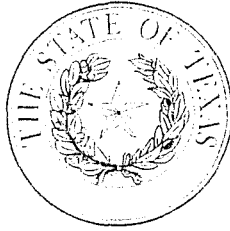


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



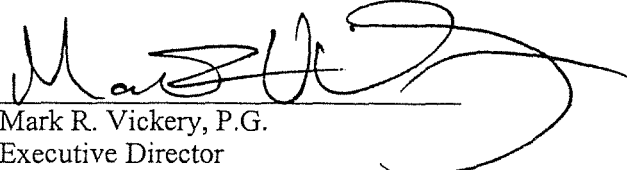
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 103, in the City of Arlington, 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 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 the 27th day of July, 2009



Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

A

LEGAL DESCRIPTION

A 2.151 acre tract out of the William W. Warnell Survey, Abstract No. 1812, and the Temple O. Harris Survey, Abstract No. 645, Tarrant County, Texas, being a portion of that tract conveyed to Paul E. Yarbrough, Jr., by deed recorded in Volume 4730, Page 187, Deed Records, Tarrant County, Texas, also being a portion of Lots 5 and 6, Block 1, Peyco Industrial Park, an unrecorded subdivision in the City of Arlington, Tarrant County, Texas, the portion of said property within said Lot 5, Block 1 is a portion of that tract conveyed to Tandy Corporation, by deed recorded in Volume 8051, Page 831, of said Deed Records, and the portion of said property within said Lot 6, Block 1 is a portion of that tract conveyed to Tandy Corporation, by deed recorded in Volume 9141, Page 2042, of said Deed Records, said 2.151 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at the southwest corner of said Lot 5 and the southeast corner of said Lot 6, Block 1, which point bears East, 2052.79 feet; South $00^{\circ}15'00''$ East, 1073.40 feet; and North $89^{\circ}07'00''$ East, 312.02 feet from the northwest corner of said Warnell Survey;

THENCE North $89^{\circ}07'00''$ East along the south line of said Lot 5, Block 1, 10.85 feet to a set $1/2''$ steel rod at the Point of Beginning;

THENCE North $00^{\circ}16'00''$ West along a line lying 10.85 feet east of and parallel to the west line of said Lot 5 and the east line of said Lot 6, Block 1, 313.82 feet to a set $1/2''$ steel rod in the north line of said Lot 5, Block 1;

THENCE North $89^{\circ}44'00''$ East along the north line of said Lot 5, Block 1, 101.82 feet to a set $1/2''$ steel rod;

THENCE North $46^{\circ}25'09''$ East across said Lot 6, Block 1, 41.92 feet to a set $1/2''$ steel rod in the southwesterly right-of-way line Peyco Drive South, a 60 feet wide public street;

THENCE in a southeasterly direction along said southwesterly right-of-way line and along a curve to the left having a radius of 130.00 feet, through a central angle of $38^{\circ}50'51''$, an arc length of 88.14 feet to a set $1/2''$ steel rod at the end of this curve;

THENCE North $89^{\circ}44'00''$ East (Basis of Bearing) continuing along said south right-of-way line and long the north line of said Lot 5, Block 1, 75.31 feet to a found $1/2''$ steel rod at the northeast corner thereof;

THENCE South $00^{\circ}16'00''$ East long the east line of said Lot 5, Block 1, 317.71 feet to a found $3/8''$ steel rod at the southeast corner thereof;

THENCE South $89^{\circ}07'00''$ West along the south line of said Lot 5, Block 1, 289.19 feet to the Point of Beginning, and containing 2.151 acres (93,704 square feet) of land, more or less.

THENCE South 89°07'00" West along the south line of said Lot 5, Block 1, 289.19 feet to the Point of Beginning, and containing 2.151 acres (93,704 square feet) of land, more or less.

Street Address: 1908 Payco Drive South Arlington, Texas 76001

Any telephone line crossing the subject property is covered by the Easement for Underground Facilities to Southwestern Bell Telephone Company recorded in Volume 5391, Page 709, Deed Records, Tarrant County, Texas. The easement shall be 5 feet wide and centered on any existing facilities.

An Agreement and Easement for Underground Service Lateral to Texas Electric Service Company is recorded in Volume 5843, Page 666, Deed Records, Tarrant County, Texas. (No location specified.)

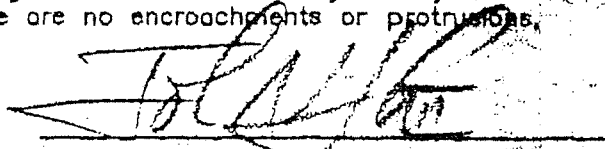
Easements not affecting the subject property include those recorded in Volume 5165, Page 371, Volume 6334, Page 792, and in Volume 12752, Page 413, Deed Records, Tarrant County, Texas.

All of the subject property lies within the 100-year flood plain according to the FEMA map with the following designation:
Zone AE Community 485454 Panel 0444-H Eff. Date 8-02-95

I hereby certify that this sketch of survey of the above described property is true and correct to the best of my knowledge and belief as recently surveyed under my direction on the ground, and that there are no encroachments or protrusions, except as noted.

Date: Dec 4, 2003

Job No. 7975-03
F.B. 338, P. 75
GF No. DT-03C62330-BSG1


JOHN A. GRANT, III
Registered Professional Land Surveyor 4151

This survey satisfies the requirements of a category IA, condition II survey as defined by "The Manual of Practice for Land Surveying in Texas."

TRACT AREA

93,704 Square Feet
2.151 Acres

Grant Engineering

Engineers

Surveyors

Planners

3244 Hemphill

Fort Worth, Texas 76110

817-923-3131

'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. 1726

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	<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? 08 / 04 / 04	<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:	<input type="radio"/> 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	<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):

- 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.

Judy McCampbell
Applicant Signature

2/18/09
Date

Before me Amy Ho the undersigned authority, on this day personally appeared
Judy McCampbell and signed this Municipal Setting Designation Application.
Name of Notary Name of Applicant

Sworn, subscribed and signed before me in the County of Tarrant, State of Tx, on the 18th day of February, this month of 2009.

A. H. 2

