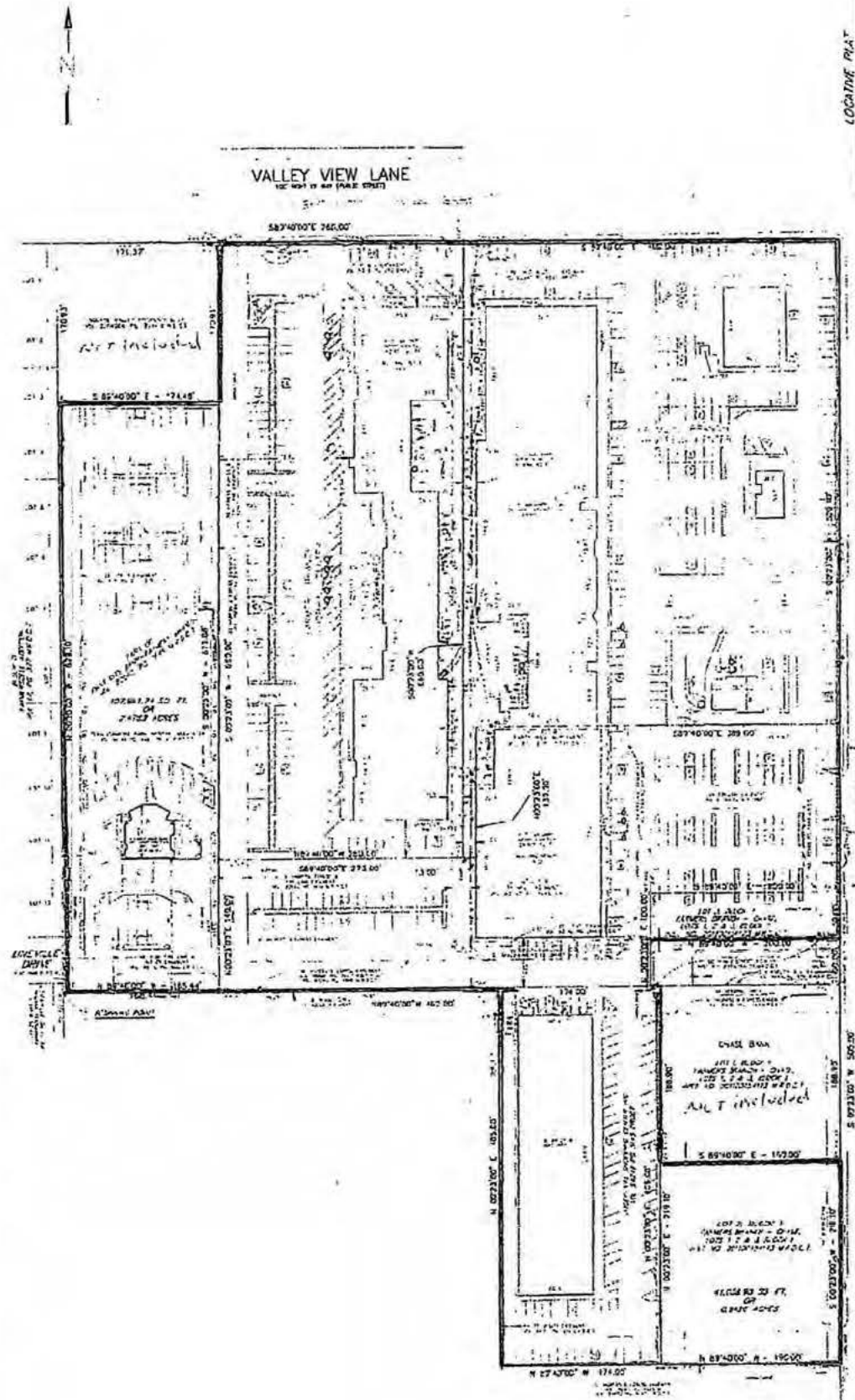
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 361, in the City of Farmers Branch, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the 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 2<sup>nd</sup> day of July, 2018

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality



LOCAINE PLAT

JOSEY LANE

SCALE 1" = 40'

DAVIS LAND SURVEYING CO., INC.  
2007 HICKORY STREET, SUITE 100  
DALLAS, TEXAS 75219  
PHONE: 214-750-1000  
FAX: 214-750-1001

## PROPERTY DESCRIPTION

BEING all of FARMERS BRANCH SHOPPING CENTER, the remainder of FIRST CITY BANK-FARMERS BRANCH, and all of Lots 2 and 3 of FARMERS BRANCH - CHASE, LOTS 1, 2 & 3, BLOCK 1, additions to the City of Farmers Branch, Texas, recorded in 82040, Page 1641, Volume 82040, Page 1649 and Instrument No. 201100154173, respectively, of the Map Records of Dallas County, Texas, and being all of those same tracts of land described in deeds to Josey-Val Shopping Center, Inc., Josey @ Valley Outparcels III, LP, Valley View-Josey Property, LP and Josey-Val Retail, LP, recorded in Volume 94029, Page 3754, Volume 94242, Page 5145, Instrument No. 201400279349, Instrument No. 201400303343 and Instrument No. 201400303349, respectively, of the Deed Records of Dallas County, Texas, and said composite tract being more particularly described as follows:

BEGINNING at the present intersection on the south R.O.W. line of Valley View Lane (a 100' R.O.W.) with the west R.O.W. line of Josey Lane (a 100' R.O.W.);

THENCE S 00°23'00" W, 750.00' along the west line of Josey Lane to a nail found at the northeast corner of Lot 1, Block 1 of the aforementioned Farmers Branch - Chase, Lots 1, 2 & 3, Block 1 addition;

THENCE N 89°40'00" W, 200.00' along the north line of said Lot 1 to a nail found for corner;

THENCE S 00°23'00" W, 50.00' along the west line of said Lot 1 to a nail found for corner;

THENCE S 89°40'00" E, 10.00' along a south line of said Lot 1 to a nail found for corner;

THENCE S 00°23'00" W, 188.90' along the west line of said Lot 1 to a 3/4" iron rod found for corner;

THENCE S 89°40'00" E, 190.00' along the south line of said Lot 1 to a 3/4" iron rod found for corner in the west line of Josey Lane;

THENCE S 00°23'00" W, 216.10' along the west line of Josey Lane to a cross found at the northeast corner of that same tract of land described in deed to JDBM Texas, LLC, recorded in Instrument No. 20080244193 of the Deed Records of Dallas County, Texas;

THENCE N 89°40'00" W, 364.00' along the north line of said JDBM Texas, LLC property and Lot 1 of Tara Addition, an addition to the City of Farmers Branch, Texas, recorded in Volume 69095, Page 2069 of the Map Records of Dallas County, Texas, to a point for corner;

THENCE N 00°23'00" E, 405.00' along the westernmost east line of said Tara Addition to a point for corner;

THENCE N 89°40'00" W, 466.44' along the northernmost north line of said Tara Addition to a 1/2" iron rod found for corner in the east line of Block F of Farmersdell Addition, an addition to the City of Farmers Branch, Texas, recorded in Volume 17, Page 377 of the Map Records of Dallas County, Texas;

THENCE N 00°10'00" W, 629.10' along the east line of said Block F of Farmersdell Addition, the east line of Lineville Drive (a 50' R.O.W.) and the east line of Block D of said Farmersdell Addition to a 1/2" iron rod found at the southwest corner of that same tract of land described in deed to Square Valley Properties, LP, recorded in Volume 2004006, Page 7744 of the Deed Records of Dallas County, Texas;

THENCE S 89°40'00" E, 174.48' along the south line of said Square Valley Properties, LP property to a nail found for corner;

THENCE N 00°23'00" E, 170.91', along the east line of said Square Valley Properties, LP property to a 1/2" iron rod found for corner in the south line Valley View Lane;

THENCE S 89°40'00" E, 662.00' along the south line Valley View Lane to the Point of Beginning and containing 738,991.70 square feet or 16.9649 acres of land.



*[Handwritten Signature]*  
2/16/17



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Mr. David E. Claassen, as an authorized representative of Valley View-Jossey Property, LP; Jossey-Val Shopping Center, Inc.; Jossey-Val Retail, LP; Jossey at Valley Outparcels III, LP, 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: 4-7-17

Mr. David Claassen  
Printed Name  
President and General Partner  
Title



STATE OF Texas  
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 7<sup>th</sup> day of April 2017, to which witness my hand and seal of office.

Kimberly Jane Donachie  
Notary Public in and for the State of Texas