

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 9, 2023

Mr. Kenneth Pratt
Preston Forest SC, LLC
5950 Berkshire Lane, Suite 800
Dallas, Texas 75225

Re: Municipal Setting Designation (MSD) Certificate for Preston Forest SC, LLC, Preston Forest Shopping Center Site, located at 11700 Preston Road, Dallas, Dallas County, TX; MSD No. 501; Voluntary Cleanup Program (VCP) No. 3108; Customer No. CN605819242; Regulated Entity No. RN105068738

Dear Mr. Pratt:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on January 20, 2023 and additional information supporting this MSD application on June 27, 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 MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-4940 or via email at robert.anderson@tceq.texas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Robert Anderson".

Robert Anderson, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 501

cc: Mr. Kevin Almaguer, P.G., EnviroPhase (via email)
Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



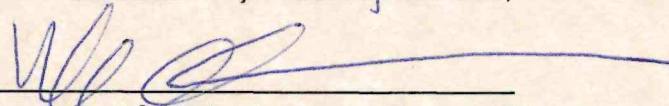
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Merrie Smith, Assistant Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 501, 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 9th day of August, 2023



Merrie Smith, P.G., Assistant Deputy Director
Remediation Division
Texas Commission on Environmental Quality

MUNICIPAL SETTING DESIGNATION SURVEY
LEGAL DESCRIPTION

BEING a 14.9903 acre, (652,977 square foot) tract of land out of the Charles G. Newton Survey, Abstract No. 1090, and the John M. Thomas Survey, Abstract No. 1485, and situated in the City of Dallas Block Number 6378, being all of a 12.8554-acre tract of land conveyed to Preston Forest SC, LLC as recorded in Document No. 202000028883, of the Official Public Records of Dallas County, Texas (OPRDCT), also being a portion of Forest Lane, a variable width public right-of-way, said 14.9903-acre tract being more particularly described as follows:

BEGINNING at a point for the northwest corner of Lot 1, Block 09/6378, Preston Haven Estates Third Section, an addition to the City of Dallas as recorded in Volume 22, Page 1, of the Map Records of Dallas County, Texas, also being the southwest corner of a called 15-foot alley out of said Preston Haven Estates Third Section, further being in the easterly right-of-way line of Preston Road, a variable width public right-of-way, and being the start of a non-tangent curve to the right having a delta angle of 05°04'59", a radius of 5,679.65 feet, and a chord bearing of N 02°48'45"E, a distance of 503.71 feet;

THENCE, along said curve to the right and the east line of said Preston Road, passing at an arc distance of 14.05 feet, an "X" found for the southwest corner of said 12.8554-acre tract and northwest corner of said alley, and continuing along the east line of said Preston road and the most southerly west line of said called 12.8554 acre tract for a total arc distance of 503.88 feet to a 1/2-inch iron rod found with unreadable cap found for the most westerly northwest corner of said called 12.8554 acre tract and southwesterly corner;

THENCE, N 05°24'08"E, continuing along the east line of said Preston Road over and across said alley, for a distance of 201.04 feet to a 1/2-inch iron rod with unreadable cap found for an interior corner of said 12.8554 acre tract and the southwest corner of a 0.359-acre tract of land conveyed to Preston Forest Corner, LLC as recorded in Document No. 202000028882, of the O.P.R.D.C.T.;

THENCE, N 87°47'45"E, departing said easterly line of said Preston Road and west line of said Lot 8A, and along the most westerly North line of said 12.8554-acre tract and the south line of said 0.359-acre tract, for a distance of 122.16 feet to an "X" found in concrete for the southeasterly corner of said 0.359 acre tract and an interior corner of said called 12.8554 acre tract;

THENCE, N 00°27'18"E, departing the south line of said 0.359-acre tract, and along the east line of said 0.359-acre tract, same being the northernmost-westerly line of said 12.8554-acre tract, passing at a distance of 154.15 feet a 1/2-inch iron rod found with unreadable cap for the northeast corner of said 0.359-acre tract and northwest corner of said 12.8554-acre tract, and continuing for a total distance of 269.39 feet to a point for corner in the north right-of-way line of Forest Lane, also being the south line of a tract owned by 0.300-acre Branch Banking & Trust Co., known as Lot 1, Block A/6623, of the Colonial Forest Addition, an addition to the City of Dallas as recorded in Instrument No. 201000176739, of the O.P.R.D.C.T.;

THENCE, N 89°56'46" E, along the north right-of-way line of Forest Lane, passing at a distance of 33.21 feet a 1/2-inch iron rod found with cap stamped "TXHS" for the southwest corner of a 0.52 acre tract of land conveyed to 6021 Forest LLC by the deed recorded in Instrument No. 201000176736 O.P.R.D.C.T., further passing at 590.42 feet an "X" found for the southeast corner of Lot 1A, Block 49/7460, of the Market at Preston Forest Addition, an addition to the City of Dallas as recorded in Instrument No. 199000284145, of the Official Public Records of Dallas County, Texas, and continuing for a total distance of 612.30 feet to a point for corner, for the northeast corner of this;

THENCE, S 00°21'16" W, departing said north line of Forest Lane, over and across said Forest Lane passing at a distance of 119.73 feet, a 1/2-inch iron rod found at the northwest corner of Lot 6, Block 10/6378 of Preston Haven Estates Third Section, an addition to the City of Dallas as recorded in Volume 22, Page 1 of the Map Records of Dallas County, Texas, said point being in the easterly line of a 15 foot width alley as dedicated by said Preston Haven Estates Third Section and continuing along the east line of said 15-foot alley, for a total distance of 645.38 feet to a point for corner with a 1/2-inch iron rod found for reference at N 69°23'09"W, a distance of 15.90 feet.

THENCE, S 38°27'58" W, along the said southeasterly alley line at 100.98 feet, passing the northeasterly right-of-way line of Royalshire Drive, a 50 foot width street, as dedicated by said plat of Preston Haven Estates Third Section, at 150.98 feet, passing the southwesterly right-of-way line of said Royalshire drive, a distance of 300.23 feet to a point for corner with reference to a 1/2-inch iron rod found a N 42°50'43"W, a distance of 15.54 feet;

THENCE, S 55°23'45" W, continuing along said southeasterly alley line, at 125.61 feet passing a 1/2-inch iron rod found, and continuing for a total distance of 144.85 feet to a point for corner;

THENCE, S 88°08'49" W, along the southerly alley line, a distance of 470.42 feet to the POINT OF BEGINNING and containing 14.9903 acres or 652,977 square feet of land, more or less.

Survey Performed By: Benchmark Group of Texas, Inc.
899 Presidential Drive Richardson, TX 75081
License No. 10120700 | commbgt@gmail.com

PROPERTY: Preston Forest Shopping Center
ADDRESS: 11700 Preston Road, Dallas, Texas 75230
JOB NO: 20-8484 | DATE: 10/08/2021 | SCALE: 1" = 150'
DWG NO: 2025013 | REF NO: 20-8484 | DRAWN BY: MC | CHECKED BY: CC

PRELIMINARY

THIS SURVEY IS FOR REVIEW PURPOSES ONLY,
NOT TO BE RECORDED FOR ANY PURPOSE. 10/08/21

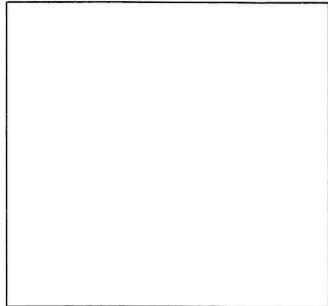
David M. Henderson Date
Registered Professional Land Surveyor No. 4489
In the State of Texas

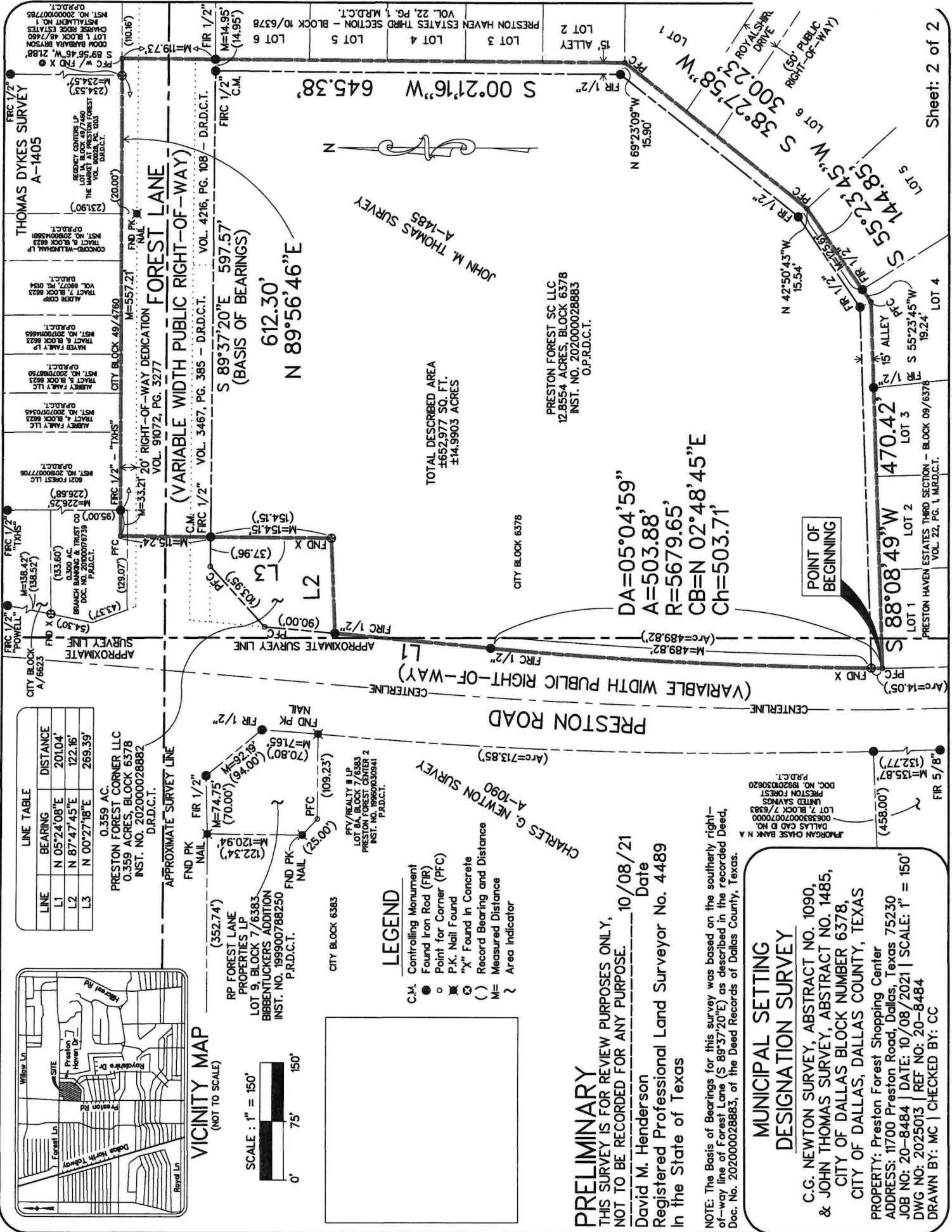


LANDCO, L.P.

11281 RICHMOND, BLDG. J SUITE 105, HOUSTON, TEXAS 77082
OFFICE (281) 556-1202 ♦ FAX (281) 606-1202
INFO@LANDCOSERVICES.COM

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Firm Number: 10045300





LINE TABLE

LINE	BEARING	DISTANCE
L1	N 05°24'08"E	2010.4'
L2	N 87°47'45"E	122.16'
L3	N 00°27'18"E	269.39'

0.359 AC.
PRESTON FOREST CORNER LLC
0.359 ACRES, BLOCK 6378
INST. NO. 202000028882
D.R.D.C.T.

RP FOREST LANE
PROPERTIES LP
LOT 9, BLOCK 7/6383
BIBBENTUCKERS ADDITION
INST. NO. 199900788250
P.R.D.C.T.

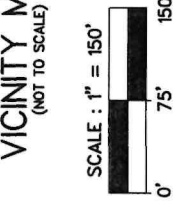
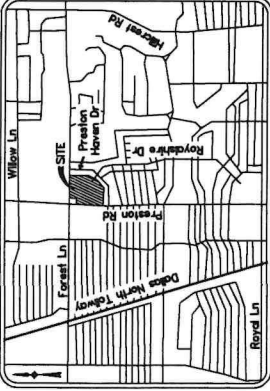
CITY BLOCK 6383

RVY REALTY II LP
LOT 8A, BLOCK 7/6383
PRESTON FOREST CENTER 2
INST. NO. 19990403941
P.R.D.C.T.

CITY BLOCK 6378

PRESTON FOREST SC LLC
12.8554 ACRES, BLOCK 6378
INST. NO. 202000028883
O.P.R.D.C.T.

PRESTON HAVEN ESTATES THIRD SECTION - BLOCK 09/6378
VOL. 22, PG. 1, M.R.D.C.T.



LEGEND

- C.M. Controlling Monument
- Found Iron Rod (FIR)
- Point for Corner (PFC)
- ⊗ P.K. Nail Found
- ⊗ "X" Found In Concrete
- () Record Bearing and Distance
- M= Measured Distance
- ~ Area Indicator

PRELIMINARY
THIS SURVEY IS FOR REVIEW PURPOSES ONLY,
NOT TO BE RECORDED FOR ANY PURPOSE. 10/08/21
Date
David M. Henderson
Registered Professional Land Surveyor No. 4489
In the State of Texas

NOTE: The Basis of Bearings for this survey was based on the southerly right-of-way line of Forest Lane (S 89°37'20"E) as described in the recorded Deed, Doc. No. 202000028883, of the Deed Records of Dallas County, Texas.

**MUNICIPAL SETTING
DESIGNATION SURVEY**
C.G. NEWTON SURVEY, ABSTRACT NO. 1090,
& JOHN THOMAS SURVEY, ABSTRACT NO. 1485,
CITY OF DALLAS BLOCK NUMBER 6378,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PROPERTY: Preston Forest Shopping Center
ADDRESS: 1700 Preston Road, Dallas, Texas 75230
JOB NO: 20-8484 | DATE: 10/08/2021 | SCALE: 1" = 150'
DWG NO: 2025013 | REF NO: 20-8484
DRAWN BY: MC | CHECKED BY: CC

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Kenneth Pratt, as an authorized representative of Preston Forest, 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.

[Signature]
Signature

Date: 12/22/22

Kenneth Pratt
Printed Name

manager-authorized signor
Title

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 22 day of December 2022, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

