

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 24, 2007

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

RE: Certification of Municipal Setting Designation Application for Balcones Realty Partners, LLC, Mockingbird Properties, Dallas, TX; MSD 040

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 TEX. 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](mailto:mfrew@tceq.state.tx.us)).

Sincerely,

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

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

MF/mf/ok

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 040

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 Balcones Realty Partners, L.L.C., in the City of 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 17 day of September, 2007.

A handwritten signature in cursive script, appearing to read "G. Shankle", written over a horizontal line.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

**MUNICIPAL SETTING DESIGNATION**

Miles Bennett Survey, Abstract No. 52

Block D/ 2367

City of Dallas, Dallas County, Texas

BEING a 40.004 tract of land situated in the Miles Bennett Survey, Abstract No. 52, in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for the most easterly corner of a called 3.3349 acre tract of land described in deed to BFH, Ltd., recorded in Volume 97029, Page 3795 of the Deed Records of Dallas County, Texas;

THENCE North 44°50'12" West, a distance of 393.00 feet passing the southeasterly right-of-way line of Empire Central Drive (a public right-of-way) and continuing in all for a total distance of 443.00 feet to a point for corner in the northwesterly right-of-way line of Empire Central Drive;

THENCE with the northwesterly right-of-way line of Empire Central Drive, North 44°04'54" East, a distance of 174.64 feet to a point for corner;

THENCE leaving the northwesterly right-of-way line of Empire Central Drive, the following courses and distances to wit:

- South 45°13'57" East, a distance of 50.00 feet passing the southeasterly right-of-way line of Empire Central and continuing along the northeast line of an alley for a total distance of 350.00 feet to a point for corner;
- North 44°19'48" East, a distance of 150.00 feet to a point for corner;
- South 44°45'33" East, a distance of 124.30 feet to a point for corner;
- North 44°52'07" East, a distance of 109.37 feet to a point for corner;
- South 44°56'09" East, a distance of 642.63 feet to a point for corner;
- North 45°28'36" East, a distance of 518.65 feet to a point for corner in the northeasterly right-of-way line of Maple Avenue (a public right-of-way);

THENCE with the northeasterly right-of-way line of Maple Avenue, South 46°36'32" East, a distance of 149.75 feet to a point for corner;

THENCE leaving the northeasterly right-of-way line of Maple Avenue, the following courses and distances to wit:

- South 45°14'39" West, a distance of 381.03 feet to a point for corner;
- South 44°37'11" East, a distance of 200.00 feet to a point for corner;
- North 45°14'11" East, a distance of 325.77 feet to a 1/2-inch iron rod

with cap found for corner in the southwesterly right-of-way line of Maple Avenue and continuing in all for a total distance of 385.79 feet to the northeasterly right-of-way line of Maple Avenue;

THENCE with the northeasterly right-of-way line of Maple Avenue, South  $45^{\circ}59'13''$  East, a distance of 328.22 feet to a point for corner in the southeasterly right-of-way line of Mockingbird Lane (a public right-of-way);

THENCE with the southeasterly right-of-way line of Mockingbird Lane, the following courses and distances to wit:

- South  $46^{\circ}20'31''$  West, a distance of 581.44 feet to a point for corner;
- South  $47^{\circ}04'37''$  West, a distance of 100.10 feet to a point for corner;
- South  $46^{\circ}27'42''$  West, a distance of 674.59 feet to a point for corner in the southwesterly right-of-way line of Forest Park Road (a public right-of-way);

THENCE with southwesterly right-of-way line of Forest Park Road, the following courses and distances to wit:

- North  $46^{\circ}14'57''$  West, a distance of 596.02 feet to a point for the beginning of a curve to the left;
- Westerly, with the curve to the left, through a central angle of  $88^{\circ}12'13''$ , having a radius of 30.00 feet, and a chord bearing and distance of South  $89^{\circ}35'15''$  West, 41.76 feet, an arc length of 46.18 feet to a point for the end of the curve in the southeasterly right-of-way line of Hawes Street;
- South  $45^{\circ}29'09''$  West, a distance of 373.93 feet to a point for corner in the southwesterly right-of-way line of Forest Park Road;

THENCE with southwesterly right-of-way line of Forest Park Road, the following courses and distances to wit:

- North  $45^{\circ}23'53''$  West, a distance of 334.83 feet to a point for corner
- North  $37^{\circ}52'27''$  West, a distance of 197.92 feet to a point for corner;
- North  $38^{\circ}08'05''$  West, a distance of 56.35 feet to a point for corner;
- North  $31^{\circ}24'52''$  West, a distance of 94.73 feet to a point for corner;

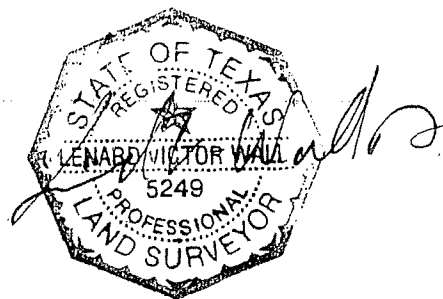
THENCE leaving the southwesterly right-of-way line of Forest Park Road North  $44^{\circ}18'03''$  East, a distance of 41.31 feet passing the northeasterly right-of-way line of Forest Park Road and continuing in all for a total distance of 753.98 feet to the POINT OF BEGINNING and containing 40.004 acres of land.

26806  
EXHIBIT A

071835

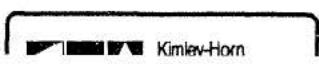
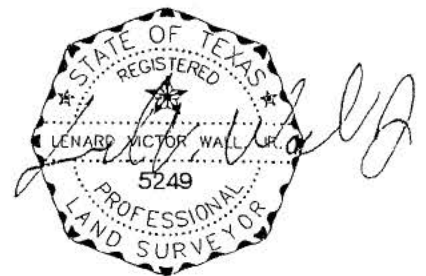
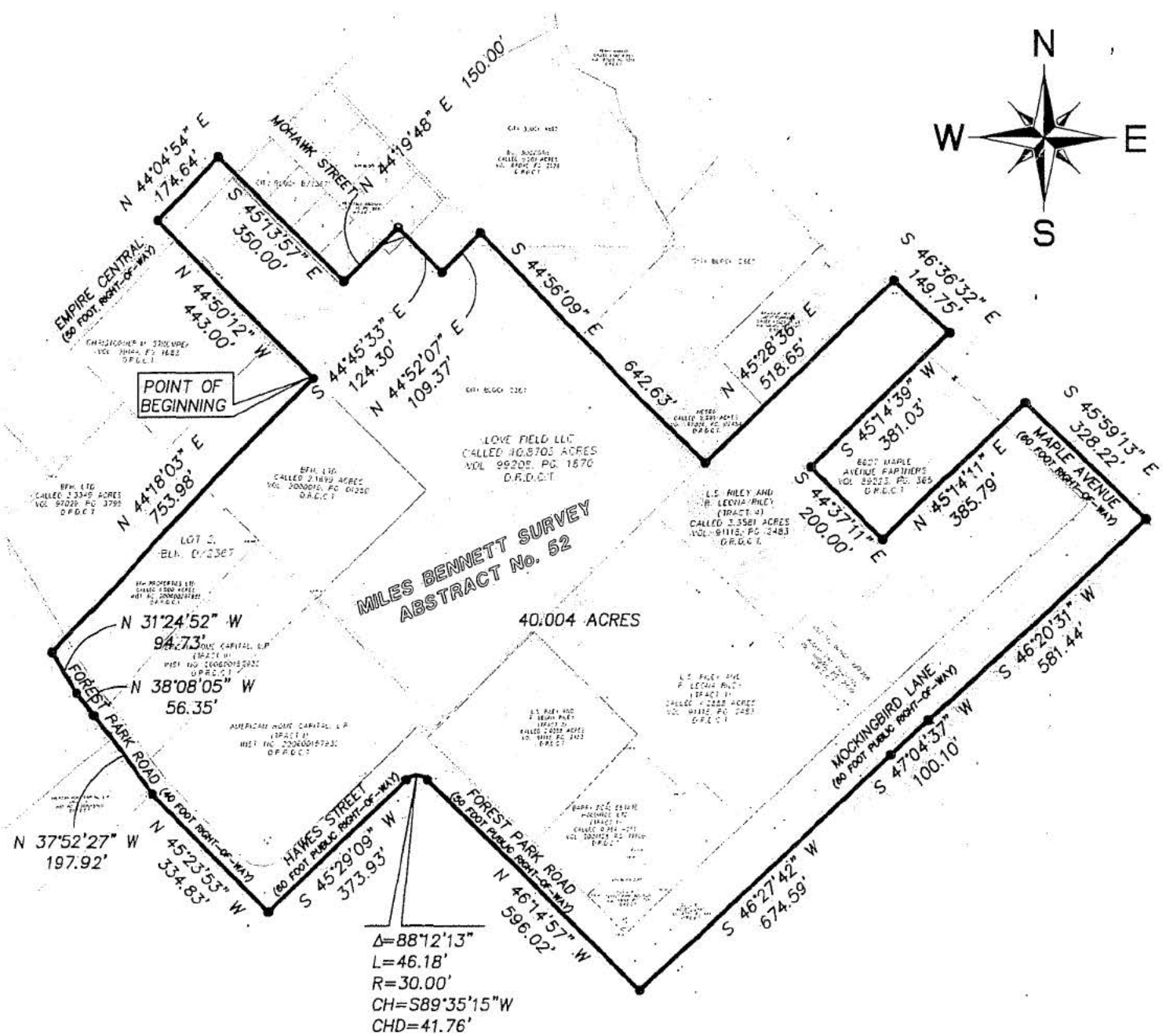
Note:

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.



3-29-07

# MUNICIPAL SETTING DESIGNATION MILES BENNETT SURVEY, ABSTRACT NO. 52 CITY OF DALLAS, DALLAS COUNTY, TEXAS



# Exhibit 'B'

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 <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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 Facility ID No. 2039; see also Exhibit A		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 02/ 23 / 07	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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 type="radio"/> Yes	<input checked="" type="radio"/> No
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> 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.

J. Barri June 19, 2007  
 Applicant Signature Date  
Managing Member, Balcones Realty Partners, LLC

Before me Betty Jean Merchant the undersigned authority, on this day personally appeared  
Josue Ramirez Name of Notary  
Josue Ramirez Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of DALWAS, State of TX, on the 19<sup>th</sup>  
 day of June, this month of June, 2007

