

Jon Niemann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 17, 2024

Mr. John Sughrue, President
Brook 6125 Peeler Street, LP
PO Box 191408
Dallas, Texas 75219-8408

Re: Municipal Setting Designation (MSD) Certificate for Brook 6125 Peeler Street, LP, Peeler Street Property Site, located at 6125 Peeler Street, Dallas, Dallas County, TX; MSD No. 521; Voluntary Cleanup Program (VCP) No. 3188; Customer No. CN605954163; Regulated Entity No. RN100955608

Dear Mr. Sughrue:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on March 25, 2024 and additional information supporting this MSD application on May 30, 2024 and July 2, 2024. 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) 239-0761 or via email at madison.reid@tceq.texas.gov.

Sincerely,

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

Madison Reid, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 521

cc: Mr. R. Steven George, P.G., Principal, Green Star Environmental (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):

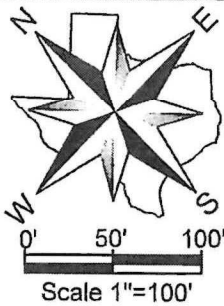
I, Merrie Smith, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 521, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to 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 17 day of July, 2024

A handwritten signature in blue ink, appearing to read "Merrie Smith", written over a horizontal line.

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



**FIELD NOTES DESCRIBING A
168,736 SQUARE FOOT (3.874 ACRE)
MUNICIPAL SETTING DESIGNATION
IN CITY BLOCK 5717
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

ABBR.	DEFINITION
ALUM	Aluminum
BH	Bore hole
NG	Natural ground elevation
MON	Monument
MW	Monitoring well
MAG	Mag nail
XCF	"X" cut in concrete found
TOC	Top of casing elevation
D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
INST. NO.	Instrument number

HAGGAR WAY
53' RIGHT-OF-WAY

LOT 1, BLOCK B/5715
CAMPBELL TAGGART ADDITION REVISED
VOLUME 89007, PAGE 2655
D.R.D.C.T.

NAD 83 GRID
N=6,989,337.203
E=2,480,652.005

NAD 83 GRID
N=6,989,118.968
E=2,480,879.172

PEELER STREET
(VARIABLE WIDTH RIGHT-OF-WAY)
ALUMINUM MONUMENT
FOUND "EAGLE PEELER"

*MILES BENNET SURVEY
ABSTRACT NO. 52*

ASBURY DALLAS MB LLC
INST. NO. 202100150549
O.P.R.D.C.T.

LOT 3, BLOCK 1/5717
PARK PLACE BODYWERKS
INST. NO. 201200278262
O.P.R.D.C.T.

N 44°00'11" E 535.68'
445.36'

S 46°08'55" E 315.01'
S 46°08'55" E 315.00'
S 44°01'05"W 50.00'
MW-4
TOC=482.55'
NG=482.9'
BH-4
NG=482.99'
BH-GSB
NG=483.03'
BH-3
NG=483.02'
CITY BLOCK 5717
BROOK 6125 PEELER STREET, LP
CALLED 3.221 AC. ("TRACT 1")
INST. NO. 202100221761
O.P.R.D.C.T.
3.874 ACRES
(168,736 SQ. FT.)
MW-3
TOC=480.13'
NG=480.4'
BH-6
NG=482.94'
MW-2
TOC=480.87'
NG=480.1'
NG=481.2'
BH-5
NG=482.93'
MW-1
TOC=479.80'
NG=480.1'

MAG FOUND

**POINT OF
BEGINNING**

PEELER STREET
PARTNERS LLC
INST. NO. 201400021011
O.P.R.D.C.T.

LOT 1, BLOCK B/5717
PRESCOTT INTERESTS
6007 PEELER STREET
INST. NO. 200900094685
O.P.R.D.C.T.

S 44°01'05" W 485.87'
445.55'

NAD 83 GRID
N=6,988,951.888
E=2,480,279.873
ASBURY DALLAS MB LLC
INST. NO. 202100150551
O.P.R.D.C.T.

BROOK 6125 PEELER STREET, LP
CALLED 0.291 AC. ("TRACT 2")
INST. NO. 202100221761; O.P.R.D.C.T.

N 46°06'49" W 314.87'

BCW WAREHOUSE LEASING LP
VOLUME 96066, PAGE 3005
D.R.D.C.T.

NAD 83 GRID
N=6,988,733.611
E=2,480,506.804



**Winkelmann
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS
8750 HILLCREST PLAZA DRIVE, SUITE 215
DALLAS, TEXAS 75230 (972) 490-7090
(972) 490-7099 FAX

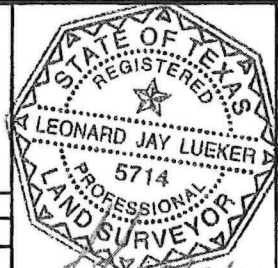
Texas Engineers Registration No. 89
Texas Surveyors No. 10056600 Expires 12-31-21
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Scale: 1" = 100'

Date: 12.08.21

Dwg. File: 47725-MSD

Project No.: 47725.00



**MUNICIPAL SETTING DESIGNATION
3.874 ACRES
(168,736 SQ. FT.)**

GREEN STAR ENVIRONMENTAL
1325 WEST RANDOL MILL ROAD, SUITE 104
ARLINGTON, TEXAS 76102

**SHEET
1
OF
2**

**FIELD NOTES DESCRIBING A 168,736 SQUARE FOOT (3.874 ACRE)
MUNICIPAL SETTING DESIGNATION IN CITY BLOCK 5717
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the MILES BENNETT SURVEY, ABSTRACT NO. 52, in the City of Dallas, Dallas County, Texas, and being all of a called 3.221 acre tract of land (designated "Tract 1") and all of a called 0.291 acre tract of land (designated "Tract 2") described in deed to Brook 6125 Peeler Street LP as recorded in Instrument No. 202100221761, Official Public Records, Dallas County, Texas, and a portion of the right-of-way of Peeler Street, a variable width right-of-way (no deed of record found), and being more particularly described as follows:

BEGINNING at a mag-nail found (N=6,989,083.011, E=2,480,844.427) for the North corner of Lot 1, Block B/5717, Prescott Interests 6007 Peeler Street, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 200900094685, Official Public Records, Dallas County, Texas, on the Southwest right-of-way of Peeler Road, a variable width right-of-way;

THENCE South 44 degrees 01 minutes 05 seconds West, departing the Southwest right-of-way of said Peeler Street, along the Southeast line of said called 3.221-acres tract and the Northwest line of said Lot 1, Block B/5717, passing an "X" cut in concrete found for the South corner of said called 3.221-acre tract and the East corner of said 0.291-acre tract at a distance of 445.55 feet, continuing along the same course and the Southeast line of said called 0.291-acre tract, an additional distance of 40.32 feet, a total distance of 485.87 feet to a point for the South corner of said called 0.291-acre tract (N=6,988,733.611, E=2,480,506.804);

THENCE North 46 degrees 06 minutes 49 seconds West, along the Southwest line of said called 0.291-acre tract, a distance of 314.87 feet to a point for the West corner of said called 0.291-acre tract (N=6,988,951.888, E=2,480,279.873);

THENCE North 44 degrees 00 minutes 11 seconds East, along the Northwest line of said called 0.291-acre tract, passing the North corner of said called 0.291-acre tract at a distance of 40.32 feet, continuing along the same course and along the Northwest line of said called 3.221-acre tract, an additional distance of 445.36 feet to an aluminum monument stamped "EAGLE PEELER" found for the North corner of said called 3.221-acre tract on the Southwest right-of-way of said Peeler Street, continuing along the same course, over and across the right-of-way of said Peeler Street, an additional distance of 50.00 feet, a total distance of 535.68 feet to a point for corner on the Southwest line of Lot 1, Block B/5715, Campbell Taggart Addition Revised, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 89007, Page 2655, Deed Records, Dallas County, Texas, on the Northeast right-of-way of said Peeler Street (N=6,989,337.203, E=2,480,652.005),;

THENCE South 46 degrees 08 minutes 55 seconds East, along the Northeast right-of-way of said Peeler Street and the Southwest line of Lot 1, Block B/5715, of said Campbell Taggart Addition Revised, a distance of 315.01 feet to a point for corner (N=6,989,118.968, E=2,480,879.172);

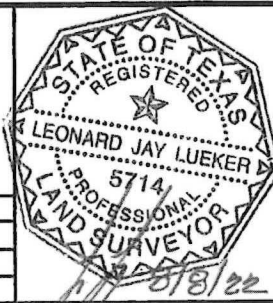
THENCE South 44 degrees 01 minutes 05 seconds West, over and across the right-of-way of said Peeler Street, a distance of 50.00 feet to the POINT OF BEGINNING (N=6,989,083.011, E=2,480,844.427).

CONTAINING within these metes and bounds 3.874 acres or 168,736 square feet of land, more or less. Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 6th day of December, 2021, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS network.

**Winkelmann
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS
6750 HILLCREST PLAZA DRIVE, SUITE 215 (972) 490-7090
DALLAS, TEXAS 75230 (972) 490-7099 FAX
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-21
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Scale : N/A
Date : 12.08.21
Dwg. File : 47725-MSD
Project No. : 47725.00



MUNICIPAL SETTING DESIGNATION
3.874 ACRES
(168,736 SQ. FT.)

GREEN STAR ENVIRONMENTAL
1325 WEST RANDOL MILL ROAD, SUITE 104
ARLINGTON, TEXAS 76102

**SHEET
2
OF
2**

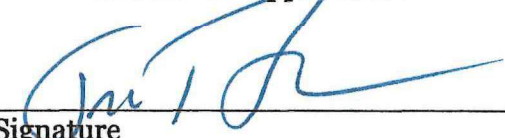
Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
John T. Sughrue, as an authorized representative of
Brook 6125 Peeler Street, LP, 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)

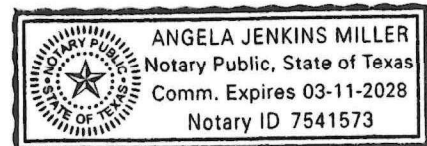
- ☒ The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- ☒ True and accurate copies of all documents demonstrating that the MSD eligibility
criteria provided by THSC 361.803 have been satisfied and are included with the
application.
- ☒ A true and accurate copy of a legal description 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: 5/20/24

John T. Sughrue
Printed Name

President of JTS Peeler GP, Inc., the General Partner of Brook 6125 Peeler Street, LP, the Applicant
Title



STATE OF Texas
COUNTY OF Dallas

May 2024, SUBSCRIBED AND SWORN before me on this the 20th day of
to which witness my hand and seal of office.

Angela Jenkins Miller
Notary Public in and for the State of Texas