

# Texas Commission on Environmental Quality



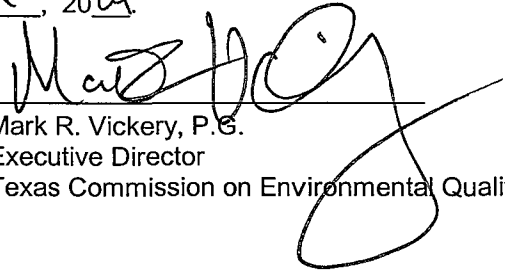
## Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 85, 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 9<sup>th</sup> day of March, 2009.

  
\_\_\_\_\_  
Mark R. Vickery, P.E.  
Executive Director  
Texas Commission on Environmental Quality

## FIELD NOTES

0.937 ACRES in DALLAS CITY BLOCK 5844  
 JAMES K SLOAN SURVEY, ABSTRACT NO. 1310  
 DALLAS COUNTY, TEXAS

All that certain tract of land out of the James K. Sloan Survey, Abstract 1310, being a part of Block 5844 of the City of Dallas, Dallas County, Texas, and being all of that tract described in Warranty Deed dated the 29th day of September, 1983 from Fair & Seal, Inc. to The Southland Corporation as recorded at Volume 83194, Page 1624. Deed Records of Dallas County, Texas, (D.R.D.C.T.), together with that part of Sunnyvale Street adjoining said Southland Corporation Tract along its southwest line, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a "PK" Survey Nail recovered in the northeast line of said Sunnyvale street at the most westerly corner of said Southland Corporation Tract for the POINT OF BEGINNING;

THENCE North 60 degrees 07 minutes 00 seconds East passing at 5 feet the south corner of that tract described in deed to 4800 Sunnyvale, L.P. as recorded at Volume 200083, Page 05713, D.R.D.C.T, continuing with the southeast line of said tract a distance of 216.38 feet to a cross recovered in at the southwest line of that tract described in deed to Never Enough, L.P. as recorded at Dallas County Clerk's Instrument No. 200503629208, for a corner;

THENCE South 29 degrees 49 minutes 57 seconds East with the southwest line of said Never Enough Tract, a distance of 133.88 feet (called S29°56'E, 134.00 ft) to a "PK" Nail set in broken cross recovered in the concrete drive at the northwest right-of-way line of State Highway Loop 12, also known as East Ledbetter, for a corner;

THENCE South 60 degrees 05 minutes 14 seconds West with said northwest right-of-way a distance of 160.82 feet (called S60°07'W, 161.67 ft) to a cross cut in concrete at the northeast line of said Sunnyvale Street for a corner;

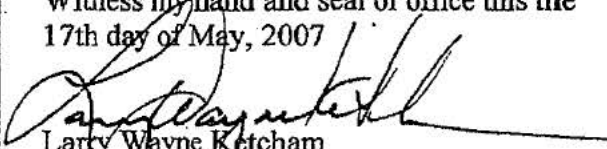
THENCE South 59 degrees 08 minutes 16 West continuing with the northwest right-of-way of said Loop 12, crossing Sunnyvale Street a distance of 139.27 feet to a cross recovered at the most easterly corner of that tract described in Warranty Deed dated the 8th day of August, 1990, to Williams Fried Chicken, Inc. as recorded at Volume 90163, Page 3760, D.R.D.C.T. for a corner;

THENCE North 30 degrees 10 minutes 44 seconds West with the southwest line of said Sunnyvale Street right-of-way a distance of 145.77 feet to a railroad spike recovered at the north corner of said Williams Fried Chicken Tract for a corner;

THENCE North 66 degrees 28 minutes 40 seconds East crossing said street a distance of 85.09 feet to the Point of Beginning and containing 40812 square feet or 0.937 acres more or less.

I hereby certify that this description is true and correct as reflected by an actual survey made on the ground under my personal supervision on the 12th day of March, 2007, and that all survey markers and monuments are correctly described.

Witness my hand and seal of office this the  
 17th day of May, 2007

  
 Larry Wayne Ketcham  
 Registered Professional Land Surveyor  
 No. 5133, State of Texas

**2KC Enterprises, Inc.**

MAILING ADDRESS: Post Office Box 100, Covington, TX 76636-0100

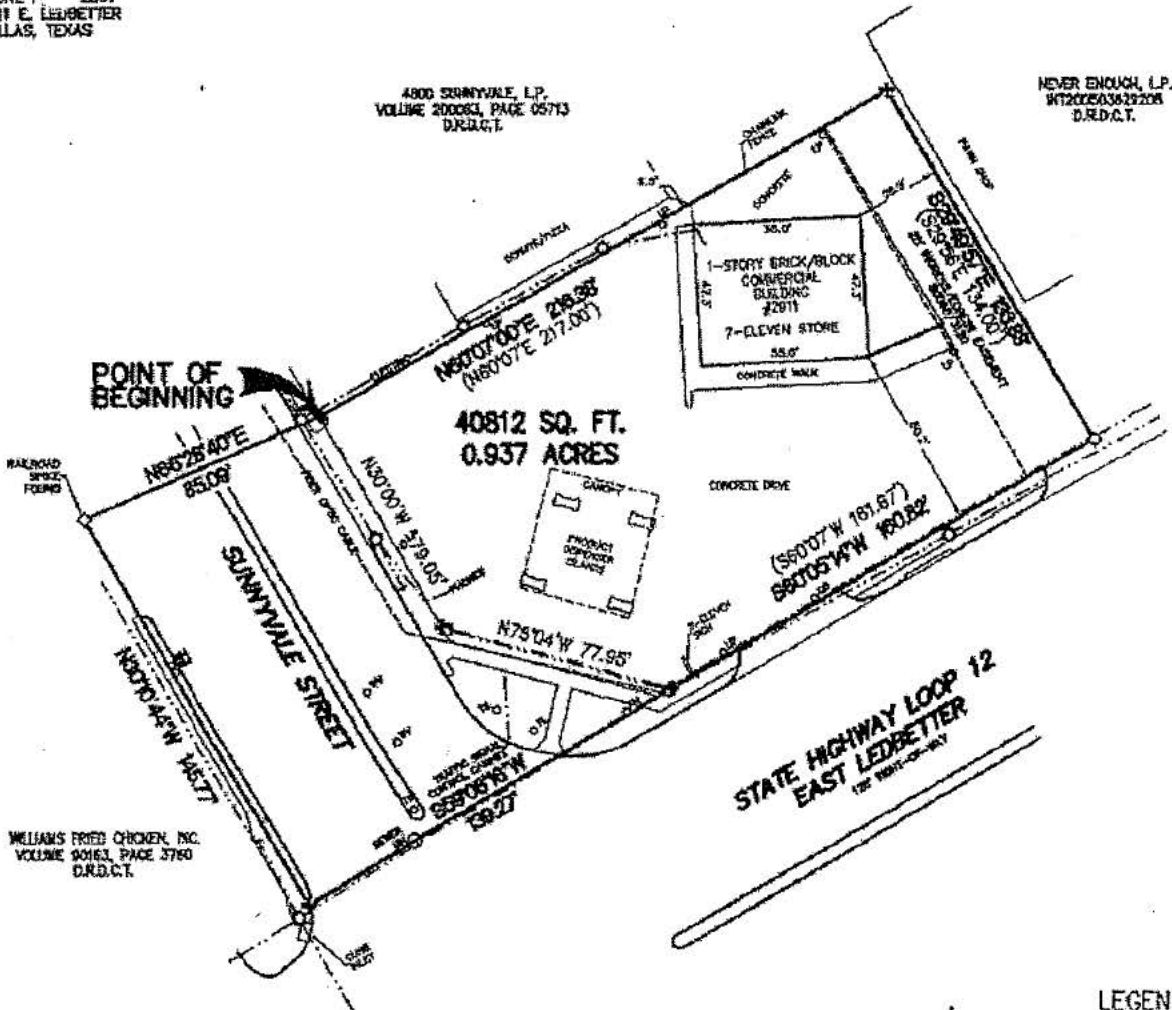
(254) 854-2030

OFFICE ADDRESS: 198 Private Road No. 142, Covington, TX 76636-4421

7-ELEV STORE  
2301  
2911 E. LEDBETTER  
DALLAS, TEXAS

4800 SUNNYVALE, L.P.  
VOLUME 200083, PAGE 05713  
D.R.D.C.T.

NEVER ENOUGH, L.P.  
WIT200503829208  
D.R.D.C.T.



WILLIAMS FRIED CHICKEN, INC.  
VOLUME 90163, PAGE 3760  
D.R.D.C.T.

The bearings and distances herein are corrected to the bearing of record for the north line of this lot, said bearing being N87°07'00"E, as recovered by survey on the ground.

FLOOD INSURANCE RATE MAP  
Dallas County, Texas and Incorporated Areas  
Panel 485 of 725  
Map Number 481300485 J  
Effective Date August 21, 2007

For the Flood Insurance Rate Map issued by the Federal Emergency Management Agency, the property described in this survey is located in Zone X and is outside the 500 year floodplain.

NOTE:  
All utility encroachments, utilities, and/or easements affecting this parcel of land of the line of survey are indicated in this plat of survey.

FIELD NOTES:

Being a tract of land out of the James K. Sloan Survey, Abstract 1310, and being a part of Block 5844 of the City of Dallas, Dallas County, Texas, and being all of that tract described in Warranty Deed dated the 29th day of September, 1983 from Feir & Seal, Inc. to The Southland Corporation as recorded at Volume 83184, Page 1624, Deed Records of Dallas County, Texas, (D.R.D.C.T.), together with that part of Sunnyvale Street adjoining said Southland Corporation Tract along its southwest line, said tract being more particularly described by metes and bounds as follows:

- BEGINNING of a "PK" Survey No.1 recovered in the northeast line of said Sunnyvale street at the most westerly corner of said Southland Corporation Tract for the POINT OF BEGINNING;
- THENCE North 80 degrees 07 minutes 00 seconds East passing at 5 feet the south corner of that tract described in deed to 4800 Sunnyvale, L.P. as recorded at Volume 200083, Page 05713, D.R.D.C.T., continuing with the southeast line of said tract a distance of 218.95 feet to a cross recovered in at the southwest line of that tract described in deed to Never Enough, L.P. as recorded at Dallas County Clerk's Instrument No. 200503829208, for a corner;
- THENCE South 20 degrees 48 minutes 57 seconds East with the southwest line of said Never Enough Tract, a distance of 133.88 feet (called S20°58'E, 134.00 ft) to a "PK" Nail set in broken cross recovered in the concrete drive at the northwest right-of-way line of State Highway Loop 12, also known as East Ledbetter, for a corner;
- THENCE South 60 degrees 05 minutes 14 seconds West with said northwest right-of-way a distance of 160.82 feet (called S60°07'W, 161.67 ft) to a cross cut in concrete at the northeast line of said Sunnyvale Street for a corner;
- THENCE South 59 degrees 08 minutes 16 West continuing with the northwest right-of-way of said Loop 12, crossing Sunnyvale Street a distance of 139.27 feet to a cross recovered at the most easterly corner of that tract described in Warranty Deed dated the 8th day of August, 1980, to Williams Fried Chicken, Inc. as recorded at Volume 90163, Page 3760, D.R.D.C.T. for a corner;
- THENCE North 30 degrees 10 minutes 44 seconds West with the southwest line of said Sunnyvale Street right-of-way a distance of 143.77 feet to a railroad spike recovered at the north corner of said Williams Fried Chicken Tract for a corner;
- THENCE North 86 degrees 28 minutes 40 seconds East crossing said street a distance of 85.09 feet to the Point of Beginning and containing 40812 square feet or 0.937 acres more or less.

0.937 ACRES  
PT. OF CITY BLOCK 5844  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS  
situated in the  
JAMES K. SLOAN SURVEY  
Abstract 1310

LEGEND

- ◆ PK SURVEY NAIL FOUND
- PK SURVEY NAIL SET
- ✦ X IN CONCRETE FOUND
- ✧ X IN CONCRETE CUT
- ⊕ POWER POLE
- ⊖ CUY ANCHOR
- FENCE



I DO HEREBY AFFIRM THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION B (URBAN) SURVEY ACCORDING TO THE INFORMATION FURNISHED. IT WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION ON THE 12TH DAY OF MARCH, 2007. I FURTHER STATE THAT THERE ARE NO VISIBLE OVERLAPPING OF IMPROVEMENTS OR APPARENT EASEMENTS LOCATED ON THIS TRACT EXCEPT AS SHOWN HEREON.

WITNESS MY HAND AND SEAL OF OFFICE  
DATE: 3 Mar 2007

LARRY WAYNE KEICHAM  
Registered Professional Land Surveyor  
No. 6133, STATE OF TEXAS



**ZK Surveyors**  
ZKC Enterprises, Inc.

Post Office Box 100  
198 Private Road 142  
Covington, Texas 76636  
Telephone 254.854.2030  
Fax 254.854.2006  
Email 2kc@digtex.net

This plat is the property of ZKC Enterprises, Inc. Said firm and the undersigned surveyor accept no responsibility for the use of this plat for any purpose other than that for which said plat was originally prepared, and extend the use of this plat for any other purpose from the date shown thereon, and it shall not be used from that date without the written consent of an authorized agent of ZKC Enterprises, Inc.

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 checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input 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. <u>LPST # 115980</u>		
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? 03 / 24 / 05	<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 checked="" type="radio"/> Yes	<input 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.

Jack M Reynolds Applicant Signature 9/11/08 Date

Before me Lisa Broussard the undersigned authority, on this day personally appeared  
Name of Notary  
Jack Reynolds and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Tarrant, State of TX, on the 11th day of September, this month of September, 2008

