

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 17, 2009

Mr. Roger Kummert, Vice President
Northern Trust, N.A.
580 California Street, Suite 1800
San Francisco, CA 94104

Re: Municipal Setting Designation (MSD) Certificate for Bedford Central Shopping Center, 2821 Central Drive, Bedford, Tarrant County, TX; MSD No. 107

Dear Mr. Kummert:

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, Project Manager
VCP-CA Section
Remediation Division

MF/sr

Enclosure

cc: Mr. Dean Perkins, Project Manager, VCP No. 1029, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



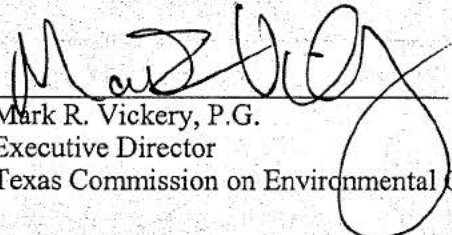
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 107, in the City of Bedford, 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 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 the 10th day of December, 2009


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

'A'

FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
TARRANT COUNTY

BEING a tract of land situated in the M.A. Barnes Survey, Abstract Number 94, City of Bedford, Tarrant County, Texas, being part of Lot 10-R-1, Block 6 of Lot 10-R-1 and Lot 14, Block 6, Bedford Meadows Addition, Phase Two, an addition to the City of Bedford, Tarrant County, Texas, as recorded in Volume 388-181, Page 43, Plat Records, Tarrant County, Texas, also being part of that tract of land described in deed to Northern Trust Bank of Texas N.A. ('Northern Trust-Texas) as Special Trustee, as recorded in Volume 12324, Page 0452, Deed Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 1 inch found iron pipe for the most northerly northeast corner of said Lot 10-R-1, said corner also being in the southerly right-of-way line of Harwood Road (100 foot wide public right-of-way);

THENCE South, departing said southerly right-of-way line of Harwood Road, a distance of 150.00 feet to a 1 inch found iron pipe for an interior ellcorner of said Lot 10-R-1;

THENCE East, a distance of 129.99 feet to a found 'X' cut for the most easterly northeast corner of said Lot 10-R-1, said corner also being in the westerly right-of-way line of Central Drive (90 foot wide public right-of-way), said corner also being in a circular curve to the right having a radius of 1,255.00 feet and whose chord bears South 06 degrees 46 minutes 08 seconds West, a distance of 283.98 feet;

THENCE in a Southerly direction, along said westerly right-of-way line of Central Drive, along the easterly line of said Lot 10-R-1, and along said circular curve to the right, through a central angle of 12 degrees 59 minutes 34 seconds, an arc distance of 284.59 feet to a 1/2 inch found iron rod with yellow plastic cap stamped 'Brittain & Crawford' for corner;

THENCE West, departing said westerly right-of-way line of Central Drive and said east line of said Lot 10-R-1, passing a 1/2 inch found iron rod with yellow plastic cap stamped 'Brittain & Crawford' at a distance of 125.00 feet, in all a total distance of 350.00 feet to a point for corner;

THENCE South, a distance of 176.64 feet to a point for corner, said corner being in the southwest line of said Lot 10-R-1;

THENCE North 57 degrees 12 minutes 00 seconds West, along said southwest line of said Lot 10-R-1, a distance of 17.63 feet to a found 'X' cut for the beginning of a tangent circular curve to the right having a radius of 450.00 feet and whose chord bears North 44 degrees 06 minutes 00 seconds West, a distance of 203.99 feet;

THENCE in a Northwesterly direction, along said southwest line of said Lot 10-R-1 and along said circular curve to the right, through a central angle of 26 degrees 12 minutes 00 seconds, an arc distance of 205.77 feet to a found 'X' cut for the point of tangency;

THENCE North 31 degrees 00 minutes 00 seconds West, along said southwest line of said Lot 10-R-1, a distance of 77.19 feet to a found 'X' cut for the beginning of a tangent circular curve to the right having a radius of 350.00 feet and whose chord bears North 15 degrees 30 minutes 00 seconds West, a distance of 187.07 feet;

THENCE in a Northwesterly direction, along said southwest line of said Lot 10-R-1 and along said circular curve to the right, through a central angle of 31 degrees 00 minutes 00 seconds, an arc distance of 189.37 feet to a 1/2 inch found iron rod for the point of tangency;

THENCE North, along the west line of said Lot 10-R-1, a distance of 206.17 feet to a 1/2 inch found iron rod for the northwest corner of said Lot 10-R-1, said corner also being in said southerly right-of-way line of Harwood Road;

THENCE East, along the north line of said Lot 10-R-1 and along said southerly right-of-way line of Harwood Road, a distance of 500.00 feet to the POINT OF BEGINNING AND CONTAINING 261,244 square feet or 5.9973 acres of land, more or less.

The Basis of Bearing of this Survey is Lot 10-R-1 and Lot 14, Block 6, Bedford Meadows Addition, Phase Two, as recorded in Volume 388-181, Page 43, Plat Records, Tarrant 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 August 09, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:269,100.

Gregory S. Kays Aug. 13, 2007
GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040

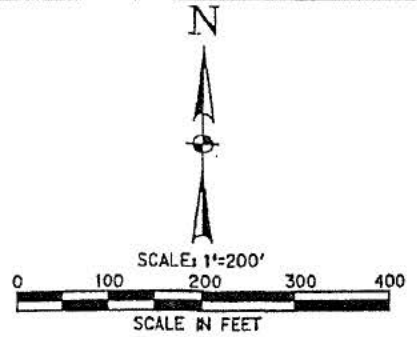


Halff Associates
ENGINEERS · ARCHITECTS · SCIENTISTS · PLANNERS · SURVEYORS
N. BOWSER ROAD
AS, TEXAS 75081
(214)346-6300 FAX (214)739-0095

1"=200' -SMO1 M.	PART OF LOT 10-R-1, BLOCK 6 BEDFORD MEADOWS ADDITION	EXHIBIT 'A' MSD AREA SURVEY	SHEET 2/3
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LOT 1, BLOCK 6,
HARWOOD/CENTRAL SHOPPING CENTER
(VOLUME 388-202, PAGE 12)
P.R.T.C.T.

(OWNER)
CA HARWOOD L.P.
(VOL. 13783, PG. 0441)
D.R.T.C.T.



LOT 12, BLOCK 6, OF LOTS
10-R, 11, 12, AND 13, BLOCK 6
BEDFORD MEADOWS ADDITION,
PHASE TWO
(VOLUME 388-133, PAGE 38)
P.R.T.C.T.

(OWNER)
NORTHERN TRUST BANK OF TEXAS N.A.
(NORTHERN TRUST-TEXAS), TRUSTEE
(CC D204197133)
D.R.T.C.T.

PLAT
LOT 1, BLOCK G-1,
CITGO ADDITION NO.2
(VOL 388-135, PG. 36)
P.R.T.C.T.

(OWNER)
THE SOUTHLAND CORPORATION
(VOLUME 8032, PG 336)
D.R.T.C.T.

A= 12°59'34"
R= 1,255.00'
T= 142.91'
L= 284.59'
C.B.= S06°46'08"W
C.L.= 283.98'

1/2" FIR W/CAP
STAMPED 'BRITAIN
& CRAWFORD' (C.M.)

LOT 14, BLOCK 6 OF LOT 10-R-1
AND LOT 14 BLOCK 6
BEDFORD MEADOWS ADDITION,
PHASE TWO
(VOLUME 388-181, PAGE 43)
P.R.T.C.T.

(OWNER)
RICHARD G. CHATFIELD
AND WIFE, CARRID. CHATFIELD
(VOL. 10291, PG. 1656)
D.R.T.C.T.



*2024.12.06
Aug. 13, 2007*

POINT OF BEGINNING

HARWOOD ROAD
(100' WIDE PUBLIC R.O.W.)
EAST 500.00'

261,244 SQ. FT.
OR
5.9973 ACRES

(OWNER)
NORTHERN TRUST BANK OF TEXAS N.A.
(NORTHERN TRUST-TEXAS), SPECIAL TRUSTEE
(VOLUME 12324, PAGE 0452)
D.R.T.C.T.

LOT 1, -R BLOCK 6 OF
BEDFORD MEADOWS ADDITION,
PHASE TWO
(VOLUME 388-153, PAGE 63)
P.R.T.C.T.

1/2" FIR
N=6,995,595.325
E=2,387,946.802

N90°00'00"W
120.00'

(OWNER)
JOHN T. ARCHER ET AL,
TRUSTEES
(VOL. 13783, PG. 0042)
D.R.T.C.T.

LOT 2 OF BLOCK 6
BEDFORD MEADOWS ADDITION,
PHASE TWO
(VOLUME 388-133, PAGE 25)
P.R.T.C.T.

A= 31°00'00"
R= 350.00'
T= 97.06'
L= 189.37'
C.B.= N15°30'00"W
C.L.= 187.07'

MEADOWPARK DR.
(60' WIDE PUBLIC R.O.W.)

A= 26°12'00"
R= 450.00'
T= 104.72'
L= 205.77'
C.B.= N44°06'00"W
C.L.= 203.99'

M. A. BARNES SURVEY, ABSTRACT NO. 94

LOT 13, BLOCK 6, OF LOTS
10-R, 11, 12, AND 13. P.R.T.C.T.
BLOCK 6, BEDFORD MEADOWS ADDITION PHASE TWO
(VOLUME 388-133, PAGE 43)
P.R.T.C.T.

The Basis of Bearing of this Survey Is Lot 10-R-1 and Lot 14, Block 6, Bedford Meadows Addition, Phase Two, as recorded in Volume 388-181, Page 43, Plat Records, Tarrant County, Texas.

The Coordinates shown hereon is based upon the North American Datum of 1983, Texas Coordinate System, North Central Zone as established by static GPS observations utilizing NGS Continuously Operated Reference Stations (CORS) Control Monuments: ARLINGTON TXAR, DENTON TXDE.

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DALLAS, TEXAS 75081
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LEGEND

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

SCALE: 1"=200'
A.V.O. 21117-SM01
DRAWN: JOEL M.

PART OF
LOT 10-R-1, BLOCK 6
BEDFORD MEADOWS ADDITION
BEDFORD TEXAS 75001

EXHIBIT 'A'
MSD AREA SURVEY
5.9973 ACRES

SHEET
3/3

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
³ Do not submit application.			
⁴ NA only when no such municipality, private well owner, or retail public utility exists			

MSD Information:

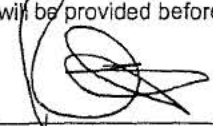
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable.

VLP 2049

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? 3/9/09 /	<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.


 Applicant Signature

3/19/09
 Date

Before me Erin Garrison the undersigned authority, on this day personally appeared

Roger Kummer
Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of San Francisco, State of CA, on the 19th day of March, this month of March, 2009



