

Texas Commission on Environmental Quality



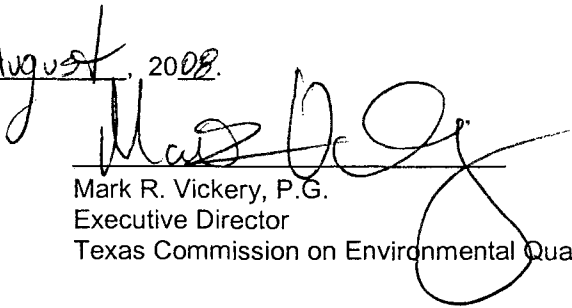
Municipal Setting Designation

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. 74, in the City of 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 7th day of August, 2008.


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

A

FIELD NOTE DESCRIPTION

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the MILES BENNETT SURVEY, Abstract No. 52 and the E.W. HUNT SURVEY, Abstract No. 576 and being a portion of City Block No. E/5696 and City Block No. E/5697 and being all of a tract of land conveyed to LUI DALLAS MOCKINGBIRD L.P. as recorded in Document Number 200600173775 of the Deed Records of Dallas County, Texas (DRDCT) and being a portion of HAGGAR WAY (55' Right-of-Way) a portion of ROPER STREET (variable width Right-of-Way) and a portion of MOCKINGBIRD LANE (variable width Right-of-Way) and being more particularly described as follows;

BEGINNING at the most northeasterly corner of a tract of land conveyed to PRESCOTT INTERESTS LTD as recorded in Volume 20030B2, Page 00520 (DRDCT), said point being in the southeasterly Right-of-Way line of said HAGGAR WAY;

THENCE along the southeasterly Right-of-Way line of said HAGGAR WAY South 58 deg 02 min 13 sec West passing the most northeasterly corner of a tract of land conveyed to HD DEVELOPMENT PROPERTIES, L.P. as recorded in Volume 99133, Page 05399 (DRDCT) at a distance of 116.95 feet continuing in all a total distance of 260.31 feet to a point for corner;

THENCE departing the southeasterly Right-of-Way line of said HAGGAR WAY North 32 deg 02 min 17 sec West passing through a "X" cut found in concrete in the northeasterly Right-of-Way line of said HAGGAR WAY, said point being the most southeasterly corner of the RM EAGLE NO. 2 ADDITION, an addition to the City of Dallas as recorded in Volume 97048, Page 4 (DRDCT) at a distance of 55.00 feet continuing in all a total distance of 300.00 feet to an "X" cut found in concrete, said point being found in the southerly line of said LUI DALLAS MOCKINGBIRD L.P. tract

THENCE along the southerly line of said LUI DALLAS MOCKINGBIRD L.P. tract South 58 deg 02 min 13 sec West a distance of 381.88 feet to a 1/2 inch iron rod found for corner, said point being the most southwesterly corner of said LUI DALLAS MOCKINGBIRD L.P. tract;

THENCE along the westerly line of said LUI DALLAS MOCKINGBIRD L.P. tract North 31 deg 57 min 47 sec West passing through a 1/2 inch iron rod found at the most southwesterly corner of a tract of land conveyed to LOVE FIELD FINANCIAL CENTER L.P. recorded in Volume 93023, Page 336B (DRDCT) at a distance of 154.95 feet, passing through the most northeasterly corner of said LOVE FIELD FINANCIAL CENTER L.P. tract at a distance of 554.97 feet and passing through a "X" cut found in concrete, said point being found in the southeasterly Right-of-Way line of said ROPER STREET and being the most northwesterly corner of LUI DALLAS MOCKINGBIRD L.P. tract at a distance of 562.51 feet continuing in all a distance of 640.67 feet to a point for corner in the northwesterly Right-of-Way line of said ROPER STREET, said point being in the southeasterly line of LOT 1, BLOCK A/5695 of the DAN E. FENN ADDITION, an addition to the City of Dallas as recorded in Volume 98232, Page 46 (DRDCT);

THENCE North 15 deg 20 min 58 sec East passing through the most easterly corner of said LOT 1, BLOCK A/5695 at a distance of 111.33 feet continuing in all a distance of 204.11 feet to a point for corner in the northerly Right-of-Way line of said MOCKINGBIRD LANE;

THENCE along the northerly Right-of-Way line of said MOCKINGBIRD LANE as follows;

North 87 deg 19 min 41 sec East a distance of 342.18 feet to a 1 inch iron pipe found for the most southeasterly corner of a tract of land conveyed to PUBLIUS 2 LLC as recorded in Document No. 200503547555 (DRDCT);

South 82 deg 23 min 23 sec East a distance of 25.11 feet to a point for corner;

North 89 deg 09 min 41 sec East passing through a 1/2 inch iron found at a distance of 556.72 feet continuing in all a total distance of 589.71 feet to a point for corner;

THENCE South 00 deg 04 min 38 sec East passing the intersection of the southerly Right-of-Way line of said MOCKINGBIRD LANE and the easterly Right-of-Way line of HAGGAR WAY at a distance of 79.15 feet continuing along the easterly Right-of-Way line of said HAGGAR WAY passing through a 5/8 inch iron rod at a distance 213.81 feet continuing in all a distance of 644.18 feet to a point for corner;

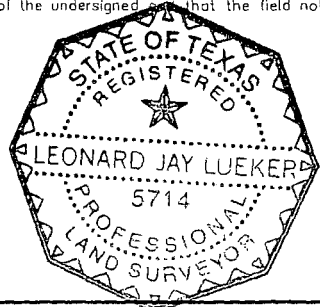
THENCE continuing along the easterly Right-of-Way line of said HAGGAR WAY South 45 deg 05 min 09 sec East a distance of 45.03 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 14.207 acres or 618,866 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 1st day of March 2007 utilizing GPS measurements.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field 1st day of March, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE: 9/20/07



[Signature]
Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelman & Associates, Inc.
9740 Hillcrest Plaza Drive, Suite 100
Dallas, Texas 75230
(972) 490-7099

Winkelman & Associates, Inc.
CONSULTING CIVIL ENGINEERS • SURVEYORS
(972) 490-7090 FAX (972) 490-7099

Scale :	1"=300'	Date :	03/08/07
Design :	WAI		
Drawn :	ADF		
Dwg. File :	008.91		
Project No. :	008.91MSD.DWG		

TERRACON
8901 JOHN CARPENTER FREEWAY
SUITE# 100 DALLAS, TEXAS, 75247

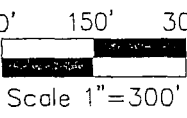
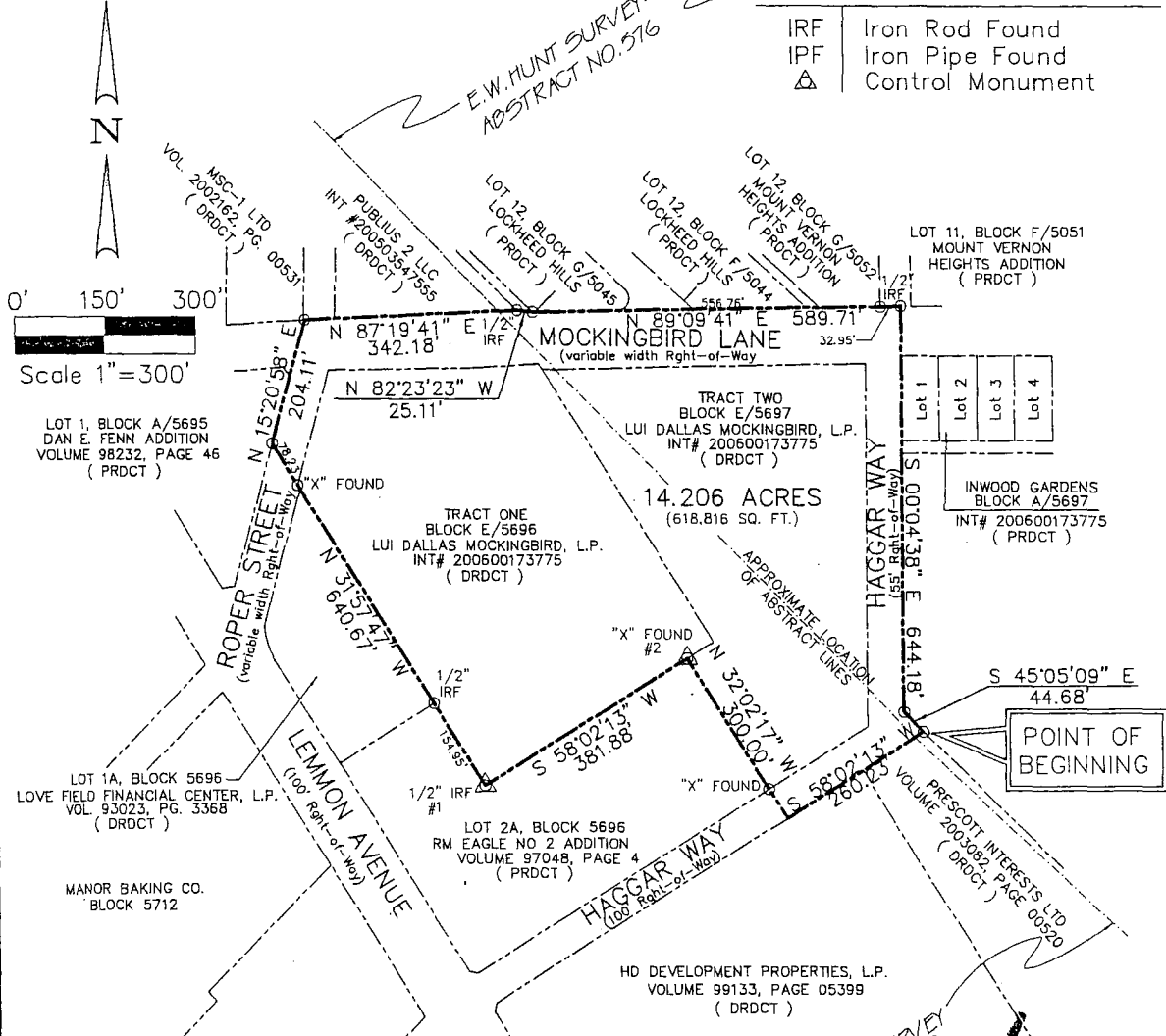
EXHIBIT "A"
MSD SURVEY
14.206 ACRES

SHEET
1
OF
2

Bearings shown hereon are based upon an on the ground survey performed in the field on the 15th day of August, 2006 utilizing GPS measurements.

LEGEND

- IRF Iron Rod Found
- IPF Iron Pipe Found
- △ Control Monument



LOT 1, BLOCK A/5695
DAN E. FENN ADDITION
VOLUME 98232, PAGE 46
(PRDCT)

LOT 1A, BLOCK 5696
LOVE FIELD FINANCIAL CENTER, L.P.
VOL. 93023, PG. 3368
(DRDCT)

MANOR BAKING CO.
BLOCK 5712

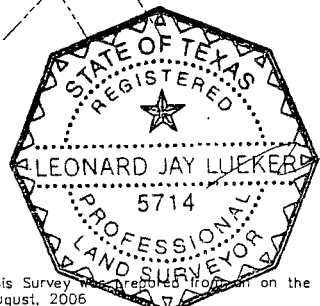
SEWELL CORPORATION
VOLUME 97164, PAGE 02812
(DRDCT)

#1
X=2592310
Y=7013218

#2
X=2592634
Y=7013420

The Coordinates shown hereon were taken from the NCTCOG Maps.

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS ■ SURVEYORS
(972) 490-7090 FAX (972) 490-7099



MILES BENNETT SURVEY
ABSTRACT NO. 52

Leonard J. Lueker
Registered Professional
Land Surveyor No. 5714

This Survey was prepared hereon on the ground survey performed in the field on the 15th day of August, 2006

Scale : 1"=300'	Date : 03/08/07
Design : WAI	
Drawn : ADF	
Dwg. File : 008_91	
Project No. : 008.91MSD.DWG	

TERRACON
8901 JOHN CARPENTER FREEWAY
SUITE# 100 DALLAS, TEXAS, 75247

EXHIBIT "A"
MSD SURVEY
14.206 ACRES

SHEET	2
OF	2

'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 type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
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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 2032

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ind})?	<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? 02/20/2007	<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.

Wayland Threadgill
Applicant Signature

6-3-08
Date

Before me Barbara C Henson the undersigned authority, on this day personally appeared

Wayland Threadgill and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 3rd day of June, this month of June, 2008

TCEQ-20149 June 2007

Barbara C. Henson 2

