

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2016

Mr. Kim Fredenburg, General Counsel
1171 Old Orchard Limited Partnership
3102 Maple Avenue, Suite 500
Dallas, Texas 75201

Re: Municipal Setting Designation (MSD) Certificate for 1171/Old Orchard Limited Partnership, 1288 and 1280 W. Main Street, Lewisville, Denton County, TX; MSD No. 323; Customer No. CN601325384; Regulated Entity No. RN104653480

Dear Mr. Fredenburg:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 18, 2016 and additional information supporting this MSD application on May 26, 2016, July 19, 2016, September 1, 2016, and September 27, 2016. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3555 or via e-mail (stephanie.saldana@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Stephanie Saldaña".

Stephanie Saldaña, P.G., Project Manager
VCP-CA Section
Remediation Division

SS/jdm

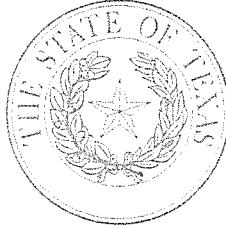
cc: Ms. Jill A. Kotvis; 6505 Blue Valley; Dallas, Texas 75214

Mr. Dick Record, P.G.; Cirrus Associates LLC; 600 S. Sherman, Suite 102;
Richardson, Texas 75081

Mr. Sam Barrett, Waste Section Manager, Region 4 Office, Dallas/Fort Worth

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

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

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 323, in the City of Lewisville, for 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 the 20th day of October, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

METES AND BOUNDS DESCRIPTION
14.8584 ACRE PARCEL
LOTS 1R, PART OF 3, 5, 6 & 7, BLOCK A
OLD ORCHARD VILLAGE EAST
CITY OF LEWISVILLE, DENTON COUNTY, TEXAS

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE JOHN HALLFORD SURVEY, ABSTRACT NO. 545, CITY OF LEWISVILLE, DENTON COUNTY, TEXAS AND BEING ALL OF LOTS 1R AND 7 OF BLOCK A OF OLD ORCHARD VILLAGE EAST ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2013-226 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS AND BEING ALL OF LOTS 5, 6 AND A PORTION OF LOT 3 OF BLOCK A OF OLD ORCHARD VILLAGE EAST ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET "E", SLIDE 20 OF THE MAP RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" FOUND IN CONCRETE IN THE EAST RIGHT-OF-WAY LINE OF OLD ORCHARD LANE (70' RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 7 AND THE NORTHWEST CORNER OF LOT 4 OF BLOCK AOF OLD ORCHARD VILLAGE EAST ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET "E", SLIDE 20 OF THE MAP RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 00° 24' 00" EAST AND FOLLOWING ALONG THE EAST RIGHT-OF-WAY LINE OF OLD ORCHARD LANE AND PASSING AT A DISTANCE OF 350.50 FEET THE COMMON CORNER OF SAID LOTS 6 AND 7 AND PASSING THE NORTHWEST CORNER OF SAID LOT 6 AND CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF OLD ORCHARD LANE, FOR A DISTANCE OF 531.50 FEET TO A POINT FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO MOBILE OIL CORPORATION AND RECORDED IN VOLUME 767, PAGE 965 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS;

THENCE DEPARTING THE EAST RIGHT-OF-WAY LINE OF OLD ORCHARD LANE AND ALONG THE COMMON LINES OF SAID MOBIL OIL CORPORATION TRACT AND LOT 5 THE FOLLOWING COURSES AND DISTANCES NUMBERED (1) THROUGH (3);

- 1) SOUTH 89° 36' 00" EAST, FOR A DISTANCE OF 137.00 FEET TO A POINT FOR CORNER;
- 2) NORTH 45° 24' 00" EAST, FOR A DISTANCE OF 21.21 FEET TO A POINT FOR CORNER;
- 3) NORTH 00° 24' 00" EAST, FOR A DISTANCE OF 158.46 FEET TO AN ALUMINUM TXDOT MONUMENT FOUND FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF WEST MAIN STREET (F.M. ROAD NO. 1171);

THENCE SOUTH 89° 23' 55" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST MAIN STREET (F.M. ROAD NO. 1171), FOR A DISTANCE OF 346.57 FEET TO AN ALUMINUM TXDOT MONUMENT FOUND FOR CORNER, SAID POINT BEING IN THE WEST LINE OF LOT 2 OF REPLAT OF WALMART ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8, PAGE 115 OF THE MAP RECORDS OF DENTON COUNTY, TEXAS;



BLUE SKY SURVEYING
 & MAPPING, CORPORATION
 11015 MIDWAY ROAD
 DALLAS, TEXAS 75229
 PHONE: (214) 358-4500
 FAX: (214) 358-4600
 TBPLS REGISTRATION No. 10105700

ENVIRONMENTAL EXHIBIT
LOTS 1R, PART OF 3, 5, 6 & 7, BLOCK A
OLD ORCHARD VILLAGE EAST
LEWISVILLE, DENTON COUNTY, TEXAS

DATE: JULY 10, 2015
 SCALE: 1"=200'

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THENCE DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST MAIN STREET (F.M. ROAD NO. 1171), AND ALONG THE COMMON LINES OF SAIT LOT 5 OF BLOCK 1 OF OLD ORCHARD VILLAGE EAST ADDITION AND LOT 2 OF REPLAT OF WALMART ADDITION, THE FOLLOWING COURSES AND DISTANCES NUMBERED (4) THROUGH (7);

4) SOUTH 10° 02' 31" WEST, FOR A DISTANCE OF 48.49 FEET TO A POINT FOR CORNER;

5) SOUTH 00° 15' 00" WEST, FOR A DISTANCE OF 102.00 FEET TO A POINT FOR CORNER;

6) SOUTH 89° 25' 00" EAST, FOR A DISTANCE OF 120.00 FEET TO AN ALUMINUM TXDOT MONUMENT FOUND FOR CORNER;

7) NORTH 00° 15' 00" EAST, FOR A DISTANCE OF 149.79 FEET TO AN ALUMINUM TXDOT MONUMENT FOUND FOR CORNER IN THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF SAID WEST MAIN STREET (F.M. ROAD NO. 1171);

THENCE SOUTH 89° 23' 55" EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID WEST MAIN STREET (F.M. ROAD NO. 1171), FOR A DISTANCE OF 415.00 FEET TO AN ALUMINUM TXDOT MONUMENT FOUND FOR CORNER IN THE WEST LINE OF A 20' ALLEY;

THENCE SOUTH 00° 15' 00" WEST, AND FOLLOWING ALONG THE WEST LINE OF SAID 20' ALLEY, FOR A DISTANCE OF 58.94 FEET TO A POINT FOR CORNER;

THENCE LEAVING THE WEST LINE OF SAID 20' ALLEY AND ACROSS SAID LOT 3 OF BLOCK A OF OLD ORCHARD VILLAGE EAST ADDITION, THE FOLLOWING COURSES AND DISTANCES NUMBERED (8) THROUGH (12);

8) NORTH 89° 22' 55" WEST, FOR A DISTANCE OF 199.16 FEET TO A POINT FOR CORNER;

9) SOUTH 00° 15' 00" WEST, FOR A DISTANCE OF 95.10 FEET TO A POINT FOR CORNER;

10) SOUTH 89° 22' 55" EAST, FOR A DISTANCE OF 116.42 FEET TO A POINT FOR CORNER;

11) SOUTH 11° 36' 36" EAST, FOR A DISTANCE OF 50.58 FEET TO A POINT FOR CORNER;

12) SOUTH 89° 22' 55" EAST, FOR A DISTANCE OF 72.35 FEET TO A POINT FOR CORNER IN THE WEST LINE OF AFORESAID 20' ALLEY;

THENCE SOUTH 00° 15' 00" WEST AND FOLLOWING ALONG THE WEST LINE OF SAID 20' ALLEY AND ALONG THE WEST LINE OF LOT 1 OF BLOCK A OF FAMILIY MEDICAL ASSOCIATES ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET "D", SLIDE 369 OF THE MAP RECORDS OF DENTON COUNTY, TEXAS, FOR A DISTANCE OF 564.73 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF DIANE CIRCLE (50' RIGHT-OF-WAY), SAID POINT BEING THE COMMON CORNER OF SAID AFORESAID LOT 3 AND LOT 2R OF BLOCK A OF OLD ORCHARD VILLAGE EAST ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NO. 2013-226 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS;



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OLD ORCHARD VILLAGE EAST
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THENCE FOLLOWING ALONG THE COMMON LINES OF SAID LOT 3 AND LOT 2R, THE FOLLOWING COURSES AND DISTANCES NUMBERED (13) THROUGH (21);

- 13) NORTH 89° 45' 00" WEST, FOR A DISTANCE OF 172.00 FEET TO A POINT FOR CORNER;
- 14) NORTH 00° 15' 00" EAST, FOR A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER;
- 15) NORTH 89° 45' 00" WEST, FOR A DISTANCE OF 26.16 FEET TO A POINT FOR CORNER;
- 16) NORTH 00° 15' 00" EAST, FOR A DISTANCE OF 204.00 FEET TO A POINT FOR CORNER;
- 17) SOUTH 89° 45' 00" EAST, FOR A DISTANCE OF 29.00 FEET TO A POINT FOR CORNER;
- 18) NORTH 00° 15' 00" EAST, FOR A DISTANCE OF 213.29 FEET TO A POINT FOR CORNER;
- 19) NORTH 12° 15' 09" WEST, FOR A DISTANCE OF 102.85 FEET TO A POINT FOR CORNER;
- 20) NORTH 89° 45' 00" WEST, FOR A DISTANCE OF 228.57 FEET TO A POINT FOR CORNER;
- 21) SOUTH 00° 15' 00" WEST, FOR A DISTANCE OF 52.45 FEET TO A POINT FOR CORNER, SAID POINT BEING THE COMMON CORNER OF AFORESAID LOTS 1R AND 2R;

THENCE SOUTH 89° 45' 00" EAST AND FOLLOWING ALONG THE COMMON LINE OF SAID LOTS 1R AND 2R, FOR A DISTANCE OF 40.03 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00° 16' 37" WEST AND FOLLOWING ALONG THE COMMON LINE OF SAID LOTS 1R AND 2R FOR A DISTANCE OF 606.25 FEET TO A POINT FOR THE COMMON CORNER OF SAID LOTS 1R AND 2R AND BEING IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO AV WILLOW RIDGE LTD AND RECORDED IN DOCUMENT NO. 2008-26988 OF THE OFFICIAL RECORDS OF DENTON COUNTY, TEXAS;

THENCE NORTH 89° 45' 00" WEST AND ALONG THE SOUTH LINE OF SAID LOT 1R AND THE NORTH LINE OF AV WILLOW RIDGE LTD. TRACT , FOR A DISTANCE OF 381.76 FEET TO A POINT FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1R AND THE SOUTHEAST CORNER OF AFORESAID LOT 4, BLOCK A OF OLD ORCHARD VILLAGE EAST ADDITION,

THENCE NORTH 00° 15' 01" EAST AND ALONG THE COMMON LINE OF SAID LOTS 1R AND 4, FOR A DISTANCE OF 195.00 FEET TO A POINT FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 4 AND THE SOUTHEAST CORNER OF AFRESAID LOT 7;

THENCE NORTH 89° 45' 00" WEST AND ALONG THE COMMON LINE OF SAID LOTS 4 AND 7, FOR A DISTANCE OF 265.15 FEET TO **POINT OF BEGINNING, AND CONTAINING 14.8584 ACRES OF LAND, MORE OR LESS.**

David Petree

DAVID PETREE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1890



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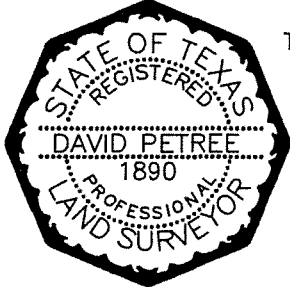
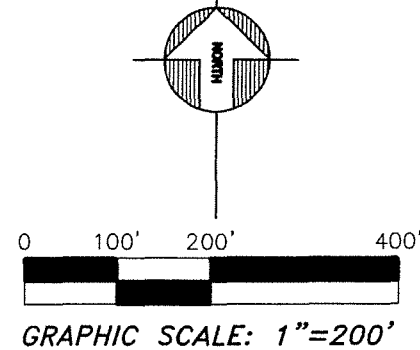
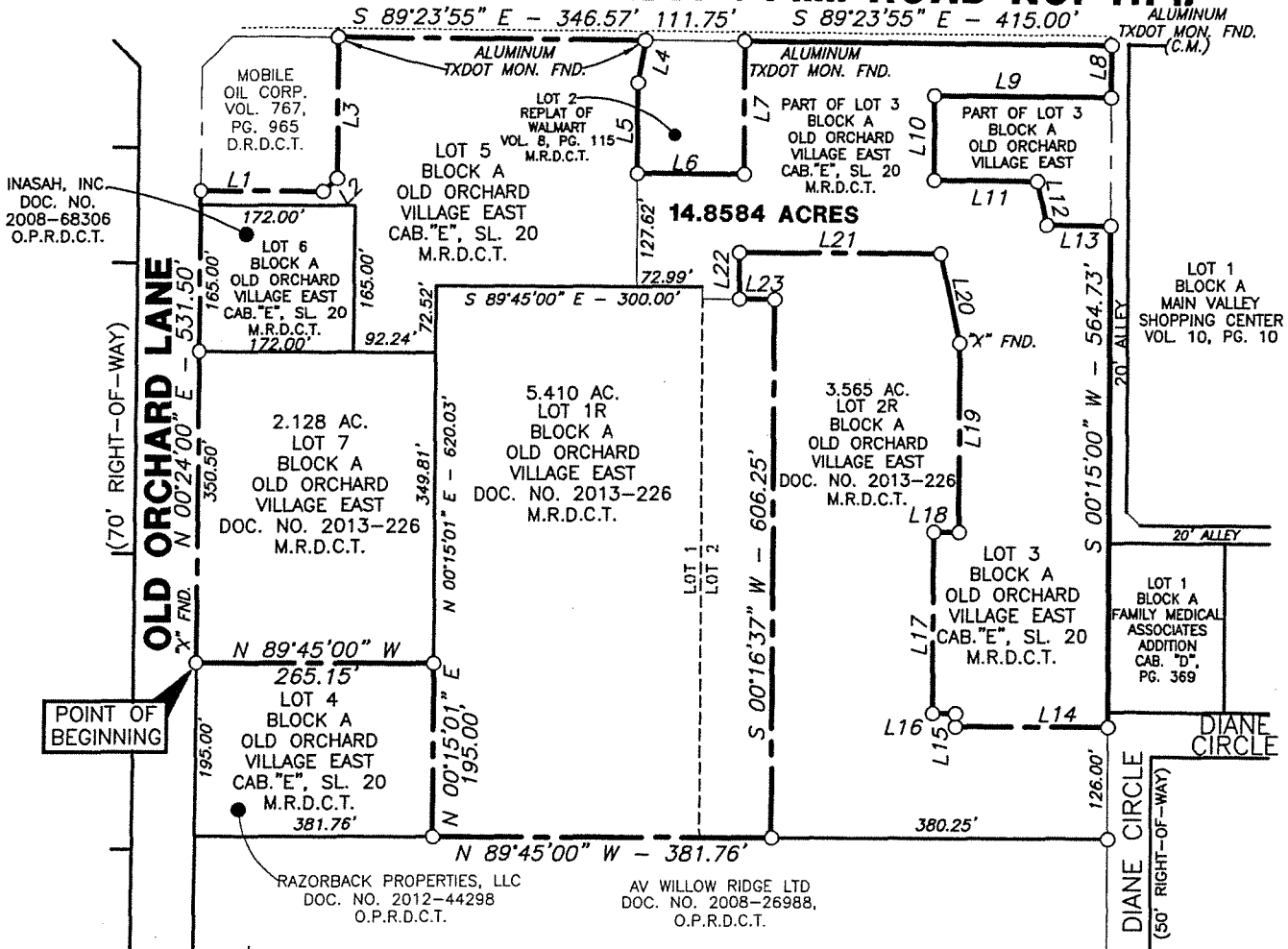
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(110' RIGHT-OF-WAY)
WEST MAIN STREET (F.M. ROAD NO. 1171)



PREPARED FROM SURVEYS
THIS 10TH DAY OF JULY, 2015.

David Petree

DAVID PETREE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 1890

MAP TO ACCOMPANY
METES AND BOUNDS DESCRIPTION



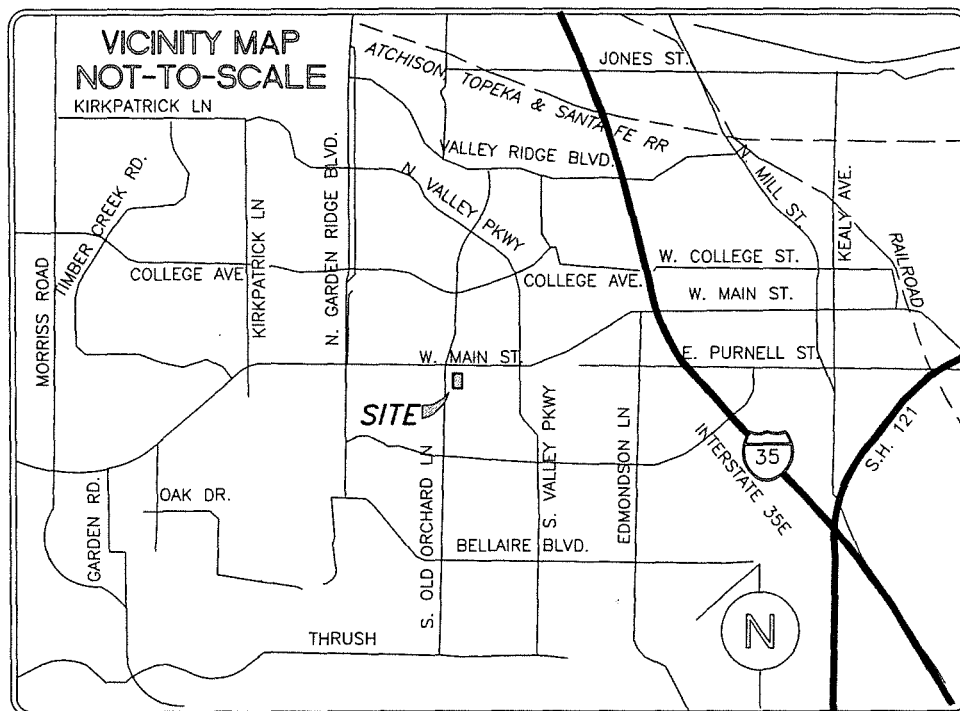
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~ LINE DATA TABLE ~

NO.	BEARING	DISTANCE
L1	S 89°36'00" E	137.00'
L2	N 45°24'00" E	21.21'
L3	N 00°24'00" E	158.46'
L4	S 10°02'31" W	48.49'
L5	S 00°15'00" W	102.00'
L6	S 89°25'00" E	120.00'
L7	N 00°15'00" E	149.79'
L8	S 00°15'00" W	58.94'
L9	N 89°22'55" W	199.16'
L10	S 00°15'00" W	95.10'
L11	S 89°22'55" E	116.42'

L12	S 11°36'36" E	50.58'
L13	S 89°22'55" E	72.35'
L14	N 89°45'00" W	172.00'
L15	N 00°15'00" E	15.00'
L16	N 89°45'00" W	26.16'
L17	N 00°15'00" E	204.00'
L18	S 89°45'00" E	29.00'
L19	N 00°15'00" E	213.29'
L20	N 12°15'09" W	102.85'
L21	N 89°45'00" W	228.57'
L22	S 00°15'00" W	52.45'
L23	S 89°45'00" E	40.03'



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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Kim Fredenburg, General Counsel to Cencor Realty Services Inc, its authorized representative, as an authorized representative of 1171/Old Orchard Limited Partnership, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 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 has been 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.

Kim Fredenburg
 Signature
Kim Fredenburg
 Printed Name
See Note to Right
 Title

Date: 3/18/16

1171 Old Orchard Limited Partnership
General Counsel to Cencor Realty Services Inc, its authorized representative

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 18th day of March 2016, to which witness my hand and seal of office.

Elaine J. Wise
Notary Public in and for the State of Texas

