

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



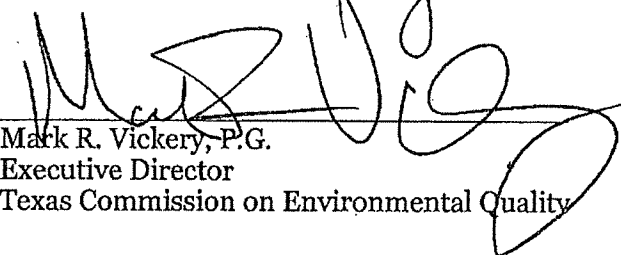
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No. 184, 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 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 15th day of February 2012



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

Exhibit "A"

FIELD NOTE DESCRIPTION

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the T. McCRAVE SURVEY, Abstract No. 959 and being a tract of land conveyed to Delta Solvents and being a portion PLANO ROAD (100' Right-of-Way), TURBEVILLE ROAD (60' Right-of-Way) and the DALLAS AREA RAPID TRANSIT RAILWAY (variable width Right-of-Way) and being more particularly described as follows;

BEGINNING at a capped 1/2 inch Iron rod found stamped "5310" at the most southwesterly corner of a tract of land conveyed to "E" Investments, LTD as recorded in Instrument No. 200600456544 of the Deed Records of Dallas County, Texas (DRDCT), said point being found in the northerly Right-of-Way line of the said DALLAS AREA RAPID TRANSIT RAILWAY;

THENCE along the southerly line of said "E" Investments, LTD tract North 69 deg 49 min 38 sec East a distance of 275.03 feet to the most southeasterly corner of said "E" Investments, LTD tract;

THENCE departing the southerly line of said "E" Investments, LTD tract and going across the said DALLAS AREA RAPID TRANSIT RAILWAY South 00 deg 00 min 51 sec East a distance of 149.35 feet to a point for corner in the southerly Right-of-Way line of the said DALLAS AREA RAPID TRANSIT RAILWAY, said point being in the northerly line of a tract of land conveyed to WM. Cameron & Co. as recorded in Volume 91247, Page 5408 (DRDCT);

THENCE along the southerly Right-of-Way line of said DALLAS AREA RAPID TRANSIT RAILWAY South 69 deg 53 min 27 sec West passing through a Metal Pipe found at the most northwesterly corner of said WM. Cameron & Co. tract at a distance of 803.03 feet said point being found in the easterly Right-of-Way line of said PLANO ROAD continuing across said PLANO ROAD a total distance of 909.72 feet to a point for corner in the westerly Right-of-Way line of said PLANO ROAD;

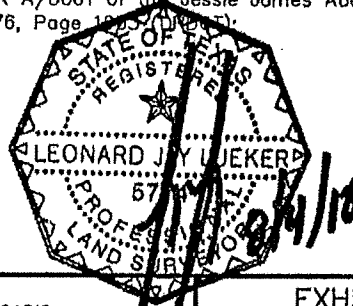
THENCE going across the said DALLAS AREA RAPID TRANSIT RAILWAY North 00 deg 21 min 59 sec East a distance of 116.53 feet to a point for corner in the westerly Right-of-Way line of said PLANO ROAD;

THENCE going across said PLANO ROAD North 74 deg 51 min 58 sec East a distance of 103.79 feet to the most southwesterly corner of a tract of land conveyed to the County of Dallas as recorded in Volume 99124, Page 5464 (DRDCT), said point being the intersection of the easterly Right-of-Way line of said PLANO ROAD and the northerly Right-of-Way line of the said DALLAS AREA RAPID TRANSIT RAILWAY;

THENCE along the southerly line of said County of Dallas tract North 69 deg 58 min 05 sec East a distance of 261.94 feet to the beginning of a non-tangent curve to the left having a radius of 366.98 feet and having a chord bearing of North 28 deg 27 min 13 sec East and having a chord length of 233.00 feet;

THENCE continuing along said non-tangent curve to the left through a central angle of 37 deg 01 min 06 sec and an arc length of 237.10 feet to a point for corner;

THENCE North 00 deg 23 min 24 sec East a distance of 54.34 feet to a 1/2 inch iron rod found for the most northeasterly corner of LOT 1, BLOCK A/8061 of the Jessie James Addition, an addition to the City of Dallas as recorded in Volume 70076, Page 1527 (DRDCT);



Winkelmann & Associates, Inc.	
<small>CONSULTING CIVIL ENGINEERS & SURVEYORS (872) 490-7090 FAX (872) 490-7093</small>	
Scale : 1"=200'	Date : 8/8/09
Design : WAI	
Drawn : WAI	
Dwg. File : 47709MSD.DWG	
Project No. : 47708.00	

ARCADIS
640 PLAZA DRIVE, STE 130
HIGHLANDS RANCH, CO 80129

EXHIBIT "A"
MSD AREA SURVEY
6.308 ACRES

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THENCE along the northerly line of said LOT 1, BLOCK A/B061 North 89 deg 56 min 36 West passing the easterly Right-of-Way line of said PLANO ROAD at a distance of 355.10 feet continuing across said PLANO ROAD for a total distance of 455.10 feet to a point for corner in the westerly Right-of-Way line of said PLANO ROAD;

THENCE along the westerly Right-of-Way line of said PLANO ROAD North 00 deg 23 min 24 sec East a distance of 244.32 feet to a point for corner;

THENCE going across said PLANO ROAD South 89 deg 36 min 36 sec East a distance of 100.00 feet to a point for corner at the north end of a corner-clip;

THENCE along said corner-clip South 44 deg 47 min 17 sec East a distance of 14.10 feet to the south end of said corner-clip, said point being in the northerly Right-of-Way line of said TURBEVILLE ROAD;

THENCE along the northerly Right-of-Way line of said TURBEVILLE ROAD South 89 deg 57 min 59 sec East a distance of 481.45 feet to a point for corner;

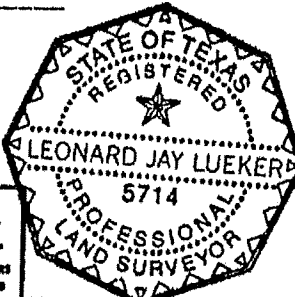
THENCE South 00 deg 02 min 38 sec West across said TURBEVILLE ROAD passing through the most northwesterly corner of said "E" Investments, LTD tract at a distance of 60.00 feet continuing in all a distance of 359.06 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 6.308 acres or 274,757 square feet of land more or less. Bearings cited herein are based upon an on the ground survey performed in the field on the 4th day of June, 2009 utilizing a GPS north (WGS84) measurement.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field 4th day of July, 2009 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE: 8/4/10



Leonard J. Lueker
 Registered Professional Land Surveyor
 Texas Registration No. 5714
 Winkelmann & Associates, Inc.
 6750 Hillcrest Plaza Drive, Suite 325
 Dallas, Texas 75230
 (972) 490-7090

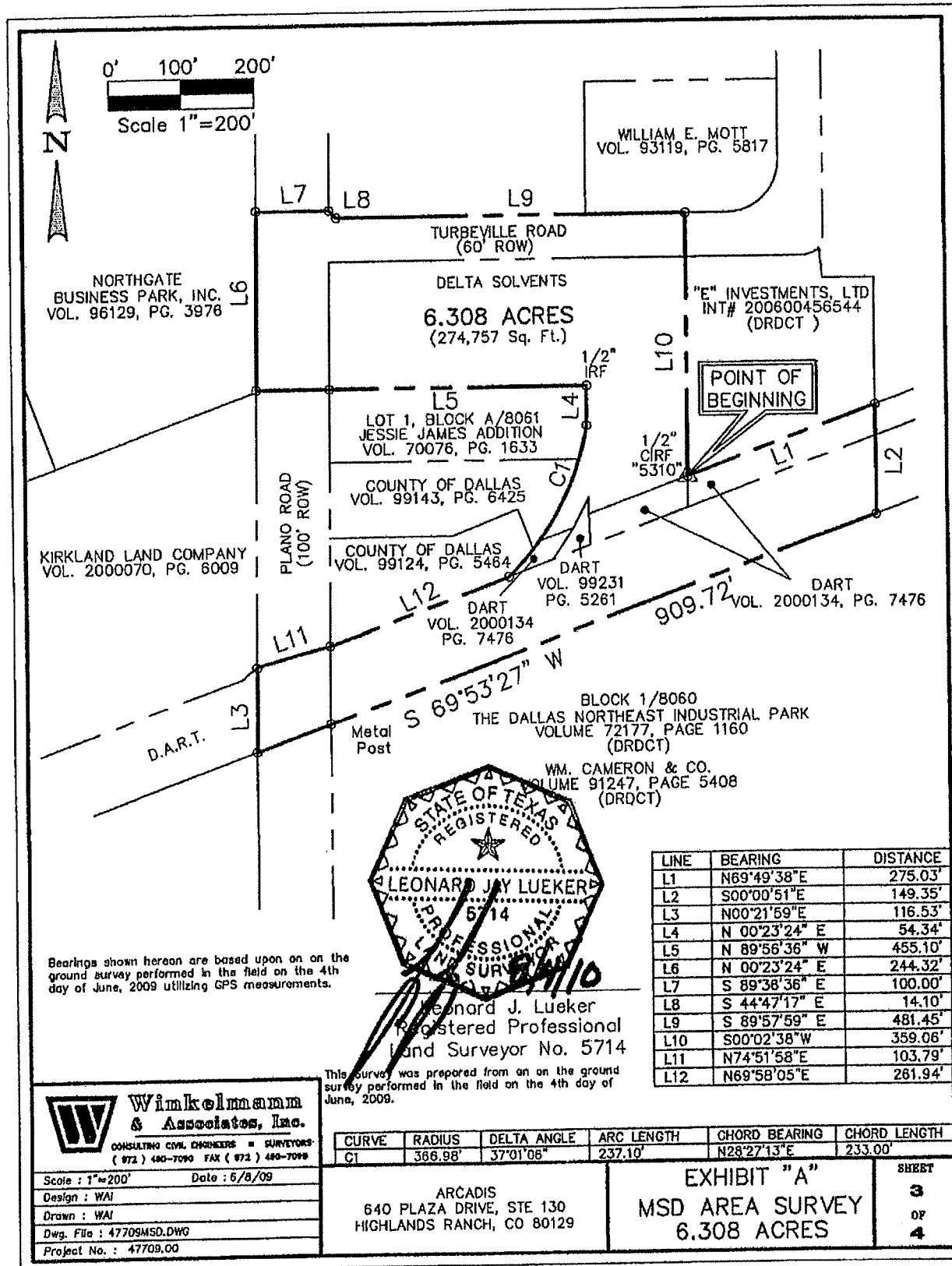
Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS & SURVEYORS
 (972) 490-7900 FAX (972) 490-7099

Scale : 1"=200'	Date : 8/8/09
Design : WAI	
Drawn : WAI	
Dwg. File : 47709MSD.DWG	
Project No. : 47709.00	

ARCADIS
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EXHIBIT "A"
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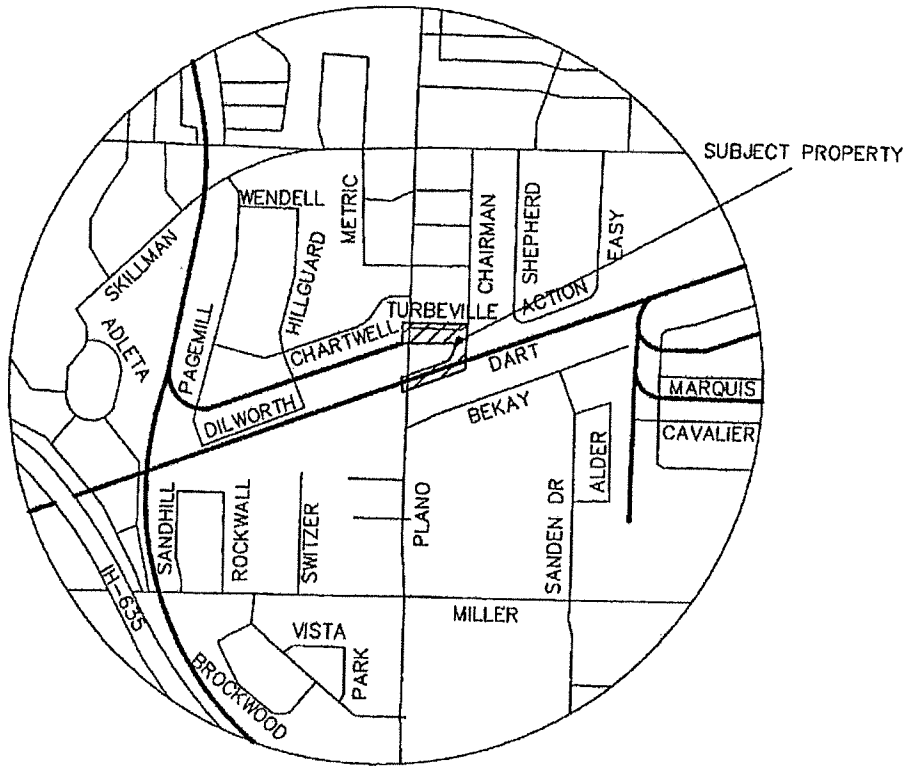
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 Project No.: 47709.00

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
CT	366.98'	37°01'06"	237.10'	N28°27'13"E	233.00'

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SHEET
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OF
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LOCATION MAP
NOT TO SCALE
— INDICATES RAIL



**Winkelman
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS
(972) 490-7000 FAX (972) 490-7029

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EXHIBIT "A"
MSD AREA SURVEY
6.308 ACRES

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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Laurie Rodriguez, as an authorized representative of _____, 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.

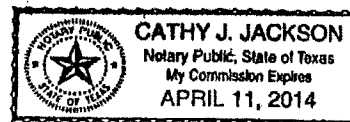
Laurie Rodriguez
Signature

Date: 10/12/11

Laurie Rodriguez
Printed Name

Project Manager
Title

STATE OF Texas
COUNTY OF Travis



SUBSCRIBED AND SWORN before me on this the 12 day of October 2011, to which witness my hand and seal of office.

Cathy Jackson
Notary Public in and for the State of Texas