

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 17, 2009

Mr. Brendan Lowrey
Thompson & Knight LLP
One Arts Plaza
1722 Ruth Street, Suite 1500
Dallas, TX 75201-2533

Re: Municipal Setting Designation (MSD) Certificate for 6814 HH Partners, LP, 6814 Harry Hines and 2100 Langston Court, Dallas, TX; MSD No. 90

Dear Mr. Lowrey:

Enclosed is the Municipal Setting Designation Certification for the above-referenced site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/sr

Enclosure

cc: Frank Clayworth, Project Manager VCP No. 2145, Remediation Division, MC-137

Texas Commission on Environmental Quality



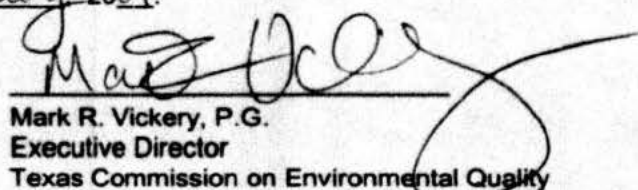
Municipal Setting Designation

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. 90, 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 4th day of February 2009.



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

'A'

FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the MILES BENNETT Survey, Abstract No. 52 and being all of a tract of land as described in a deed to R.L.R. Investments as recorded in Volume 98153, Page 04694 and Volume 98079, Page 3703 of the Deed Records of Dallas County, Texas (DRDCT), and being a portion of HAWES AVENUE (50' ROW), and a portion of FOREST PARK ROAD (40' ROW), and a portion of LANGSTON COURT (40' ROW), and a portion of EMPIRE CENTRAL (Variable-Width ROW), and being more particularly described as follows:

BEGINNING at the intersection of the southeasterly right of way of HAWES AVENUE (50' ROW), and the northeasterly right of way of HARRY HINES BOULEVARD (190' ROW), said point also being the most westerly corner of FOREST PARK ADDITION, an addition to the City of Dallas as recorded in Volume 241, Page 00041 (DRDCT).

THENCE along the northeasterly right of way of said HARRY HINES BOULEVARD and the southwesterly line of said R.L.R. INVESTMENTS, LLC tract as follows:

Across the said HAWES AVENUE North 43 deg 57 min 04 sec West a distance of 50.00 feet to a 1/2 inch iron rod found;

North 47 deg 00 min 24 sec West a distance of 649.60 feet to a 1/2 inch iron rod found for corner;

Departing the northeasterly right of way of said HARRY HINES BOULEVARD North 42 deg 59 min 36 sec East a distance of 120.00 feet to a PK NAIL found for corner;

North 47 deg 00 min 24 sec West passing through a 1/2 inch iron rod found in the southeasterly right of way line of said EMPIRE CENTRAL at a distance of 362.88 feet and continuing across EMPIRE CENTRAL (variable-width ROW) for a total distance of 418.92 feet to a point for corner in the northwesterly right of way line of said EMPIRE CENTRAL.

THENCE along the northwesterly right of way of said EMPIRE CENTRAL North 47 deg 10 min 42 sec East a distance of 227.76 feet to a point for corner;

THENCE South 45 deg 04 min 40 sec East passing through the southeasterly right of way of said EMPIRE CENTRAL at a distance of 50.29 feet and continuing along the northerly line of said R.L.R. INVESTMENTS, LLC tract for a total distance of 248.43 feet to a 1/2 inch iron rod found for corner;

THENCE along the northerly line of said R.L.R. INVESTMENTS, LLC tract as follows:

North 48 deg 03 min 22 sec East a distance of 124.98 feet to a 1/2 inch iron rod found for corner;

South 45 deg 05 min 01 sec East a distance of 177.37 feet to a 1/2 inch iron rod found for corner;

North 47 deg 19 min 48 sec East a distance of 168.20 feet to a 1/2 inch iron rod found for corner;

South 37 deg 30 min 29 sec East a distance of 151.55 feet to a 1/2 inch iron rod found for corner in the northwesterly right of way of LANGSTON COURT (40' ROW);

THENCE along the northwest right of way of said LANGSTON COURT North 51 deg 32 min 48 sec East a distance of 57.70 feet to a point for corner;

THENCE across said LANGSTON COURT South 36 deg 52 min 00 sec East passing through a 1/2 inch iron rod found for the most westerly corner of a tract of land as described in a deed to Jin Hee Song, as recorded in Instrument No. 200600303099 at a distance of 40.02 feet and continuing along the southwesterly line of said Jin Hee Song tract for a total distance of 180.86 feet to a point for corner from which a 5/8 inch iron rod found bears North 12 deg 52 min 16 sec West a distance of 2.28 feet;

THENCE North 51 deg 30 min 33 sec East passing through a 1/2 inch iron rod found in the southwesterly right of way line of said FOREST PARK ROAD at a distance of 300.18 feet, and continuing across said FOREST PARK ROAD for a total distance of 340.58 feet to a point for corner in the northeasterly right of way line of said FOREST PARK ROAD;

THENCE along the northeasterly right of way line of said FOREST PARK ROAD as follows:

South 37 deg 00 min 08 sec East a distance of 1.34 feet to a point for corner;

South 44 deg 26 min 48 sec East passing through an "X"-cut found at a distance of 224.07 feet and continuing along the northeasterly right of way line of said FOREST PARK ROAD for a total distance of 325.57 feet to a point for corner;

THENCE South 46 deg 38 min 27 sec West a distance of 951.90 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 15.289 acres or 666,002 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 14th day of January, 2008 utilizing GPS measurements.

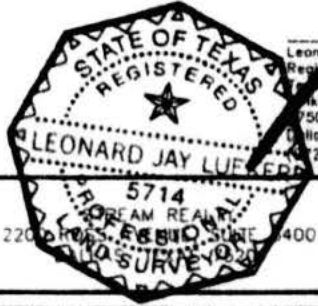
SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on the 14th day of January, 2008 under the supervision of the undersigned and that the field notes description forms a mathematical figure of 1:15,000.

Date: 4/9/08



Winkolmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS • SURVEYORS
(872) 490-7090 FAX (872) 490-7099



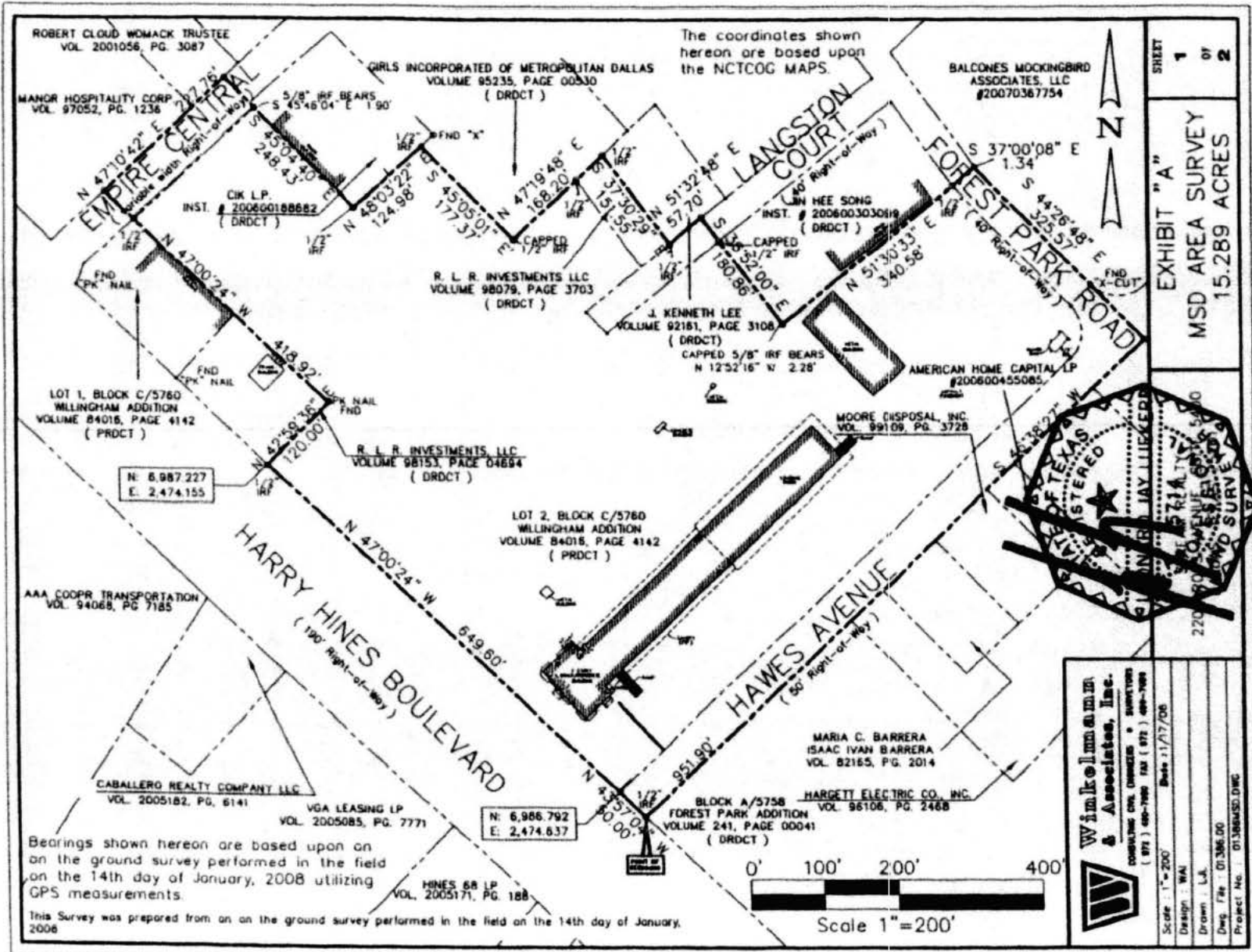
STATE OF TEXAS
REGISTERED
LEONARD JAY LUEKER
5714
DALLAS COUNTY, TEXAS
2200 FOREST PARK ROAD, SUITE 1400
DALLAS, TEXAS 75230
(872) 490-7090

Leonard J. Lueker
Registered Professional Land Surveyor
No. 5714
Winkolmann & Associates, Inc.
2200 Forest Park Road, Suite 100
Dallas, Texas 75230
(872) 490-7090

Scale: 1"=200'	Date: 1/17/08
Design: WAI	
Drawn: L.J.L.	
Dwg. File: 01386.00	
Project No: 01386MSD.DWG	

EXHIBIT "A"
MSD AREA SURVEY
15.289 ACRES

SHEET
2
OF
2



The coordinates shown hereon are based upon the NCTCOG MAPS.

ROBERT CLOUD WOMACK TRUSTEE
VOL. 2001058, PG. 3087

MANOR HOSPITALITY CORP
VOL. 97052, PG. 1236

GIRLS INCORPORATED OF METROPOLITAN DALLAS
VOLUME 95235, PAGE 00530
(DRDCT)

BALCONES MOCKINGBIRD ASSOCIATES, LLC
#20070367754

CIK LP
INST. # 200600188882
(DRDCT)

R. L. R. INVESTMENTS LLC
VOLUME 98079, PAGE 3703
(DRDCT)

HEE SONG
INST. # 200600303089
(DRDCT)

J. KENNETH LEE
VOLUME 92181, PAGE 3108
(DRDCT)

AMERICAN HOME CAPITAL LP
#200600455085

LOT 1, BLOCK C/5760
WILLINGHAM ADDITION
VOLUME 84016, PAGE 4142
(PRDCT)

R. L. R. INVESTMENTS LLC
VOLUME 98153, PAGE 04694
(DRDCT)

MOORE DISPOSAL, INC.
VOL. 99109, PG. 3728

LOT 2, BLOCK C/5760
WILLINGHAM ADDITION
VOLUME 84016, PAGE 4142
(PRDCT)

AAA COOPR TRANSPORTATION
VOL. 94068, PG. 7185

CABALLERO REALTY COMPANY LLC
VOL. 2005182, PG. 6141

VGA LEASING LP
VOL. 2005085, PG. 7771

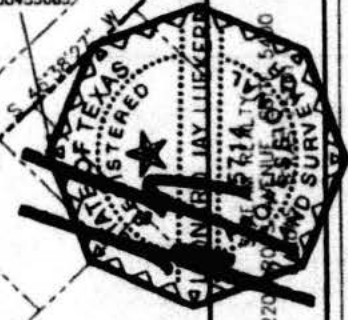
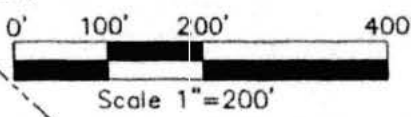
MARIA C. BARRERA
ISAAC IVAN BARRERA
VOL. 82165, PG. 2014

BLOCK A/5758
FOREST PARK ADDITION
VOLUME 241, PAGE 00041
(DRDCT)

HINES 68 LP
VOL. 2005171, PG. 188

Bearings shown hereon are based upon on the ground survey performed in the field on the 14th day of January, 2008 utilizing GPS measurements.

This Survey was prepared from an on the ground survey performed in the field on the 14th day of January, 2008



Wimkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS & SURVEYORS
(972) 496-7969 FAX (972) 496-7969
Made 11/07/08

Scale	1"=200'
Design	WA
Drawn	LK
Dwg. File	01386.DWG
Project No.	01386MSD.DWG

SHEET 1 OF 2
EXHIBIT "A"
MSD AREA SURVEY
15.289 ACRES

'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.
EPA ID No. TXD981146236, SWR No. 67267, IOP No. 419, PST No. 121, and VCP No. 2145

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? 02/ 28 /2008	<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 ⁵	<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.

6814 HH PARTNERS, LP, a Texas limited partnership

By: Stream Acquisition XLIII, L.L.C.
a Texas limited liability company, its general partner

By: Chris Jackson
Chris Jackson, Vice President

10/30/2008
Date

Before me Janet Beard the undersigned authority, on this day personally appeared
Name of Notary

Chris Jackson, on behalf of 6814 HH Partners, LP and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas State of Texas on the 30th day of October, 2008.

TCEQ-20149 June 2007

