

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 014

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for the Crow-Billingsley # 17, Ltd. Property, Flora and Routh Streets, Dallas, Texas, 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 19 day of May, 2006.

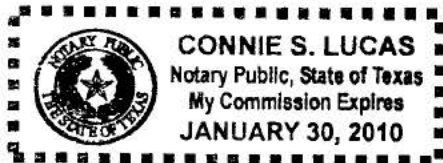


Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

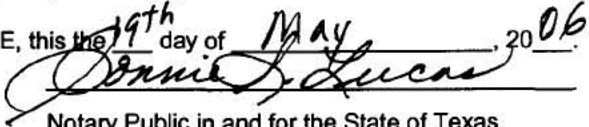
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 19th day of May, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of May, 2006.



Notary without Bond

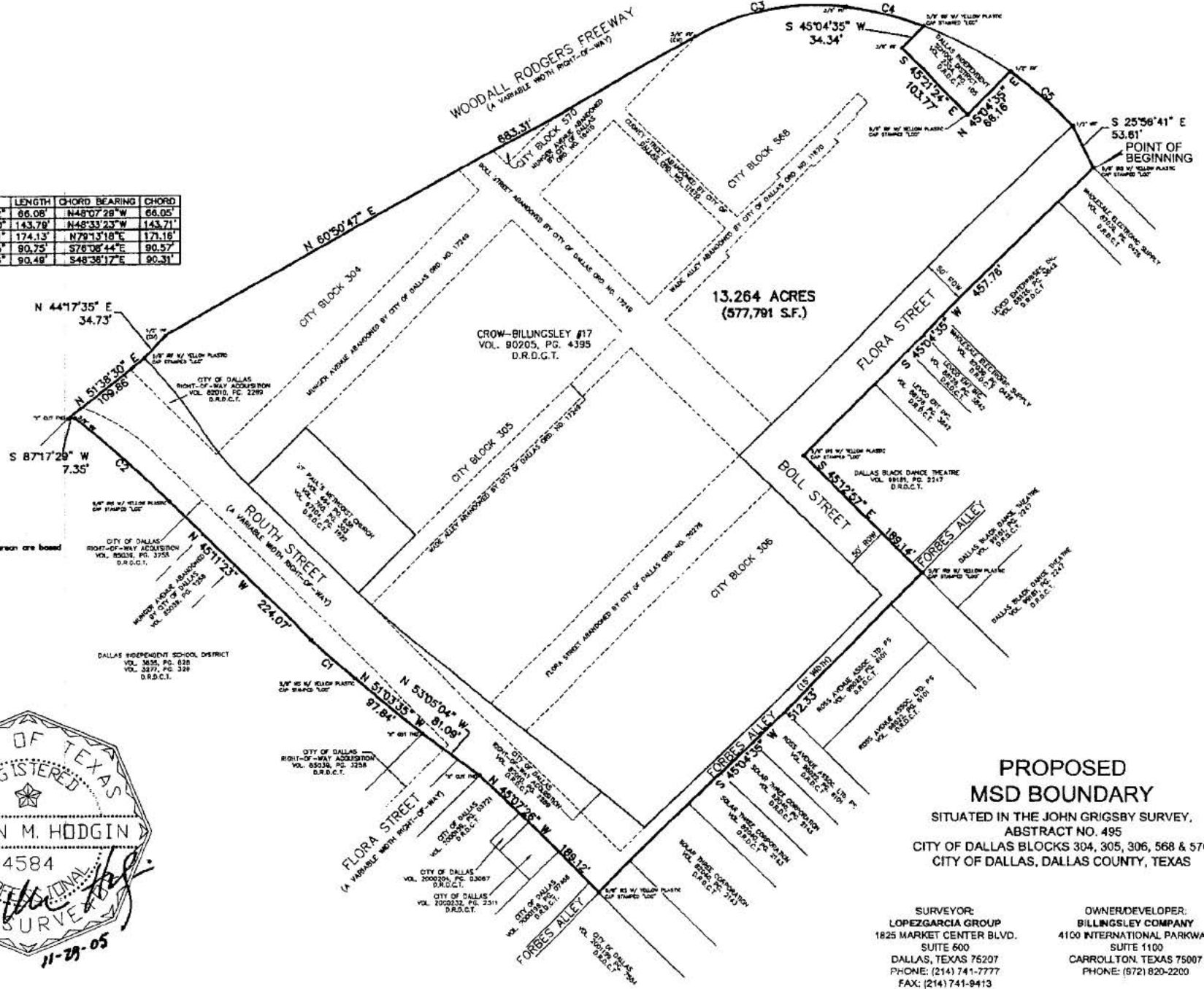


Notary Public in and for the State of Texas



CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	645.00	05°52'12"	86.08	N48°07'28"W	66.05
C2	1223.58	08°44'00"	143.78	N48°33'23"W	143.71
C3	271.48	38°45'01"	174.13	N79°13'18"E	171.16
C4	415.48	12°30'55"	80.75	S78°08'44"E	80.57
C5	415.48	12°28'48"	80.48	S48°38'17"E	80.31

- NOTES
1. Bearings and distances shown herein are based on North American Datum 1927.
 2. (CM) - Controlling Monument



**PROPOSED
MSD BOUNDARY**
SITUATED IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NO. 495
CITY OF DALLAS BLOCKS 304, 305, 306 & 570
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SURVEYOR:
LOPEZGARCIA GROUP
1825 MARKET CENTER BLVD.
SUITE 600
DALLAS, TEXAS 75207
PHONE: (214) 741-7777
FAX: (214) 741-9413

OWNER/DEVELOPER:
BILLINGSLEY COMPANY
4100 INTERNATIONAL PARKWAY
SUITE 1100
CARROLLTON, TEXAS 75007
PHONE: (972) 820-2200

A

PROPOSED MSD BOUNDARY

METES AND BOUNDS DESCRIPTION

BEING a 13.264 acre tract of land situated in the John Grigsby Survey, Abstract No 495, City of Dallas Block Numbers 304, 305, 306, 568 and 570 and being all of that certain tract of land described to Crow-Billingsley #17 by deed recorded in Volume 90205, Page 4395, Deed Records of Dallas County, Texas (DRDCT) and all of that certain tract of land described to St. Paul's Methodist Church by deeds recorded in Volume 464, Page 636 and Volume 760, Page 303 and Volume 67104, Page 1622, all of said DRDCT and a portion of Wade Alley as abandoned by City of Dallas Ordinance No. 17249 and City of Dallas Ordinance No. 11670, a portion of Boll Street as abandoned by City of Dallas Ordinance No. 17249, a portion of Flora Street as abandoned by City of Dallas Ordinance No. 20276, a portion of Cudney Street as abandoned by City of Dallas Ordinance No. 11670, a portion of Munger Avenue as abandoned by City of Dallas Ordinance No. 16410 and City of Dallas Ordinance No. 17249, a portion of Flora Street (a variable width right-of-way), a portion of Boll Street (a 50-foot right-of-way), a portion of Routh Street (a variable width right-of-way) and a portion of Forbes Alley (15-foot in width), said 13.264 acre tract of land being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of intersection of the southeasterly right-of-way line of said Flora Street with the southwesterly right-of-way line of Woodall Rodgers Freeway (a variable width right-of-way) and being the northerly corner of that certain tract of land described to Wholesale Electronic Supply by deed recorded in Volume 87039, Page 0426, DRDCT;

THENCE South 45°04'35" West along said southeasterly right-of-way line, a distance of 457.76 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of intersection of said southeasterly right-of-way line with the northeasterly right-of-way line of said Boll Street and being the westerly corner of that certain tract of land described to Dallas Black Dance Theatre by deed recorded in Volume 99181, Page 2247, DRDCT;

THENCE South 45°12'57" East along said northeasterly right-of-way line, a distance of 189.14 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of intersection of said northeasterly right-of-way line with the southeasterly line of said Forbes Alley;

THENCE South 45°04'35" West along said southeasterly line, a distance of 512.33 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of intersection of said southeasterly line with the southwesterly right-of-way line of said Routh Street and being the northerly corner of that certain tract of land described to the City of Dallas by deed recorded in Volume 2001199, Page 7584, DRDCT;

THENCE North 45°07'26" West along said southwesterly right-of-way line, a distance of 189.12 feet to an "x" cut found for the point of intersection of said southwesterly right-of-way line with the southeasterly right-of-way line said Flora Street and being the northerly corner of that certain tract of land described to the City of Dallas by deed recorded in Volume 2000159, Page 3721, DRDCT;

THENCE North 53°05'04" West, a distance of 81.09 feet to an "x" cut found for the point of intersection of said southwesterly right-of-way line with the northwesterly right-of-way line of said Flora Street and being the easterly corner of that certain tract of land described to Dallas Independent School District by deeds recorded in Volume 3655, Page 628 and Volume 3277, Page 329, all of said DRDCT;

THENCE North 51°03'35" West continuing along said southwesterly right-of-way line, a distance of 97.84 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of curvature of a curve to the right having a radius of 645.00 feet;

THENCE Northwesterly continuing along said southwesterly right-of-way line through a central angle of 05°52'12", for an arc length of 66.08 feet, a chord bearing of North 48°07'29" West and a chord distance of 66.05 feet to a point for corner;

THENCE North 45°11'23" West continuing along said southwesterly right-of-way line, a distance of 224.07 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for the point of curvature of a curve to the left having a radius of 1223.58 feet;

THENCE Northwesterly continuing along said southwesterly right-of-way line through a central angle of 06°44'00", for an arc length of 143.79 feet, a chord bearing of North 48°33'23" West and a chord distance of 143.71 feet to a 5/8-inch iron rod found for corner;

THENCE South 87°17'29" West continuing along said southwesterly right-of-way line, a distance of 7.35 feet to an "x" cut found for the point of intersection of said southwesterly right-of-way line with the southeasterly right-of-way line of aforementioned Woodall Rodgers Freeway;

THENCE North 51°38'30" East along said southeasterly right-of-way line, a distance of 109.86 feet to a 5/8-inch iron rod with plastic cap stamped "LGG" found for the point of intersection of the northeasterly right-of-way line of said Routh Street with the southeasterly right-of-way line of said Woodall Rodgers Freeway, same being the westerly corner of said Crow-Billingsley #17 tract of land;

THENCE North 44°17'35" East continuing along said southeasterly right-of-way line, a distance of 34.73 feet to a 1/2-inch iron rod (controlling monument) found for corner;

THENCE North 60°50'47" East continuing along said southeasterly right-of-way line, a distance of 683.31 feet to a 3/8-inch iron rod (controlling monument) found for the point of curvature of a curve to the right having a radius of 271.48 feet;

THENCE Northeasterly continuing along said southeasterly right-of-way line and with said curve to the right through a central angle of 36°45'01", for an arc distance of 174.13 feet, a chord bearing of North 79°13'18" East and a chord distance of 171.16 feet to a 3/8-inch iron rod found for the point of curvature of a non-tangent curve to the right, the radius point of which bears South 07°35'48" West, at a distance of 415.46 feet;

THENCE Southeasterly continuing along said southeasterly right-of-way line and with said non-tangent curve to the right through a central angle of 12°30'55", for an arc distance of 90.75 feet, a chord bearing of South 76°08'44" East and a chord distance of 90.57 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" found for the northernmost corner of that certain tract of land described to the Dallas Independent School District by deed recorded in Volume 2334, Page 105, DRDCT;

THENCE South 45°04'35" West along the northwesterly line of said Dallas Independent School District tract of land, a distance of 34.34 feet to a 3/8-inch iron rod found for the westernmost corner of said Dallas Independent School District tract of land;

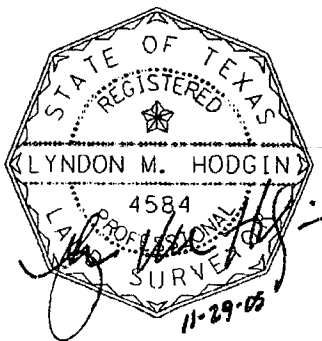
THENCE South 45°21'24" East along the southwesterly line of said Dallas Independent School District tract of land, a distance of 103.77 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" found for the southernmost corner of said Dallas Independent School District tract of land;

THENCE North 45°04'35" East along the southeasterly line of said Dallas Independent School District tract of land, a distance of 66.16 feet to a 1/2-inch iron rod found for the easternmost corner of said Dallas Independent School District tract of land in the southeasterly right-of-way line of said Woodall Rodgers Freeway and being the point of curvature of a non-tangent curve to the right, the radius point of which bears South 35°09'20" West, at a distance of 415.46 feet;

THENCE Southeasterly along said southeasterly right-of-way line and with said non-tangent curve to the right through a central angle of 12°28'46", for an arc distance of 90.49 feet, a chord bearing of South 48°36'17" East and a chord distance of 90.31 feet to a 1/2-inch iron rod found for the point of intersection of said southeasterly right-of-way line with the northwesterly right-of-way line of aforementioned Flora Street;

THENCE South 25°56'41" East, a distance of 53.61 feet to the **POINT OF BEGINNING**;

CONTAINING a computed area of 577,791 square feet or 13.264 acres of land.





Municipal Setting Designation Application Form

TCEQ Office Use Only: Application No: <i>MSDAPP014</i> Date Received: <i>2/21/06</i>	Date Add. Info Req: <i>5/5/06</i> Date Add. Info Rec'd: <i>5/8/06</i> Date Certified: <i>5/19/06</i> Date Denied: <i>1/1</i>
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Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input checked="" type="radio"/> No ¹
Municipality name: Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms.		
Title: Mack Dennis		
Company: Crow-Billingsley # 17, Ltd.,		
Mailing Address: 4100 International Parkway, Suite 110		
City: Carrollton	State: TX	Zip: 75007
Telephone: 972 / 820-2200	Telefax: 972 / 820-2202	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

On or before the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁴
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" type="radio"/> NA ⁴
3) 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
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" type="radio"/> NA ⁴
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.
LPST No. 116701; VCP No. 1836

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GWing)?	<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? 06 / 14th/05	<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 type="radio"/> Yes	<input checked="" 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.

Mack Dennis

Applicant Signature

2/14/06

Date

Mack Dennis, Sr. Vice President
19BCO, Inc., General Partner of Crow-Billingsley # 17, Ltd.

Before me Deborah A. Gonzalez the undersigned authority, on this day personally appeared
Name of Notary

Mack Dennis 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 14th day of February, 2006.

Deborah A. Gonzalez

