

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 29, 2015

Ms. Sandy Owens, Senior Vice President
Prescott Interests, Ltd
7979 Inwood Road, Suite 225
Dallas, Texas 75209-3376

Re: Municipal Setting Designation (MSD) Certificate for Prescott Interests, Ltd., Dallas-Market Center Development, 1300 Oak Lawn Ave. (1636 N. Market Center Blvd.), 1601, 1615 and 1639 Market Center Blvd., 1626 – 1630 Irving Blvd., 1632 – 1644 Irving Blvd., and 1212 Oak Lawn Ave., Dallas, Dallas County, TX; MSD No. 293; Customer No. CN602386187; Regulated Entity No. RN102463601

Dear Ms. Owens:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on July 14, 2015 and additional information supporting this MSD application on November 2, 2015. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2243 or via email at lilith.mercier@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Joy Mercier".

L. Joy Mercier, Project Manager
VCP-CA Section
Remediation Division

LJM/arb

cc: Mr. Jose Rios, Environmental Services Manager, 7-Eleven Inc., Dallas, Texas
Mr. Scott K. Harlan, P.G., Environmental Claims Management, Inc., Mansfield, Texas
Mr. Sam Barrett, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office, R-4

Enclosure: MSD Certificate

RECEIVED
JAN 05 2016
TCEQ
CENTRAL FILE ROOM

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

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

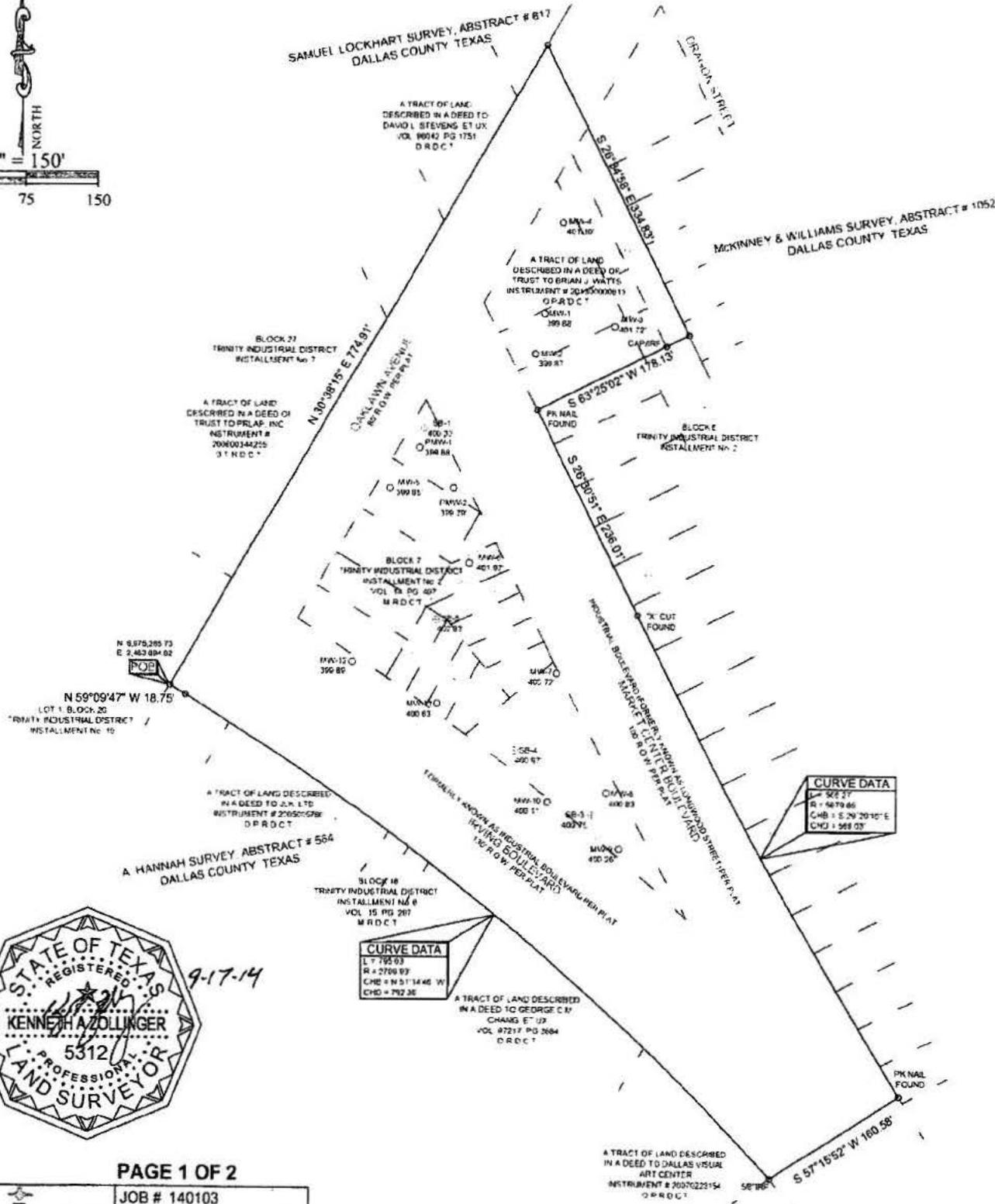
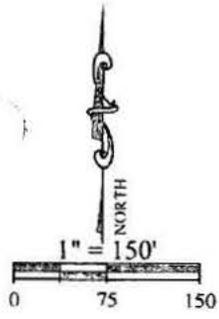
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 293, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 29th day of December, 2015

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



9-17-14

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KAZ
SURVEYING
1700 WESTMINSTER
DALLAS, TX 76205
940.382.3446
www.kazsurveying.com

JOB # 140103
DRAWN BY: H.C.I.
DATE: 3-24-2014
R.P.L.S KENNETH A. ZOLLINGER
NOTES: 9-17-2014, added state plane coordinates to POB, hci

<ul style="list-style-type: none"> ⊕ = BENCHMARK ⊕ = BURIED VERZON BOX ⊕ = CABLE RISER ⊕ = ELECTRIC RISER ⊕ = ELECTRIC TRANSFORMER ⊕ = FIRE HYDRANT ⊕ = GAS METER ⊕ = LIGHT POLE ⊕ = POWER POLE ⊕ = PROPANE TANK ⊕ = SEWER MANHOLE ⊕ = TELEPHONE RISER ⊕ = BURIED ELECTRIC BOX ⊕ = BURIED CABLE SIGN ⊕ = WATER METER ⊕ = WATER VALVE ⊕ = BUILDING LINE ⊕ = DRAINAGE EASEMENT D.U.E. = DRAINAGE / UTILITY EASEMENT F.F. = FINISHED FLOOR P.U.E. = PUBLIC UTILITY EASEMENT U.E. = UTILITY EASEMENT M.F.P. = METAL FENCE CORNER POST W.F.P. = WOOD FENCE CORNER POST B.F.O.S. = BURIED FIBER OPTIC SIGN G.P.L.S. = GAS PIPELINE SIGN P.L. = PLAT OR DEED CALL C.M. = CONTROLLING MONUMENT I.R.F. = IRON ROD FOUND C.A.P.I.R.T. = CAPPED IRON ROD SET C.A.P.I.R.T. = CAPPED IRON ROD FOUND — = PIPE FENCE — = WIRE FENCE — = WOOD FENCE — = CHAIN LINK FENCE — = WROUGHT IRON OR VINYL FENCE — O.H.U. = OVERHEAD UTILITY ⊕ = CONCRETE ⊕ = WOOD ⊕ = ROCK ⊕ = BRICK
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Being all that certain tract of land situated in the McKinney & Williams Survey, Abstract Number 1052 and the A. Hannah Survey, Abstract Number 564, in the City of Dallas, Dallas County, Texas; the subject tract being more particularly described as follows:

BEGINNING at a point on Texas State Plane Coordinate System, North Central Zone, NAD '83 whose coordinates are Northing: 975,285.73, Easting: 2,483,694.92 and being in South line of Irving Boulevard and the West line of Oak Lawn Avenue;

Thence North 30 degrees 38 minutes 15 seconds East with the West line thereof a distance of 774.91 feet to a point;

Thence South 26 degrees 34 minutes 58 seconds East crossing said Avenue with the East line of Lot 63, Block 6, of Trinity Industrial District No. 2 a distance of 334.83 feet to a point;

Thence South 63 degrees 25 minutes 02 seconds West passing a capped iron rod found for the East corner of Lot 28 of said addition and continuing along said course a total distance of 178.13 feet to PK nail found for the South corner thereof in the East line of Market Center Boulevard;

Thence South 26 degrees 30 minutes 51 seconds East with the East line thereof a distance of 236.01 feet to an "X" cut found at the beginning of a curve to the left having a radius of 5679.65 feet and a chord bearing and distance of South 29 degrees 20 minutes 10 seconds East, 568.03 feet;

Thence along said curve and the East line of said Boulevard an arc distance of 568.27 feet to a PK nail found;

Thence South 57 degrees 15 minutes 52 seconds West crossing said Market Center Boulevard and said Irving Boulevard a distance of 160.58 feet to a 5/8" iron rod found in the South line of said Irving Boulevard at the beginning of a curve to the left having a radius of 2799.93 feet and a chord bearing and distance of North 51 degrees 14 minutes 46 seconds West, 792.36 feet;

Thence along said curve and said South line of Irving Boulevard an arc distance of 795.03 feet to a point;

Thence North 59 degrees 09 minutes 47 seconds West a distance of 18.76 feet to the PLACE OF BEGINNING and enclosing 7.64 acres of land more or less.

NOTE: Bearings based on G.P.S. observations and the Texas State Plane Coordinate System, North Central Zone, NAD '83.

NOTE: Not all improvements are shown

NOTE: This survey was performed without the benefit of a title commitment.

This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 2-19-2014.



**MUNICIPAL SETTING
DESIGNATION EXHIBIT**

BEING 7.64 ACRES INCLUDING ALL OF BLOCK 7, TRINITY INDUSTRIAL DISTRICT, INSTALLMENT No. 2, AS RECORDED IN VOLUME 14, PAGE 407 MAP RECORDS, DALLAS COUNTY, TEXAS, ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO BRIAN J. WATTS, TRUSTEE, AS RECORDED IN INSTRUMENT # 201300000613 OF THE OFFICIAL PROPERTY RECORDS, DALLAS COUNTY, TEXAS, THE FULL WIDTH OF THE ADJACENT IRVING BOULEVARD, R.O.W., THE FULL WIDTH OF THE ADJACENT MARKET CENTER BOULEVARD R.O.W. AND THE FULL WIDTH OF THE ADJACENT OAKLAWN AVENUE.

PAGE 2 OF 2

<p>KAZ SURVEYING 1720 WESTMINSTER ANTON, TX 76205 (940)382-3446 www.kazsurveying.com</p>	JOB # 140103
	DRAWN BY: H.C.I.
	DATE: 3-24-2014
	R.P.L.S. KENNETH A. ZOLLINGER
	NOTES: 9-17-2014: added state plane coordinates to POB; hci

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|--|---|--|---|---|--|--|

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Ms. Sandy Owens, Senior Vice President _____, as an authorized representative of Prescott Interests, Ltd _____, 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.


Signature

Date: 7/1/2015

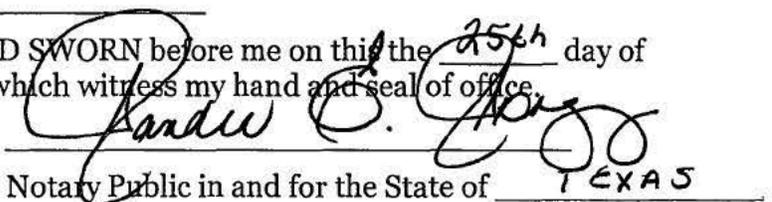
Ms. Sandy Owens
Printed Name

Senior Vice President
Title

STATE OF Dallas

COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 25th day of JUNE 2015, to which witness my hand and seal of office.


Notary Public in and for the State of TEXAS

