

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 26, 2015

Mr. JV Strange, Managing Partner  
Denton  
531 North Locust Street  
Denton, Texas 76201

RE: Municipal Setting Designation (MSD) Certificate for 100 North Loop 288, LLC, 100 N Loop 288 & 306 N. Loop 288; MSD No. 270

Dear Mr. Strange:

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) 239-2032 or via e-mail (Trevor.Andres@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Andres".

Trevor Andres, Project Manager  
VCP-CA Section  
Remediation Division

TA/jdm

Enclosure: MSD Certificate No. 270

cc: Mr. Sam Barrett, Waste Program Manager, TCEQ Region 4 Office,  
Dallas/Fort Worth

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. 270, in the City of Denton, 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 25<sup>th</sup> day of February, 2015

Beth Seaton  
Beth Seaton, Director  
Texas Commission on Environmental Quality

North State Loop 288 - 34.06 Acres

FIELD NOTES to all that certain lot, tract, or parcel of land situated in the M.E.P. & P.R.R. Co. Survey, Abstract Number 927, Denton County, Texas, being all of a called 21.76 acre tract of land described in a deed to 100 North Loop 288, L.C.C., as recorded in County Clerk File Number 2012-147659, Real Property Records, Denton County, Texas, all of Lots A1 and A2 of G.D.I. Subdivision, an addition to the City of Denton, according to the plat thereof recorded in Cabinet I, Page 247, Plat Records, Denton County, Texas, the portion East McKinney Street right-of-way adjacent to said 21.76 acre tract, the portion of North State Loop 288 right-of-way adjacent to said 21.76 acre tract and said G.D.I. Subdivision and the portion of Market Street right-of-way adjacent to said Subdivision, the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the most Easterly Northeast corner of the herein described tract, the Northeast corner of said 21.76 acre tract and the Northwest corner of a tract of land described in a deed to CCD-RLG Denton I, L.P., as recorded in County Clerk File Number 2008-23925, Real Property Records, Denton County, Texas;

THENCE South 01 degrees 48 minutes 54 seconds West with the East line of said 21.76 acre tract, along or near the meanders of a wire fence, at a distance of 791.60 feet passing a 1/2" iron rod found 1.34 feet East of said line for the Southwest corner of said CCD tract and the Northwest corner of Lot 1-A in Block A of Oak Hill Business Park, an addition to the City of Denton, according to the Amending Plat thereof, as recorded in County Clerk File Number 2010-25, Plat Records, Denton County, Texas, continuing along said course, at a distance of 1506.80 feet passing a capped iron rod found stamped "KAZ" in the North line of East McKinney Street for the Southeast corner of said 21.76 acre tract, continuing along said course, a total distance of 1617.04 feet to a point in the South line of said Street for the Southeast corner of the herein described tract;

THENCE North 62 degrees 30 minutes 54 seconds West with the South line of said Street, at a distance of 471.78 feet passing a PK nail found, continuing along said course, a total distance of 924.31 feet to a point at the intersection of said South right-of-way line with the West right-of-way line of North State Loop 288;

THENCE North 00 degrees 54 minutes 05 seconds East with the West line of said Loop, at a distance of 118.14 feet passing a 5/8" iron rod found, continuing along said course, a total distance of 741.69 feet to a TXDOT monument found for corner on said line and being an inner ell corner on the West line of the herein described tract;

THENCE North 89 degrees 10 minutes 10 seconds West with the West line of said Loop, a distance of 6.16 feet to a TXDOT monument found for corner on said line and being a corner on the West line of the herein described tract;

THENCE North 01 degrees 30 minutes 11 seconds East with the West line of said Loop, a distance of 465.85 feet to an angle point on the West line of the herein described tract;

THENCE North 01 degrees 09 minutes 01 seconds East with the West line of said Loop, a distance of 430.95 feet to a point for the Northwest corner of the herein described tract;

THENCE North 89 degrees 56 minutes 27 seconds East, departing the West line of said Loop, at a distance of 123.7' passing the Southwest corner of Lot E of Greater Denton Industries Subdivision, an addition to the City of Denton, according to the plat thereof recorded in Cabinet B, Page 107 at the intersection of the East right-of-way line of said Loop 288 and the North right-of-way line of Market Street, continuing along said course and the North line of said Street, at a distance of 373.73 feet passing an "X" cut found for the Southeast corner of said Lot E and the Southwest corner of Lot R-D-1 of Greater Denton Industries Subdivision, an addition to the City of Denton, according to the plat thereof recorded in Cabinet V, Page 410, continuing along said course, a total distance of 688.35 feet to a point for the Southeast corner of Lot R-D-2 and the most Northerly Northeast corner of the herein described tract;

THENCE South 00 degrees 51 minutes 10 seconds West, departing the North line of said Market Street, at a distance of 66.39 feet passing a 1/2" iron rod found for the Northwest corner of Lot 9R-A in Block B of Greater Denton Industries Subdivision, an addition to the City of Denton, according to the plat thereof recorded in Document Number 2013-135, Plat Records, Denton County, Texas, continuing along said course, the West line thereof and the East line of said Lot A-1, a total distance of 450.14 feet to a point in the North line of said 21.76 acre tract for an inner ell corner of the herein described tract;

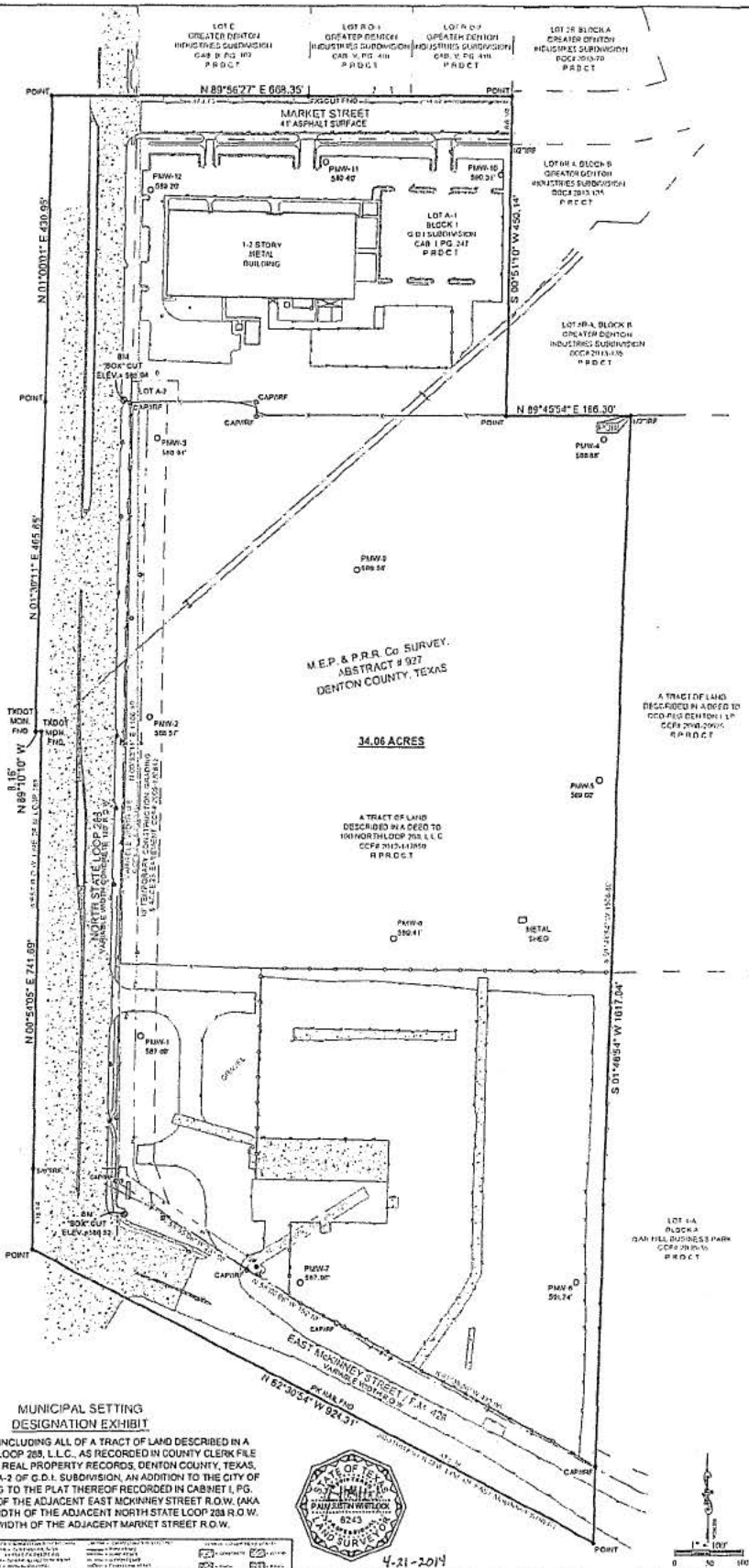
THENCE North 89 degrees 45 minutes 54 seconds East with the North line of said 21.76 acre tract, along or near a wire fence, a distance of 186.30 feet to the PLACE OF BEGINNING and enclosing 34.06 acres of land more or less.

NOTE: Bearings based on right-of-way monuments found on the West line of North State Loop 288 (North 00 degrees 53 minutes 11 seconds East per TXDOT right-of-way maps)

NOTE: Not all improvements are shown

NOTE: This survey was performed without the benefit of a title commitment.

This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 12-18-2013 to satisfy City of Denton Municipal Setting Designation requirements.



**KAZ SURVEYING**  
1720 WESTMINSTER  
DENTON, TX 76205  
(972) 382-3448  
www.kazsurveying.com

BEING 34.06 ACRES INCLUDING ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO 100 NORTH LOOP 288, L.L.C., AS RECORDED IN COUNTY CLERK FILE NUMBER 2012-147659, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, ALL OF LOTS A-1 AND A-2 OF G.D.I. SUBDIVISION, AN ADDITION TO THE CITY OF DENTON, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET I, PG. 247, THE FULL WIDTH OF THE ADJACENT EAST MCKINNEY STREET R.O.W. (AKA F.M. 425), THE FULL WIDTH OF THE ADJACENT NORTH STATE LOOP 288 R.O.W. AND THE FULL WIDTH OF THE ADJACENT MARKET STREET R.O.W.

MUNICIPAL SETTING DESIGNATION EXHIBIT

4-21-2014

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared J.V. Strange, Managing Partner, as an authorized representative of 100 N. Loop 288, LLC, 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.

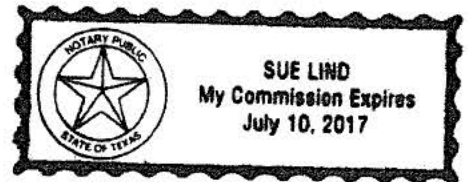
I affirmatively state that (place an X in all applicable blanks)

- 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.

*J.V. Strange*  
Signature

Date: SEPTEMBER 17, 2014

J. V. Strange  
Printed Name  
Managing Partner  
Title



STATE OF Texas  
COUNTY OF Denton

SUBSCRIBED AND SWORN before me on this the 17 day of Sept. 2014, to which witness my hand and seal of office.

*Sue Lind*  
Notary Public in and for the State of TEXAS