

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2012

Mr. Greg Rogers, Legal Counsel
Guida Salvich & Flores P.C.
816 Congress Avenue, Suite 500
Austin, Texas 78701

RE: Municipal Setting Designation (MSD) Certificate for Taylor Farms Texas, Inc., 2510 South Good Latimer Expressway, Dallas, Dallas County, Texas; MSD No. 182

Dear Mr. Rogers:

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) 239-2204 or via e-mail (andre.price@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Price".

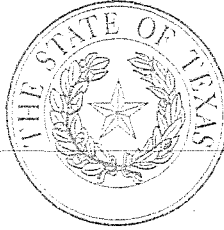
André V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/mdh

Enclosure

cc: VCP No. 2349, Reader File, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



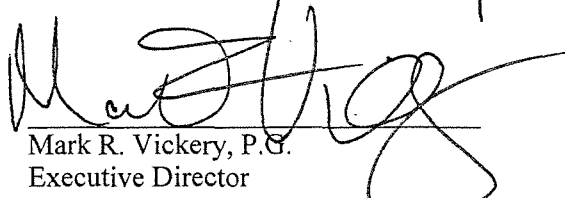
MUNICIPAL SETTING DESIGNATION CERTIFICATE

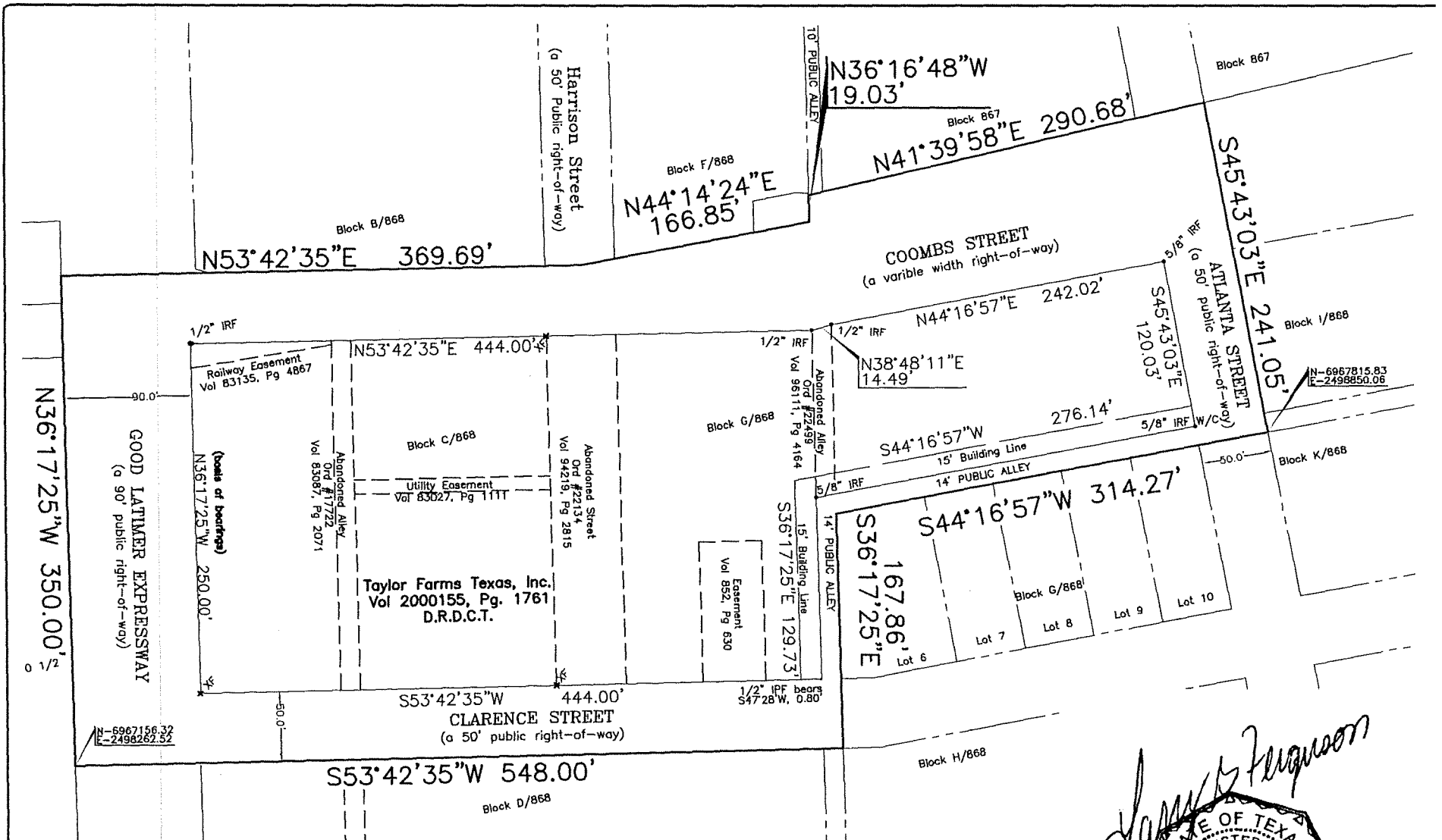
As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 182, 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 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 31st day of January, 2012


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



SHEET 3 OF 3

LGF LAND SURVEYING

Accurate Reliable Responsive

1846 E. Rosemeade Pkwy, #142
 Carrollton, TX 75007
 Phone: 214-289-6804
 Fax: 972-212-7294

SCALE	DATE	JOB NO.
1"=100'	12-8-2010	MSD



MSD No. 182
 Exhibit "A"

MSD No. 142
Exhibit "A"

MSD Survey
2510 S Good Latimer Expressway
Dallas, TX
Page 2 of 3

LAND DESCRIPTION

BEING a 6.059 acre tract of land situated in the JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, City of Dallas, DALLAS County, Texas, being all of that certain tract of land described in deed to Taylor Farms Texas, Inc. as recorded in Volume 2000155, Page 1761 of the Deed Records of Dallas County, Texas, same being a portion of Lots 1-5 and all of Lots 6-10, Block No. C/868 of the EAKINS, HUGHES AND EAKINS SUBDIVISION, an Addition to the City of Dallas, DALLAS County, Texas described by plat recorded in Volume 106, Page 149, Deed Records, DALLAS County, Texas and all of a 14-foot alley abandoned by City of Dallas Ordinance No. 17722 recorded in Volume 83087, Page 2071, Deed Records, DALLAS County, Texas, all of that called 12,500 square foot tract of land described in deed to Fresh Express Dallas, Inc. recorded in Volume 94186, Page 4363, Deed Records, DALLAS County, Texas also known as Harrison Street (a 50-foot right of way) abandoned by the City of Dallas Ordinance No. 22134 recorded in Volume 94129, Page 2815, Deed Records, DALLAS County, Texas, all of that certain tract of land described in deed to Fresh Express Dallas, Inc. recorded in Volume 92103, Page 1203, Deed Records, DALLAS County, Texas same being all of Lots 2-5, Block No. G/868 of said Eakins, Hughes and Eakins Subdivision, all of that certain tract of land described in deed to Fresh Express Dallas, Inc. recorded in Volume 93162, Page 592, Deed Records, DALLAS County, Texas same being all of Lot 1, Block No. G/868 of said Eakins, Hughes and Eakins Subdivision, all of that called 1,693 square foot tract of land described in deed to Fresh Express Dallas, Inc. recorded in Volume 95180, Page 1112, Deed Records, DALLAS County, Texas, same being a 14-foot alley abandoned by City of Dallas Ordinance No. 22499 recorded in Volume 96111, Page 4164, Deed Records, DALLAS County, Texas, and all of that certain tract of land described in deed to Fresh Express Dallas, Inc. recorded in Volume 93123, Page 1305, Deed Records, DALLAS County, Texas same being all of Lots 11-15, Block No. G/868 of said Eakins, Hughes and Eakins Subdivision and being a part of Good Latimer Expressway (a 90 foot right-of-way), Coombs Street (a variable width right-of-way), Atlanta Street (a 60 foot right-of-way) and Clarence Street (a 50 foot right-of-way) and being more particularly described as follows:

BEGINNING at a point lying on the westerly right-of-way line of said Good Latimer Expressway and the projected southerly right-of-way line of said Clarence Street;

THENCE North $36^{\circ}17'25''$ West for a distance of 350.00 feet;

THENCE North $53^{\circ}42'35''$ East for a distance of 369.69 feet;

THENCE North $44^{\circ}14'24''$ East for a distance of 166.85 feet;

THENCE North $36^{\circ}16'48''$ West for a distance of 19.03 feet;

THENCE North $41^{\circ}39'58''$ East for a distance of 290.68 feet;

THENCE South $45^{\circ}43'03''$ East for a distance of 241.05 feet;

MSD No. 182
Exhibit "A"

MSD Survey
2510 S Good Latimer Expressway
Dallas, TX
Page 2 of 3

THENCE South 44°16'57" West for a distance of 314.27 feet;

THENCE South 36°17'25" East for a distance of 167.86 feet;

THENCE South 53°42'35" West for a distance of 548.00 feet to the POINT OF BEGINNING

Said tract having a computed area of 263,918 square feet or 6.059 Acres.



MSD No. 182
Exhibit "B"

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Greg Rogers, as an authorized representative of Taylor Farms Texas, Inc., 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.

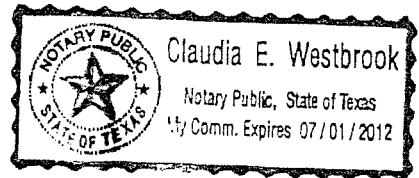
I affirmatively state that (place an X in all applicable blanks)

- 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: 10-25-2011

Greg Rogers
Printed Name
Attorney
Title



STATE OF Texas
COUNTY OF Travis

SUBSCRIBED AND SWORN before me on this the 25th day of October 2011, to which witness my hand and seal of office.

Claudia E. Westbrook
Notary Public in and for the State of Texas