

MSD 20

MSD 20
↑
Out

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 29, 2006

Mr. David Dunning
Woodall United Investors, LP
7001 Preston Road, Suite 500
Dallas, TX 75205

RE: Certification of Municipal Setting Designation Application for Woodall United Investors, Inc., 704 North Griffin Street, Dallas, Texas

Dear Mr. Dunning:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis 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,

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

Enclosure

cc: Mr. Brendan Lowrey, Thompson & Knight LLP, Dallas, TX

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 020

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 Woodall United Investors, L.P., 704 North Griffin Street, 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 19th day of December, 2006

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 19th day of December, 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 December, 2006.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas

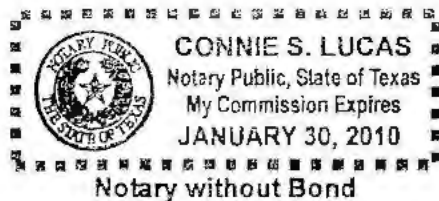


EXHIBIT "A" M.S.D. SURVEY

BEING a lot, tract or parcel of land situated in the John Grigsby Survey, Abstract No. 495, Dallas, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner, said corner being the East corner of Pacific Tower Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 86065, Page 1765, Deed Records, Dallas County, Texas and the East intersection of N. Field Street (an 80 foot R.O.W.) and Ross Avenue (a variable width R.O.W.);

THENCE South 44 degrees 17 minutes 48 seconds West along the Southeast line of said Ross Avenue, a distance of 291.74 feet to a point for corner;

THENCE North 42 degrees 15 minutes 00 seconds West, a distance of 165.68 feet to a pk nail found for corner;

THENCE North 45 degrees 34 minutes 00 seconds East, a distance of 25.00 feet to a point for corner;

THENCE North 42 degrees 15 minutes 00 seconds West, a distance of 221.83 feet to a 1/2 inch iron rod found for corner, said corner lying in the East line of N. Griffin Street (100 foot right of way);

THENCE North 87 degrees 19 minutes 22 seconds West, a distance of 125.71 feet to a point for corner, said corner being the North corner of W. Caruth and Bro Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume D, Page 312, Deed Records, Dallas County, Texas;

THENCE North 44 degrees 26 minutes 00 seconds West, a distance of 18.27 feet to a point for corner;

THENCE North 45 degrees 34 minutes 00 seconds East, a distance of 57.44 feet to a point for corner;

THENCE South 87 degrees 19 minutes 22 seconds East, a distance of 100.00 feet to an "X" found in concrete for corner, said corner lying in the East line of said N. Griffin Street;

THENCE South 84 degrees 08 minutes 59 seconds East, a distance of 47.03 feet to an "X" found in concrete for corner;

THENCE North 45 degrees 34 minutes 00 seconds East, a distance of 54.33 feet to an "x" found in concrete for corner;

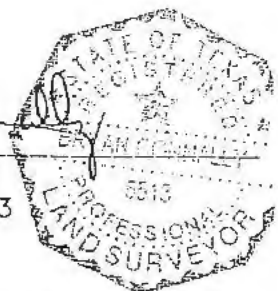
THENCE North 42 degrees 15 minutes 00 seconds West, a distance of 20.00 feet to an "X" found in concrete for corner;

THENCE North 45 degrees 34 minutes 00 seconds East, a distance of 115.87 feet to a point for corner, said corner lying in the Northeast line of said N. Field Street;

THENCE South 42 degrees 18 minutes 08 seconds East, continuing along the Northeast line of said N. Field Street, a distance of 120.98 feet to a concrete monument found for corner;

THENCE South 47 degrees 34 minutes 51 seconds East, continuing along the Northeast line of said N. Field Street a distance of 281.21 feet to the POINT OF BEGINNING and containing 110,539.11 square feet or 2.5376 acres of land.

Bryan Connally
BRYAN CONNALLY
R.P.L.S. NO. 5513



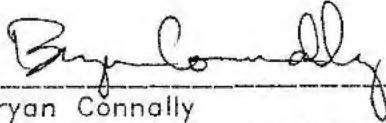
DOUG CONNALLY & ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
11545 Pagemill Road · Suite 200 · Dallas, Texas 75243

SHEET 2 OF 3
JOB NO. 0401895-14
DRAWN BY: R.G.

EXHIBIT "A"
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

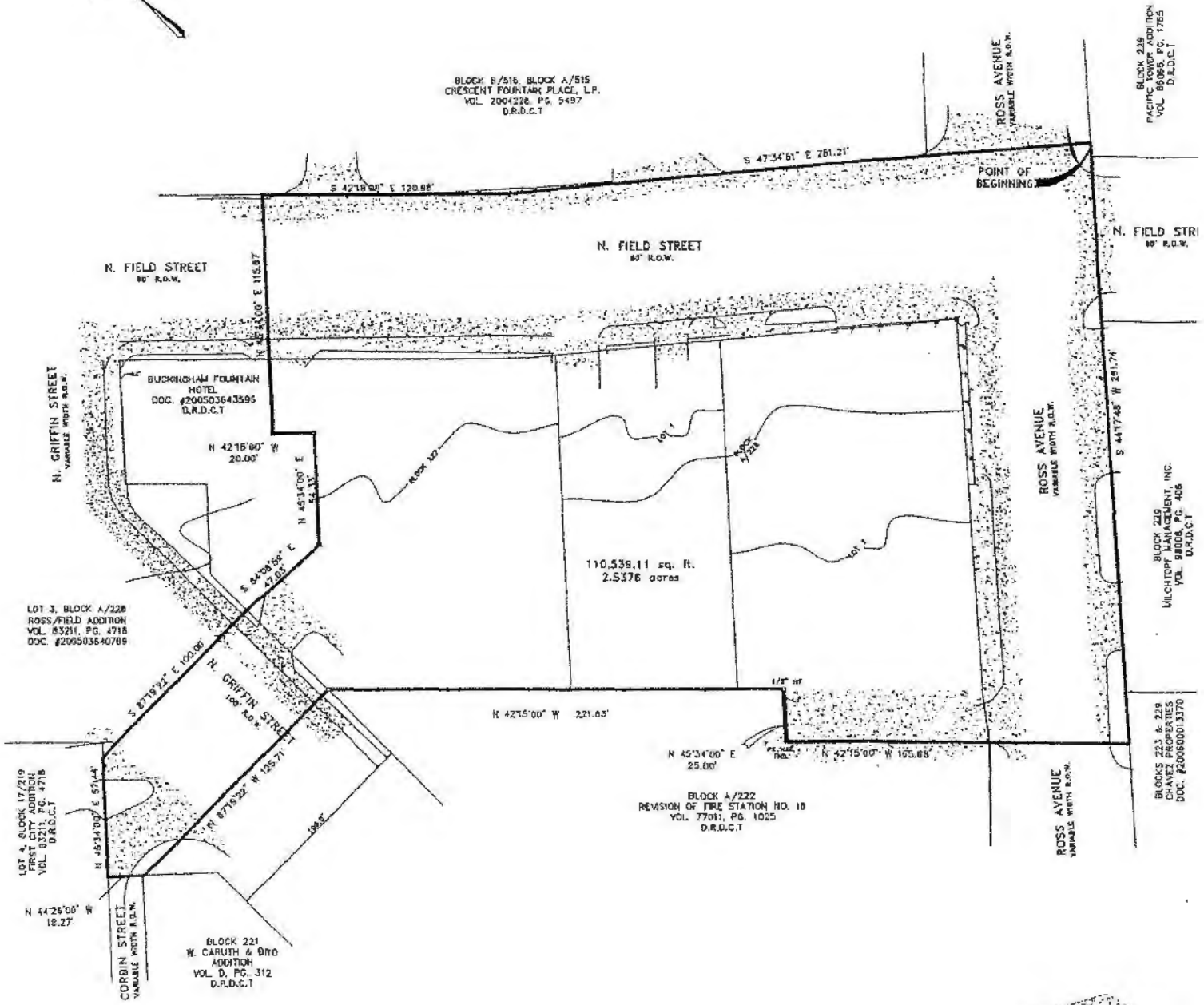
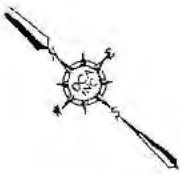
Executed this 13th day of April, 2006



Bryan Connally
Registered Professional Land Surveyor No. 5513



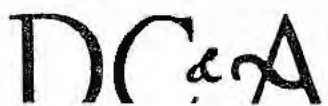
EXHIBIT "A" M.S.D. SURVEY



GENERAL NOTES:

- 1) BEARINGS ARE BASED ON THE NORTH LINE OF THE DEED RECORDED IN VOLUME 91170, PAGE 1974, DEED RECORDS, DALLAS COUNTY, TEXAS. (31°27'E)

Bryan Connally
BRYAN CONNALLY
R.P.L.S. NO. 5513



DOUG CONNALLY & ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING
11545 Pagemill Road · Suite 200 · Dallas, Texas 75243
P. 214.740.0185 F. 214.740.0145

SHEET 1 OF 3
JOB NO. 0401895-14
DRAWN BY: R.G.

'B'



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. 12/15/06
Application No:	Date Add. Info Rec'd 12/16/06
Date Received: 10/12/06	Date Certified: / /
	Date Denied: / /

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 place population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php)	<input 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 place population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: City of 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 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. David Dunning		
Title:		
Company: Woodall United Investors LP		
Mailing Address: 7001 Preston Road, Suite 500		
City: Dallas	State: Texas	Zip: 75205
Telephone: 214 / 224-4626	Telefax: 214 / 219-2080	
E-mail Address:		
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 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 type="radio"/> Yes	<input type="radio"/> No ³
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input 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 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 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 type="radio"/> NA ⁴
³ Do not submit application.		
⁴ NA only when no such municipality, private well owner, or retail public utility exists		