

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 14, 2018

Mr. Chuck Hixson, Vice-President
Westdale Properties America I, Ltd.
3100 Monticello Avenue, Suite 100
Dallas, Texas 75205

Re: Municipal Setting Designation (MSD) Certificate for Westdale Properties America I, Ltd.,
Commerce and Henry, located at 2700, 2712 & 2718 Commerce Street, Dallas, Dallas
County, Texas; MSD No. 369; Customer No. CN605151281; Regulated Entity No
RN109218040

Dear Mr. Hixson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on August 30, 2017 and additional information supporting this MSD application on November 9 and 14, 2017 and January 24, 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) 239-2243 or via e-mail (lilith.mercier@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "L. Joy Mercier", with a long horizontal flourish extending to the right.

L. Joy Mercier, G.I.T., Project Manager
VCP-CA Section
Remediation Division

LJM/jdm

cc: Ms. Erin Gorman, Waste Section Manager, TCEQ Ft. Worth/Dallas Regional Office, R-4
Mr. Paul S. Rodusky, P.G., The Vertex Companies, Inc., Irving, Texas (PDF via email)
Ms. Susan Rainey, Attorney, Locke Lord LLP, Dallas, TX (PDF via email)

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. 369, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains in effect.

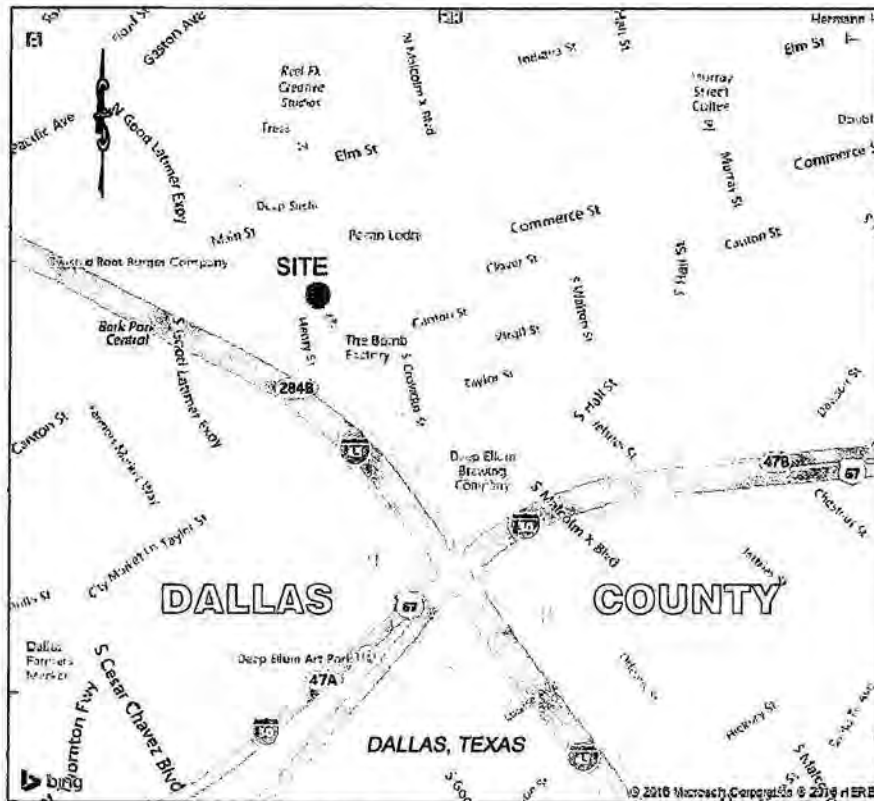
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 8th day of February, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

BOUNDARY SURVEY
 FOR
 MUNICIPAL SETTING DESIGNATION
 AT
 2700-2718 COMMERCE STREET
 DALLAS, TX 75226



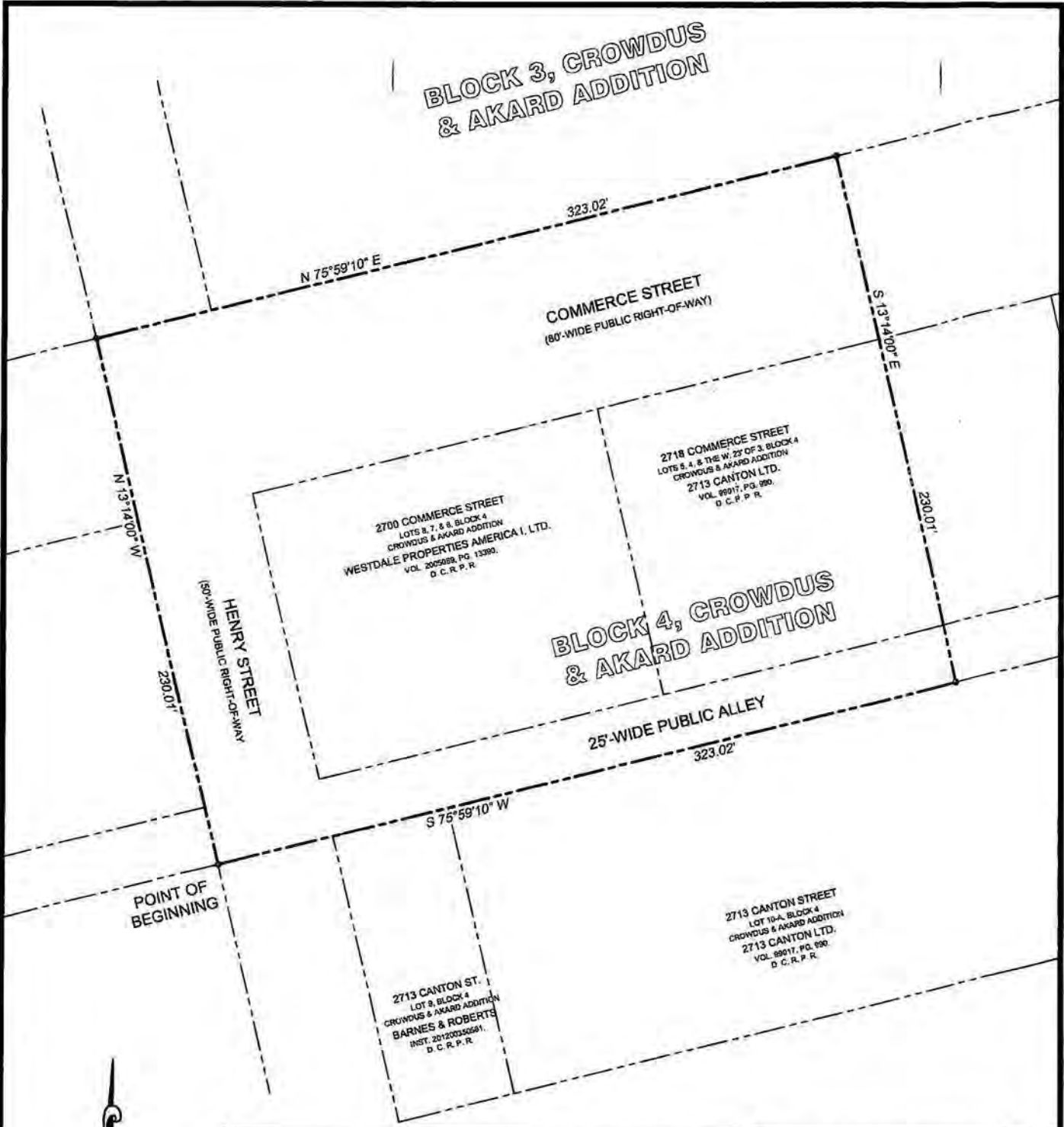
LOCATION MAP

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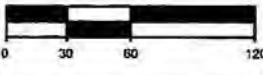
BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION
2700-2718 COMMERCE STREET DALLAS, TX 75226
DWG FILE <u>180062.dwg</u>
DWG SCALE <u>1"=60'</u>
SHEET <u>1</u> OF <u>4</u>



11401 PHEASANT CREEK DRIVE
 FORT WORTH, TX 76244-7796
 (866) 723-9009 Tel (866) 723-9003 Fax
www.SalterEngineering.com



SCALE : 1" = 60'



**BOUNDARY SURVEY FOR
MUNICIPAL SETTING DESIGNATION**

**2700-2718 COMMERCE STREET
DALLAS, TX 75226**

DWG FILE 160062.dwg

DWG SCALE 1=60

SHEET 2 OF 4

TBPE FIRM F-12715
TBPLS FIRM 10181300

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LEGAL DESCRIPTION

A 1.71-acre tract out of the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, being all of Lots 4 through 8 and the west 23 feet of Lot 3, Block 4, Akard & Crowds Addition, an addition to the City of Dallas, Texas, as shown on that certain map or plat thereof recorded in Volume 3, Page 523, Dallas County Map Records, together with adjacent portions of Commerce Street, an 80-foot public right-of-way, Henry Street, a 50-foot public right-of-way, and a 25-foot public alley sometimes known as Clover Street, said 1.71-acre tract being more specifically described by metes and bounds as follows:

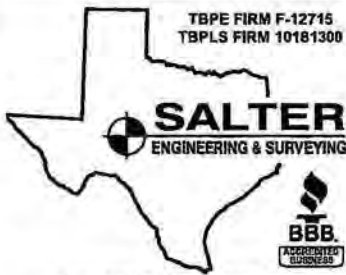
BEGINNING at the northeast corner of Lot 10, Block 5, of said Akard & Crowds Addition being the point of intersection of the west right-of-way line of said Henry Street with the south right-of-way line of said Clover Street for the southwest corner and POINT OF BEGINNING of this tract;

THENCE NORTH 13°14'00" WEST 230.01 feet along the west right-of-way line of said Henry Street to its point of intersection with the north right-of-way line of said Commerce Street for the northwest corner of this tract;

THENCE leaving the west right-of-way line of said Henry Street, NORTH 75°59'10" EAST 323.02 feet along the north right-of-way line of said Commerce Street and the south line of Block 3 of said Akard & Crowds Addition to a point lying 23.00 feet east of the southwest corner of Lot 8 of said Block 3 for the northeast corner of this tract;

THENCE leaving the north right-of-way line of said Commerce Street, SOUTH 13°14'00" EAST 230.01 feet to a point lying on the south right-of-way line of said Clover Street and on the north line of Lot 10-A of said Block 4 for the southeast corner of this tract;

THENCE SOUTH 75°59'10" WEST 323.02 feet along the south right-of-way line of said Clover Street and the north line of said Lot 10-A and of Lot 9 of said Block 4 to the POINT OF BEGINNING, and containing 1.71 acres, more or less.

<p>BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION</p>		 <p>TBPE FIRM F-12715 TBPLS FIRM 10181300</p> <p>SALTER ENGINEERING & SURVEYING</p> <p>BBB ACCREDITED BUSINESS</p> <p>11401 PHEASANT CREEK DRIVE FORT WORTH, TX 76244-7796 (866) 723-9009 Tel (866) 723-9003 Fax www.SalterEngineering.com</p>
<p>2700-2718 COMMERCE STREET DALLAS, TX 75226</p>		
<p>DWG FILE <u>160062.dwg</u></p> <p>DWG SCALE <u>1=60</u></p>	<p>SHEET <u>3</u> OF <u>4</u></p>	

LEGEND

<ul style="list-style-type: none"> BLDG. HEIGHT MEASUREMENT M.S. MONUMENT SIGN TRAFFIC FLOW UNDERGROUND UTILITY BOX CABLE PEDESTAL TELEPHONE PEDESTAL WATER VALVE FIRE HYDRANT IRRIGATION CONTROL VALVE STORM SEWER MANHOLE SANITARY SEWER MANHOLE TEL-COM MANHOLE SANITARY SEWER CLEAN-OUT POWER TRANSFORMER 	<ul style="list-style-type: none"> FLAG POLE LIGHT POLE PIPE BOLLARD UTILITY POLE UTIL. POLE W/ GUY ANCHOR ELECTRICITY METER WATER METER MONITORING WELL SIGN HANDICAP PARKING SPACE REGULAR PARKING SPACES R.P.R. REAL PROPERTY RECORDS G.M.R. COUNTY MAP RECORDS C.D.R. COUNTY DEED RECORDS 	<ul style="list-style-type: none"> PROPERTY LINE PRIVACY FENCE OTHER FENCE OVERHEAD UTILITY UNDERGROUND UTILITY CONC. CURB & GUTTER BUILDING COVERED AREA CONCRETE SURFACE ASPHALT SURFACE GRAVEL SURFACE STONE SURFACE WOODEN SURFACE WATER SURFACE
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BASIS OF BEARINGS

N 13°14'00" W FOR THE WEST LINE OF SUBJECT PROPERTY PER PLAT OF RECORD...



SURVEYOR'S CERTIFICATION

To: THE VERTEX COMPANIES, INC.

I, Brian Salter, Registered Professional Land Surveyor, hereby certify that this survey of the property located at: 2700-2718 COMMERCE STREET
DALLAS, TX 75226 and legally described hereon was made on the ground on this, the 5TH day of MAY 2016, by me or under my supervision and correctly shows the boundary lines, dimensions, and area of the land, and all alleys, streets, rights-of-way, easements, and other matters of record which, to my knowledge, affect the property. The undersigned further certifies that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, protrusions, overlapping of improvements, easements, or rights-of-way except as shown hereon.

Brian Salter

BRIAN SALTER, PROFESSIONAL LAND SURVEYOR NO. 5597

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BOUNDARY SURVEY FOR MUNICIPAL SETTING DESIGNATION	
2700-2718 COMMERCE STREET DALLAS, TX 75226	
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TBPE FIRM F-12715
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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Rees Bowen, as an authorized representative of 2713 Canton, Ltd, 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.

Rees Bowen
Signature

Date: 1/4/18

Rees Bowen

Printed Name

Authorized Representative

Title

STATE OF Texas

COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 4th day of January 2018, to which witness my hand and seal of office.

Bethany Shay
Notary Public in and for the State of Texas

