

Jon Niermann, *Chairman*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 4, 2024

Mr. Daniel Glaser, Principal  
2121 Grauwylor Owner, LLC  
261 Fifth Avenue, Suite 1501  
New York, New York 10016-7701

Re: Municipal Setting Designation (MSD) Certificate for Grocers Supply Terminal Site, located at 2121 E. Grauwylor Rd., Irving, Dallas County, TX; MSD No. 498; Voluntary Cleanup Program (VCP) No. 3215; Customer No. CN605995968; Regulated Entity No. RN101541233

Dear Mr. Glaser:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on December 9, 2022 and additional information supporting this MSD application on May 12, 2023, July 17, 2023, and October 16, 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) 239-1425 or via email at Reid.Ransom@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "Reid Ransom".

Reid Ransom, Project Manager  
Texas Commission on Environmental Quality  
Remediation Division  
VCP-CA Section

RR/mdh

Enclosure: MSD Certificate No. 498

cc: W. Christopher Rabil, Partner, Foley & Lardner, LLP, Jacksonville, Florida (via email)  
Paul Rodusky, P.G., The Vertex Companies, Inc. (via email)  
Tyler D. Martin, P.G., The Vertex Companies (via email)  
Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas

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. 498, in the City of Irving, 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 4th day of January 2024

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

Grocers Supply Irving Terminal

ITEM 3

LEGAL DESCRIPTION

Legal Description of 2121 East Grauwylar Road:

BEING A TRACT OF LAND SITUATED IN THE M.F. FORTNER SURVEY, ABSTRACT NO 465, CITY OF IRVING, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO BULLOCKS EXPRESS TRANSPORTATION BY GENERAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20080122443, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET FOR CORNER IN THE NORTH ROW LINE OF EAST GRAUWYLER ROAD (A VARIABLE ROW), SAID IRON ROD ALSO BEING AT THE SOUTHWEST CORNER OF SAID BULLOCKS EXPRESS TRANSPORTATION TRACT AND THE SOUTHEAST CORNER OF LOT 1, BLOCK A, FLASH MART, RECORDED IN VOLUME 2002247, PAGE 238, MAP RECORDS, DALLAS COUNTY, TEXAS;

THENCE; NORTH 00 DEGREES 24 MINUTES 50 SECONDS EAST, ALONG THE WEST LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION TRACT AND THE EAST LINE OF SAID LOT 1, BLOCK A, FLASH MART, AT A DISTANCE OF 660.17 FEET PASSING A POINT FOR CORNER AT THE NORTHEAST CORNER OF LOT 2, BLOCK A OF SAID FLASH MART, CONTINUING ALONG THE WEST LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION, A TOTAL DISTANCE OF 668.38 FOOT TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE EASTERLY ROW LINE OF LOOP 12 (A VARIABLE ROW)

THENCE: NORTH 20 DEGREES 35 MINUTES 15 SECONDS EAST, ALONG THE EASTERLY ROW LINE OF LOOP 12, A DISTANCE OF 54.39 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER IN THE NORTH LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION AND THE SOUTH LINE OF LOT 2, BLOCK A, SPEEDOO, RECORDED IN INSTRUMENT NO. 20070060351, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

**Grocers Supply Irving Terminal**

THENCE: NORTH 89 DEGREES 27 MINUTES 19 SECONDS EAST, ALONG THE NORTH LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION TRACT AND THE SOUTH LINE OF SAID LOT 2, BLOCK A, SPEEDOO, A DISTANCE OF 515.60 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER IN THE WEST LINE OF LOT 6, HOMER B. FISHER, RECORDED IN VOLUME 4, PAGE 461, MAP RECORDS, DALLAS COUNTY, TEXAS, SAID IRON ROD ALSO BEING AT THE NORTHEAST CORNER OF SAID BULLOCKS EXPRESS TRANSPORTATION AND THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK A;

THENCE: SOUTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION TRACT AND THE WEST LINE OF SAID HOMER B. FISHER'S SUBDIVISION, A DISTANCE OF 735.76 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER IN THE NORTH ROW LINE OF EAST GRAUWYLER ROAD, SAID IRON ROD ALSO BEING AT TIRE SOUTHEAST CORNER OF SAID BULLOCKS EXPRESS TRANSPORTATION TRACT:

THENCE: ALONG THE NORTH ROW LINE OF EAST GRAUWYLER ROAD AND THE SOUTH LINE OF SAID BULLOCKS EXPRESS TRANSPORTATION, THE FOLLOWING BEARINGS AND DISTANCES:

SOUTH 89 DEGREES 56 MINUTES 51 SECONDS WEST, A DISTANCE OF 358.97 FEET TO A 1/2 INCH IRON ROD SET AT THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12 DEGREES 34 MINUTES 41 SECONDS, A RADIUS OF 191.00 FEET AND A CHORD BEARING NORTH 83 DEGREES 45 MINUTES 48 SECONDS WEST, A DISTANCE OF 41.85 FEET;

NORTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 41.93 FEET TO A 1/2 INCH IRON ROD SET AT THE END OF SAID CURVE AND THE BEGINNING OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 12 DEGREES 34 MINUTES 41 SECONDS, A RADIUS OF 309.00 FEET AND A CHORD BEARING NORTH 83 DEGREES 45 MINUTES 48 SECONDS WEST, A DISTANCE OF 67.70 FEET;

NORTHWESTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 67.83 FEET TO A 1/2 INCH IRON ROD SET AT THE END OF SAID CURVE;

NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 67.81 FEET TO THE PLACE OF BEGINNING AND CONTAINING 8.963 ACRES OF LAND.

A legal description of the proposed MSD boundary for the property comprising the site are provided in this Item of the application. The designated property is 8.963 acres.

*Global Positioning Satellite Coordinates:*

Latitude	Longitude
32.830848	-96.915359
32.832684	-96.915382
32.832827	-96.915319
32.832848	-96.913641
32.830819	-96.913623

GPS coordinates were obtained from the survey, provided as Item 3 of this Application, and the Dallas County Appraisal District (DCAD).



### Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Daniel Glazer, as an authorized representative of 3121 Gowanus Express Owner 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: 12/1/22

Daniel Glazer  
Printed Name

Authorized Signatory  
Title

STATE OF New York

COUNTY OF N.Y

SUBSCRIBED AND SWORN before me on this the 1st day of December 2022, to which witness my hand and seal of office.

Jenny Rodriguez  
Notary Public in and for the State of New York