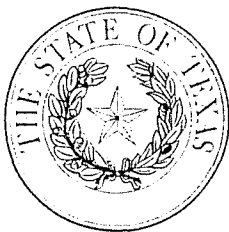


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



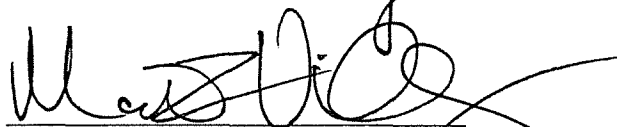
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 104, in the City of Dallas, 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 27<sup>th</sup> day of July, 2009

  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

**PROPOSED MSD SURVEY**  
 SITUATED IN THE JAMES McLAUGHLIN SURVEY, ABSTRACT  
 NO. 845, CITY OF DALLAS BLOCKS E-1/7940,  
 CITY OF DALLAS,  
 DALLAS COUNTY, TEXAS

BEING a 9.29 acre tract of land situated in the City of Dallas, Dallas County, Texas, and being a all of Lot 1, Block E-1/7940, of the Empire Star Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 97056, Page 1477, of the Map Records of Dallas County, Texas, and being all of a tract of land conveyed to I-35 Star Partners I, Ltd., by deed recorded in Volume 96146, Page 01649, of the Deed Records of Dallas County, Texas, and being all of that called 2.767 acre tract of land conveyed to Greater Dallas Board of Realtors, Inc., by deed recorded in Volume 88217, Page 3727, of said Deed Records of Dallas County, Texas, and being a portion of Empire Central right-of-way (140.00 foot right-of-way), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the northerly northeast corner of said Lot 1, same being the northwest corner of Lot 6, Block E-1/7940, of Empire Star Addition, an addition to the City of Dallas, according to the plat thereof recorded in Volume 97225, Page 00070, of the Map Records of Dallas County, Texas, and being in the southerly right-of-way line of said Empire Central;

THENCE South 19°01'33" East, along the common line of said Lot 1, and said Lot 6, a distance of 125.00 feet to a 1/2 inch iron rod found for corner, said point being in the westerly southwest corner of said Lot 6;

THENCE North 70°58'27" East, continuing along the common line of said Lot 1, and said Lot 6, a distance of 62.00 feet to a 1/2 inch iron rod set for corner;

THENCE South 19°01'33" East, continuing along the common line of said Lot 1, and said Lot 6, passing the southwest corner of said Lot 6, same being the northwest corner of Lot 5, of said Empire Star Addition, at a distance of 29.00 feet, continuing passing the southwest corner of said Lot 5, same being the northwest corner of Lot 4, of said Empire Star Addition, at a distance of 199.29, continuing passing the southwest corner of said Lot 4, same being the northwest corner of Lot 2R, of said Empire Star Addition, at a distance of 319.29 feet, continuing a total distance of 458.00 feet to a 1/2 inch iron rod set for corner, said point being the southwest corner of said Lot 2R;

THENCE North 70°58'27" East, along the south line of said Lot 2R, a distance of 210.77 feet to a 1/2 inch iron rod set for corner, said point being the southeast corner of said Lot 2R, same being in the west right-of-way line of Stemmons Freeway (Interstate 35E) (320 foot right-of-way);

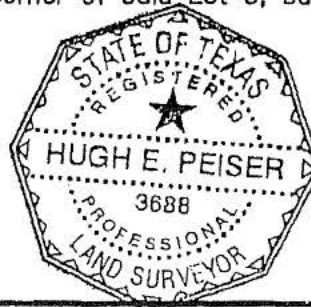
THENCE South 20°56'06" East, along the common line of said Lot 1, and the west right-of-way line of said Stemmons Freeway, a distance of 22.02 feet to a 1/2 inch iron rod found for corner, said point being the most easterly southeast corner of said Lot 1, same being the northeast corner of Lot 3, of said Empire Star Addition;

THENCE South 70°58'27" West, along the common line of said Lot 1, and said Lot 3, a distance of 60.00 feet to a 1/2 inch iron rod set for corner, said point being the northwest corner of said Lot 3;

THENCE South 20°56'06" East, along the common line of said Lot 1, and said Lot 3, a distance of 23.00 feet to a 1/2 inch iron rod found for corner, said point being in the southwest corner of said Lot 3, same being in the north line of said Greater Dallas Board of Realtors tract;

*Hugh E. Peiser*

Hugh E. Peiser  
 Registered Professional Land Surveyor No. 3688  
 January 21, 2008



**PEISER SURVEYING CO.**  
 www.peisersurveying.com

SHEET

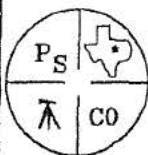
JOB NO.: P-4018

DATE: 04/11/2007  
 REV: 01/21/2008

SCALE: 1" = 150'

DRAWN BY: T.R.M.

CHECKED BY: H.E.P.



623 E. DALLAS ROAD  
 GRAPEVINE, TEXAS 76051  
 817-481-1806 (O)  
 817-481-1809 (F)

COMMERCIAL  
 RESIDENTIAL  
 BOUNDARIES  
 TOPOGRAPHY  
 MORTGAGE



1  
 OF  
 3

**PROPOSED MSD SURVEY**  
 SITUATED IN THE JAMES McLAUGHLIN SURVEY, ABSTRACT  
 NO. 845, CITY OF DALLAS BLOCKS E-1/7940,  
 CITY OF DALLAS,  
 DALLAS COUNTY, TEXAS

THENCE North 70°58'27" East, along the common line of said Lot 3, and said Greater Dallas Board of Realtors tract, a distance of 60.00 feet to a 1/2 inch iron rod set for corner, said point being the southeast corner of said Lot 3, same being the northeast corner of said Greater Dallas Board of Realtors tract, same being in the west right-of-way line of said Stemmons Freeway;

THENCE South 20°56'06" East, along the common line of said Greater Dallas Board of Realtors tract, and the west right-of-way line of said Stemmons Freeway, a distance of 202.11 feet to a 1/2 inch iron rod set for corner, said point being the southeast corner of said Greater Dallas Board of Realtors tract, same being the northeast corner of that certain called 3.636 acre tract of land conveyed to Elman Stemmons Trls Associates, L.P., by deed recorded in Volume 2004224, Page 13250, of the Deed Records of Dallas County, Texas;

THENCE South 70°58'27" West, along the common line of said Greater Dallas Board of Realtors tract, and said Elman Stemmons Trls Associates tract, a distance of 600.00 feet to a 1/2 inch iron rod set for corner, said point being the southwest corner of said Greater Dallas Board of Realtors tract, same being the northwest corner of said Elman Stemmons Tris Associates tract, same being in the easterly line of Tract 3, Block E-2/7940, of Empire Central, an addition to the City of Dallas, according to the plat thereof recorded in Volume 68009, Page 903, of the Map Records of Dallas County, Texas, and the easterly line of Empress Row;

THENCE North 19°01'33" West, along the common line of said Greater Dallas Board of Realtors tract, said Tract 3, and the easterly line of said Empress Row, passing at a distance of 202.00 feet a 1/2 inch iron rod found for the northwest corner of said Greater Dallas Board of Realtors tract, same being the southwest corner of said Lot 1, and continuing along the common line of said Lot 1, and said Tract 3, passing the northeast corner of said Tract 3, same being the southeast corner of Tract 1, Block E-2/7940, of said Empire Central (Volume 68009, Page 903), and continuing along the common line of said Lot 1, and said Tract 1, passing the northwest corner of said Lot 1, at a distance of 628.00 feet, and continuing a total distance of 970.00 feet to a 1/2 inch iron rod set for corner, said point being in the northerly right-of-way line of said Empire Central, and being in the southerly line of Block 100/7940, BrookHollow Industrial District No. 9, an addition to the City of Dallas, according to the plat thereof recorded in Volume 50, Page 193, of the Map Records of Dallas County, Texas;

THENCE North 70°58'27" East, along the northerly right-of-way line of said Empire Central, and the south line of said Block 100/7940, a distance of 319.00 feet to a 1/2 inch iron rod set for corner;

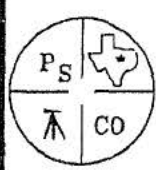
THENCE South 19°01'33" East, through the Interior of said Empire Central, a distance of 140.00 feet to the POINT OF BEGINNING, and containing 404,833 square feet or 9.29 acres of computed land.

*Hugh E. Peiser*

Hugh E. Peiser  
 Registered Professional Land Surveyor No. 3688  
 January 21, 2008



JOB NO.: P-4018 DATE: 04/11/2007 REV: 01/21/2008 SCALE: 1" = 150' DRAWN BY: T.R.M. CHECKED BY: H.E.P.	<h2 style="margin: 0;">PEISER SURVEYING CO.</h2> <p style="margin: 0;"><a href="http://www.peisersurveying.com">www.peisersurveying.com</a></p> <p style="margin: 0;">623 E. DALLAS ROAD                  GRAPEVINE, TEXAS 76051                  817-481-1806 (O)                  817-481-1809 (F)</p> <p style="margin: 0;">COMMERCIAL                  RESIDENTIAL                  BOUNDARIES                  TOPOGRAPHY                  MORTGAGE</p>	SHEET 2 OF 3 Member Since 1977
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**PROPOSED MSD SURVEY**  
 SITUATED IN THE  
 JAMES McLAUGHLIN SURVEY,  
 ABSTRACT NO. 845,  
 CITY OF DALLAS BLOCKS E-1/7940,  
 CITY OF DALLAS,  
 DALLAS COUNTY, TEXAS

BROOKHOLLOW INDUSTRIAL  
 DISTRICT NO. 9  
 BLOCK 100/7940  
 VOL. 50, PG. 193

(140.0' R.O.W.)  
**EMPIRE CENTRAL**

P.O.B.

S18°01'33"E  
 185.00'  
 N70°58'27"E  
 68.00'

LOT 6  
 LOT 5  
 LOT 4  
 LOT 2R  
 LOT 3  
 LOT 4

**STEMMONS FREEMWAY**  
 (INTERSTATE 35E)  
 (320.0' R.O.W.)

404,833 SQ. FT.  
 OR 9.29 ACRES

LOT 1  
 EMPIRE STAR ADDITION  
 BLOCK E-1/7940  
 VOL. 97056, PG. 1477  
 I-35 STAR PARTNERS I, L.T.D.  
 VOL. 96146, PG. 01649

EMPIRE STAR ADDITION  
 BLOCK E-1/7940  
 VOL. 97225, PG. 00070  
 TRACT 1  
 EMPIRE CENTRAL  
 BLOCK E-2/7940  
 VOL. 88009, PG. 903

EMPIRE STAR ADDITION  
 BLOCK E-1/7940  
 VOL. 97056, PG. 1477

TRACT 3 EMPIRE CENTRAL  
 BLOCK E-2/7940  
 VOL. 88009, PG. 903

10' SAN SEWER EMT.  
 VOL. 97056, PG. 1477  
 CALLED 2.767 ACRES  
 GREATER DALLAS BOARD OF REALTORS, INC.  
 VOL. 88217, PG. 3727

1/2" INS FROM MARCH  
 A 1/2" RE BEARS  
 S20°56'06"E 22.02'  
 CALLED 3.636 ACRES  
 ELMAN STEMMONS TRIS ASSOCIATES, LP.  
 VOL. 2004224, PG. 13250



*Hugh E. Peiser*  
 Hugh E. Peiser  
 Registered Professional Land Surveyor No. 3688

LINE TABLE

LINE	BEARING	DISTANCE
L1	S20°56'06"E	22.02
L2	S70°58'27"W	60.00
L3	S20°56'06"E	23.00
L4	N70°58'27"E	60.00

JOB NO.: P-4018

DATE: 04/11/2007  
 REV: 01/21/2008

SCALE: 1" = 150'

DRAWN BY: T.R.M.

CHECKED BY: H.E.P.

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COMMERCIAL  
 RESIDENTIAL  
 BOUNDARIES  
 TOPOGRAPHY  
 MORTGAGE



SHEET

3

OF

3

Member Since 1977

# 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 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:**

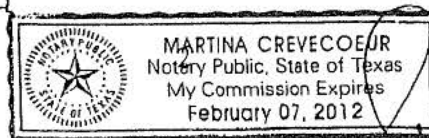
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. (8223 N. Stemmons Fwy)-VCP No. 2059, RN10265686 (8201 N. Stemmons Fwy)-SWR No. 81470, RN100856046		
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 / 22 / 1996	<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.

I-35 Star Partners I, Ltd.  
 By: International Capital, LLC, its managing agent  
Jeanine C Boggs 2/26/09  
 Applicant Signature Date  
 Director of Management Services

Before me MARTINA CREVECOEUR the undersigned authority, on this day personally appeared  
Jeanine C. Boggs Name of Notary  
 Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 26<sup>th</sup>  
 day of February, this month of February, 2009



*[Handwritten Signature]*