

Texas Commission on Environmental Quality



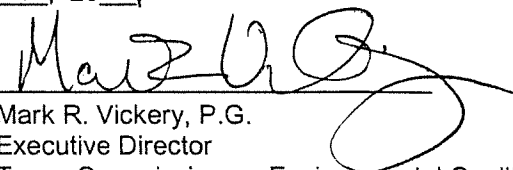
Municipal Setting Designation

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. 87, 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.

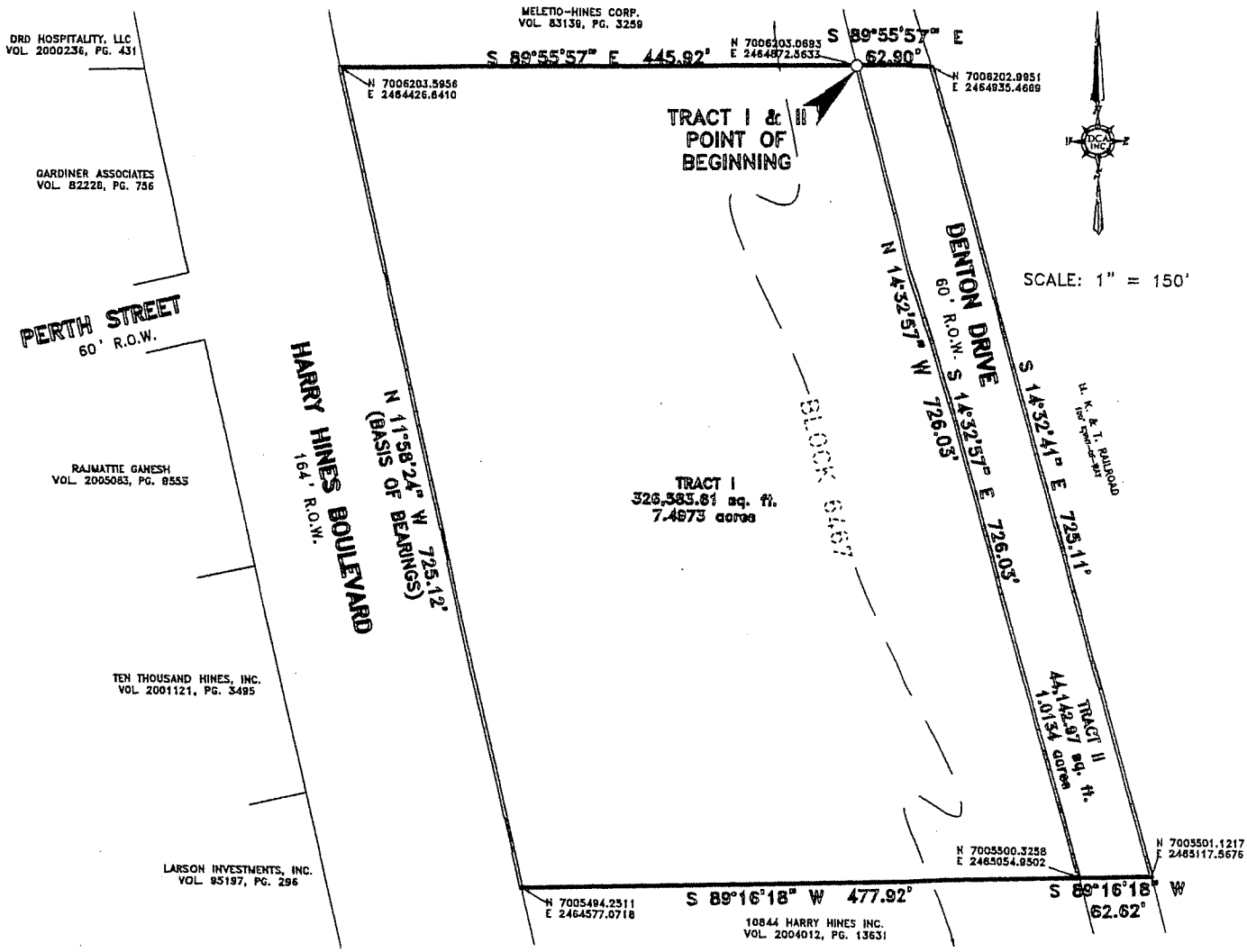
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this 9th day of December, 2009


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

M.S.D. SURVEY

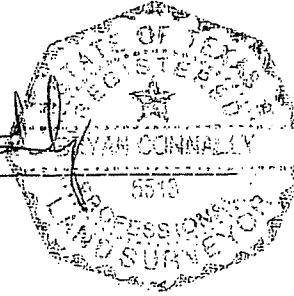
'A'



GENERAL NOTES:

1) BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 99041, PAGE 4803, DEED RECORDS, DALLAS COUNTY, TEXAS.

Bryan Connally
BRYAN CONNALLY
R.P.L.S. NO. 5513



DOUG CONNALLY & ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
11545 Pagemill Road • Suite 200 • Dallas, Texas 75243
P 214.349.9485 • F 214.349.2216
www.dcadfw.com

SHEET 1 OF 3
JOB NO. 0706985-1
DRAWN BY: R.G.

M.S.D. SURVEY

TRACT I

Being a tract of land situated in the James Mathews Survey, Abstract No. 955 and being part of City Block 6467, in the City of Dallas, Dallas County, Texas, and being the same tract of land conveyed to JLO JV XII, L.P. a Texas Limited Partnership, by Deed recorded in Volume 99041, Page 4803, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner lying in the West line of Denton Drive (60 foot right of way) and being the Southeast corner of a tract of land conveyed to Meletio-Hines Corp., by Deed recorded in Volume 83139, Page 3259, Deed Records, Dallas County, Texas;

THENCE South 14 degrees 32 minutes 57 seconds East along the West line of said Denton Drive, a distance of 726.03 feet to a point for corner;

THENCE South 89 degrees 16 minutes 18 seconds West, a distance of 477.92 feet to a point for corner, said corner lying in the East line of Harry Hines Boulevard (164 foot right of way);

THENCE North 11 degrees 58 minutes 24 seconds West along the East line of said Harry Hines Boulevard, a distance of 725.12 feet to a point for corner;

THENCE South 89 degrees 55 minutes 57 seconds East, a distance of 445.92 feet to the POINT OF BEGINNING and containing 326,583.61 square feet or 7.4973 acres of land.

TRACT II

Being part of Denton Drive (60 foot right of way), and being more particularly described as follows:


BEGINNING at a 1/2 inch iron rod found for corner, said corner lying in the East line of said Denton Drive and being the Southeast corner of a tract of land conveyed to Meletio-Hines Corp., by Deed recorded in Volume 83139, Page 3259, Deed Records, Dallas County, Texas, and being the Northeast corner of a tract of land conveyed to JLO JV XII, L.P., by Deed recorded in Volume 99041, Page 4803, Deed Records, Dallas County, Texas;

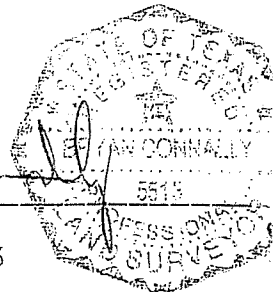
THENCE South 89 degrees 55 minutes 57 seconds East, a distance of 62.90 feet to a point for corner, said corner lying in the East line of said Denton Drive;

THENCE South 14 degrees 32 minutes 41 seconds East along the East line of said Denton Drive, a distance of 725.11 feet to a point for corner;

THENCE South 89 degrees 16 minutes 18 seconds West, a distance of 62.62 feet to a point for corner;

THENCE North 14 degrees 32 minutes 57 seconds West along the West line of said Denton Drive, a distance of 726.03 feet to the POINT OF BEGINNING and containing 44,142.97 square feet or 1.0134 acres of land.


BRYAN CONNALLY
R.P.L.S. NO. 5513



DC&A

DOUG CONNALLY & ASSOCIATES, INC.

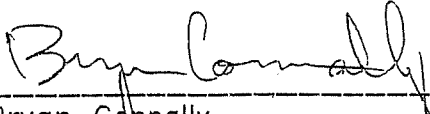
ENGINEERING • PLANNING • SURVEYING
11545 Pagemill Road • Suite 200 • Dallas, Texas 75243
P 214.349.9485 • F 214.349.2216
www.dcadfw.com

SHEET 2 OF 3
JOB NO. 0706985-1
DRAWN BY: R.G.

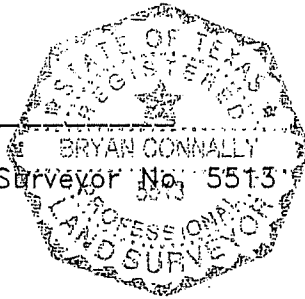
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to the City of Dallas, that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 30th day of November, 2007



Bryan Connally
Registered Professional Land Surveyor No. 5513



DOUG CONNALLY & ASSOCIATES, INC.

ENGINEERING · PLANNING · SURVEYING
11545 Pagemill Road · Suite 200 · Dallas, Texas 75243
P 214.349.9485 · F 214.349.2216
www.dcadfw.com

SHEET 3 OF 3
JOB NO. 0706985-1
DRAWN BY: R.G.

'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
---	---------------------------	---------------------------------------	--

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. 775, Frigiking SWR No. 31379, PST Facility ID No. 54236		
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? 07 /21 /1998	<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.

[Signature]
Applicant Signature

Oct 6 2008
Date

Before me Vicki M. Anderson the undersigned authority, on this day personally appeared
Gary A. Palmer Name of Notary
Gary A. Palmer 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 6th day of Oct, this month of October, 2008.

