Jon Niermann, Chairman Emily Lindley, Commissioner Toby Baker, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2019

Mr. William H. Biesel, Jr., President BSL, Inc. 2012 East Randol Mill Road, Suite 208 Arlington, Texas 76011

Re: Municipal Setting Designation (MSD) Certificate for Stadium and Fairview Properties Site, Located at 110, 114, 118, and 122 Stadium Drive and 109, 115, 119, and 123 Fairview Drive, Arlington, Tarrant County, Texas; MSD No. 414; Customer No. CN605477819; Regulated Entity No. RN110281136

Dear Mr. Biesel:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on March 29, 2019 and additional information supporting this MSD application on June 20, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-1471 or via e-mail at Iryna.Kushnirsky@tceq.texas.gov.

Sincerely,

WI.K.

Iryna Kushnirsky, Team Leader VCP-CA Section Remediation Division

IK/HP/jdm

Enclosure: MSD Certificate

cc: Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

Mr. Jack McCraine, Terracon Consultants, Inc., 2501 East Loop 820 North, Fort Worth, Texas 76118

Mr. David Whitten, Guida, Slavich & Flores, 5956 Sherry Lane, Suite 1000, Dallas, Texas 75225

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 414, in the City of Arlington, 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 day of

Beth Seaton, Director Remediation Division Texas Commission on Environmental Quality

MSD18-1 EXHIBIT "A" PROPERTY DESCRIPTION

Being a 4.275 acre tract of land situated in the Joel Blackwell Survey, Abstract No.147, Tarrant County, Texas and being all of Lot G, Block 4, Hillview Addition, as conveyed to BSL Inc., as recorded in Volume 9515, Page 254, Deed Records, Tarrant County, Texas, and being all of Lot F, Block 4, Hillview Addition, as conveyed to BSL Inc. Etal, as recorded in Document No D212317744, County Clerk Records, Tarrant County, Texas, and being all of Lot J, Block 4, Hillview Addition, as conveved to Biesel William H Etal, as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, and being all of Lot K, Block 4, Hillview Addition, as conveyed to BSL Inc., as recorded in Document No D212317765, County Clerk Records, Tarrant County, Texas, and being a portion of Lot F, Block 4, Hillview Addition, as conveyed to BSL Inc., as recorded in Document No D212317739, County Clerk Records, Tarrant County, Texas, and being a portion of Lot E, Block 4, Hillview Addition, as conveyed to BSL Inc., as recorded in Document No D212316148, County Clerk Records, Tarrant County, Texas, and being a portion of Lot D, Block 4, Hillview Addition, as conveyed to William H. Biesel Jr., as recorded in Document No D212316180, County Clerk Records, Tarrant County, Texas, and being a portion of Lot C, Block 4, Hillview Addition, as conveyed to William H. Biesel, as recorded in Document No Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod, being the southwest corner of said Lot K, and being the northwest corner of Lot 8, Block 4, Hillview Addition, as conveyed to Lane Supply Inc., as recorded in Document No. D214256820, County Clerk Records, Tarrant County, Texas, and also being in the existing public east right-of-way line of Fairview Street (having a 55' R.O.W.);

THENCE North 01°11'03" East, along said existing public east right-of-way line, a distance of 460.00 feet to a set 1/2 inch iron rod with cap stamped "Graham Assoc. Inc." (GAI), being at the intersection of said existing public east right-of-way line, and the existing public south right-of-way line of a 20' Public Alley (having a 20' R.O.W.);

THENCE North 89°16'45" East, leaving said existing public east right-of-way line, along the existing public south right-of-way line of said 20' Public Alley, a distance of 225.62 feet to a set 1/2 inch iron rod with GAI cap, being in the existing public west right-of-way line of said 20' Public Alley;

THENCE South 63°51'01" East, leaving the existing public west right-of-way line of said 20' Public Alley, a distance of 22.12 feet to a found 1/2 inch iron rod, being in the existing public east right-of-way line of said 20' Public Alley, and being in the south line of Lot L, Block 4, Hillview Addition, as conveyed to City of Arlington, as recorded in Document No. D212259920, County Clerk Records, Tarrant County, Texas;

THENCE South 88°48'57" East, leaving the existing public east right-of-way line of said 20' Public Alley, along the south line of said Lot L, a distance of 129.94 feet to a set 1/2 inch iron rod with GAI cap, being the southeast corner of said Lot L, and being in the EXHIBIT "A" PAGE 1

existing public west right-of-way line of Stadium Drive (having a variable width Right-Of-Way);

THENCE South $07^{\circ}39'53''$ East, along said existing public west right-of-way line, being a common line, a distance of 314.63 feet to a set 1/2 inch iron rod with GAI cap, for the beginning of a tangent curve to the right having a radius of 937.01 feet, a central angle of $08^{\circ}22'15''$, and a long chord which bears South $03^{\circ}28'46''$ East, 136.77 feet;

THENCE along said common line, and along said tangent curve to the right, an arc distance of 136.89 feet to a set 1/2 inch iron rod with GAI cap, being the northeast corner of Lot B1, Block 4, Hillview Addition, as recorded in Volume 388-271, Page 105, Plat Records, Tarrant County, Texas, and being in said existing public west right-of-way line;

THENCE North 88°52'01" West, leaving said existing public west right-of-way line, along the north line of said Lot B1, a distance of 77.23 feet to a set 1/2 inch iron rod with GAI cap, being the northwest corner of said Lot B1, and being the northeast corner of a tract of land conveyed to Descendants Testamentary Trust, as recorded in Document No. D214256820, County Clerk Records, Tarrant County, Texas;

THENCE South 89°47'32" West, along the north line of said Descendants Testamentary Trust tract, a distance of 112.31 feet to a found PK nail, being the northwest corner of said Descendants Testamentary Trust tract, and being in the existing public east right-ofway line of said 20' Public Alley;

THENCE South 89°16'45" West, leaving said northwest corner of Descendants Testamentary Trust tract, and leaving the existing public east right-of-way line of said 20'. Public Alley, a distance of 20.01 feet to a set 1/2 inch iron rod with GAI cap, being the northeast corner of said Lot 8, and being in the existing public west right-of-way line of said 20' Public Alley;

THENCE South 89°16'45" West, leaving the existing public east right-of-way line of said 20' Public Alley, along the north line of said Lot 8, a distance of 225.62 feet to the POINT OF BEGINNING and CONTAINING 186,232 square feet, 4.275 acres of land, more or less.

EXHIBIT "A" PAGE 2



LEGAL DESCRIPTION

LEGAL DESCRIPTION Diag a 4.735 car host of float shacked in the Josh Biochard Somey, Montred Ho.117, Terreto County, Tenes and Joing all of Lef. (E. Beck 4, Nikien Addissin, p. communed to S2, Bec, or anomatic in Natero S211, App 224, Dee Biochard, Lenna C. andy, Tenes, and Hang et al Lef. (Bock 4, Bibles Addiss, an compared to S2, Inc. Ed., on spontaria in Document In 2012/11744, County Carls Renorm, Samot, Samot, Samot, Samot, Samot, Samot, H. Pathers, and Samot, Samot, Samot, Samot, Samot, Samot, Samot, Samot, 14, Path Renorm, International C. Samot, Samot, Samot, Samot, Samot, Samot, Biol. 10, Samot, Samot, Samot, Samot, Samot, Samot, Samot, Samot, Samot, 14, Path, Samot, Samot, Samot, Samot, Samot, Samot, Samot, Samot, Samot, 152, Inc., on neuroted in Document No 2012/1778, County Carls Resords, Terret County, Tens, and Isagin gradies of Lef. (E. Scil: 4, Hillerer Addisin, an compared 162, Inc., on neuroted in Document No 2012/1778, County Carls Resords, Terreto, County, Fases, and Margin gention I Lef. (Bock 1, Hillerer Addisin, an compared 163, Inc., on neuroted in Document No 2012/1778, County Carls Resords, Terreto, County, Tens, and Isagin gention I Lef. (Bock 1, Hillerer Addisin, an compared to SSL Le., on neuroted in Document No 2012/11914, County Carls Resords, Terret, County, Teas, and Hangin a parties in Database Samot, Database Carls Resords, Terreto, County, Teas, and Hangin a parties in Lat. (Bock 4, Hillerer Addisin, an compared to Hillion H. Ganad, Samot, Sam

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INENCE North 0111103" East, along soid existing public small right-of-way line, a distance of 460.00 line to a set 1/2 inch ince nord with cap stamped "Combane Assoc. Inc." (CAI), being of the intermedian of soid existing public sumt (Spin-1-way line, and the existing public south right-of-way line of a 20 "Public Astry (Incring a 20" R.O.N.):

THENCE Horth 80°16'45" East, leaving socie existing public sout right-of-soy line, along the existing public south right-of-way line of socie 20' Public May, a distance of 225.52 least to a set 1/2' Juch inon rod sets CM cop, being in the scienting public seet right-of-way line of social 20' Public May;

THENCE South 6351101" East, leaving the existing public west right-of-may line of axid 20" Public Refer, a dialence of 22.12 faint to a faund 1/2 inch in an nat, being in the existing public east right-of-may line of ania 20" Public Refer, on being in the south line of tat. I Boot, 4, Niblew Addition, on compared to CBV of Artigdon, as recorded in Document No. 2012/229932 Campard Gark Rooms, Lance Campa C

THENCE South 85.44537" East, leaving the existing public and right-ol-way line of axial 20' Public May, along the axial line of axial Lat. La distance of 12.2344 (rest to a mil /2) inch iron root with DF cap, being the axialtowing commer of axial Lat. La distance just be axialing public west right-of-way line of Stadium Drive (basing a variable width Right-Of-May);

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GENERAL NOTES

- The bearings shown herean are grid bearings derived from CPS absenctions of the City of Arington Geodetic Control, which is responsed to be based on the Texas Cocordinate System (MUD 63), North Central Zone (2020).
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- No visible improvements and/or buildings were located as a part of this Boundary Survey.
- 4. This survey was done without the hovery of a Title Commitment.
- All property comer one set 1/2 inch iron rode with cape stamped "Graham Assoc. Inc." unle otherwise noted.

SURVEYOR'S CERTIFICATE

This is To certify that I, Michael L. Peterson, a Registered Professional Land Surveyor in the State of Tease, howing platted the above subdivision from an actual survey on the ground; and the toil do correst, angle points and points of curvalues there been properly marked on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

niad	02/17/2018	Safe
Michael L. Peterson Registered Professional Land Surveyor	Date	1 HL PETRON
Texas Registration No. 5999		13 50999 J

	BOUNDARY SURVEY		
- 1	4.275 ACRES		
	LOTS G, H, J, K, F, E, D & C, BLOCK 4 HILLVIEW ADDITION		
	JOEL BLACKWELL SURVEY, ABSTRACT NO. 147 CITY OF ARLINGTON, TARRANT COUNTY, TEXAS		
	Graham Associates, inc. CONSLING ENGNEERS & FLANERS in an Audio Luit an All action taxes from personal and action taxes from personal		
	DRAWN BY: GN	PROJECT NO. NM	SHEET
	DATE: 200291	SHEET 1 OF 1	1_1

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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared William Biesel, Jr.______, as an authorized representative of BSL, Inc.______, 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.
- $\overline{\mathbf{X}}$ 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.

iam Bresel Jr.

Date: March 22 2019

orginature	
William Biesel, Jr.	
Printed Name	
President of BSL, Inc.	
Title	
STATE OF TEXAS	
COUNTY OF TAMANT	
	AND SWORN before me on this the $\frac{2 \mathcal{F}^{\text{th}}}{2}$ day of
LESLY RIVERA	to which witness my hand and seal of office.
Notary ID #131108745 My Commission Expires April 28, 2021	Notary Public in and for the State of <u>TEXAS</u>
TCEQ 20149	August 2011