

MSD 32

MSD 27
Cert

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 11, 2007

Mr. Greg Rogers
Guida, Slavich & Flores
750 N. St. Paul Street, Suite 200
Dallas, TX 75201

RE: Certification of Municipal Setting Designation Application No. 032 for Austin International Ventures, Inc., 900, 1000, 1160, 1200, and 1226 Singleton Boulevard, 905 and 1300 Duluth Street, and 2625 Borger Street, Dallas, TX

Dear Mr. Rogers:

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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew
Environmental Cleanup Section II
Remediation Division

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 027

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 Austin International Ventures, Inc., 900, 1000, 1160, 1200, and 1226 Singleton Boulevard, 905 and 1300 Duluth Street, and 2625 Borger Street, Dallas 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 5th day of April, 2007

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

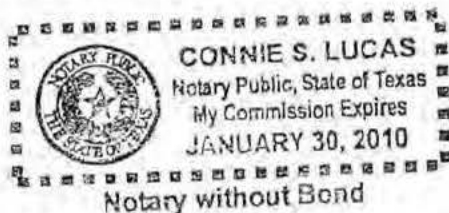
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 5th day of April, 2007, 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 5th day of April, 2007

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



'A'

FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
COUNTY OF DALLAS

BEING a tract of land situated in the WILLIAM R. COOMBS SURVEY, Abstract No. 290 and being a portion of City of Dallas Blocks 7257, 7259 and 7254 and being a portion of BORGER STREET (30' Right-of-Way), SINGLETON BOULEVARD (Proposed 75' Right-of-Way), OBENCHAIN STREET (40' Right-of-Way) and DULUTH STREET (variable width Right-of-Way) and being all of tracts of land conveyed to AUSTIN INTERNATIONAL VENTURES, INC as recorded in Volume 95046, Page 01957, Volume 95046, Page 01951, Document # 200600132275 and Document # 200600132274 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found at the intersection of the northerly Right-of-Way line of the T & P RAILROAD (variable width Right-of-Way) and the easterly line of a tract of land conveyed to LRG, L.L.C. as recorded in Volume 99042, Page 04845 (DRDCT), said point being the beginning of a non-tangent curve to the left having a radius of 724.78 feet and having a chord bearing of North 55 deg 52 min 27 sec East and a chord length of 413.24 feet;

THENCE departing the northerly Right-of-Way of said T & P RAILROAD and along the easterly line of said LRG, L.L.C. tract as follows;

Continuing along said non-tangent curve to the left through a central angle of 33 deg 07 min 38 sec and an arc length of 419.05 feet to a ? inch iron rod found for the point of tangency;

North 39 deg 18 min 38 sec East a distance of 256.22 feet to a ? inch iron rod found for corner;

North 00 deg 05 min 53 sec East a distance of 508.75 feet to a ? inch iron rod found for corner;

THENCE departing the easterly line of said LRG, L.L.C. tract South 89 deg 54 min 34 sec East passing through a 1/2 inch iron rod found for the most southwesterly corner of LOT 7, BLOCK 1 of the BUENA VISTA ADDITION, an addition to the City of Dallas as recorded in Volume 3, Page 1 of the Map Records of Dallas County, Texas (MRDCT) continuing in all for a total distance of 523.94 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

THENCE North 00 deg 04 min 20 sec West a distance of 105.07 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;



**Winkelmann
& Associates, Inc.**

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(972) 490-7090 FAX (972) 490-7095

Scale	1" = 400'	Date	5/9/06
Design	WAI		
Drawn	LJK		
Dwg. File	47702ALTA.DWG		
Project No.	47702.00(52)		

AUSTIN INDUSTRIES, INC.
3535 TRAVIS STREET, # 300
DALLAS, TEXAS 75221

EXHIBIT "A"
MSD AREA SURVEY
45.551 ACRES

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THENCE North 89 deg 55 min 10 sec East a distance of 137.50 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner, said point being set in the westerly Right-of-Way line of BORGER STREET (30' Right-of-Way);

THENCE along the westerly Right-of-Way line of said BORGER STREET North 00 deg 06 min 39 sec West passing the proposed southerly Right-of-Way line of SINGLETON BOULEVARD (Proposed 75' Right-of-Way) at a distance of 627.38 feet continuing across said SINGLETON BOULEVARD for a total distance of 702.38 feet to a point for corner in the proposed northerly Right-of-Way of said SINGLETON BOULEVARD;

THENCE along the proposed northerly Right-of-Way line of said SINGLETON BOULEVARD as follows;

North 89 deg 58 min 51 sec East passing through an "X" cut found in concrete at a distance of 213.70 feet continuing in all for a total distance of 748.56 feet to a point for corner;

South 89 deg 57 min 16 sec East a distance of 591.77 feet to the beginning of a curve to the left having a radius of 4962.50 feet and having a chord bearing of North 89 deg 19 min 35 sec East and a chord length of 124.55 feet;

Continuing along said curve to the left through a central angle of 01 deg 26 min 17 sec and an arc length of 124.55 feet to the point of tangency;

North 88 deg 36 min 27 sec East a distance of 115.85 feet to a point for corner;

THENCE departing the proposed northerly Right-of-Way line of said SINGLETON BOULEVARD South 00 deg 08 min 17 sec West passing the proposed southerly Right-of-Way line of said SINGLETON BOULEVARD at a distance of 75.00 feet and continuing along the easterly Right-of-Way line of OBENCHAIN STREET (40' Right-of-Way) for a total distance of 479.31 feet to a ? inch iron rod for corner;

THENCE departing the easterly Right-of-Way line of said OBENCHAIN STREET South 89 deg 42 min 34 sec West a distance of 39.79 feet to a point for corner;

THENCE South 00 deg 08 min 17 sec West passing through a ? inch iron rod found in the northerly Right-of-Way line of DULUTH STREET (variable width Right-of-Way) at a distance of 298.97 feet and crossing said DULUTH STREET for a total distance of 341.23 feet to a point for corner in the southerly Right-of-Way line of said DULUTH STREET;

THENCE along the northerly line of said DULUTH STREET South 89 deg 11 min 38 sec West a distance of 1254.66 feet to a point for corner in the westerly Right-of-Way line of CROSSMAN STREET (50' Right-of-Way);



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Scale	1"=400'	Date	5/8/06
Design	WAI		
Drawn	LJL		
Eng File	47702A.TA.DWG		
Project No.	47702.00(52)		

AUSTIN INDUSTRIES, INC.
3535 TRAVIS STREET, # 300
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EXHIBIT "A"
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THENCE along the westerly Right-of-Way line of said CROSSMAN STREET North 00 deg 13 min 01 sec East a distance of 3.06 feet to a point for corner.

THENCE departing the westerly Right-of-Way line of said CROSSMAN STREET North 89 deg 46 min 59 sec West a distance 123.00 feet to a point for corner, said point being in the westerly line of the WEST END ADDITION, an addition to the City of Dallas as recorded in Volume 95, Page 254 (MRDCT);

THENCE along the westerly line of said WEST END ADDITION South 00 deg 13 min 01 sec West passing through a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." at a distance of 598.18 feet continuing in all for a total distance of 608.18 feet to a point for corner in the easterly Right-of-Way line of BORGER STREET (80' Right-of-Way);

THENCE North 89 deg 54 min 01 sec West passing the easterly Right-of-Way line of said BORGER STREET at a distance of 80.00 feet continuing along the southerly Right-of-Way line of a 10' ALLEY for a total distance of 645.02 feet to a point for corner, said point being in the westerly line of the W.E. KLINE ADDITION, an addition to the City of Dallas as recorded in Volume 15, Page 55 (MRDCT)

THENCE departing the southerly Right-of-Way line of said 10' ALLEY and along the westerly line of said W.E. KLINE ADDITION South 00 deg 13 min 01 sec West a distance of 369.44 feet to a point for corner in the northerly Right-of-Way line of said T & P RAILROAD, said point being the beginning of a non-tangent curve to the right having a radius of 5654.65 feet and having a chord bearing of North 86 deg 02 min 47 sec West and a chord length of 435.04 feet which a 1/2 inch iron rod found bears North 11 deg 26 min 40 sec West a distance of 0.75 feet;

THENCE departing the westerly line of said W.E. KLINE ADDITION and along the northerly Right-of-Way line of said T & P RAILROAD as follows;

Continuing along said non-tangent curve to the right through a central angle of 04 deg 24 min 33 sec and an arc length of 435.15 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for the point of tangency;

North 83 deg 12 min 49 sec West a distance of 49.11 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 57 min 30 sec West a distance of 50.00 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 44 min 30 sec West a distance of 50.00 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 82 deg 40 min 09 sec West a distance of 35.81 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for the beginning of a curve to the right having a radius



**Winkelmann
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Scale: 1"=400 Date: 5/9/06

Design: WAI

Drawn: L.J.

Dwg File: 42702A.TA.DWG

Project No.: 42702.00(52)

AUSTIN INDUSTRIES, INC.
3535 TRAMS STREET, # 300
DALLAS, TEXAS 75221

EXHIBIT "A"
MSD AREA SURVEY
45.551 ACRES

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of 5654.65 feet and having a chord bearing of North 81 deg 40 min 12 sec West and a chord length of 61.03 feet.

Continuing along said curve to the right through a central angle of 00 deg 37 min 06 sec and an arc length of 61.03 feet to the POINT OF BEGINNING;


CONTAINING within these metes and bounds 45.551 acres or 1,984,206 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 21st day of December utilizing G.P.S. measurements.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field December 21st, 2005 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE : 9/10/06




Leonard Jay Lueker
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive, Suite 100
Dallas, Texas 75230
(972) 490-7090



**Winkelmann
& Associates, Inc.**

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(372) 490-7090 FAX (972) 490-7088

Scale 1"=400'	Date 3/9/06
Design WAI	
Drawn L.J.	
Dwg File 47702ALTA.DWG	
Project No. 47702.00(52)	

AUSTIN INDUSTRIES, INC.
3535 TRAVIS STREET, # 300
DALLAS, TEXAS 75221

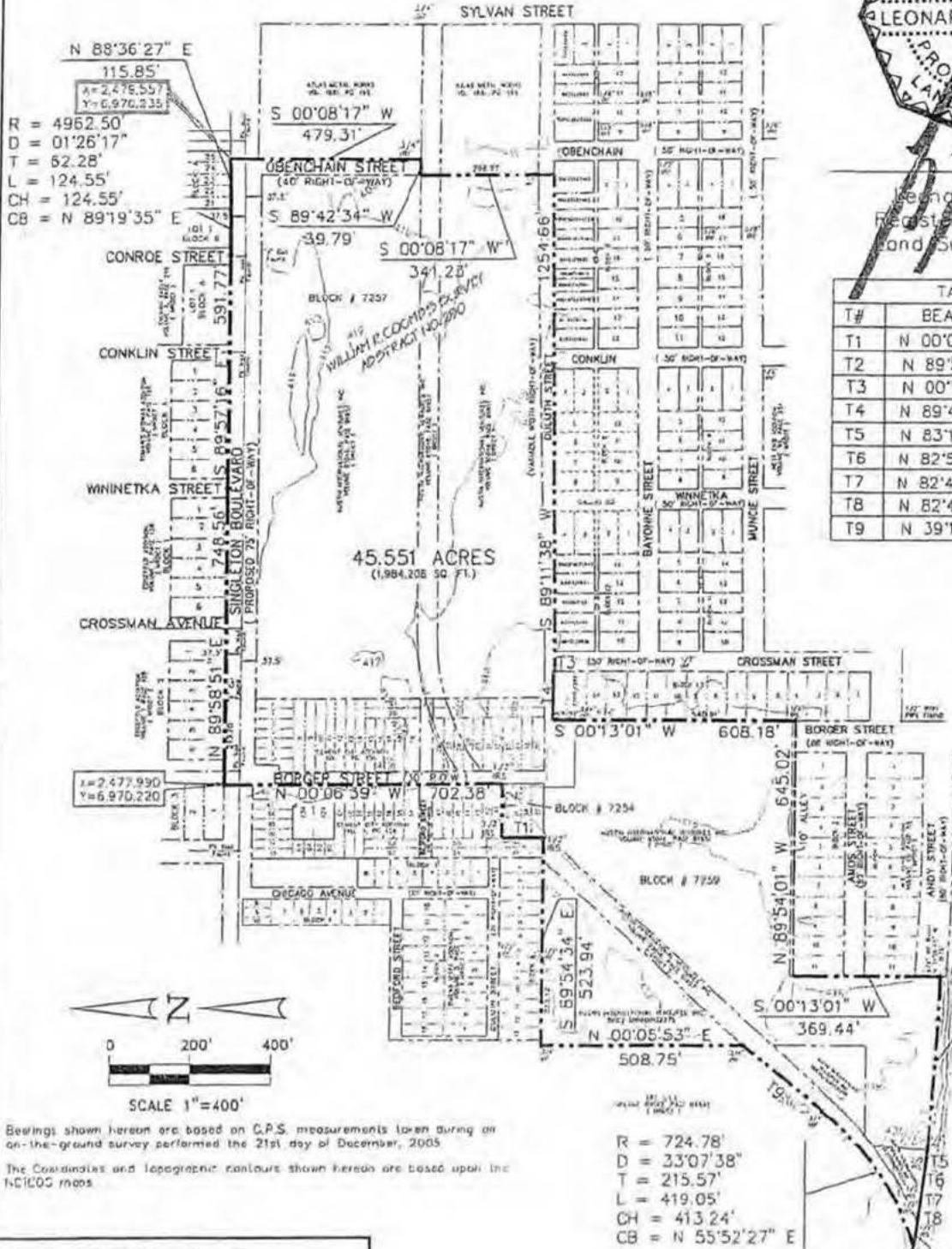
EXHIBIT "A"
MSD AREA SURVEY
45.551 ACRES

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This Survey was prepared from an on the ground survey performed in the field on the 21st day of December, 2005 in accordance with the current Texas Society Professional Surveyors Standards and Specifications for a Category 1A, Condition II Survey.



Leonard J. Lueker
Registered Professional
Land Surveyor No. 5714

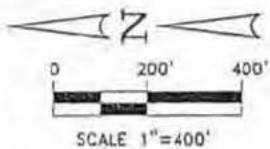


TANGENT TABLE

T#	BEARING	DISTANCE
T1	N 00°04'20" W	105.07'
T2	N 89°55'10" E	137.50'
T3	N 00°13'01" E	3.06'
T4	N 89°46'59" W	123.00'
T5	N 83°12'49" W	49.11'
T6	N 82°57'30" W	50.00'
T7	N 82°44'30" W	50.00'
T8	N 82°40'09" W	35.81'
T9	N 39°18'38" E	256.22'

LEGEND

IR	Iron Rod Found
IRS	Iron Rod Set
Δ	Control Monument



Bearings shown herein are based on C.P.S. measurements taken during an on-the-ground survey performed the 21st day of December, 2005.
The Contourlines and topographic contours shown herein are based upon the NCECOS maps.

R = 724.78'
D = 33°07'38"
T = 215.57'
L = 419.05'
CH = 413.24'
CB = N 55°52'27" E

R = 5654.65'
D = 04°24'33"
T = 217.68'
L = 435.15'
CH = 435.04'
CB = N 86°02'47" W

R = 5654.65'
D = 00°37'06"
T = 30.51'
L = 61.03'
CH = 61.03'
CB = N 81°40'12" W

POINT OF BEGINNING

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS • SURVEYORS
(972) 490-7090 FAX (972) 490-7099

Scale 1"=400'	Date 5/5/06
Design WAI	
Drawn LJE	
Dwg File 47702ALTA.DWG	
Project No. 47702 001/52	

AUSTIN INDUSTRIES, INC.
3535 TRAVIS STREET, # 300
DALLAS, TEXAS 75221

EXHIBIT "A"
MSD AREA SURVEY
45.551 ACRES

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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. VCP No. 1951		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<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 / 17 / 06	<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 checked="" type="radio"/> Yes	<input 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.

Phalen D. Frey
Applicant Signature

1/18/2007
Date

Before me Marilyn J. Anton the undersigned authority, on this day personally appeared

Phalen D. Frey 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 18th day of January, this month of January, 2007.

