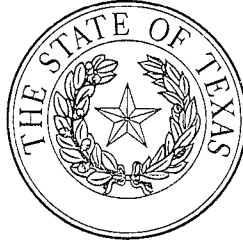


# Texas Commission on Environmental Quality



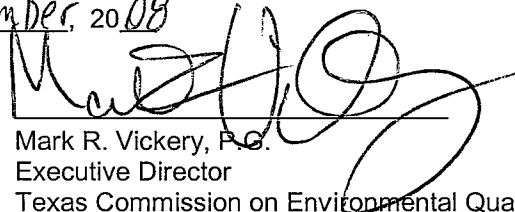
## Municipal Setting Designation

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. 86, 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 17<sup>th</sup> day of December, 2008

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



'A'

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of the following described property:

BEING all that certain lot, tract or parcel of land situated in Block No. 2570 out of the Miles Bennett Survey, Abstract No. 52 in the City of Dallas, Texas, and being all of a called 1.1478 acre tract of land conveyed from Luther Dockery to 2525 W. Mockingbird, LLC by deed recorded in Volume 2007031, Page 0626 of the Deed Records of Dallas County, Texas, and a part of Mockingbird Lane (100 foot right of way) and also a part of the 0.1682 acre tract of land conveyed to Carlisle Interests by deed recorded in Volume 2004077 at Page 9461 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at an "x" found in concrete in the Northwest right of way line of Mockingbird Lane (100 foot right of way), said point being the most Easterly corner of Lot 2 in Block 2570 of the Encino Commercial Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 93157 at Page 5375 of the Map Records of Dallas County, Texas, said point also being the most Southerly corner of said 1.1478 tract of land conveyed to Luther Dockery;

THENCE North 43° 20' West and departing the Northwest right of way line of Mockingbird Lane, and following along the Northeast line of said Lot 2 and being common to the aforesaid 1.1478 acre tract conveyed to 2525 W. Mockingbird, LLC and passing at a distance of 274.69 feet to a "?" iron rod found for the most westerly corner of said 2525 W. Mockingbird, LLC, tract and continuing in all for a distance of 291.69 feet to a point for corner in the Northwesterly line of the aforementioned 0.1682 acre tract conveyed to Carlisle Interests;

THENCE North 46° 42' 53" East and following along the Northwesterly line of said 0.1682 acre Carlisle Interests tract for a distance of 182.00 feet to a point for corner;

THENCE South 43° 20' 00" East and passing the most Northerly corner of said 2525 W. Mockingbird, LLC tract at a distance of 17.00 feet and continuing along the Northeast line of said 2525 W. Mockingbird, LLC, tract for a distance of 291.54 feet to the most Easterly corner of said 2525 W. Mockingbird, LLC, tract and being in the aforesaid Northwesterly right of way line of said Mockingbird Lane and continuing in all for a distance of 391.54 feet to a point for corner in the Southeasterly right of way line of said Mockingbird Lane;

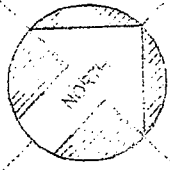
THENCE South 46° 40' 00" West along the Southeast right of way line of Mockingbird Lane for a distance of 182.00 feet to a point for corner;

THENCE North 43° 20' 00" West for a distance of 100.00 feet to the POINT OF BEGINNING and CONTAINING 1.6362 ACRES OF LAND, more or less.

'A'

LEGEND

- F.H. FIRE HYDRANT
- ⊗ SET CHISELED "X" SET
- ⊙ F.X. CHISELED "X" FOUND
- F.I.R. IRON ROD FOUND (SIZE AS NOTED)
- S.I.R. IRON ROD SET (SIZE AS NOTED)
- PP OVERHEAD UTILITY POLE W/ GUY
- ⊞ UT UNDERGROUND UTILITY POLE OR TELEPHONE
- L.P. LIGHT POLE
- ⊙ SSMH SANITARY SEWER MANHOLE
- C.O. SAN. SWR. CLEAN OUT
- G.V. GAS VALVE
- W.V. WATER VALVE
- (12) TREE



MILES BENNETT SURVEY  
ABSTRACT NO. 52

BLOCK 2570  
1.213 AC.  
J.V. HAWES  
VOL. 85172, PG. 5630.  
D.R.D.C.T.

BLOCK 2570  
1.5848 AC.  
HAWES WILLIAMSON, J.V.  
VOL. 86001, PG. 481.  
D.R.D.C.T.

BLOCK 1-B/2368  
FOREST PARK ADDITION  
VOL. 241, PG. 41  
M.R.D.C.T.

(VARIABLE WIDTH RIGHT-OF-WAY)  
**MAPLE AVENUE**

NO. 6630  
ONE STORY BRICK BUILDING  
LOT 3  
ENCINO INVESTMENTS, LTD.  
VOL. 933079, PG. 2124.  
D.R.D.C.T.

NO. 66--  
ONE STORY BRICK BUILDING  
LOT 2  
BLOCK 257C  
ENCINO  
COMMERCIAL ADDITION  
VOL. 93157, PG. 5375  
M.R.D.C.T.  
ENCINO COMMERCIAL  
VOL. 93079, PG. 2137  
C.R.D.C.T.

1.6362 ACRES  
ONE STORY BRICK BUILDING  
2525 MOCKINGBIRD LANE  
(1.1478 ACRES)  
2525 W. MOCKINGBIRD LLC  
VOL. 2007031, PG. 626,  
D.R.D.C.T.  
BLOCK 2570

LOT 1  
ENCINO INVESTMENTS, LTD.  
VOL. 93079, PG. 2124.  
D.R.D.C.T.

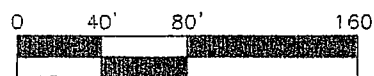
(4.1665 ACRES)  
ONE STORY BRICK BUILDING  
PRESCOTT INTERESTS  
VOL. 200470, PG. 09451.  
D.R.D.C.T.

**MOCKINGBIRD LANE**  
(100' RIGHT-OF-WAY)

50'	50'	50'	50'	50'
LOT A	LOT B	LOT C	LOT D	LOT E

BLOCK 8-B/2368  
36.89'

BLOCK 4492  
MAPLE COURT NO. 1  
VOL. 2, PG. 330  
M.R.D.C.T.



GRAPHIC SCALE: 1" = 80'

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 <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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 2098

Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 11/ 19 /07	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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

<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

<sup>6</sup> 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.

Sandy Owens, manager 9/24/08  
 Applicant Signature Date

Before me SANDRA SKAGGS the undersigned authority, on this day personally appeared  
SANDY OWENS Name of Notary 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 24th  
 day of SEPTEMBER this month of 2008.

