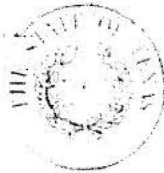


Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 11, 2012

Ms. Elizabeth Rader, Manager  
RP Lot 9, L.P. c/o RP Texas Mgmt, LLC  
12342 Inwood  
Dallas, Texas 75244

RE: Municipal Setting Designation (MSD) Certificate for Commercial Parking  
Lot Property, 1720 Wood Street, Dallas, Dallas County, Texas;; MSD No.  
211

Dear Ms. Rader:

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) 239-3582 or via e-mail ([Jeffery.Beckage@TCEQ.Texas.gov](mailto:Jeffery.Beckage@TCEQ.Texas.gov)).

Sincerely,

Jeffrey S. Beckage, P.G. No. 381, Project Manager  
VCP-CA Section  
Remediation Division

JB/jdm

cc: Mr. Cyril Mickiewicz, P.G., InControl Technologies, Inc., 3845 F.M. 1960 -  
West, Suite 195, Houston, TX 77068  
Mr. Sam Barrett, TCEQ Region 4 Office, Dallas/Ft. Worth  
Ms. Elizabeth Rader, Manager, HJR Investments, LLC, 12342 Inwood,  
Dallas, TX 75244

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. 211, 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 5<sup>th</sup> day of December, 20 12

  
\_\_\_\_\_  
Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

Exhibit "A"

A PORTION OF BLOCK C/99

Sheet 1 of 2

BEING LOCATED IN THE

J. GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, also being situated in Official City of Dallas Block No. C/99, Tubberville's Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume L, Page 438, Map Records, Dallas County, Texas, and being all of that certain tract of land conveyed to RP Lot 9, LP, recorded in Document No. 200600355291, Deed Records, Dallas County, Texas, and being all of that certain tract of land conveyed to Homer J. Rader, Jr., recorded in Volume 96043, Page 6024, Deed Records, Dallas County, Texas, and being all of that certain tract of land conveyed to Homer J. Rader, Jr., recorded in Volume 85005, Page 4772, Deed Records, Dallas County, Texas, and portion of Wood Street, S. Ervey Street and Young Street and a portion of an Alley Right-of-way, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the north right-of-way line of Wood Street with the east right-of-way line of S. Ervey Street;

THENCE along the north right-of-way line of said Wood Street, North 75 degrees 43 minutes 00 seconds East, a distance of 345.18 feet to a Point;

THENCE South 17 degrees 18 minutes 16 seconds East, a distance of 208.78 feet to at a PK nail found for the POINT OF BEGINNING hereof, same being the northeast corner of that certain tract of land conveyed to Virginia Craig Hamilton, as recorded in Volume 84221, Page 1876, Deed Records, Dallas County, Texas, and the northwest corner of that certain tract of land conveyed to Homer J. Rader, Jr., as recorded in Volume 96043, Page 6024, Deed Records, Dallas County, Texas, said point being in the south right-of-way line of said Variable Width Alley Right-of-Way;

THENCE along the north line of said Hamilton tract and the south right-of-way line of said Alley, South 75 degrees 00 minutes 00 seconds West, a distance of 91.11 feet to the northwest corner of said Hamilton tract and the northeast corner of said Rader tract (Volume 85505, Page 4772);

THENCE along the east line of said Rader tract (Volume 85505, Page 4772) and the west line of said Hamilton tract, South 17 degrees 18 minutes 15 seconds East, passing at 158.02 feet the southeast corner of said Rader tract (Volume 85505, Page 4772) and the north right-of-way line of Young Street, continuing a total distance of 225.77 feet to a Point in the south right-of-way line of said Young Street;

THENCE along the south right-of-way line of said Young Street, South 74 degrees 54 minutes 09 seconds West, a distance of 70.12 feet to a Point;

THENCE North 17 degrees 10 minutes 34 seconds West, passing at 67.67 feet the north right-of-way line of said Young Street and the southwest corner of said Rader tract (Volume 85505, Page 4772), continuing a distance of 225.88 feet to a 1/2" iron rod found (spinner) for the northwest corner of said Rader tract (Volume 85505, Page 4772), said point being in the south right-of-way line of said Alley;

THENCE along the south right-of-way line of said Alley, South 75 degrees 00 minutes 00 seconds West, a distance of 25.14 feet to a Point in the east line of that certain tract of land conveyed to Heumann Family Partnership, LLP, as recorded in Volume 2005133, Page 3542, Deed Records, Dallas County, Texas;

THENCE along the east line of said Heumann tract and the west right-of-way line of said Alley, North 17 degrees 17 minutes 54 seconds West, a distance of 7.15 feet to a PK nail found for the northwest corner of said Heumann tract and the southeast corner of said Rader tract (Volume 96043, Page 6024);

THENCE along the south line of said Rader tract (Volume 96043, Page 6024), South 74 degrees 20 minutes 14 seconds West, passing at a distance of 162.41 feet the southwest corner of said Rader tract (Volume 96043, Page 6024) and the east right-of-way line of said S. Ervey Street, a total distance of 212.41 feet to a Point in the west right-of-way line of said S. Ervey Street;

THENCE along the west right-of-way line of said S. Ervey Street, North 17 degrees 25 minutes 44 seconds West, a distance of 60.02 feet to a Point;

THENCE North 74 degrees 20 minutes 33 seconds East, passing at 50.00 feet an "X" found in concrete for the northwest corner of said Rader tract (Volume 96043, Page 6024), continuing a total distance of 212.55 feet to a 1/2" iron rod found with cap "DCA" for the northeast corner of said Rader tract (Volume 96043, Page 6024) and in the west right-of-way line of said Alley;

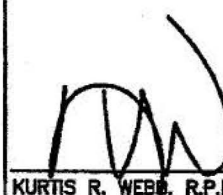
THENCE North 17 degrees 17 minutes 54 seconds West, passing at 100.06 feet the south right-of-way line of said Wood Street, continuing a total distance of 143.96 feet to a Point in the north right-of-way line of said Wood Street;

THENCE along the north right-of-way line of said Wood Street, North 75 degrees 43 minutes 00 seconds East, a distance of 186.08 feet to a Point;

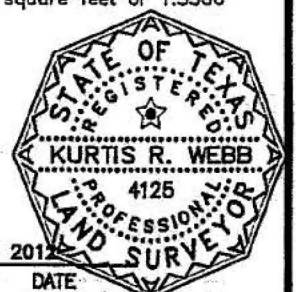
THENCE South 17 degrees 18 minutes 16 seconds East, passing at 43.90 feet the south right-of-way line of said Wood Street and the northwest corner of said RP Lot 9 tract, passing at 196.69 feet a PK nail found for the southeast corner of said RP Lot 9 tract, continuing a total distance of 208.78 feet to the POINT OF BEGINNING hereof and containing 67,543 square feet or 1.5506 acres of land, more or less.



WEBB SURVEYING, INC.  
LAND SURVEYORS  
6313 PRESTON RD.  
SUITE 200  
PLANO, TX 75024  
OFFICE PH.: (972) 781-6600  
FAX PH.: (972) 781-6700  
mail@webbsurveying.com

  
KURTIS R. WEBB, R.P.L.S. #4125

March 13, 2012



DATE



Exhibit B - 1

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Elizabeth J. Rader, as an authorized representative of RP Lot 9, L.P., by Rader Family Holdings, L.L.C., Its General Partner, 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)

- X The MSD eligibility criteria of THSC Section 361.803 are satisfied.
X 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.
X A true and accurate copy of a legal description of the proposed MSD property is included with the application.
X Notice has been provided in accordance with THSC 361.805.
X 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.

Signature: Elizabeth J. Rader

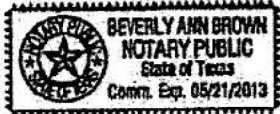
Date: 6/8/2012

Printed Name: Elizabeth J. Rader

Title: Manager

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 8th day of June 2012, to which witness my hand and seal of office.



Notary Public in and for the State of Texas: Beverly Ann Brown



Exhibit B - 2

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Elizabeth J. Rader, as an authorized representative of Downtown Parking Properties, L.P. by RP, SKG GP, LLC, its General Partner, 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)

- X The MSD eligibility criteria of THSC Section 361.803 are satisfied.
X 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.
X A true and accurate copy of a legal description of the proposed MSD property is included with the application.
X Notice has been provided in accordance with THSC 361.805.
X 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.

Signature of Elizabeth J. Rader

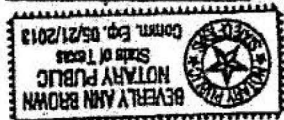
Date: 6/8/2012

Printed Name: Elizabeth J. Rader

Title: Manager

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 8th day of June 2012 to which witness my hand and seal of office.



Signature of Beverly Ann Brown
Notary Public in and for the State of Texas