

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 23, 2008

Mr. Don Carver
Carver Family Trust
3514 Mesa Drive
Flower Mound, TX 75022

RE: Municipal Setting Designation (MSD) Certificate for Carver Family Trust, 2057 and 2071 Singleton Blvd. and 3000, 3010 and 3030 N. Hampton Road, Dallas, TX; MSD No. 67

Dear Mr. Carver:

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,

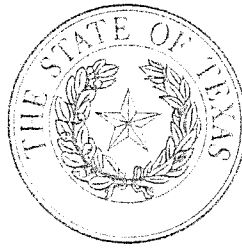
A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/sr

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 67, in the City of Dallas, 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 20th day of May, 2008.

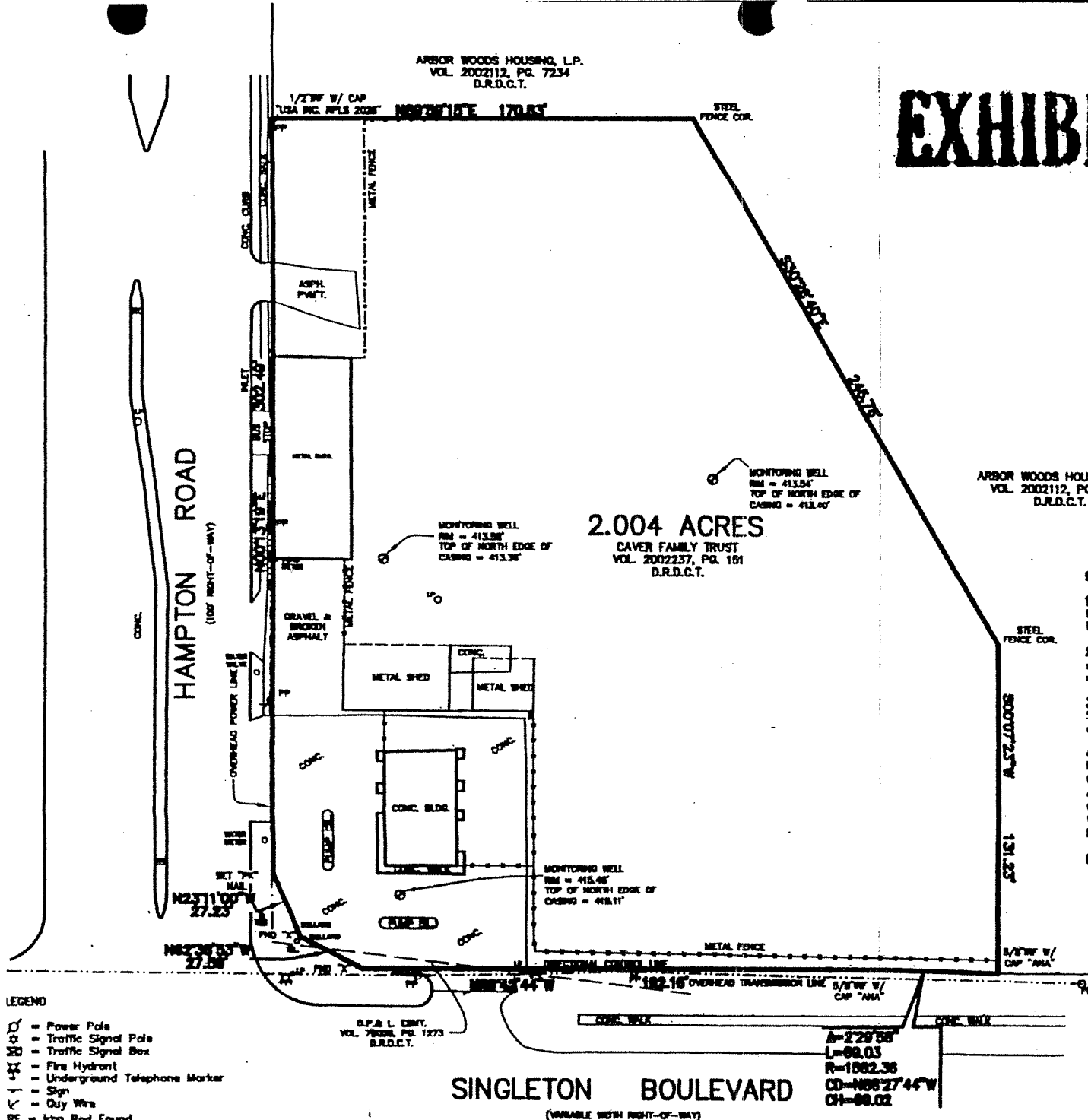
A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

ARBOR WOODS HOUSING, L.P.
VOL. 2002112, PG. 7234
D.R.D.C.T.

EXHIBIT A

HAMPTON ROAD
(100' RIGHT-OF-WAY)



2.004 ACRES
CAVER FAMILY TRUST
VOL. 2002237, PG. 161
D.R.D.C.T.

ARBOR WOODS HOUSING, L.P.
VOL. 2002112, PG. 7234
D.R.D.C.T.

SCALE: 1=60'

SURVEY NOTES:

1. Bearings are based on the North line of tract described in Deed to County of Dallas, as recorded in Volume 2003048, Page 5485 of the Deed Records of Dallas County, Texas.
2. All property corners are 1/2 inch iron rods with red plastic caps stamped "USA INC PROP. COR." set for corner, unless otherwise noted.
3. Survey prepared without the benefit of a title commitment. Surveyor did not perform a search of public records for easements and/or other matters of record which may affect this tract.
4. The elevations shown hereon are based on the following benchmark datum:
City of Dallas Water Dept. Benchmark "Std. WOBM (rivet in concrete) in concrete curb, on storm sewer inlet, Northwest corner of Singleton Blvd. and Hampton Rd., 48.8 feet North of the centerline of Singleton Blvd. and 70.3 feet West of centerline of Hampton Rd. Elevation: 415.26"
5. 3 Monitoring wells added to drawing on December 7, 2006.

BOUNDARY SURVEY

BEING 2.004 ACRES OF LAND SITUATED IN THE
J.P. COLE SURVEY, ABSTRACT NO. 242
CITY BLOCK NO. 7129
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGEND

- ⊙ = Power Pole
- ⊙ = Traffic Signal Pole
- ⊙ = Traffic Signal Box
- ⊙ = Fire Hydrant
- ⊙ = Underground Telephone Marker
- ⊙ = Sign
- ⊙ = Guy Wire
- RF = Iron Rod Found
- RS = Iron Rod Set With Cap Stamped "USA INC. PROP. COR."
- J.R.D.C.T. = Deed Records, Dallas County, Texas

SINGLETON BOULEVARD
(VARIABLE WIDTH RIGHT-OF-WAY)

B=228.58
L=68.03
R=1882.36
CD=N082744"W
CH=68.02



USA Professional Services Group, Inc.
CIVI Engineers - Surveyors - Planners - Landscape Architects
1525 Viceroy Drive
Dallas, Texas 75235
(214) 834-3300 Fax (214) 834-3338

27047-073767

ARBOR WOODS HOUSING, L.P.
VOL. 2002112, PG. 7234
D.R.D.C.T.

EXHIBIT A



SCALE: 1=60'

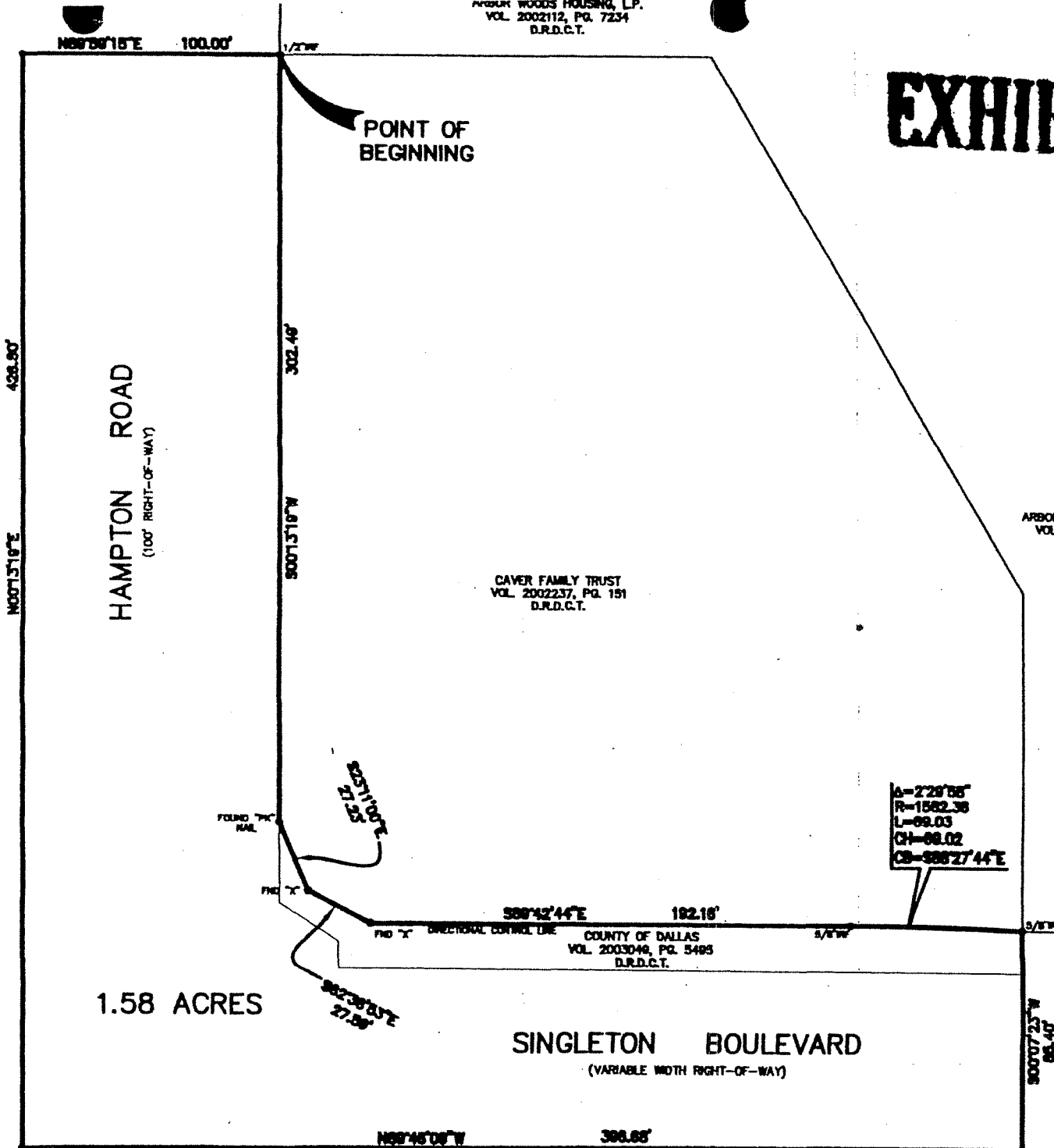


EXHIBIT HAMPTON ROAD & SINGLETON BOULEVARD

BEING 1.58 ACRES OF LAND SITUATED IN THE
J.P. COLE SURVEY, ABSTRACT NO. 242
CITY OF DALLAS, DALLAS COUNTY, TEXAS



USA Professional Services Group, Inc.
Civil Engineers - Surveyors - Planners - Landscape Architects
1525 Vicaroy Drive
Dallas, Texas 75235
(214) 834-3300 Fax (214) 834-3338

ELD NOTES

BEING a tract or parcel of land situated in the J.P. Cole Survey, Abstract No. 242, City of Dallas, Dallas County, Texas, and being part of Hampton Road (a 100' right of way), and also being part of Singleton Boulevard (a variable width right of way), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped 'USA INC RPLS 2026' found for corner in the East line of Hampton Road (100' right-of-way), said point being the Northwest corner of a tract of land described as Tract One and Tract Two in a Deed to Caver Family Trust, as recorded in Volume 2002237, Page 151 of the Deed Records of Dallas County, Texas, said point also being the most Westerly Southwest corner of a tract of land described in a Deed to Arbor Woods Housing, L.P., as recorded in Volume 2002112, Page 7234 of the Deed Records of Dallas County, Texas;

THENCE South 00 degrees 13 minutes 19 seconds West along the East line of said Hampton Road, for a distance of 302.49 feet to a "PK" nail found for corner;

THENCE South 23 degrees 11 minutes 00 seconds East along the East line of said Hampton Road and the Southwesterly line of said Caver Family Trust tract, for a distance of 27.23 feet to a "X" cut in concrete found for corner;

THENCE South 62 degrees 38 minutes 53 seconds East along the North line of Singleton Boulevard (a variable width right-of way) and the Southwesterly line of said Caver Family Trust tract, for a distance of 27.59 feet to a "X" cut in concrete found for corner;

THENCE South 89 degrees 42 minutes 44 seconds East along the North line of said Singleton Boulevard and the South line of said Caver Family Trust tract, for a distance of 192.16 feet to a 5/8" inch iron rod found for corner at the beginning of a curve to the right;

THENCE in a Southeasterly direction, along the North line of said Singleton Boulevard, and along the South line of said Caver Family Trust tract, and along said curve to the right having a central angle of 02 degrees 29 minutes 58 seconds, a radius of 1582.36 feet, a chord bearing of South 88 degrees 27 minutes 44 seconds East, a chord distance of 69.02 feet and an arc length of 69.03 feet to a to a 5/8" inch iron rod found for corner;

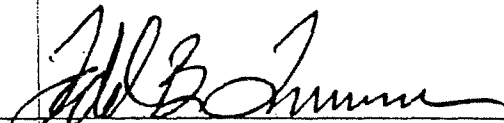
THENCE South 00 degrees 07 minutes 23 seconds West, departing the North line of said Singleton Boulevard, for a distance of 85.40 feet to a point for corner in the South line of said Singleton Boulevard;

THENCE North 89 degrees 46 minutes 09 seconds West, along the South line of said Singleton Boulevard for a distance of 398.68 feet to a point for corner to the projected West line of said Hampton Road;

THENCE North 00 degrees 13 minutes 19 seconds East, along the West line of Hampton Road, for a distance of 426.80 feet to a point for corner;

THENCE North 89 degrees 59 minutes 15 seconds East departing the West line of said Hampton Road, for a distance of 100.00 feet to the **POINT OF BEGINNING**, and containing 1.58 acres of land, more or less.

I, Todd B. Turner, Registered Professional Land Surveyor, State of Texas, do certify that the plat hereon was made from measurements performed upon the ground, the corner monuments shown hereon were set or found as described, and is true and correct to the best of my knowledge and belief.



Todd B. Turner, R.P.L.S. No. 4859
USA Professional Services Group, Inc.

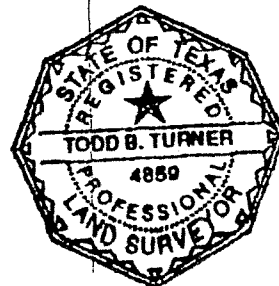


EXHIBIT A

EXHIBIT HAMPTON ROAD & SINGLETON BOULEVARD

BEING 1.58 ACRES OF LAND SITUATED IN THE
J.P. COLE SURVEY, ABSTRACT NO. 242
CITY OF DALLAS, DALLAS COUNTY, TEXAS



USA Professional Services Group, Inc.
Civil Engineers - Surveyors - Planners - Landscape Architects
1525 Viceroy Drive
Dallas, Texas 75235
(214) 634-3300 Fax (214) 634-3338

14/11/2005 4:12:30 PM, \\USAT-0\LASER AP2610

27047

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'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	No ³	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.
VCP 1806

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	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? 03 / 16 / 05	No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	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?	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:	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	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	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):

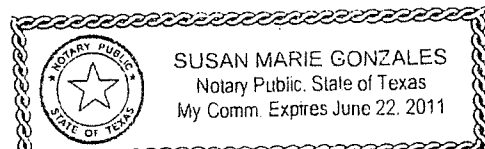
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed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

Carolyn Cover
L. Ronald Cover
 Applicant Signature

1/19/2008
1-19-08
 Date

Before me Susan Marie Gonzales the undersigned authority, on this day personally appeared
 Name of Notary
 _____ and signed this Municipal Setting Designation Application.
 Name of Applicant

Sworn, subscribed and signed before me in the County of Denton, State of TX, on the _____ day of 19, this month of January, 2008



'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. VCP No. 871		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GWing)?	<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? 07 / 10 / 01	<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: Private water wells (used for irrigation & vegetable gardens) within 1/2 mile.	<input checked="" type="radio"/> Yes	<input 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):

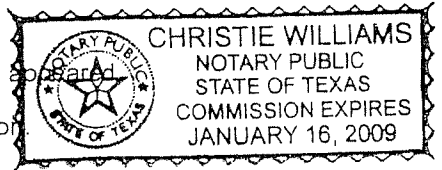
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- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice was provided in accordance with THSC §361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

S. Casey Tate
Applicant Signature

11/21/2007
Date

Before me Christie Williams the undersigned authority, on this day personally appeared S. Casey Tate and signed this Municipal Setting Designation Application.

Name of Notary
Name of Applicant



Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 21st day of November, this month of November, 2007.