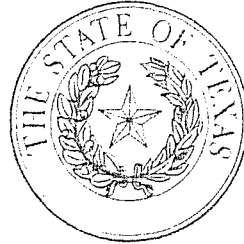


Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 013

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 the Prescott Interests, Ltd. Property, 6262 Cedar Springs Road, Dallas, Texas, 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 19 day of May, 2006.

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

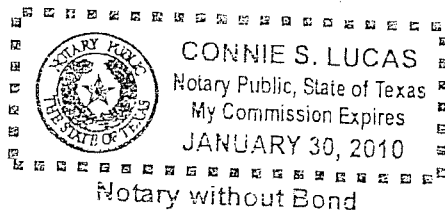
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 19th day of May, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of May, 2006.

A handwritten signature in black ink, appearing to read "Connie S. Lucas", written over a horizontal line.

Notary Public in and for the State of Texas



A

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

The undersigned does hereby certify that this plat correctly shows a survey made on this day under my personal supervision, on the ground of the property described hereon, and correctly shows the location, size and type of monumentation found or placed this day, and that the size, location and type of buildings and improvements are as show hereon, the buildings are set back from the property lines the distances indicated, the dimensions of the property are correctly shown and that there are no discrepancies, conflicts, boundary line conflicts, encroachments or overlapping of improvements onto or from adjoining property, party walls, protrusions, fences, evidence of abandoned fences, ponds, creeks, streams or rivers, except as shown hereon, and that all visible easements and rights of way, or easements and rights of way which have been made known to me are as shown hereon, and that said property has access to and from a dedicated roadway. The area of the property is correctly shown on this survey. This survey meets the Minimum Standard Detail Requirements of an Urban Land Title Survey established and adopted by ALTA and ACSM in 1999 and the minimum standards of a Category 1A, Condition I Survey required by the TSPS. As of the date of this survey, this property does not lie within any known designated flood plain or flood hazard area. This property lies within Zone X, as shown on Flood Insurance Rate Map No. 48113C0330 J, dated 8/23/01.




REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5111

SURVEY PLAT

OF PART OF CITY BLOCK 5717 AND ADJOINING
RIGHT OF WAYS, CITY OF DALLAS, DALLAS
COUNTY, TEXAS.

SCALE: 1" = 40'

DAVIS LAND SURVEYING CO., INC. 9777 FERGUSON ROAD, SUITE 105 DALLAS, TEXAS 75228	DATE: 11/10/2005
	JOB NO. 05162

PROPERTY DESCRIPTION

BEING all of that certain lot, tract or parcel of land situated in the Miles Bennett Survey, A-52 and City Block 5717, City of Dallas, Dallas County, Texas, and being all of that same tract of land described in deed to Prescott Interests, Ltd., recorded in Volume 99033, Page 421 of the Deed Records of Dallas County, Texas, part of the City of Dallas street R.O.W. for Cedar Springs Avenue (a 56' R.O.W.) and Manor Way (a 50' R.O.W.) and part of that same tract of land described in deed to Dallas Area Rapid Transit, recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

BEGINNING at a point for corner at the present intersection of the southwest line of Cedar Springs Avenue with the northwest line of Manor Way;

THENCE N 45°00'00" E, 590.00' along the northwest line of Manor Way to a point for corner in a northeast line of said Dallas Area Rapid Transit property;

THENCE S 45°07'00" E, 225.00' along the northeast line of said Dallas Area Rapid Transit property to a point for corner;

THENCE S 45°00'00" W, 590.00' to a point for corner in the southeast line of Cedar Springs Avenue;

THENCE N 45°07'00" W, 225.00' along the southeast line of Cedar Springs Avenue to the point of beginning and containing 132,749.83 square feet or 3.0475 acres of land.



SCenic VALLEY LTD. PROPERTY
VOL. 98113, PG. 2661 D.R.D.C.T.

BLOCK 5718

INDUSTRIAL INV. CORP. PROPERTY
(NO RECORDING DATA AVAILABLE.)

BLOCK 5717

QUALEY PHOTO FINISHING LABS INC. PROPERTY
VOL. 95040, PG. 1031 D.R.D.C.T.

BLOCK 5716

S 45°07'00" E - 225.00'
DALLAS LOW R.V. CO. PROPERTY
VOL. 98001, PG. 4500 D.R.D.C.T.

BLOCK 5717

MILES BENNETT SURVEY A-52

MANOR WAY
N 45°00'00" E - 550.00'
132,749.83 SQ. FT. OR 3.0475 ACRES - GROSS
45,290.01 SQ. FT. OR 1.0388 ACRES - ROW
87,499.82 SQ. FT. OR 2.0087 ACRES - NET

S 45°00'00" W - 500.00'
D.C. ASSOCIATES LLC PROPERTY
VOL. 97140, PG. 947 D.R.D.C.T.

D.C. ASSOCIATES LLC PROPERTY
VOL. 97140, PG. 947 D.R.D.C.T.

SEMI-ILLIAC ENVIAC
CO. INC. PROPERTY
VOL. 2104202, PG. 1076 D.R.D.C.T.

BEGINNING POINT

BLOCK 5720

SPRINGS
N 45°07'00" W - 225.00'

BLOCK 5720

AIR LOGISTICS CORP. PROPERTY
VOL. 2060041, PG. 6683 D.R.D.C.T.

THE BEGINNING POINT IS THE SOUTHWEST
CORNER OF MANOR WAY AS DESCRIBED IN
DEED RECORDED IN VOL. 2060128, PG.
715 D.R.D.C.T.

ROAD



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. 5/5/06
Application No: MSDAPP019	Date Add. Info Rec'd 5/8/06
Date Received: 03/08/06	Date Certified: 5/19/06
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. John Pearcy		
Title: President		
Company: Prescott Interests, Ltd.		
Mailing Address: 7979 Inwood Road, Suite 225		
City: Dallas	State: Texas	Zip: 75209-7270
Telephone: 214 / 350-5555	Telefax: /	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

On or before the date of submission of the application to TCEQ, was notice provided to:			
a) each municipality:			
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁴	
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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 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 1164

Is the proposed designated groundwater contaminated in excess of an applicable potable water ³ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input type="radio"/> Yes	<input type="radio"/> No ⁴
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 / 29 / 00	<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 ⁵	<input 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 ⁵	<input 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 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 ⁴
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 type="radio"/> Yes	<input type="radio"/> No

³ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

⁴ 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 [Signature]

Date 3/13/06

Before me SANDRA E. SKAGGS the undersigned authority, on this day personally appeared

JOHN K. FEARCY Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of DALLAS, State of TX on the 29 day of MARCH, this month of 2006

[Signature]

