

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 5, 2023

Mr. Brent Burns, Sole Member
1400 Triple B Holdings, LP
P.O. Box 600178
Dallas, Texas 75360

Re: Municipal Setting Designation (MSD) Certificate for 1400 Triple B Holdings, LP, ISC
Building Materials, 1400 W. Commerce Street, Dallas, Dallas County, TX; MSD No. 493;
Customer No. CN605765536; Regulated Entity No. RN101548196

Dear Mr. Burns:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on October 24, 2022, and additional information supporting this MSD application on February 6, 2023. 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) 239-4940 or via e-mail (robert.anderson@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "Robert Anderson".

Robert Anderson, Project Manager
VCP-CA Section
Remediation Division

RA/jdm

cc: Mr. Michael Whitehead, Whitehead E.S., LLC (via email)
Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

Enclosure: MSD Certificate

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, Monica I. Harris, Acting Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 493, 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 5th day of April, 2023

A handwritten signature in blue ink that reads "Monica I. Harris".

Monica I. Harris, P.G., Acting Deputy Director
Remediation Division
Texas Commission on Environmental Quality

**Field Notes Describing a 377,467 Square Foot (8.665 Acre) Tract
To Acquire a Municipal Setting Designation
Situated in City Blocks 34/7263, 35/7263, 36/7263 and 39/7263
Being Adjacent to City Block 7263
And Adjacent to Block 3961, Cedar Dale Addition
And Block 33/7263, Rachel Bolding Addition
From 1400 Triple B Holdings, LP and the City of Dallas, Texas**

DESCRIPTION, of a 377,467 square foot (8.665 acre) tract of land situated in the William Combs Survey, Abstract No. 290, Dallas County, Texas and being part of platted property in Blocks 34/7263, 35/7263, 36/7263 and 39/7263, Official Numbers of the City of Dallas, Texas; said tract being part of that tract of land described in Special Warranty Deed to 1400 Triple B Holdings, LP recorded in Volume 2005059, Page 1408 of the Official Public Records of Dallas County, Texas and part of that certain tract of land described in Deed Without Warranty to 1400 Triple B Holdings, LP recorded in Volume 2005059, Page 1402 of said Official Public Records; said tract also being part of Seale Street (a variable width public right-of-way), part of Neal Street (60-foot wide public right-of-way) and part of West Commerce Street (60-foot wide public right-of-way); said 377,467 square foot (8.665 acre) tract being more particularly described as follows:

BEGINNING, at a 2-inch iron pipe found in the south right-of-way line of said West Commerce Street; said point being the northeast corner of the first referenced 1400 Triple B Holdings, LP tract and the northwest corner of that tract of land described in Warranty Deed with Vendor's Lien to Raphael W. Smith recorded in Volume 93109, Page 6874 of the Deed Records of Dallas County, Texas;

THENCE, South 00 degrees, 44 minutes, 17 seconds East, departing the said south line of West Commerce Street, along the east line of the first referenced 1400 Triple B Holdings, LP tract and the west line of said Smith tract, a distance of 167.00 feet to a point for corner in the north line of that tract of land described in a General Warranty Deed to Ashish Manjrekar recorded in Instrument No. 20070292896 of said Official Public Records; said point being the most eastern southeast corner of the first referenced 1400 Triple B Holdings, LP tract, and the southwest corner of said Smith tract; from said point a 1/2-inch iron rod found bears North 00 degrees, 44 minutes West, at a distance of 0.8 feet;

THENCE, South 89 degrees, 19 minutes, 43 seconds West, along a south line of the first referenced 1400 Triple B Holdings, LP tract and the north line of said Manjrekar tract, a distance of 121.01 feet to a 1/2-inch iron rod with "SURVEYING ASSOC." cap found for a corner; said point being a reentrant corner of the first referenced 1400 Triple B Holdings, LP tract and being the northwest corner of said Manjrekar tract;

THENCE, South 00 degrees, 50 minutes, 17 seconds East, along the east line of the first referenced 1400 Triple B Holdings, LP tract and the west line of said Manjrekar tract, a distance of 38.96 feet to point for corner in the north line of Pollard Street as abandoned by Ordinance No 9939 as recorded in Volume 2003171, Page 9205 of said Deed Records;

THENCE, in a southerly direction, departing the said east line of the first referenced 1400 Triple B Holdings, LP tract and the said west line of the Manjrekar tract, along the said north line of the abandoned Pollard Street and into and across the first referenced 1400 Triple B Holdings, LP tract, the following four (4) calls:

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Situated in City Blocks 34/7263, 35/7263, 36/7263 and 39/7263
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And Adjacent to Block 3961, Cedar Dale Addition
And Block 33/7263, Rachel Bolding Addition
From 1400 Triple B Holdings, LP and the City of Dallas, Texas**

South 76 degrees, 40 minutes, 00 seconds West, a distance of 369.32 feet to an angle point;

South 68 degrees, 22 minutes, 00 seconds West, a distance of 156.47 feet to an angle point;

South 42 degrees, 43 minutes, 00 seconds West, a distance of 84.74 feet to an angle point;

South 00 degrees, 40 minutes, 17 seconds East, at a distance of 19.64 feet passing the south line of the first referenced 1400 Triple B Holdings, LP tract and the north line of the second referenced 1400 Triple B Holdings, LP tract, continuing into and across the second referenced 1400 Triple B Holdings, LP tract, at a distance of 15.89 feet passing the south line of the second referenced 1400 Triple B Holdings, LP tract and the north right-of-way line of said Seale Street (7-foot right-of-way at this point), continuing over and across said Seale Street right-of-way, in all a total distance of 42.84 feet to a point for corner in the south right-of-way of said Seale Street; said point being the north line of Block 3961, Cedar Dale Addition, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 156 of the Map Records of Dallas County, Texas and the north line of that tract of land described in Warranty Deed to Deborah K. Carpenter recorded in Instrument No. 201000177254 of said Official Public Records;

THENCE, in a westerly direction, along the said south line of Seale Street and the said north line of Block 3961, the following three (3) calls:

North 88 degrees, 23 minutes, 27 seconds West, along the said north line of the Carpenter tract, a distance of 54.80 feet to a point for corner; said point being the northwest corner of said Carpenter tract;

South 01 degrees, 36 minutes, 33 seconds West, along the west line of said Carpenter tract, a distance of 12.27 feet to a point for corner at the intersection of the said south line of Seale Street and the east right-of-way line of Neal Street (a variable width public right-of-way, 33-foot at this point);

South 89 degrees, 14 minutes, 59 seconds West, departing the said east line of Neal Street and the said west line of the Carpenter tract, and over and across said Neal Street right-of-way, at a distance of 32.90 feet passing the intersection of the said south line of Seale Street and the west right-of-way line of said Neal Street, continuing in all a total distance of 254.03 feet to a point for corner; said point being at the intersection of the projected west right-of-way line of Neal Street and the said south line of Seale Street;

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Situated in City Blocks 34/7263, 35/7263, 36/7263 and 39/7263
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And Adjacent to Block 3961, Cedar Dale Addition
And Block 33/7263, Rachel Bolding Addition
From 1400 Triple B Holdings, LP and the City of Dallas, Texas**

THENCE, North 00 degrees, 45 minutes, 01 seconds West, departing the said south line of Seale Street, along the said west line of Neal Street, the east terminus of Pollard Street (an 86-foot public right-of-way) and the east line of Block 40/7263 and Block 33/7263, Rachel Bolding Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 3, Page 108 of said Map Records, and over and across said West Commerce Street right-of-way, a distance of 517.68 feet to a point for corner at the intersection of the north right-of-way of said West Commerce Street and the projected said west line of Neal Street; said point also being in the south line of that tract of land described in Special Assumption Warranty Deed to Ringer, LLC recorded in Instrument No. 201700320183 of said Official Public Records;

THENCE, North 89 degrees, 19 minutes, 26 seconds East, along the said north line of West Commerce Street and the south line of said Ringer, LLC tract, at a distance of 338.73 feet passing the southeast corner of said Ringer, LLC tract and the southwest corner of that tract of land described in Special Warranty Deed to LO 1401 West Commerce LLC recorded in Instrument No. 201500175566 of said Official Public Records, continuing along the said north line of West Commerce Street and the south line of said LO 1401 West Commerce LLC tract, in all a total distance of 995.34 feet to a point for corner;

THENCE, South 00 degrees, 40 minutes, 34 seconds East, departing the said north line of West Commerce Street and the said south line of the LO 1401 West Commerce LLC tract and over and across said West Commerce Street right-of-way, a distance of 60.03 feet to the POINT OF BEGINNING;

CONTAINING, 377,467 square feet or 8.665 acres of land, more or less.

Bearing basis for this survey is based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

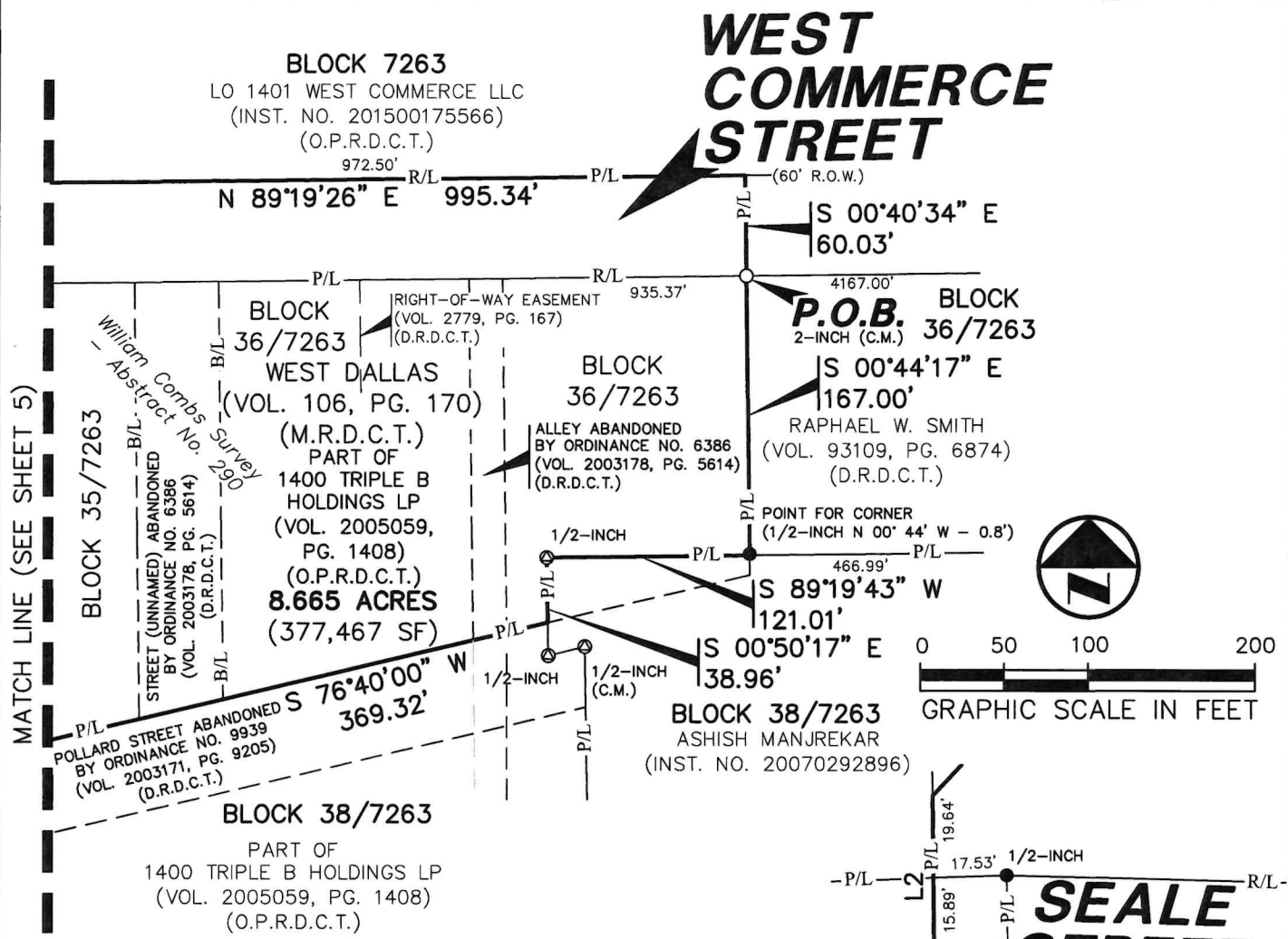

Jonathan E. Cooper
Registered Professional Land Surveyor No. 5369
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000

01/12/2022

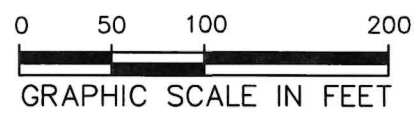
Date



WEST COMMERCE STREET



MATCH LINE (SEE SHEET 5)



LEGEND		SYMBOLS	
— P/L —	PROPERTY LINE	⊙	IRON ROD W/ "SURVEYING ASSOC." CAP FOUND
— B/L —	BLOCK LINE	○	IRON PIPE FOUND
— R/L —	RIGHT-OF-WAY LINE	●	IRON ROD FOUND
— R/L - P/L —	SUBJECT TRACT LINE		
— P.O.B. —	EXISTING EASEMENT LINE		
(C.M.)	POINT OF BEGINNING		
SF	CONTROLLING MONUMENT		
VOL./PG.	SQUARE FEET		
INST./ NO.	VOLUME/PAGE		
(D.R.D.C.T.)	INSTRUMENT/NUMBER		
(O.P.R.D.C.T.)	DEED RECORDS OF DALLAS COUNTY, TEXAS		
(M.R.D.C.T.)	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS		
	MAP RECORDS OF DALLAS COUNTY, TEXAS		

1

DETAIL

NOT TO SCALE SEE PAGE 5 OF 5

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing basis for this survey is based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).



[Signature]
Jonathan E. Cooper
Registered Professional
Land Surveyor No. 5369
Date 01/12/2022

MUNICIPAL SETTING DESIGNATION

TO BE ACQUIRED IN CITY BLOCKS 34/7263, 35/7263, 36/7263 AND 39/7263 FROM 1400 TRIPLE B HOLDINGS, LP AND THE CITY OF DALLAS, TEXAS
WILLIAM COMBS SURVEY, ABSTRACT NO. 290,
PAGE 4 OF 5

Pacheco Koch
7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JEC	1"=100'	JAN. 2022	3859-21.674



0 50 100 200
GRAPHIC SCALE IN FEET

BLOCK 7263

RINGER, LLC
(INST. NO. 201700320183)
(O.P.R.D.C.T.)

BLOCK 7263

LO 1401 WEST COMMERCE LLC
(INST. NO. 201500175566)
(O.P.R.D.C.T.)

WEST COMMERCE STREET

BLOCK 33/7263
RACHEL BOLDING
ADDITION
(VOL. 3, PG. 108)
(M.R.D.C.T.)

COMMERCIAL METALS
COMPANY
(INST. NO.
200600246082)
(O.P.R.D.C.T.)

POLLARD STREET

BLOCK 40/7263
RACHEL BOLDING
ADDITION
(VOL. 3, PG. 108)
(M.R.D.C.T.)

SEALE STREET

NEAL STREET

BLOCK 34/7263

William Combs Survey -
Abstract No. 290

BLOCK 39/7263

PART OF
1400 TRIPLE B HOLDINGS LP
(VOL. 2005059, PG. 1402)
(O.P.R.D.C.T.)

BLOCK 3961
CEDAR DALE ADDITION
(VOL. 2, PG. 156)
(M.R.D.C.T.)

WEST DALLAS
(VOL. 106, PG. 170)
(M.R.D.C.T.)

PART OF
1400 TRIPLE B HOLDINGS LP
(VOL. 2005059, PG. 1408)
(O.P.R.D.C.T.)

8.665 ACRES
(377,467 SF)

POLLARD STREET
ABANDONED
BY ORDINANCE NO. 9939
(VOL. 2003171, PG. 9205)
(D.R.D.C.T.)

BLOCK
35/7263

ALLEY ABANDONED
BY ORDINANCE NO.
6386
(VOL. 2003178,
PG. 5614)
(D.R.D.C.T.)

SEE DETAIL ①

NEAL STREET

(VARIABLE WIDTH R.O.W.)

PROPERTY TABLE

1	JOSE L. MORIN AND MARIE C. MORIN (INST. NO. 201800051200, O.P.R.D.C.T.)
2	RONNIE C. CRABTREE AND WIFE, DEBORAH K. CARPENTER (VOL. 85227, PG. 463, D.R.D.C.T.)
3	DEBORAH CARPENTER AND RON CRABTREE (INST. NO. 200512207449, O.P.R.D.C.T.)
4	C.S.M. TRANSPORT (INST. NO. 200600246082, O.P.R.D.C.T.)

NOTE: SEE PAGE 4 OF 5
FOR GENERAL NOTES,
LEGEND, LINE TABLE
AND DETAIL.

LINE TABLE

LINE	BEARING	LENGTH
L1	S 42°43'00" W	84.74'
L2	S 00°40'17" E	42.84'
L3	N 88°23'27" W	54.80'
L4	S 01°36'33" W	12.27'
L5	S 89°14'59" W	254.03'

MUNICIPAL SETTING DESIGNATION

TO BE ACQUIRED IN CITY BLOCKS 34/7263,
35/7263, 36/7263 AND 39/7263
FROM 1400 TRIPLE B HOLDINGS, LP AND THE
CITY OF DALLAS, TEXAS
WILLIAM COMBS SURVEY, ABSTRACT NO. 290,
PAGE 5 OF 5



7557 RAMBLER ROAD SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JEC	1"=100'	JAN. 2022	3859-21.674



LOCATOR MAP

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Brent A. Burns, as an authorized representative of 1400 Triple B Holdings LP, d/b/a Triple B Holdings, LLC, 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.

Brent A. Burns
Signature

Date: 9-26-2022

Brent A. Burns
Printed Name

Sole member
Title

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 26th day of September 2022, to which witness my hand and seal of office.

Kel Sullivan
Notary Public in and for the State of Texas

