

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 9, 2012

Ms. Jeanna Camp, Senior Vice President/Regional Asset Director
LIT ENVP L.P. (DBA Clarion Partners)
2650 Cedar Springs Road, Suite 850
Dallas, Texas 75201-1491

Re: Former Optics Electronics, 11477 Pagemill Road, Dallas, Dallas County, Texas; Municipal Setting Designation (MSD) Application No. 197, Voluntary Cleanup Program (VCP) No. 640; Customer No. CN601324437; Regulated Entity No. RN102470143

Dear Ms. Camp:

The VCP of the Texas Commission on Environmental Quality (TCEQ) has completed its review of all submitted information related to the application for MSD No. 197. Based upon its review, the TCEQ has determined that the MSD applicant has completed all required actions; therefore, the TCEQ has issued the enclosed MSD certificate. Should you need additional information or wish to discuss this issuance, please call me at (512)239-6753.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Bell", is written over a faint, larger version of the same signature.

Joe Bell, P.G., Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

JNB/mdh

Enclosure: MSD No. 197 certificate

Cc: Mr. Richard Varnell, Cook-Joyce Inc., 812 West Eleventh, Austin, Texas 78701-2000
Mr. Sam Barrett, Waste Program Manager, TCEQ Region 4 Office, Dallas/Fort Worth

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):

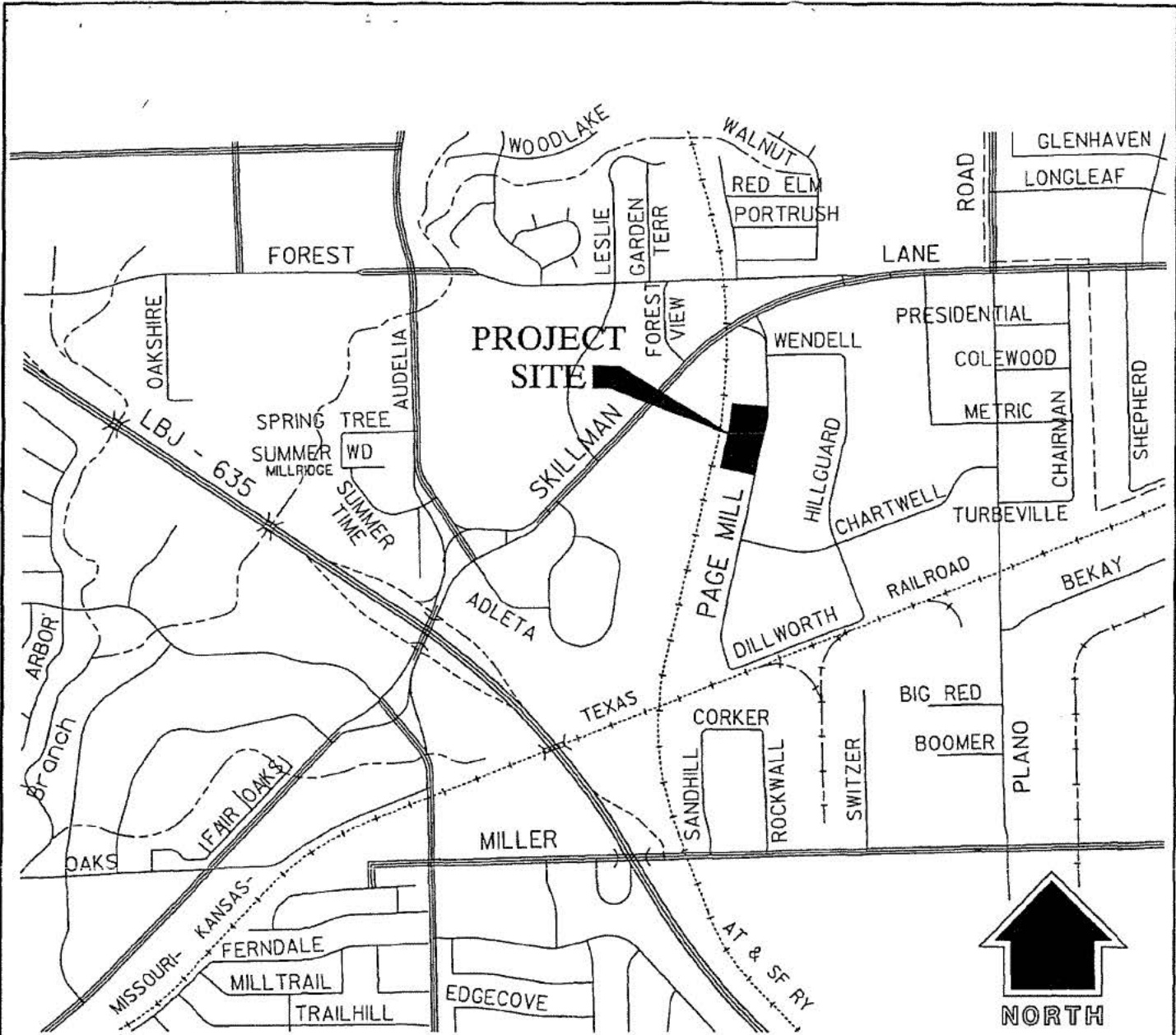
I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 197, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 25 day of July, 2012



Zak Covar
Executive Director
Texas Commission on Environmental Quality



DALLAS COUNTY
MAPSCO 27D

LOCATION MAP

NOT TO SCALE



Halff Associates

ENGINEERS · ARCHITECTS · SCIENTISTS · PLANNERS · SURVEYORS

8616 NORTHWEST PLAZA DR.
DALLAS, TEXAS 75225
TELE. (214)346-6200 FAX (214)739-7086

(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____

SCALE: NOT TO SCALE
AVO. 25234-S101
DRAWN: JOEL M.
DESIGN: HALFF

234EXHB-Loc.dgn

ING CLARION PARTNERS
1601 ELM STREET
DALLAS, TEXAS 75201

EXHIBIT "A"
MSD AREA SURVEY
6.029 ACRES

SHEET
1/4

The Basis of Bearing of this Survey Is Northgate Business Park No.1, an addition to the City of Dallas, as recorded In Volume 74113, Page 1136 of the Deed Records of Dallas County, Texas (D.R.D.C.T.).

SURVEYOR'S CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed In the field on June 15, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:250,712.

G. S. Kays *JUNE 15, 2007*
GREGORY S. KAYS
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5040



 **Halff Associates**
ENGINEERS · ARCHITECTS · SCIENTISTS · PLANNERS · SURVEYORS
8616 NORTHWEST PLAZA DR.
DALLAS, TEXAS 75225
TELE. (214)346-6200 FAX (214)739-7086

(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO.: _____

SCALE: NOT TO SCALE
AVO. 25234-S101
DRAWN: JOEL M.
DESIGN: HALFF
234EXHB-002.dgn

ING CLARION PARTNERS
1601 ELM STREET
DALLAS, TEXAS 75201

EXHIBIT 'A'
MSD AREA SURVEY
6.029 ACRES

SHEET
3/4

SPECIAL WARRANTY DEED

242096

08/03/98 1122598 \$17.00
Deed

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

CROW-PHOENIX LIMITED PARTNERSHIP, a Delaware limited partnership ("**Grantor**"), for and in consideration of the sum of \$10 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto **CFH-ENVP LIMITED PARTNERSHIP**, a Delaware limited partnership ("**Grantee**") the real property at Dallas County, Texas, fully described in Exhibit A hereto, and all improvements thereon, together with all rights, titles, and interests appurtenant thereto (collectively, the "**Property**"), and all of Grantor's rights, titles, and interests in and to adjacent streets, alleys, rights-of-way and any adjacent strips and gores of real estate (collectively, the "**Adjoining Property**").

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit B hereto, to the extent the same are validly existing and applicable to the Property and the Adjoining Property (collectively, the "**Permitted Encumbrances**").

TO HAVE AND TO HOLD the Property and the Adjoining Property, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever. Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise, subject to the Permitted Encumbrances.

THE CONVEYANCE OF THE ADJOINING PROPERTY EVIDENCED BY THIS DEED IS MADE, AND GRANTEE HAS ACCEPTED THIS DEED, WITHOUT ANY WARRANTY OF TITLE, EXPRESS OR IMPLIED, AS TO THE ADJOINING PROPERTY.

Grantee's address is: 3200 Trammell Crow Center, 2001 Ross Avenue, Dallas, Texas 75201.

EXHIBIT A

BEING a tract or parcel of land situated in the CITY OF DALLAS, DALLAS County, Texas; and being part of Block C/8073 of the NORTHGATE BUSINESS PARK, FIRST INSTALLMENT, an Addition to the City of Dallas, DALLAS County, Texas, according to the plat thereof recorded in Volume 74113, Page 1136 of the Map Records of DALLAS County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the Easterly line of the A.T. & S.F. Railroad Right-of-Way (150 feet wide) said point being in a Southwesterly direction along said line of said Railroad a distance of 620.32 feet from the intersection of the Southeasterly line of Skillman Avenue (120 feet wide) and said Easterly line of the A.T. & S.F. Railroad Right-of-Way;

THENCE South 84 degrees 22 minutes 30 seconds East a distance of 338.05 feet to a point for corner in the Westerly line of Pagemill Road (60 feet wide);

THENCE in a Southerly and Southwesterly direction along said Westerly line of Pagemill Road and along a curve to the right having a radius of 1115.92 feet, a central angle of 13 degrees 29 minutes 35 seconds and an arc length of 262.80 feet to the end of said curve to the right;

THENCE South 13 degrees 20 minutes 55 seconds West continuing along said Westerly line of Pagemill Road, a distance of 410.00 feet to a point for corner;

THENCE North 76 degrees 39 minutes 05 seconds West a distance of 335.00 feet to a point for corner in the Easterly line of the A.T. & S.F. Railroad;

THENCE North 13 degrees 20 minutes 55 seconds East along said line of said A.T. & S.F. Railroad a distance of 27.93 feet to the beginning of a curve to the left;

THENCE in a Northeasterly direction continuing along said line of said A.T. & S.F. Railroad and along said curve to the left having a radius of 5804.65 feet, a central angle of 5 degrees 54 minutes 13 seconds and an arc length of 598.07 feet to the POINT OF BEGINNING and CONTAINING 221,826 square feet, more or less, or 5.0924 acres.

Being further secured by Memorandum of Net Profits Agreement, Absolute Assignment and Master Net Profits Agreement dated March 26, 1990, filed March 28, 1990, recorded in Volume 90061, Page 2016, Deed Records, Dallas County, Texas.

Being further secured by Memorandum of Assignment of Master Net Profits Agreement dated April 1992, filed April 27, 1992, recorded in Volume 92082, Page 2750, Deed Records, Dallas County, Texas.

Being modified by instrument dated April 24, 1992, filed April 27, 1992, recorded in Volume 92082, Page 2420, Deed Records, DALLAS County, Texas.

Being modified by instrument dated November 30, 1995, filed December 21, 1995, recorded in Volume 95247, Page 1388, Deed Records, Dallas County, Texas.

Financing Statement showing CROW-CASH ROAD LIMITED PARTNERSHIP, as Debtor, and THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, as Secured Party, filed March 28, 1990, recorded in Volume 90061, Page 2264, Deed of Trust Records, Dallas County, Texas.

Amendment Statement by THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, as Secured Party, as to the above Financing Statement, filed November 25, 1992, recorded in Volume 92231, Page 5489, Deed Records, DALLAS County, Texas.

Continuation Statement by THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, as Secured Party, as to the above Financing Statement, filed March 17, 1995, recorded in Volume 95053, Page 1364, Deed Records, DALLAS County, Texas.

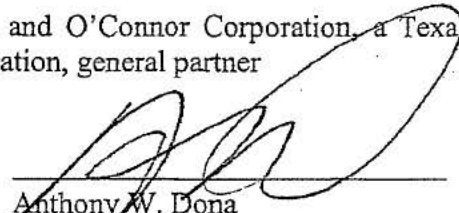
Amendment Statement by THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, as Secured Party, as to the above Financing Statement, filed March 17, 1995, recorded in Volume 95053, Page 1364, Deed Records, DALLAS County, Texas.

Continuation Statement by THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, as Secured Party, as to the above Financing Statement, filed April 4, 1996, recorded in Volume 96068, Page 3931, Deed Records, DALLAS County, Texas.

EXECUTED as of July 28, 1998.

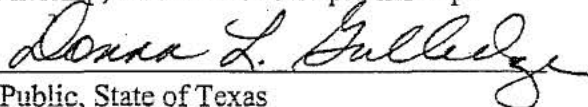
CROW-PHOENIX LIMITED PARTNERSHIP, a
Delaware limited partnership

By: Royal and O'Connor Corporation, a Texas
corporation, general partner

By: 
Anthony W. Dona
Vice President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on July 28, 1998, by Anthony W. Dona, Vice President of Royal and O'Connor Corporation, a Texas corporation, general partner of Crow-Phoenix Limited Partnership, a Delaware limited partnership, on behalf of said partnership.


Notary Public, State of Texas
My Commission Expires: _____

Printed Name of Notary

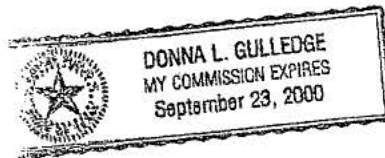


EXHIBIT B

TITLE EXCEPTIONS

1. Restrictions recorded in Volume 77076, Page 1528, and Volume 83005, Page 739, Deed Records, Dallas County, Texas.
2. Taxes from the year 1998.
3. The following easement(s) and/or building lines, as shown on plat recorded in Volume 74113, Page 1136, Map Records, Dallas County, Texas, to wit:
 - (a) Railroad spur easement along the Northern portion of the West property line.
4. Electric communications system easement as granted to Dallas Power & Light Company and Southwestern Bell Telephone Company, dated April 18, 1978, filed May 4, 1978, recorded in Volume 78087, Page 3629, Deed Records, Dallas County, Texas.
5. Electric and communications system easement as granted to Dallas Power & Light Company and Southwestern Bell Telephone Company, dated October 26, 1976 filed December 7, 1976, recorded in Volume 76236, Page 1411, Deed Records, Dallas County, Texas.
6. Rights of tenants in possession, as tenants only, under any unrecorded rental or lease agreements, including but not limited to lease described on "Schedule A-38" attached to that certain Assignment of Lessor's Interest in Lease dated March 26, 1990, filed March 28, 1990, recorded in Volume 90061, Page 1808, Deed Records of Dallas County, Texas.
7. Deed of Trust executed by HARLAN R. CROW in his capacity as managing general partner of TRAMMEL CROW COMPANY NO. 34, a Texas limited partnership, the sole General partner of CROW-NORTHGATE NO. 2 LIMITED, a Texas limited partnership, et. al. for other properties, to JOHN E. BROMBERG, Trustee(s), securing THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, a New York corporation, in the payment of one note in the principal sum of \$2,790,000.00, and other sums for other properties, and other Indebtedness and performance as therein provided, which Deed of Trust is dated March 26, 1990, filed of record on March 28, 1990, and recorded in Volume 90061, Page 1503, Deed of Trust Records, DALLAS County, Texas.

Being further secured by Assignment of Lessor's Interest in Lease dated March 26, 1990, filed March 28, 1990, recorded in Volume 90061, Page 1808 Deed Records, DALLAS County, Texas.



TABLE A2-1
GPS COORDINATES DETERMINED BY GPS UNIT ON DECEMBER 16, 2010
NORTHGATE I, BLDG II, 11477 Pagemill Road, Dallas, Texas

| Feature | Description | Northing | Easting | Height | Num. Sat. | PDOP | Date/Time | Duration (hh:mm:ss) | Correction | Horizontal Error (sv. ft) | Vertical Error (sv. ft) |
|---------|--|-------------|-------------|-------------|-----------|------|------------------|---------------------|------------|---------------------------|-------------------------|
| 1 | Center of MW-1 Cover | 7017112.825 | 2518333.636 | 545.0515206 | 9 | 1.79 | 12/16/2010 16:54 | 0:01:28 | WAAS | n/a | n/a |
| 2 | Northwest Corner of Site | 7017225.293 | 2518263.032 | 541.1189054 | 10 | 1.5 | 12/16/2010 16:57 | 0:01:30 | WAAS | n/a | n/a |
| 3 | Northeast Corner of Site | 7017165.056 | 2518595.01 | 550.6726317 | 11 | 1.39 | 12/16/2010 17:00 | 0:01:31 | WAAS | n/a | n/a |
| 4 | Northeast Corner of MSD Area (Across Street from Site) | 7017171.545 | 2518652.707 | 547.0721653 | 11 | 1.39 | 12/16/2010 17:02 | 0:01:29 | WAAS | n/a | n/a |
| 5 | Southeast Corner of Site | 7016536.412 | 2518483.648 | 538.6901301 | 10 | 1.5 | 12/16/2010 17:08 | 0:01:30 | WAAS | n/a | n/a |
| 6 | Southeast Corner of MSD Area (Across Street from Site) | 7016612.234 | 2518157.414 | 536.046824 | 10 | 1.79 | 12/16/2010 17:11 | 0:01:31 | WAAS | n/a | n/a |
| 7 | Southwest Corner of Site | 7016637.61 | 2518163.398 | 536.4585914 | 10 | 1.79 | 12/16/2010 17:13 | 0:01:32 | WAAS | n/a | n/a |

Notes: Measurements taken using survey grade rental GPS unit from G-4 Spatial Technologies (formerly Miller Blueprint).

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Seanna K. Camp, as an authorized representative of OLIT ENVP L.P., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 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 has been 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.

Seanna K. Camp
Signature
Seanna K. Camp
Printed Name
Vice President
Title

Date: February 28, 2012

STATE OF TEXAS
COUNTY OF DALLAS

SUBSCRIBED AND SWORN before me on this the 28 day of FEBRUARY 2012, to which witness my hand and seal of office.

Leslie C. Elkins
Notary Public in and for the State of TEXAS

