

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 14, 2013

Mr. John T. Evans, President  
John T. Evans Co., Inc., Venture Manager for Ball Street Joint Venture  
8350 N. Central Expressway, Suite 1300  
Dallas, Texas 75206

RE: Municipal Setting Designation (MSD) Certificate for 1271, 1281, 1293,  
1301, 1303, and 1401 William D. Tate Avenue and 800 and 900 West  
Highway 114, Grapevine, Tarrant County, TX; Municipal Setting  
Designation (MSD) Application No. 210; VCP No. 2509; LPST No. 117727

Dear Mr. Evans:

Enclosed is the Municipal Setting Designation Certification for your 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) 239-2204 or via e-mail ([Andre.Price@TCEQ.Texas.gov](mailto:Andre.Price@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Price", written over a horizontal line.

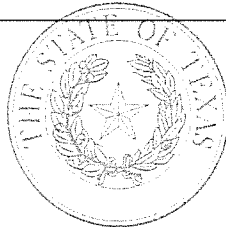
André V. Price, Project Manager  
VCP-CA Section  
Remediation Division

AP/jdm

Enclosure: MSD Certificate no. 210

cc: Ms. Joanna Manning, VCP No. 2509 Project Manager, Remediation  
Division, MC-211  
Ms. Holly Bartos, W&M Environmental Group Inc., [REDACTED]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



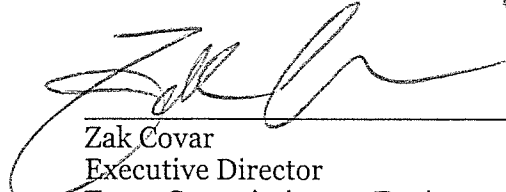
**MUNICIPAL SETTING DESIGNATION CERTIFICATE**

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

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 210, in the City of Grapevine, 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 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 the 3rd day of January 2013

  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

# EXHIBIT "A"

## MUNICIPAL SETTING DESIGNATION A PORTION OF THE HAYLEY ADDITION

### \* METES & BOUNDS DESCRIPTION \*

**BEING** a lot, tract or parcel of land located in the Heirs J. B. Fay Survey, Abstract No. 530 and the Heirs of Ambrose FASTER Survey, Abstract No. 518, City of Grapevine, Tarrant County, Texas, and being all of Lot 1R-1, Block 1, Hayley Addition, an addition to the City of Grapevine, Tarrant County, Texas, according to the plat filed for record in Cabinet A, Slide 753, Plat Records, Tarrant County, Texas (P.R.T.C.T.), and all of Lots 1R2R-1 and 1R2R-2, Block 1, Hayley Addition, filed for record in Cabinet A, Slide 1506, P.R.T.C.T., and all of Lots 2R-1 and 3R-1, Block 1, Hayley Addition, filed for record under the County Clerk's File No. D211154731, Official Public Records, Tarrant County, Texas (O.P.R.T.C.T.), and all of Lots 3R-3 and 3R-4, Block 1, Hayley Addition, filed for record in Cabinet A, Slide 246, P.R.T.C.T., and all of Lot 4, Block 1, Hayley Addition, filed for record in Volume 388-212, Page 16, P.R.T.C.T., and all of Lot 5R-A, Block 1 Hayley Addition, filed for record in Cabinet A, Slide 754, P.R.T.C.T., and being more particularly described by metes and bounds as follows:

**BEGINNING** at an "X" cut in concrete found at the northerly end of a corner clip located at the intersection of the northerly right-of-way line of State Highway No. 114 (a variable width right-of-way) and the southeasterly right-of-way line of William D. Tate Avenue (a variable width right-of-way);

**THENCE** N25°50'05"E, along the southeasterly right-of-way line of said William D. Tate Avenue, a distance of 189.81 feet, to a 5/8 inch iron rod found with a cap stamped "RPLS 5894";

**THENCE** N34°49'51"E, continuing along said southeasterly right-of-way line, at a distance of 220.13 feet, passing an "X" cut in concrete found (Controlling Monument) at the most northerly northwest corner of the aforementioned Lot 3R-1, Block 1, and continuing in all a distance of 481.13 feet, to a 1/2 inch iron rod found (Controlling Monument) at the most northerly corner of the aforesaid Hayley Addition, and being the southwest corner of U.S. Postal Service Addition, an addition to the City of Grapevine, Tarrant County, Texas, according to the plat filed for record in Volume 388-168, Page 64, P.R.T.C.T.;

**THENCE** S54°56'34"E, along the common line of said Hayley Addition and said U.S. Postal Service Addition, a distance of 218.93 feet, to a 1/2 inch iron rod found;

**THENCE** S65°07'09"E, continuing along said common line, a distance of 246.02 feet, to a 5/8 inch iron rod set with a cap stamped "JDJR" (hereinafter referred to as an iron rod set) at the most northerly northeast corner of said Hayley Addition, and being at the northwest corner of Ball Street Substation Addition, an addition to the City of Grapevine, Tarrant County, Texas, according to the plat filed for record in Cabinet A, Slide 3417, P.R.T.C.T.;

**THENCE** S00°04'19"E, along the west line of said Ball Street Substation Addition, at a distance of 208.00 feet, passing the southeast corner of said Ball Street Substation Addition and the northwest corner of a called 0.37 acre tract of land described in the deed filed for record in Volume 9097, Page 436, Deed Records, Dallas County, Texas, and continuing along the west line of said 0.37 acre tract, in all a distance of 358.00 feet, to an iron rod set on the north line of Lot 5R-1B, Block 1, Hayley Addition, filed for record in Cabinet A, Slide 792, P.R.T.C.T.;

**THENCE** S89°55'01"W, along the north line of said Lot 5R-1B, a distance of 24.50 feet, to an iron rod set at the northwest corner of said Lot 5R-1B;

**THENCE** S00°04'19"E, along the west line of said Lot 5R-1B, a distance of 129.41 feet, to an angle point in said west line;

CONTINUED ON SHEET 2 OF 2

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<b>JDJR</b>	<b>ENGINEERS &amp; CONSULTANTS, INC.</b>
	<b>ENGINEERS • LAND PLANNERS • SURVEYORS</b>
2500 Texas Drive, Suite 100, Irving, Texas 75062	
Tel. 972-252-5357 Fax 972-252-8958	

JDJR PROJECT NO. 105-13-10 MSD EXHIBIT

SHEET 1 OF 2

# EXHIBIT "A"

## MUNICIPAL SETTING DESIGNATION A PORTION OF THE HAYLEY ADDITION

### \* METES & BOUNDS DESCRIPTION \*

CONTINUED FROM SHEET 1 OF 2

**THENCE** S19°36'53"W, along the northwesterly line of said Lot 5R-1B, a distance of 225.43 feet, to a 1/2 inch iron rod found (Controlling Monument) on the northerly right-of-way line of the aforementioned State Highway No. 114, and being on a curve to the right whose center bears N14°03'17"E, a distance of 1879.65 feet;

**THENCE** along said curve to the right and in a northwesterly direction with said northerly right-of-way line, through a central angle of 14°04'40" for an arc length of 461.84 feet to an iron rod set at the southeast corner of Lot 3R-3, Block 1, Hayley Addition, filed for record in Cabinet A, Slide 246, P.R.T.C.T.;

**THENCE** N38°34'43"E, along the southeast line of said Lot 3R-3, a distance of 223.25 feet, to a 1/2 inch iron rod found at the northeast corner of said Lot 3R-3;

**THENCE** N55°04'34"W, along the northeast line of said Lot 3R-3, a distance of 101.42 feet, to a 5/8 inch iron rod found with a cap stamped "RPLS 5894" at the northwest corner of said Lot 3R-3;

**THENCE** S34°49'22"W, along the northwest line of said Lot 3R-3, a distance of 45.97 feet, to a 5/8 inch iron rod found with a cap stamped "RPLS 5894";

**THENCE** S38°34'43"W, continuing along said northwesterly line, a distance of 186.35 feet, to a 5/8 inch iron rod found on the northerly right-of-way line of said State Highway No. 114, and being on a curve to the right whose center bears N31°09'47"E, a distance of 1879.65 feet;

**THENCE** along said curve to the right and in a northwesterly direction with the northerly right-of-way line of said State Highway No. 114, through a central angle of 04°05'19" for an arc length of 134.13 feet, to an iron rod set at the southerly end of the aforementioned corner clip;

**THENCE** N23°06'22"W, along the northeasterly line of said corner clip, a distance of 81.40 feet, to the **POINT OF BEGINNING**, and containing 10.0156 acres (436,280 square feet) of land, more or less.

The bearings recited hereinabove are based on the found monumentation of the southeasterly right-of-way line of William D. Tate Avenue, as shown on the plat filed for record under the County Clerk's File No. D211154731, Official Public Records, Tarrant County, Texas.

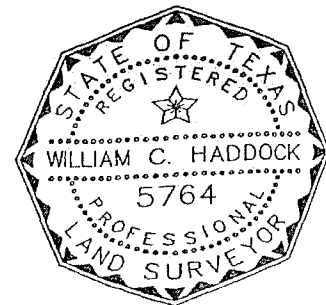
This metes and bounds description is based a Boundary Survey of the subject property and was performed on the ground May 3, 2011.

*William C. Haddock*

3-26-12

William C. Haddock  
Registered Professional Land Surveyor  
Texas Registration No. 5764

Date



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<b>JDJR</b>	<b>ENGINEERS &amp; CONSULTANTS, INC.</b>
ENGINEERS	LAND PLANNERS • SURVEYORS
2500 Texas Drive, Suite 100, Irving, Texas 75062	
Tel. 972-252-5357 Fax 972-252-8958	

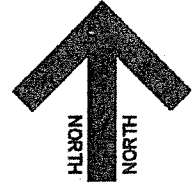
JDJR PROJECT NO. 105-13-10 MSD EXHIBIT

SHEET 2 OF 2

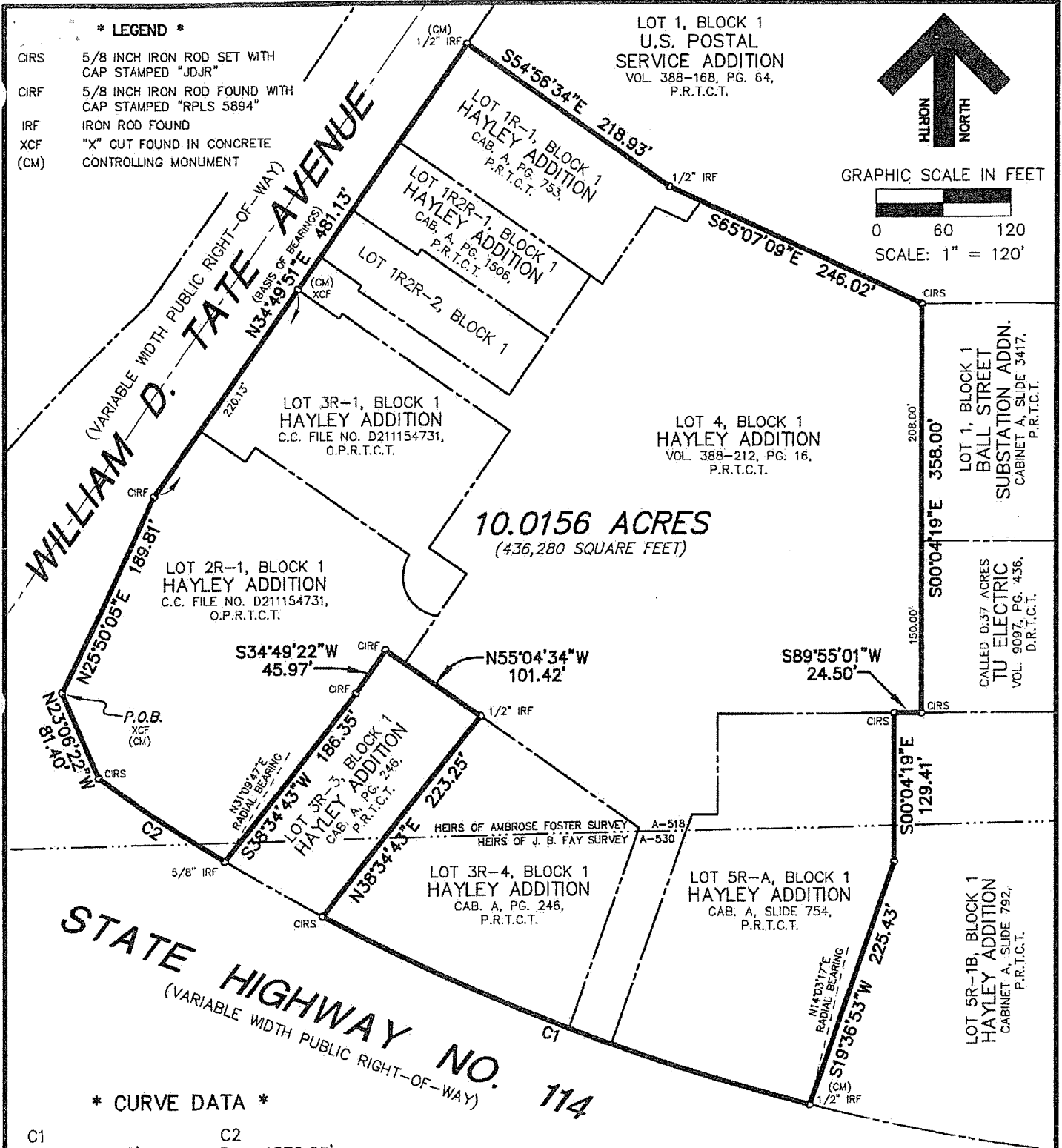
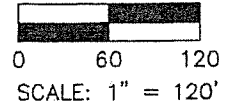
**\* LEGEND \***

- CIRS 5/8 INCH IRON ROD SET WITH CAP STAMPED "JDJR"
- CIRF 5/8 INCH IRON ROD FOUND WITH CAP STAMPED "RPLS 5894"
- IRF IRON ROD FOUND
- XCF "X" CUT FOUND IN CONCRETE
- (CM) CONTROLLING MONUMENT

LOT 1, BLOCK 1  
U.S. POSTAL  
SERVICE ADDITION  
VOL. 388-168, PG. 64,  
P.R.T.C.T.



GRAPHIC SCALE IN FEET



**\* CURVE DATA \***

C1	C2
R = 1879.65'	R = 1879.65'
DELTA = 14°04'40"	DELTA = 04°05'19"
L = 461.84'	L = 134.13'

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NOTE: See Exhibit "A" for metes & bounds description, Surveyor's Certification and Basis of Bearings description.

**JDJR ENGINEERS & CONSULTANTS, INC.**  
ENGINEERS • LAND PLANNERS • SURVEYORS  
2500 Texas Drive, Suite 100 Irving, Texas, 75062  
Tel. 972-252-5357 Fax 972-252-8958

**EXHIBIT "B"**  
**MUNICIPAL SETTING DESIGNATION**  
A PORTION OF HAYLEY ADDITION  
GRAPEVINE, TEXAS

JDJR PROJECT NO. 105-13-10 MSD EXHIBIT

**Exhibit B**

**Municipal Setting Designation**

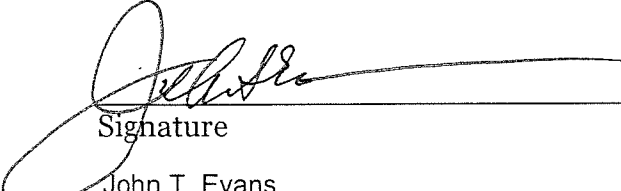
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared John T. Evans, as an authorized representative of John T. Evans Company, Inc., Venture Manager of Ball Street Joint Venture, 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.

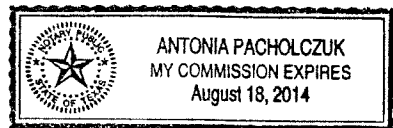
I affirmatively state that (place an X in all applicable blanks)

- 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.

  
Signature  
John T. Evans  
Printed Name

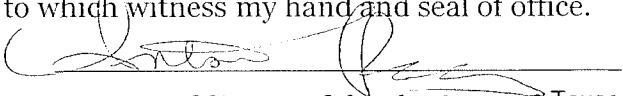
Date: June 5, 2012

President, John T. Evans Co., Inc., Venture Manager for Ball Street JV  
Title



STATE OF Texas  
COUNTY OF Collin

SUBSCRIBED AND SWORN before me on this the 5 day of June, 2012, to which witness my hand and seal of office.

  
Notary Public in and for the State of Texas