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Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 002

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 Brownfields Stewardship Fund Property, 2306 Motor Street, 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 11th day of October, 2004.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

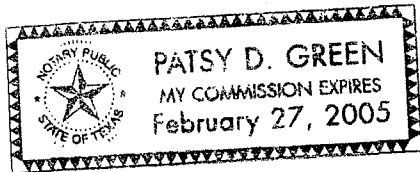
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 11th day of October, 2004, 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 11th day of October, 2004.

Handwritten signature of Patsy D. Green in black ink.

Notary Public in and for the State of Texas



ATTACHMENT A – LEGAL DESCRIPTION OF MSD OUTER BOUNDARIES

The property is comprised of two tracts totaling 5.715 acres. Tract 1 is a 4.224 acre tract in the City of Dallas, Dallas County, Texas out of the Crawford Grigsby Survey, Abstract No. 533 according to the deed record Volume 2001127, Page 8279. Tract 2 is a 1.491 acre tract in the City of Dallas, Dallas County, Texas out of the Crawford Grigsby Survey, Abstract No. 533 according to the deed record Volume 2001131, Page 8357.

A metes and bounds description of each tract is attached.

LEGAL DESCRIPTION (TRACT 1)

BEING a tract of land situated in the City of Dallas, Dallas County, Texas out of the Crawford Grigsby Survey, Abstract No. 533 and being all of a 4.224 acre described tract of land conveyed to Motor Street Holdings, Ltd. according to the deed filed for record in Volume 2001127, Page 8279, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the southeast right of way line of Motor Street (60' right of way) and being in the northeast right of way line of Bengal Street (50' right of way), the most westerly corner of said 4.224 acre tract;

THENCE, along said southeast right of way line, North 45 degrees, 00 minutes, 00 seconds, East, a distance of 524.00 feet to an "X" found in concrete, the most northerly corner of said 4.224 acre tract and being the most westerly corner of a 1.491 acre described tract of land conveyed to Cass Street Holdings, Ltd. according to the deed filed for record in Volume 2001131, Page 8357, Deed Records, Dallas County, Texas;

THENCE, departing said southeast right of way line, along the northeast line of said 4.224 acre tract and the southwest line of said 1.491 acre tract, South 45 degrees, 00 minutes, 00 seconds, East, a distance of 351.10 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the northwest line of a 1.8 acre described tract of land conveyed to Union Gospel Mission according to the deed filed for record in Volume 2000073, Page 0001, Deed Records, Dallas County, Texas, the most easterly corner of said 4.224 acre tract and the most southerly corner of said 1.491 acre tract;

THENCE, along the northwest line of said 1.8 acre tract and the northwest line of a 3.2182 acre described tract of land conveyed to TCF Interests Partnership, Ltd. as Tract 1 according to the deed filed for record in Volume 2000235, Page 5980, Deed Records, Dallas County, Texas, South 45 degrees, 00 minutes, 00 seconds, West, a distance of 524.00 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the northeast right of way line of said Bengal Street, the most southerly corner of said 4.224 acre tract, the most westerly corner of said 3.2182 acre tract;

THENCE, along said northeast right of way line, North 45 degrees, 00 minutes, 00 seconds, West, a distance of 351.10 feet to the **POINT OF BEGINNING** and containing 183,976 square feet or 4.2235 acres of land, more or less.

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LEGAL DESCRIPTION (TRACT 2)

BEING a tract of land situated in the City of Dallas, Dallas County, Texas out of the Crawford Grigsby Survey, Abstract No. 533 and being all of a 1.491 acre described tract of land conveyed to Cass Street Holdings, Ltd. according to the deed filed for record in Volume 2001131, Page 8357, Deed Records, Dallas County, Texas;

COMMENCING at a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the southeast right of way line of Motor Street (60' right of way) and being in the northeast right of way line of Bengal Street (50' right of way), the most westerly corner of a 4.224 acre described tract of land conveyed to Motor Street Holdings, Ltd. according to the deed filed for record in Volume 2001127, Page 8279, Deed Records, Dallas County, Texas;

THENCE, along said southeast right of way line, North 45 degrees, 00 minutes, 00 seconds, East, a distance of 524.00 feet to an "X" found in concrete, the most northerly corner of said 4.224 acre tract and being the most westerly corner of said 1.491 acre tract, the **POINT OF BEGINNING**;

THENCE, continuing along said southeast right of way line, North 45 degrees, 00 minutes, 00 seconds, East, a distance of 185.00 feet to an "X" found in concrete in the southwest right of way line of Cass Street (50' right of way), the most northerly corner of said 1.491 acre tract;

THENCE, along said southwest right of way line, South 45 degrees, 00 minutes, 00 seconds, East, a distance of 351.10 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199" in the northwest line of a 1.8 acre described tract of land conveyed to Union Gospel Mission according to the deed filed for record in Volume 2000073, Page 0001, Deed Records, Dallas County, Texas, the most easterly corner of said 1.491 acre tract;

THENCE, departing said southwest right of way line, along the southeasterly line of said 1.491 acre tract and the northwesterly line of said 1.8 acre tract, South 45 degrees, 00 minutes, 00 seconds, West, a distance of 185.00 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the most southerly corner of said 1.491 acre tract and being the most easterly corner of said 4.224 acre tract;

THENCE, departing said common line along the southwesterly line of said 1.491 acre tract and the northeasterly line of said 4.224 acre tract, North 45 degrees, 00 minutes, 00 seconds, West, a distance of 351.10 feet to the **POINT OF BEGINNING** and containing 64,954 square feet or 1.4911 acres of land, more or less.

To: Stewart Title North Texas, Republic Title of Texas, Inc., Motor Street Holdings, Ltd., and FWC Apartment Company, LP:

I, Douglas S. Loomis, a Registered Professional Land Surveyor, do hereby certify that the foregoing plat was compiled from a survey made on the ground under my supervision and that to the best of my professional knowledge and belief is true

ATTACHMENT B - AFFIDAVIT

The Brownfields Stewardship Fund is seeking to obtain a Municipal Setting Designation (MSD) under Texas Health and Safety Code (THSC) Chapter 361 – Subchapter W for the tract of land described in Attachment “A” of the MSD application that pertains to the 2306 Motor Street site (Site), located at 2306 Motor Street in Dallas, Dallas County, Texas. In consideration of the completion of an MSD application for the site, The Brownfields Stewardship Fund affirmatively states that:

1. the MSD eligibility criteria contained in Section 361.803 are satisfied;
2. true and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by Section 361.803 have been satisfied are included with the application;
3. a true and accurate copy of a legal description of the property for which the MSD is sought is included with the application; and
4. notice was provided in accordance with Section 361.805.

By: Mitchell Stanley

Print Name: MITCHELL F. STANLEY

STATE OF WASHINGTON DC
COUNTY OF _____

This instrument was acknowledged before me on July 4, 2008, by MITCHELL F. STANLEY.

Heller
Notary Public in and for the State of _____

Notary Public District of Columbia
CHARLES HELLER
My Commission Expires: Sept 30, 2008