

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 4, 2024

Mr. Alan Lagunov
BIP Brennan Property, LLC
1030 West Chicago Avenue, Suite 300
Chicago, Illinois 60642

Re: Municipal Setting Designation (MSD) Certificate for BIP Brennan Property LLC,
2201 Brennan Avenue Industrial Site, located at 2201 Brennan Avenue, Fort
Worth, Tarrant County, TX; MSD No. 524; Voluntary Cleanup Program (VCP) No.
3296; Customer No. CN606176543; Regulated Entity No. RN101531846

Dear Mr. Lagunov:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on June 25, 2024 and additional information supporting this MSD application on August 15, 2024, October 3, 2024, and October 16, 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) 239-2357 or via email at anthony.garcia@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "A. Garcia".

M. Anthony Garcia, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 524

cc: Mr. Kevin Randolph, BIP Brennan Properties, LLC (via email)
Mr. Michael Whitehead, Senior Consultant, Whitehead E.S. (via email)
Ms. Brandi Stalder, Project Manager, Whitehead E.S. (via email)
Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4, Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



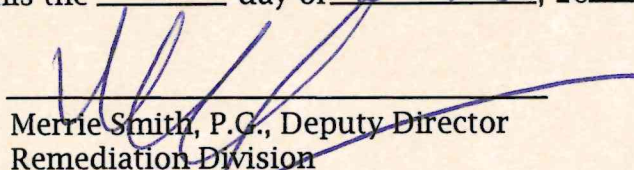
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 524, in the City of Fort Worth, 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 December, 2024



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

TABLE 1. NOTES

1 ☐ Movement plotted (or a reference number or sketch) to the corner of all major corners of the boundary of the subject property and to the corner of substantial or existing structures or obstacles as close proximity to the corner as possible. **AS SHOWN ON SURVEY**

2 ☐ Address of the surveyed property disclosed in document provided to or obtained by the surveyor, or obtained from the **LOCAL OFFICIALS**. **SEE NOTE 10**

3 ☐ NOT REQUIRED

4 ☐ NOT REQUIRED

5 ☐ NOT REQUIRED

6 ☐ NOT REQUIRED

7 ☐ NOT REQUIRED

8 ☐ NOT REQUIRED

9 ☐ NOT REQUIRED

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151 ☐

ZONING INFORMATION:

ZONING RESPONSE LETTER DATED APRIL 24, 2023 BY DANIEL LEAL P., ASSISTANT DEVELOPMENT SERVICES DIRECTOR
OF CITY OF FORT WORTH DEVELOPMENT SERVICES DEPARTMENT.

"THE ABOVE REFERENCED PROPERTY IS CURRENTLY SHOWN ON THE CITY OF FORT WORTH ZONING MAP, AND IS ZONED "K" HEAVY INDUSTRIAL DISTRICT. THE ZONING REGULATIONS FOR "K" HEAVY INDUSTRIAL DISTRICT AS DESCRIBED IN CHAPTER 4, IS AVAILABLE AT <http://www.forthworthtexas.gov/zoning>. THIS ZONING DISTRICT PERMITS THE USE OF OUTDOOR STORAGE, WITH THE SUPPLEMENTAL STANDARDS FOUND IN CHAPTER 5 ARTICLE 5.13. A CLIP IS REQUIRED IF THERE IS NO PRIMARY USE. A DUPLICATED PORTION OF THE CITY OF FORT WORTH ZONING MAP WHICH ENCOMPASSES THE LOCATION OF THE ABOVE REFERENCED PROPERTY, IS ALSO ATTACHED AND MADE A PART OF THIS LETTER."

HEAVY INDUSTRIAL "K" DISTRICT

FRONT YARD: NONE REQUIRED IF ENTIRE BLOCK FRONTAGE IS ZONED "FR" THROUGH "K." IF THE BLOCK FRONTAGE CONTAINS A RESIDENTIAL DISTRICT OR THE "ER" OR "E" DISTRICT, THE MOST RESTRICTIVE DISTRICT STANDARDS APPLY - NONE REQUIRED

INTERIOR LOT: 5 FEET MINIMUM ADJACENT TO RESIDENTIALLY ZONED LOT, NONE OTHERWISE. IF PROVIDED,

CORNER LOT: NONE REQUIRED UNLESS THROUGH LOT, THEN 10 FEET MINIMUM REQUIRED - NONE REQUIRED

TRACY 51

BEING A 2.244 ACRE TRACT OF LAND SITUATED IN THE EDMUND LITTLE SURVEY, ABSTRACT NUMBER 654, TARRANT COUNTY, TEXAS AND BEING ALL OF LOT 2 AND A PORTION OF LOT 1, BLOCK 1 OF THE GORSBETT INDUSTRIAL ADDITION; ADDITION TO THE CITY OF FORT WORTH, TARRANT COUNTY, TEXAS RECORDED IN VOLUME 348-23, PAGE 98 OF THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS AND BEING ALL OF THAT CALLED "2.25 ACRE TRACT OF LAND CONVEYED TO HERTEL GENERAL" THE COMPANY IN VOLUME 303, PAGE 642 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AT A 1/2" IRON ROD FOUND IN THE NORTH LINE OF BRENNAN AVENUE FOR THE SOUTHEAST CORNER OF SAID 2.246 ACRE TRACT, ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 2 AND BEING THE SOUTHWEST CORNER OF LOT 1 OF THE GORBETT INDUSTRIAL ADDITION RECORDED IN VOLUME 385-216, PAGE 4 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, FROM WHICH A 3/4" IRON ROD FOUND BEARS S 71°15'14" E, A DISTANCE OF 932.92 FEET, SA 1/2" IRON ROD FOUND BEING FURTHER REFERRED TO AS **POINT OF BEGINNING A**, HAVING A TEXAS COORDINATE SYS. OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT, GRID COORDINATE VALUE OF N 997269.546, E: 2321822.43 FEET FOR REFERENCE;

THENCE FROM SAID POINT BEGINNING "A" WITH THE NORTH LINE OF BRENNAN AVENUE, N 71°55'14" W, PASSING TO THE SOUTHWEST CORNER OF SAID LOT 2 AT A DISTANCE OF 200.00 FEET AND CONTINUING IN A LINE AT A DISTANCE OF 208.26 FEET TO A 5'6" HIGH ROCK FOUND FOR THE SOUTHWEST CORNER OF SAID 2.345 ACRE TRACT, ALSO BEING THE SOUTHWEST CORNER OF LOT 1-148, BLOCK 1 OF THE GORRETT INDUSTRIAL ADDITION AS RECORDED IN VOLUME 386-109, PAGE 152; THE PLAT RECORDS OF TARRANT COUNTY, TEXAS;

THENCE: S 71°32'43" E, A DISTANCE OF 244.87 FEET TO A 2" STEEL BEAM FOUND FOR THE NORTHEAST CORNER OF SA 2.346 ACRE TRACT, ALSO BEING A POINT IN THE WEST LINE OF SA D LOT 4, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER SA D LOT 4, BEARING N 55°50'00" E, A DISTANCE OF 33.01 FEET.

THENCE, S 23°49'17" W, A DISTANCE OF 433.41 FEET TO THE POINT OF BEGINNING 'A', CONTAINING 2,246 ACRES OR 97,800 FEET OF LAND, MORE OR LESS.

TRACT #2

BEND A 1.145 A
COUNTY, TEXAS

CITY OF FORT WORTH, TARRANT COUNTY, TEXAS RECORDED IN VOLUME 368-23, PAGE 98 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND CONVEYED TO HERTEL GENERAL TIRE COMPANY VOLUME 3737, PAGE 625 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEG-0816 AT A 1/2" IRON ROD FOUND IN THE SOUTHLINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY FOR THE NORTHEAST CORNER OF SAH 1.426 ACRES TRACT, ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1 AND BEING THE NORTHEAST CORNER OF THE BLOCK OF THE COUNTRY CLUB SUBDIVISION, BEING DESCRIBED IN VOLUME 399-217 OF THE PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, SAID 1/2" IRON ROD FOUND BEING FURTHER REFERRED TO AS POINT OF BEGINNING "B," HAVING A TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT CORDINATE VALUES OF N=878781.00 E=328319.00 ELEVATION 6555.00 FEET.

THENCE FROM SAID POINT OF BEGINNING "B", S 23°49'17" W, A DISTANCE OF 209.05 FEET TO A 2" STEEL BEAM FOUND AT THE SOUTHEAST CORNER OF SAID 1.145 ACRE TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 4 BEARS S 23°49'17" W, A DISTANCE OF 423.41 FEET;

THENCE, N 71°33'43" W, A DISTANCE OF 244.87 FEET TO A 1/2" IRON ROD WITH A CAP STAMPED "76PLS 6870" SET FOR THE SOUTHWEST CORNER OF SAID 1.145 ACRE TRACT, ALSO BEING A POINT IN THE EAST LINE OF LOT 1-R-8, BLOCK 1 OF THE CORBETT INDUSTRIAL ADDITION AS RECORDED IN VOLUME 385-109, PAGE 102 OF THE PLAT RECORDS OF TARRANT

THENCE, N 18°16'54" E, A DISTANCE OF 194.18 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 1.145 ACRE TRACT, ALSO BEING THE NORTHEAST CORNER OF LOT 1-4-A OF THE CORBETT INDUSTRIAL ADDITION AS

THE SOUTH LINE OF SAJO UNION PACIFIC RAILROAD RIGHT-OF-WAY;

THENCE, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1333.40 FEET, ARC LENGTH OF 42.36 FEET, CENTRAL ANGLE OF 01°48'12", CHORD BEARING OF S 33°28'01" E AND A CHORD DISTANCE OF 42.36 FEET TO A 1/2" IRON ROD WITH A CAP

THENCE, S 72°30'31" E, A DISTANCE OF 219.66 FEET TO THE POINT OF BEGINNING 'B', CONTAINING 1.345 ACRES OR 49,850. FEET OF LAND, MORE OR LESS,

NOTES:

1.1 BEARINGS, COORDINATES, DISTANCE AND AREA SHOWN HEREON ARE GRID BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, U.S. SURVEY FOOT, AS DETERMINED BY GPS OBSERVATIONS USING THE ALL TERRA CENTRAL VRS NETWORK.

2.) THIS SURVEY IS BASED ON OWNERSHIP AND EASEMENT INFORMATION PROVIDED BY CLIENT. SURVEYOR DID NOT ABSTRACT SUBJECT TRACT AND THERE MAY BE EASEMENTS OR OTHER ENCLUMBRANCES THAT AFFECT THE SUBJECT TRACT THAT ARE NOT SHOWN HEREON.

3.) ADDRESS OF SUBJECT PARCEL: 2201 BRENNAN AVE FORT WORTH, TEXAS 76106.

INSURANCE RATE MAPS ACCORDING TO MAP NUMBER 48439C0150L, EFFECTIVE ON 01/21/2019.

TO FIDELITY NATIONAL TITLE INSURANCE COMPANY, JUNIPER TITLE INC, BIP BRENNAN PROPERTY LLC, AND BRENNAN AVENUE PROPERTIES, INC FORMERLY KNOWN AS HERTEL GENERAL TIRE COMPANY;

WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6A, 6B, 7A, 7B1, 7C, 8, 9, 12, 14, 16, 18 & 19 OF TABLE A THEREOF.

DATE OF PLAY OR MAP: AUGUST 2, 2023



Garrett James Smelker
6870

GARRETT JAMES SMELZER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6878

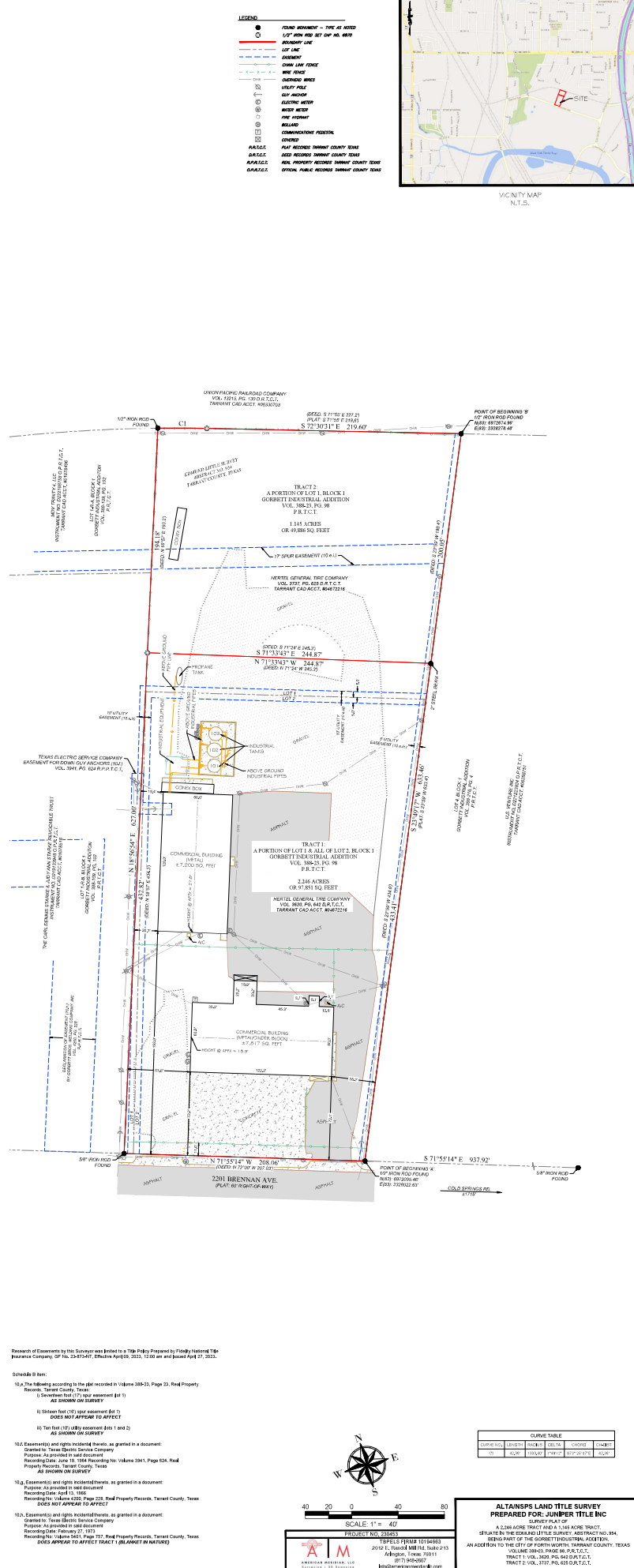


Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Alan Lagunov, as an authorized representative of BIPBleem Property 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

Date: 6/12/2024

Printed Name

Title

STATE OF Illinois
COUNTY OF Clark

SUBSCRIBED AND SWORN before me on this the 12th day of June, 2024, to which witness my hand and seal of office.

Notary Public in and for the State of Illinois

