

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



VCP: 2829
OUT DATE: 4/25/18
DOC.NAME: MSD CERTIFICATE
PROJ. MGR: O EKPO-OTU

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 25, 2018

RECEIVED

MAY 02 2018

TCEQ
CENTRAL FILE ROOM

Mr. Matt Enzler, Vice President,
AR2 Apartments, LLC
3889 Maple Avenue, Suite 200
Dallas, Texas 75219

Re: Municipal Setting Designation (MSD) Certificate for Ross Haskell Assemblage; 3902, 3906, 3910 3914, 4000, 4004, 4008, 4012, 4016 Roseland Avenue, 1720 Caddo Street, 3917, 4001, 4017 Ross Avenue, and alleyways between parcels 1-10 on the north, and parcels 11-13 on the south, Dallas, Dallas County, TX; Voluntary Cleanup Program (VCP) No. 2829; Leaking Petroleum Storage Tank (LPST) No. 120275; Municipal Setting Designation (MSD) No. 375; Regulated Entity No. RN 109269944; Customer No. CN 605188739

Dear Mr. Enzler:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on November 21, 2017 and additional information supporting this MSD application on February 26, 2018. 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) 239-2445 or via e-mail (Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G; Project Manager
VCP-CA Section
Remediation Division

OE/mdh

cc: Mr. Kenneth Tramm, Modern Geoscience, 5100 Thompson Terrace, Colleyville, TX 76034

Mr. Erin Gorman, Waste Section Manager, TCEQ Fort Worth/Dallas Region Office, R4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING 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. 375, in the City of Dallas, 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 25th day of April, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

LEGAL DESCRIPTION

6.09 ACRES

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and in City Blocks 601 & 649 of the Official Block Numbers of the City of Dallas, Texas; and being part of Lots 5-10 and all of Lots 11-18, Block 4/601, W.J. Keller's Homestead Subdivision, an addition to the City of Dallas according to the plat thereof recorded in Volume 77, Page 86, Deed Records of Dallas County, Texas; and being all of Lots 1A and 1B, Block 4/601, Rose-Cad Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 95141, Page 4579 of said Deed Records; and being all of Lots 4-6, Block 4/649, Ross Avenue Addition, an addition to the City of Dallas according to the plat recorded in Volume 190, Page 90 of said Deed Records; and being part of Caddo Street, Ripley Street, Ross Avenue, North Haskell Avenue, Roseland Avenue and a 20-foot wide alley across said Block 4/601; and being more particularly described as follows:

BEGINNING at the intersection of the projected southeast right-of-way line of Ross Avenue (an 80-foot wide right-of-way) and the projected northeast right-of-way line of North Haskell Avenue (a 60-foot wide right-of-way);

THENCE with said southeast right-of-way line of Ross Avenue, South 43°39'56" West, a distance of 368.05 feet to a point for corner;

THENCE departing said southeast right-of-way line of Ross Avenue, North 45°43'48" West, a distance of 257.45 feet to a point for corner in the northwest line of said 20' wide alley across Block 4/601;

THENCE with said northwest line of the 20' wide alley across Block 4/601, South 44°16'17" West, a distance of 206.14 feet to a point for corner in the southwest right-of-way line of Caddo Street (a 50-foot wide right-of-way);

THENCE with said southwest right-of-way line of Caddo Street, North 45°39'25" West, a distance of 224.08 feet to the intersection of said southwest right-of-way line of Caddo Street and the northwest right-of-way line of Roseland Avenue (a 50-foot wide right-of-way);

THENCE with said northwest right-of-way line of Roseland Avenue, North 44°22'05" East, a distance of 773.10 feet to the intersection of said northwest right-of-way line of Roseland Avenue and the northeast right-of-way line of Ripley Street (a 50-foot wide right-of-way);

THENCE with said northeast right-of-way line of Ripley Street, South 45°49'53" East, a distance of 214.80 feet to the intersection of said northeast right-of-way line of Ripley Street and the northwest line of a 15-foot wide alley across Block 3/649;

THENCE with the northwest line of a 15-foot wide alley across Block 4/649, South 44°07'41" West, a distance of 199.89 feet to the intersection of said northwest line of 15-foot wide alley across Block 4/649 and said northeast right-of-way line of North Haskell Avenue;

THENCE with said northeast right-of-way line of North Haskell Avenue, South 45°47'44" East, a distance of 261.03 feet to the **POINT OF BEGINNING** and containing 6.09 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (2011).

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

MSD BOUNDARY EXHIBIT
LOTS 1A & 1B, BLOCK 4/601
ROSE-CAD ADDITION
PART OF LOTS 5-10 AND ALL OF LOTS 11-18
PART OF 20' ALLEY ACROSS BLOCK 4/601
W.J. KELLER'S HOMESTEAD SUBDIVISION
LOTS 4-6, BLOCK 4/649
ROSS AVENUE ADDITION
PART OF CADDO STREET, ROSS AVENUE,
N. HASKELL AVENUE AND ROSELAND AVENUE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300



Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	MARCH 2016	094145034	1 OF 2

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Matt Enzler, as an authorized representative of CRP/Maple Ross Arts II Owner, L.P., 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.

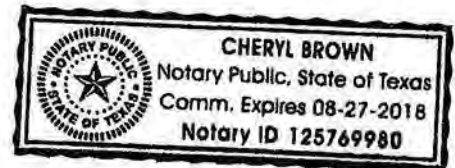
I affirmatively state that (place an X in all applicable blanks)

- 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.

Matt Enzler
Signature

Date: 12/15/17

Matt Enzler
Printed Name
Vice President
Title



STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 15th day of December 2017, to which witness my hand and seal of office.

Cheryl Brown
Notary Public in and for the State of Texas