

AGENDA ITEM # 30

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: September 28, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation
Public Works Department

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 23Z 33C D G

SUBJECT

Authorize **(1)** acceptance of a Texas Parks and Wildlife Department Urban Outdoor Grant for the Dallas Bachman Lake Park Project from the Texas Parks and Wildlife Department in an amount not to exceed \$1,000,000 for renovation of the existing trail; **(2)** the receipt and deposit of grant funds in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund; **(3)** the establishment of appropriations in the Texas Parks and Wildlife Grant Fund in the amount of \$1,000,000; and **(4)** a contract with The Fain Group, Inc., best value proposer of five, for trail improvements at Bachman Lake Park along Shorecrest Drive from Denton Drive to Webb Chapel Road - Not to exceed \$2,138,524 - Financing: General Obligation Commercial Paper Funds (\$1,138,524) and Texas Parks and Wildlife Department Grant Funds (\$1,000,000)

BACKGROUND

On March 25, 2015, by Resolution No. 15-0548, Council authorized an application with the Texas Parks and Wildlife Department for assistance from the Texas Parks and Wildlife Department Urban Outdoor Grant for renovation of the existing trail in Bachman Lake Park, which is a matching share, in an amount not to exceed \$1,000,000.

On May 13, 2016, five proposals were received for trail improvements at Bachman Lake Park. The Fain Group, Inc. was selected as the best value proposer for the Base Price and Alternate Nos. A1, A2, A4, B1 and B2, in the amount of \$2,138,524.29.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

BACKGROUND (Continued)

The following is a list of the rating criteria and values for each criterion:

| <u>Rating Criteria</u> | <u>Value</u> |
|--|--------------|
| 1. Proposed Construction Contract Award | 45% |
| 2. Qualifications/Experience/References for Prime Firm | 20% |
| 3. Subcontractor Experience | 10% |
| 4. Business Inclusion and Development Plan | 15% |
| 5. Financial Sufficiency | 5% |
| 6. Schedule/Time of Completion | <u>5%</u> |
| | 100% |

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Begin Design | August 2011 |
| Completed Design | April 2016 |
| Begin Construction | December 2016 |
| Complete Construction | August 2017 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized an application for a grant on March 25, 2015, by Resolution No. 15-0548.

On April 2, 2015, the Park and Recreation Board authorized application for the Urban Outdoor Recreation Grant.

On September 1, 2016, the Park and Recreation Board authorized award of the contract.

Information about this item will be provided to the Quality of Life & Environment Committee on September 26, 2016.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$1,138,524.29
Texas Parks and Wildlife Department Grant Funds - \$1,000,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

The Fain Group, Inc.

| | | | |
|---------------|----|-----------------|---|
| White Male | 8 | White Female | 2 |
| Hispanic Male | 46 | Hispanic Female | 2 |
| Black Male | 0 | Black Female | 0 |
| Other Male | 0 | Other Female | 0 |

PROPOSAL INFORMATION

The following five proposals were received and opened on May 13, 2016:

*Denotes the successful proposer

| <u>Proposers</u> | <u>Base Bid</u> | <u>Alternate Nos. A1, A2,A4,B1 and B2**</u> | <u>Total Bid</u> |
|---|-----------------|---|------------------|
| *The Fain Group, Inc. 1616 North Sylvania Avenue Ft. Worth, Texas 76111 | \$2,687,480.97 | \$293,418.81 | \$2,980,899.78 |
| Wall Enterprises | \$2,858,900.00 | \$284,900.00 | \$3,143,800.00 |
| J.C. Commercial, Inc. | \$2,867,777.00 | \$430,508.00 | \$3,298,285.00 |
| RoeschCo Construction, Inc. | \$3,657,000.00 | \$431,824.00 | \$4,088,824.00 |
| DENCO CS Corporation | \$2,855,793.60 | \$297,702.80 | \$3,153,496.40 |

**Alternate No. A1 - provides for construction of trail from Denton Drive at Shorecrest connection.

**Alternate No. A2 - provides for construction of Point Nancy Carolyn Loop Trail and picnic area.

**Alternate No. A4 - provides for construction of fitness loop trail with exercise stations and wildscaping interpretive signage.

**Alternate No. B1 - provides for installation of South and North Stone Gateway Portal Signs.

**Alternate No. B2 - provides for installation of Bachman Lake Park sign.

Note: After value engineering, the best and final offer from The Fain Group, Inc. for Base Bid and Alternate Nos. A1, A2, A4, B1 and B2 was for \$2,138,524.29.

OWNER

The Fain Group, Inc.

Larry Frazier, President

MAP

Attached

September 28, 2016

WHEREAS, on March 25, 2015, by Resolution No. 15-0548, Council authorized an application with the Texas Parks and Wildlife Department for assistance from the Texas Parks and Wildlife Department Urban Outdoor Grant for renovation of the existing trail in Bachman Lake Park, which is a matching share, in an amount not to exceed \$1,000,000; and

WHEREAS, on May 13, 2016, five proposals were received for trail improvements at Bachman Lake Park along Shorecrest Drive from Denton Drive to Webb Chapel Road; and

| <u>Proposers</u> | <u>Base Bid</u> | <u>Alternate Nos. A1, A2,A4,B1 and B2**</u> | <u>Total Bid</u> |
|-----------------------------|-----------------|---|------------------|
| The Fain Group, Inc. | \$2,687,480.97 | \$293,418.81 | \$2,980,899.78 |
| Wall Enterprises | \$2,858,900.00 | \$284,900.00 | \$3,143,800.00 |
| J.C. Commercial, Inc. | \$2,867,777.00 | \$430,508.00 | \$3,298,285.00 |
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**Alternate No. A1 - provides for construction of trail from Denton Drive at Shorecrest connection.

**Alternate No. A2 - provides for construction of Point Nancy Carolyn Loop Trail and picnic area.

**Alternate No. A4 - provides for construction of fitness loop trail with exercise stations and wildscaping interpretive signage.

**Alternate No. B1 - provides for installation of South and North Stone Gateway Portal Signs.

**Alternate No. B2 - provides for installation of Bachman Lake Park sign.

Note: After value engineering, the best and final offer from The Fain Group, Inc. for Base Bid and Alternate Nos. A1, A2, A4, B1 and B2 was for \$2,138,524.29.

WHEREAS, it has been determined that acceptance of the final and best offer from The Fain Group, Inc., in an amount not to exceed \$2,138,524.29 is the best value for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a contract with The Fain Group, Inc. for trail improvements at Bachman Lake Park, in an amount not to exceed \$2,138,524.29

September 28, 2016

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with The Fain Group, Inc., after approval as to form by the City Attorney.

SECTION 3. That the City Manager is hereby authorized to accept a Texas Parks and Wildlife Department Urban Outdoor Grant for the Dallas Bachman Lake Park Project from the Texas Parks and Wildlife Department (TPWD) (Grant No. 55-000026), in an amount not to exceed \$1,000,000 for the period August 20, 2015 through July 15, 2018.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Texas Parks and Wildlife Department in the Texas Parks and Wildlife Grant Fund in an amount not to exceed \$1,000,000 in Fund S306, Department PKR, Unit S614, Revenue Code 6516.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in the Texas Parks and Wildlife Grant Fund, Fund S306, Department PKR, Unit S614, Object 4599 in the amount of \$1,000,000.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,138,524.29 to The Fain Group, Inc., as follows:

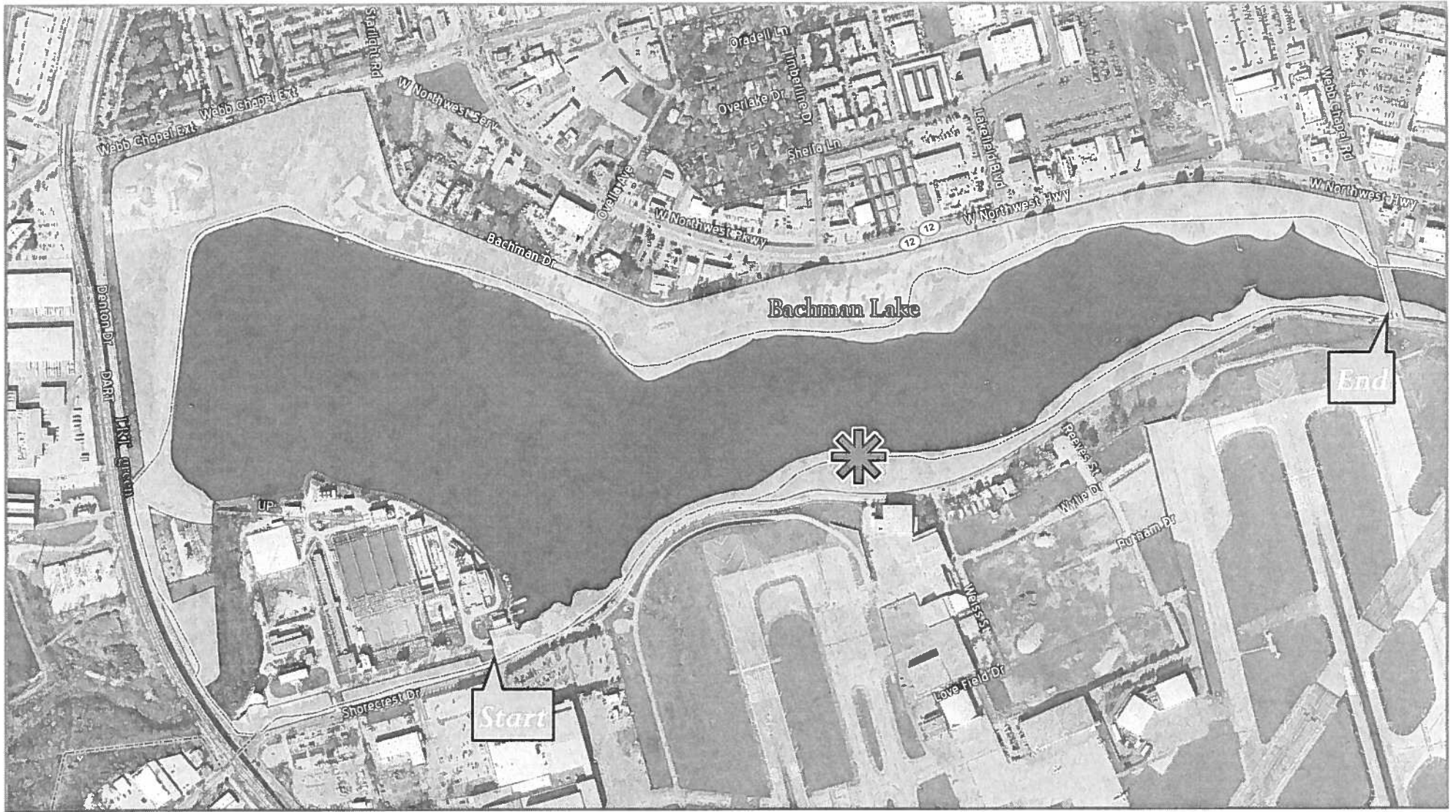
| | |
|--|-----------------------|
| (2012) Street and Transportation Improvement Fund Fund 4U22, Department PBW, Unit S614, Object 4599 Activity SREC, Program PB12S614, CT-PKR16019959 Commodity 91200, Vendor VS0000040276 | \$1,138,524.29 |
| TPWD Urban Outdoor-Dallas Bachman Lake Park Grant Fund Fund S306, Department PKR, Unit S614, Object 4599 Activity HIBT, Program PB12S614, CT-PKR16019959 Commodity 91200, Vendor VS0000040276 | <u>\$1,000,000.00</u> |
| Total amount not to exceed | \$2,138,524.29 |

SECTION 7. That the City Manager is hereby authorized to reimburse to the granting agency expenditures identified as ineligible. Further, the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 8. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

September 28, 2016

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Bachman Lake Trail Phase III
 Shorecrest Drive from Denton Drive to Webb Chapel Road

Mapsc0
 23 Z
 33 C,D,G

District
 6

September 1, 2016

AGENDA ITEM # 31

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: September 28, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation
Public Works Department
Trinity Watershed Management

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 57S T

SUBJECT

Authorize (1) a decrease in the contract with RoeschCo Construction, Inc. for a credit to the existing contract for the Joppa Trail and South Central Park sprayground in an amount not to exceed (\$728,458), from \$3,584,711 to \$2,856,253; and (2) payment to the U.S. Army Corp of Engineers in the amount of \$728,458 for the City's share of costs for the construction of the Joppa Trail located between Fellows Lane to Elam Road - Not to exceed (\$728,458), from \$3,584,711 to \$2,856,253 - Financing: 2003 Bond Funds (\$711,398) and 1998 Bond Funds (\$17,060)

BACKGROUND

The original contract was awarded to RoeschCo Construction, Inc., by City Council on October 8, 2014, by Resolution No. 14-1695, for construction of the South Central Park and Joppa Connector Trail Project, which includes site improvements for South Central Park and the construction of approximately one mile of multipurpose concrete trail including two bridges, in an amount not to exceed \$3,536,435.00.

Change Order No. 1, was authorized on July 28, 2015, by Administrative Action No. 15-1118 for concrete depth, dependable water fountain, bollards and other miscellaneous items to include a credit for reduced parking lot size; deduction for trail head sundial and concrete kiosk; add retaining wall at east parking area, and install automatic backwash for sprayground, in an amount not to exceed \$48,276.19, making a revised contract amount of \$3,584,711.19.

BACKGROUND (Continued)

This action will authorize Change Order No. 2 to the contract with RoeschCo Construction, Inc., in an amount not to exceed (\$728,458.10), from \$3,584,711.19 to \$2,856,253.09 for a credit for to remove the Joppa Trail scope of work from the existing contract. Due to river flooding and inundation of the lower chain of wetlands, the U. S. Army Corps of Engineers (Corps) and the City determined that it would be the best course of action for the Corps' contractor to complete the work when the ground and river conditions permit. The credit of \$728,458.10 from the City's construction contract will be transferred to the Corps. The sprayground has been completed and the Corps will be taking over completion of the trail. The City's contractor will provide two bridges as well as prefabricated structural steel elevated decking to the Corps.

The Corps is currently constructing the maintenance trails in the chain of wetlands area and can also construct the Joppa Trail Connection due to their familiarity with the area and the challenges inherent with working in the Dallas Floodway Extension. This work is part of the Dallas Floodway Extension, a federally authorized project, and will complete the connections from IH20 to north of I45.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Construction | November 2014 |
| Complete Construction | January 2017 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized execution of the Project Cooperation Agreement between the City of Dallas and the U.S. Army Corps of Engineers for construction of the DFE Project on December 12, 2001, by Resolution No. 01-3720.

On February 20, 2014, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On October 2, 2014, the Park and Recreation Board authorized award of the contract.

City Council authorized award of the contract on October 8, 2014, by Resolution No. 14-1695.

Briefed the Transportation and Trinity River Project Committee on June 8, 2015.

Briefed the Transportation and Trinity River Project Committee on June 15, 2015.

Information about this item was provided to the Transportation and Trinity River Project Committee on August 24, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On September 1, 2016, the Park and Recreation Board authorized Change Order No. 2.

Information about this item will be provided to the Quality of Life & Environmental Committee on September 26, 2016.

FISCAL INFORMATION

2003 Bond Funds - (\$711,397.85)

1998 Bond Funds - (\$17,060.25)

| | |
|----------------------------------|-----------------------|
| Construction Amount | \$3,536,435.00 |
| Change Order No. 1 | \$48,276.19 |
| Change Order No. 2 (this action) | <u>(\$728,458.10)</u> |
| Total | \$2,856,253.09 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

RoeschCo Construction, Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 0 | White Female | 8 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Black Male | 0 | Black Female | 0 |
| Other Male | 1 | Other Female | 4 |

OWNER

RoeschCo Construction, Inc.

Marcie Roeschley, President

MAP

Attached

September 28, 2016

WHEREAS, on October 8, 2014, by Resolution No. 14-1695, RoeschCo Construction, Inc. was awarded a contract for construction of the South Central Park and Joppa Connector Trail Project, which includes site improvements for South Central Park and the construction of approximately one mile of multipurpose concrete trail including two bridges, in an amount not to exceed \$3,536,435.00.

WHEREAS, on July 28, 2015, by Administrative Action No. 15-1118, RoeschCo Construction, Inc., Change Order No. 1 was authorized for concrete depth, dependable water fountain, bollards and other miscellaneous items to include a credit for reduced parking lot size; deduction for trail head sundial and concrete kiosk; add retaining wall at east parking area, and install automatic backwash for sprayground, in an amount not to exceed \$48,276.19, increasing the contract amount to \$3,584,711.19.

WHEREAS, this action will authorize Change Order No. 2 to the contract with RoeschCo Construction, Inc., in an amount not to exceed (\$728,458.10), from \$3,584,711.19 to \$2,856,253.09 for a credit for the Joppa Trail and South Central Park sprayground from the existing contract. Due to river flooding and inundation of the lower chain of wetlands, the U. S. Army Corps of Engineers (Corps) and the City determined that it would be the best course of action for the Corps' contractor to complete the work when the ground and river conditions permit. The sprayground has been completed and the Corps will be taking over completion of the trail. The City's contractor will provide two bridges as well as prefabricated structural steel elevated decking to the Corps.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into Change Order No. 2 to the contract with RoeschCo Construction, Inc. for a credit to the existing contract for the Joppa Trail and South Central Park sprayground, in an amount not to exceed (\$728,458.10), decreasing the contract amount from \$3,584,711.19 to \$2,856,253.09.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a decrease in the contract with RoeschCo Construction, Inc., after approval as to form by the City Attorney.

September 28, 2016

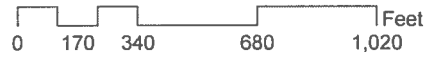
SECTION 3. That the Chief Financial Officer is hereby authorized to reduce encumbrances in the amount of (\$728,458.10) to RoeschCo Construction, Inc. as follows:

| | |
|--|----------------------|
| (2003) Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit P922 Object 4599, Activity HIBT, CT-PBW03P922A1 Program PB03P922, Commodity 91200 Vendor VS0000057213 | (\$711,397.85) |
| (1998) Trinity River Corridor Project Fund Fund 6P14, Department TWM, Unit P922 Object 4599, Activity HIBT, CT-PBW03P922A1 Program PB03P922, Commodity 91200 Vendor VS0000057213 | <u>(\$17,060.25)</u> |
| Total amount not to exceed | (\$728,458.10) |

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$728,458.10 to the U.S. Army Corp of Engineers for the City's share costs for the construction of the Joppa Trail as follows:

| | |
|--|--------------------|
| (2003) Street and Transportation Improvements Fund Fund 6R22, Department PBW, Unit P922 Object 4599, Activity HIBT, CT-PBW03P922A2 Program PB03P922, Commodity 91200 Vendor 352290 | \$711,397.85 |
| (1998) Trinity River Corridor Project Fund Fund 6P14, Department TWM, Unit P922 Object 4599, Activity HIBT, CT-PBW03P922A2 Program PB03P922, Commodity 91200 Vendor 352290 | <u>\$17,060.25</u> |
| Total amount not to exceed | \$728,458.10 |

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



September 1, 2016

South Central Park/Joppa Trail
(Fellows Ln to AT&T Trail)

Mapsc0
57 S,T

District
7

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: September 28, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office Of Environmental Quality
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45 M

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Storage Choice - Farmers Market, Ltd., located near the intersection of Canton Street and Farmers Market Way and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Storage Choice - Farmers Market, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by two groundwater bearing zones; one along the mid to southern portion was encountered at approximately 20 to 25 feet below ground surface (bgs) and the other water bearing zone along the northern portion was encountered at depths of 14.25 - 21.5 feet bgs. The groundwater is confined above the competent Austin Chalk Formation that was encountered between 14.25 and 28 feet bgs and has an estimated thickness in the area of approximately 50 feet thick. The lower confining unit below the Austin Chalk is the Eagle Ford Shale which consists of shale, sandstone, and limestone and has an estimated thickness of 600 feet in the area. The direction of groundwater flow beneath the designated property is to the southeast. The groundwater has been affected by chlorinated solvents tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), and cis-1,2-dichloroethene (cis-DCE), and total petroleum hydrocarbons (TPH) at concentrations above groundwater ingestion standards. The suspected onsite source of the chlorinated solvents and TPH is a former automobile repair and automobile wrecking company in operation from approximately the 1950s through the 1970s. The suspected offsite sources are from a former automobile repair facility and a machine shop to the north of the designated property.

BACKGROUND (Continued)

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in September 2015 and is designated as VCP Facility ID No. 2764.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on September 19, 2016 to receive comments and concerns. Notices of the meeting were sent to 783 property owners within 2,500 feet of the property and 88 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Canton Street and Farmers Market Way including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is being redeveloped as a storage unit facility.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on September 26, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Storage Choice - Farmers Market, Ltd.

SC Farmers Market GP, LLC, General Partner

Paul A. Glover, Manager

MAP

Attached

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2409 and 2425 Canton Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion: and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program Identification No. 2764 must receive a Certificate of Completion from the Texas Commission on Environmental Quality by no later than September 28, 2018.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than September 28, 2018. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

**LEGAL DESCRIPTION
DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION BOUNDARY**
1.650 Acre Tract Being All of Lot 1A, Block 41/163 of Morris and Hazel Addition
and Part of Lot 9, 13-16 and All of Lot 17, Block 41/163 of Rail Road Addition
and Portions of Commerce street and Canton Street,
City of Dallas, Callas County, Texas

BEING a tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, said tract being all of Lot 1A, Block 41/163 of Morris and Hazel Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 92213, Page 294, Deed Records of Dallas County, Texas and part of Lots 9, 13 through 16 and all of Lot 17, Block 41/163 of Rail Road Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 40, Page 109, Map Records of Dallas County, Texas, and part of a 20 foot Alley right of way adjoining said lots abandoned by City Ordinance No. 21092 as recorded in Volume 91249, Page 4100, Deed Records of Dallas County, Texas, part of a 25 foot Alley right of way abandoned by City Ordinance No. 21329 as recorded in Volume 92148, Page 2012, Deed Records of Dallas County, Texas, and a remnant tract being the result of the abandonment of Commerce Street, Young Street and Julius Schepps Freeway by City Ordinance No. 21329 as recorded in Volume 92148, Page 2012, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 5/8 inch iron rod with a plastic cap at the intersection of the southeast line of Commerce Street (a variable width right of way) with the southwest line of Julius Schepps Freeway (Interstate Highway 45, a variable width right of way) and said point being in the most northerly northeast corner of said Lot 1A;

THENCE, the following courses and distances with the southwest line of Julius Schepps Freeway:

- S 72°34'15" E, a distance of 75.67 feet to set 5/8 inch iron rod with a yellow plastic cap for a corner;
- S 72°34'42" E, a distance of 41.80 feet to a set 5/8 inch iron rod with a yellow plastic cap for a corner;
- S 72°34'22" E, passing at a distance of 179.28 feet the northeast line of Canton Street (an 80 foot right of way), continuing in all a distance of 229.18 feet to a point in the center line of Canton Street;

THENCE, S 35°51'00" E, a distance of 40.00 feet to a point for a corner in the projected southeast line of Canton Street;

LEGAL DESCRIPTION (continued)
DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION BOUNDARY
1.650 Acre Tract Being All of Lot 1A, Block 41/163 of Morris and Hazel Addition
and Part of Lot 9, 13-16 and All of Lot 17, Block 41/163 of Rail Road Addition
and Portions of Commerce street and Canton Street,
City of Dallas, Callas County, Texas

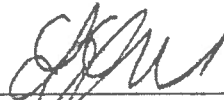
THENCE, S 54°09'00" W, with the projected southeast line of Canton Street, passing at a distance of 82.47 feet the intersection of the southeast line of Canton Street with the southwest line of Julius Schepps Freeway and the northeast corner of Lot 2A, Block 40/164 of Farmers Market, Phase 1A, an addition to the City of Dallas as recorded in Volume 2000005, Page 68, Deed Records of Dallas County, Texas, continuing in all a distance of 287.04 feet to a point for a corner;

THENCE, N 35°51'00" W, departing the southeast line of Canton Street and crossing Canton Street, passing at a distance of 80.00 feet a found 1/2 inch iron rod in the northwest line of Canton Street and being the southwest corner of said Lot 1A and the southeast corner of Farmers Market Townhomes Condos by Declaration recorded in Volume 2001148, Page 4530 and a tract of land conveyed to Camden Connection Inc. by deed recorded in Instrument Number 201400194124, Official Public Records of Dallas County, Texas, passing at a distance of 281.77 feet a set Mag nail at the northwest corner of said Lot 1A, passing at a distance the 349.85 feet a found PK nail in the southeast line of Commerce Street, continuing into Commerce Street, in all a distance of 436.04 feet to a point for a corner;

THENCE, N 76°00'18" E, a distance of 118.02 feet a point for a corner;

THENCE, S 13°59'42" E, a distance of 80.00 feet to the Point of Beginning and Containing 71,874 square feet or a 1.650 acre of land.

Date: January 19, 2016



L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



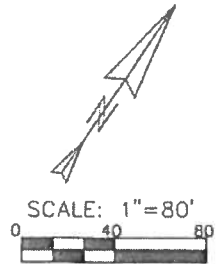
Basis of Bearing:

The bearing basis for this survey is a bearing of S 54°09'00" W for the northwest line of Canton Street as indicated on the map of Morris & Hazel Addition as recorded in Volume 92213, Page 294, Deed Records of Dallas County, Texas.

**DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION BOUNDARY**
1.650 Acre Being All of City LOT 1A, BLOCK 41/163, MORRIS & HAZEL ADDITION
& Part of LOT 9, 13-16 & All of LOT 17, BLOCK 41/163, RAIL ROAD ADDITION
and Portions of Commerce Street and Canton Street,
City of Dallas, Dallas County, Texas

The bearing basis for this survey is a bearing of S 54°09'00" W for the northwest line of Canton Street as indicated on the map of Morris & Hazel Addition as recorded in Volume 92213, Page 294, Deed Records of Dallas County, Texas.

LEGEND
IP Found Iron Pipe
FIR Found Iron Rod
MON Monument
CM Controlling Monument
D.R.D.C.T. Deed Records of Dallas County, Texas
O.P.R.D.C.T. Official Public Records of Dallas County, Texas

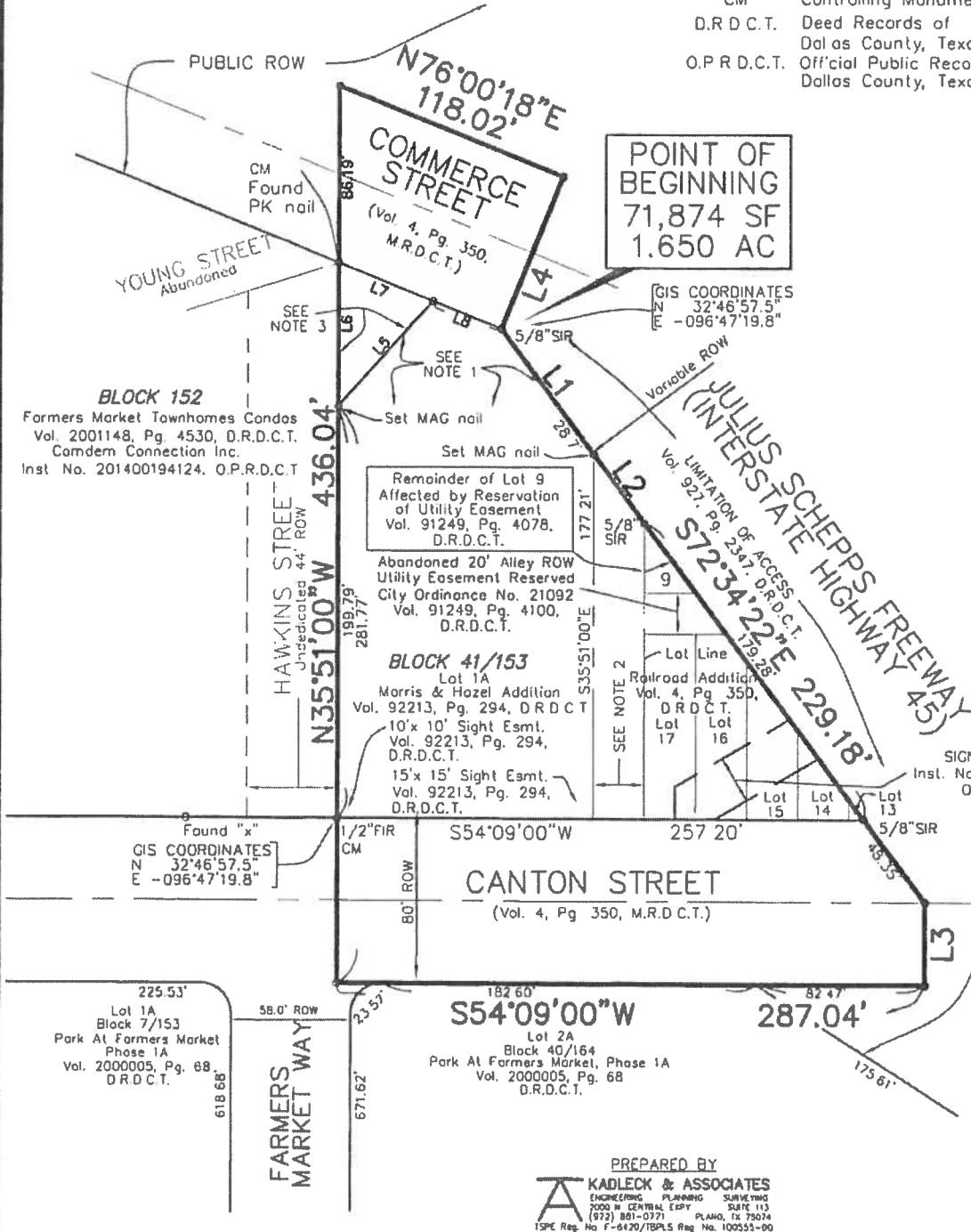


| LINE | BEARING | DISTANCE |
|------|--------------|----------|
| L1 | S72°34'15" E | 75.67' |
| L2 | S72°34'42" E | 41.80' |
| L3 | S35°51'00" E | 40.00' |
| L4 | S13°59'42" E | 80.00' |
| L5 | S06°17'56" W | 69.12' |
| L6 | N35°51'00" W | 69.85' |
| L7 | N76°00'18" E | 49.98' |
| L8 | S76°00'18" W | 35.96' |

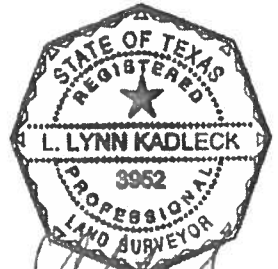
NOTE 1
Area Subject to Easement for Existing Utilities Per City Ordinance No. 21329 Vol. 92148, Pg. 2012, D.R.D.C.T. and as shown on the map Vol. 92213, Pg. 294, D.R.D.C.T.

NOTE 2
Abandoned 25' Alley ROW Utility Easement Reserved City Ordinance No. 21567 Vol. 93059, Pg. 879, D.R.D.C.T.

NOTE 3
Apparent Public ROW Remnant from Abandonment of Commerce St Young St & Julius Schepps Freeway Per City Ordinance No. 21329 Vol. 91248, Pg. 2012, D.R.D.C.T.

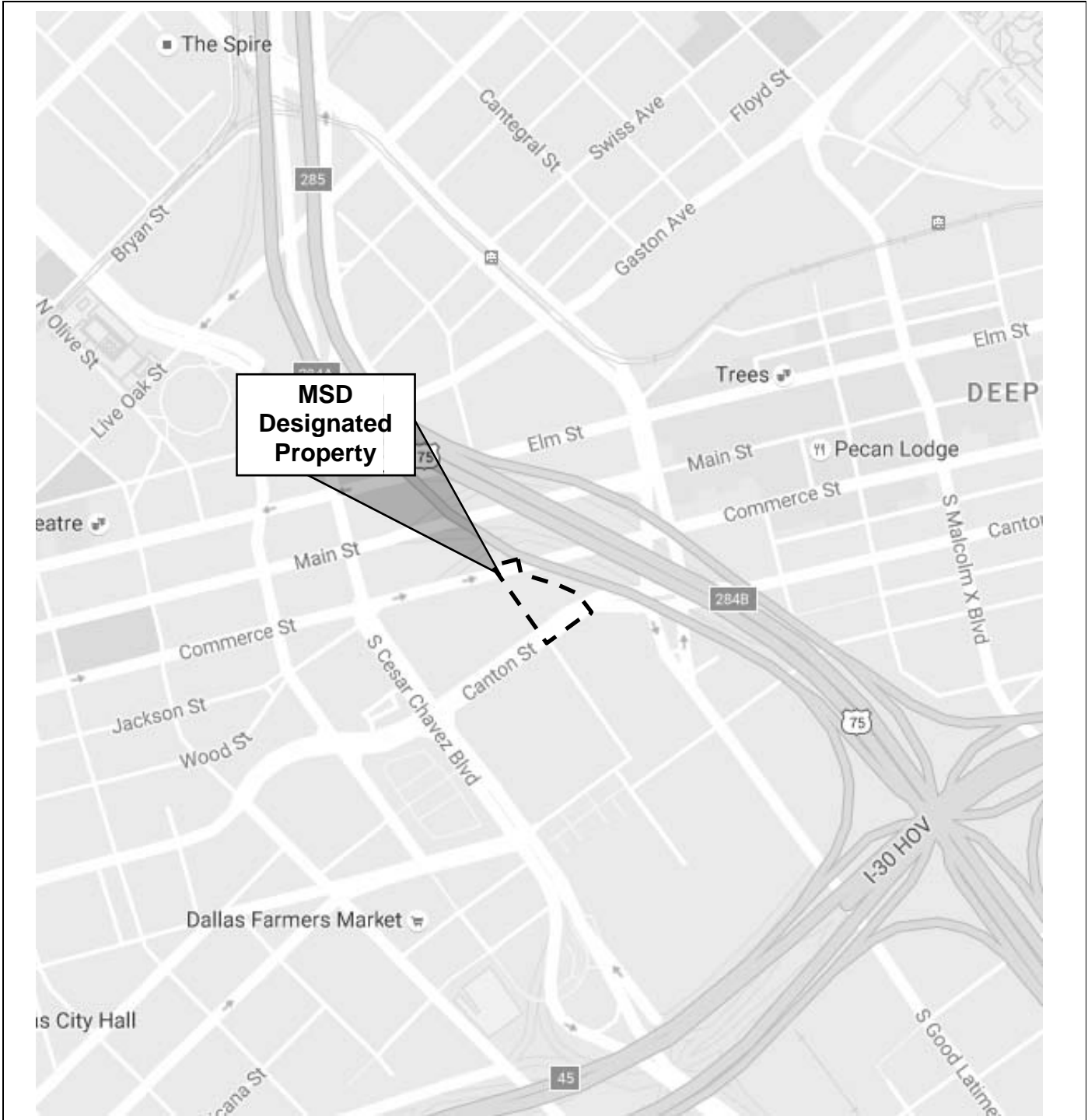


SIGN EASEMENT
Inst. No. 20080313633
O.P.R.D.C.T.



PREPARED BY
KADLECK & ASSOCIATES
ENGINEERING PLANNING SURVEYING
7000 W. CENTRAL EXPY. SUITE 113
(972) 801-0771 PLANO, TX 75074
TSPE Reg. No. F-6420/TBPLS Reg. No. 100555-00

Date: January 19, 2016
KA JOB: 3000 Page 3 of 3



CITY OF DALLAS



Municipal Setting Designation

Designated Property Boundary Map

MSD Log OEQ0059

Applicant – Storage Choice - Farmers Market, Ltd

Designated Property Address

2409 and 2425 Canton Street

Dallas, TX 75201

KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: September 28, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office Of Environmental Quality
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 44 R

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by West Commerce Investments LLC, located near the intersection of West Commerce Street and Beckley Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to West Commerce Investments LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by shallow groundwater that is encountered at approximately 6.2 to 9.8 feet below ground surface (bgs) and extends to approximately 18 to 19 feet bgs at the top of the underlying Eagle Ford Shale. The Eagle Ford Shale is a combination of shale, sandstone, and limestone with an estimated thickness of 200-300 feet and has low permeability, restricts downward migration of groundwater, and is considered a regional aquitard. The direction of groundwater flow beneath the designated property is to the south-southeast. The groundwater has been affected by trichloroethylene (TCE) at concentrations above groundwater ingestion standards. Potential onsite historical sources of TCE were historical automobile repair operations at properties along West Commerce Street (with current and historical even-numbered addresses from 120 through 218 West Commerce Street), and along Langford Street (2426 Langford Street, and historical addresses 2424 and 2428 Langford Street). The potential offsite sources of TCE are from commercial/industrial operations located upgradient to the north of the designated property and a printer business located southeast of the designated property.

BACKGROUND (Continued)

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in March 2016 and is designated as VCP Facility ID No. 2802.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on September 12, 2016 to receive comments and concerns. Notices of the meeting were sent to 312 property owners within 2,500 feet of the property and 80 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of West Commerce Street and Beckley Avenue including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is vacant land with an unoccupied commercial building in the southeast portion of the property, and wooded lots in the southwest portion of the property. The anticipated future use of the designated property is for redevelopment as mixed use multifamily residential and associated retail businesses.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on September 26, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

West Commerce Investments LLC

Reid Beucler, Manager

MAP

Attached

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2400, 2404, 2408, 2412, 2420, and 2426 Langford Street, 2415 and 2439 Beatrice Street, and 120 and 218 West Commerce Street, and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying

drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

Msd No. OEQ0061 West Commerce Investments, LLC. - 2400, 2404, 2408, 2412, 2420, and 2426 Langford Street, 2415 and 2439 Beatrice Street, and 120 and 218 West Commerce Street.

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program Identification No. 2802 must receive a Certificate of Completion from the Texas Commission on Environmental Quality by no later than September 28, 2018.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than September 28, 2018. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

LEGAL DESCRIPTION

BEING a tract of land situated in the William P. Overton Survey, Abstract No. 1106, City of Dallas, Dallas County, Texas; and being all of Lots 2A & 3A, Block 2/6810, Commerce-Langford Addition, an addition to the City of Dallas according to the plat recorded in Volume 94223, Page 4821 of the Deed Records of Dallas County, Texas; and being all of Lots 1A & 9A, Block 2/6810, Commerce/Beatrice Addition, an addition to the City of Dallas according to the plat recorded in Volume 89204, Page 16 of said Deed Records; and being all of Lots 14, 15, 18, 19 & 22, Block 2/6810 and all of a 10-foot wide public alley across said Block 2/6810 by A.P. Langston's Homestead Revised Addition, according to the plat recorded in Volume 119, Page 496 of the Map Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Moxie Investments, Ltd. recorded in Volume 98011, Page 603 of said Deed Records; and being all of a tract of land described in Warranty Deed to Moxie Investments, Ltd recorded in Instrument No. 20080142386 of the Official Public Records of Dallas County, Texas; and being all of a tract of land described in Special Warranty Deed to Moxie Investments, Ltd. recorded in Volume 98011, Page 637 of said Deed Records; and being all of a tract of land described in Special Warranty Deed to Moxie Investments, Inc. recorded in Instrument No. 200600015004 of said Official Public Records; and being part of a tract of land described in Warranty Deed to Jeffrey L. Long recorded in Volume 89043, Page 3474 of said Deed Records; and being part of Lots 1, 2 & 4, and all of Lot 3, Block 1/6810, A.P. Langston's Homestead Revised Addition, according to the plat recorded in Volume 119, Page 496 of the Map Records of Dallas County, Texas; and being part of that tract of land described in Warranty Deed with Vendor's Lien to C. E. Burdine recorded in Volume 80164, Page 1802 of the Deed Records of Dallas County, Texas; and being part of that tract of land described in Warranty Deed to City of Dallas recorded in Volume 74225, Page 1658 of the Deed Records of Dallas County, Texas; and being part of W. Commerce Street, Langford Street, Beatrice Street, Beckley Avenue and Wink Street (all variable width right-of-ways); and being more particularly described as follows:

BEGINNING at the intersection of the projected west right-of-way line of said Langford Road and the north right-of-way line of said W. Commerce Street;

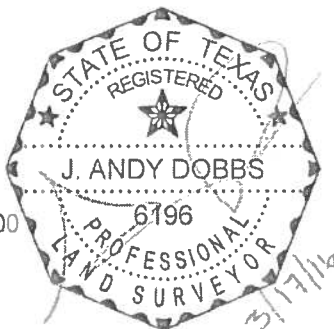
THENCE with said north right-of-way line of W. Commerce Street, North 75°11'09" East, a distance of 759.83 feet to a point for corner;

THENCE departing the projected north right-of-way line of W. Commerce Street, South 1°02'29" East, a distance of 481.11 feet to the projected north line of Lot 1A, Block A/6809, Blanks Subdivision No. 2, an addition to the City of Dallas according to the plat recorded in Volume 95068, Page 1799 of said Deed Records;

(CONTINUED ON SHEET 2)

**MSD BOUNDARY EXHIBIT
PART OF CITY OF DALLAS BLOCKS
1/6810 AND 2/6810
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel No (972) 770-1300 Fax No (972) 239-3820

| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
|-------|----------|------------|-----------|-------------|-----------|
| N/A | JAD | DAB | FEB. 2016 | 064484300 | 1 OF 3 |

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LEGAL DESCRIPTION (CONTINUED)

THENCE with said projected north line of Lot 1A, South 89°37'00" West, a distance of 381.39 feet to the northwest corner of said Lot 1A and being in the east right-of-way line of said Beatrice Street;

THENCE with said east right-of-way line of Beatrice Street, South 1°03'51" East, a distance of 400.74 feet to the intersection of said east right-of-way line of Beatrice Street and the projected south right-of-way line of said Wink Street;

THENCE departing said east right-of-way line of Beatrice Street and with said projected south right-of-way line of Wink Street, South 88°56'09" West, a distance of 356.50 feet to the intersection of said south right-of-way line of Wink Street and said west right-of-way line of Langford Road;

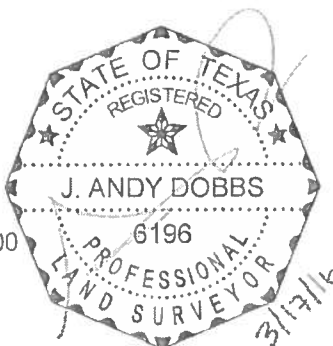
THENCE with said west right-of-way line of Langford Road, North 1°03'51" West, a distance of 696.72 feet to the **POINT OF BEGINNING** and containing 9.84 acres or of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

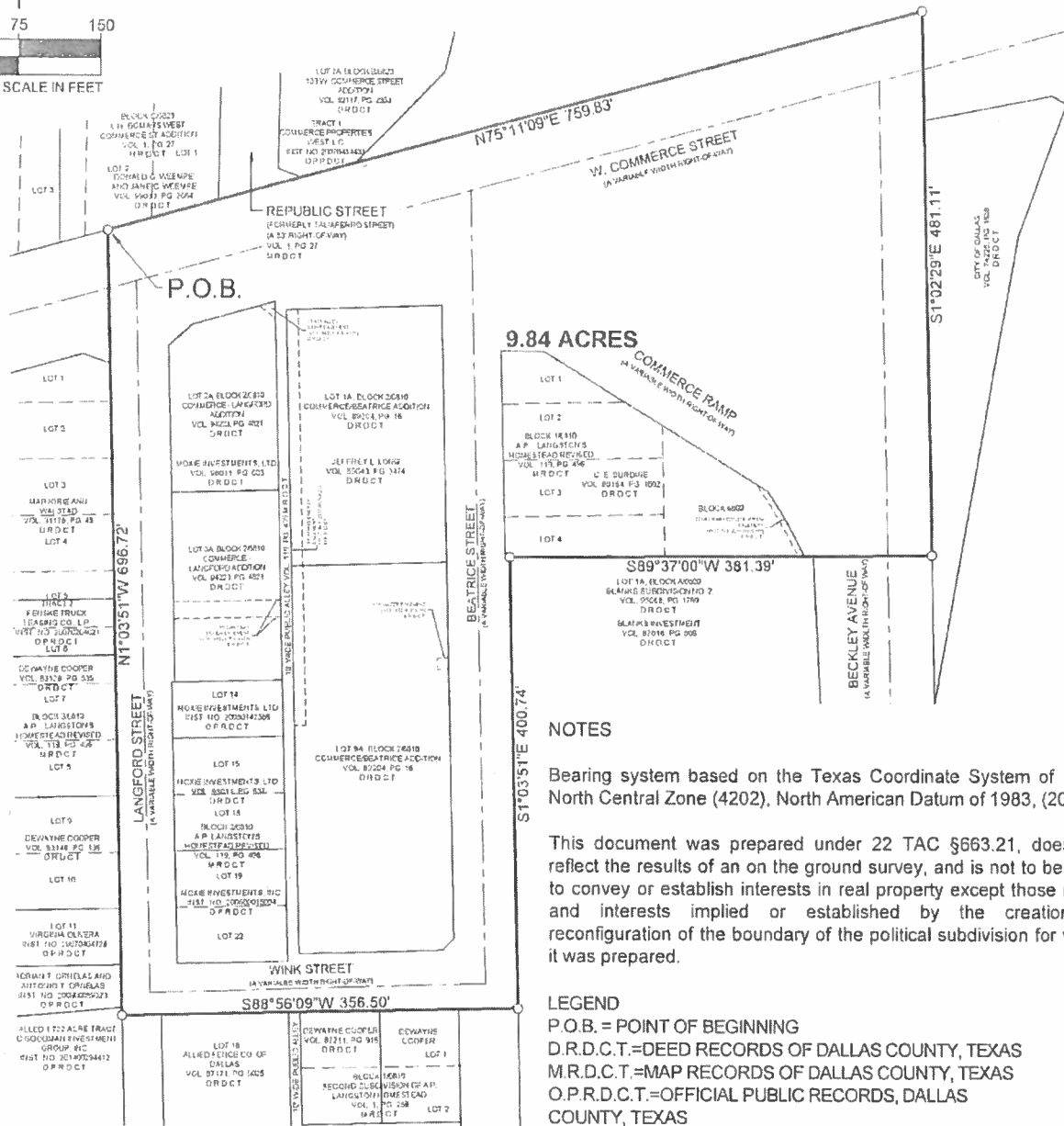
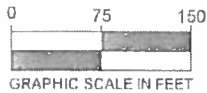
MSD BOUNDARY EXHIBIT
 PART OF CITY OF DALLAS BLOCKS
 1/6810 AND 2/6810
 WILLIAM P. OVERTON SURVEY
 ABSTRACT NO. 1106
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com



| | | | | | |
|--|-----------------|-------------------|-------------|---|------------------|
| Kimley»Horn | | | | | |
| 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 | | FIRM # 10115500 | | Tel. No. (972) 770-1300 Fax No. (972) 239-3820 | |
| <u>Scale</u> | <u>Drawn by</u> | <u>Checked by</u> | <u>Date</u> | <u>Project No.</u> | <u>Sheet No.</u> |
| N/A | JAD | DAB | FEB. 2016 | 064484300 | 2 OF 3 |

DOBBS, ANDY 3/17/2016 10 10 AM K:\DAL_SURVEY\064484300-SLATE CITY LIGHTS\DWG\064484300 SLATE CITY LIGHTS_MSD EX.DWG



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983, (2011).

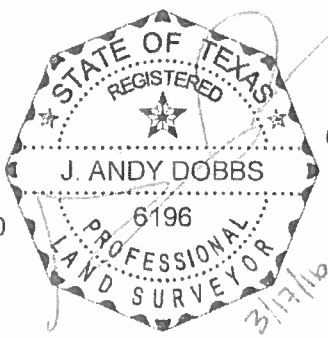
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LEGEND

- P.O.B. = POINT OF BEGINNING
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

MSD BOUNDARY EXHIBIT
PART OF CITY OF DALLAS BLOCKS
1/6810 AND 2/6810
WILLIAM P. OVERTON SURVEY
ABSTRACT NO. 1106
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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 PH. 972-770-1300
 andy.dobbs@kimley-horn.com



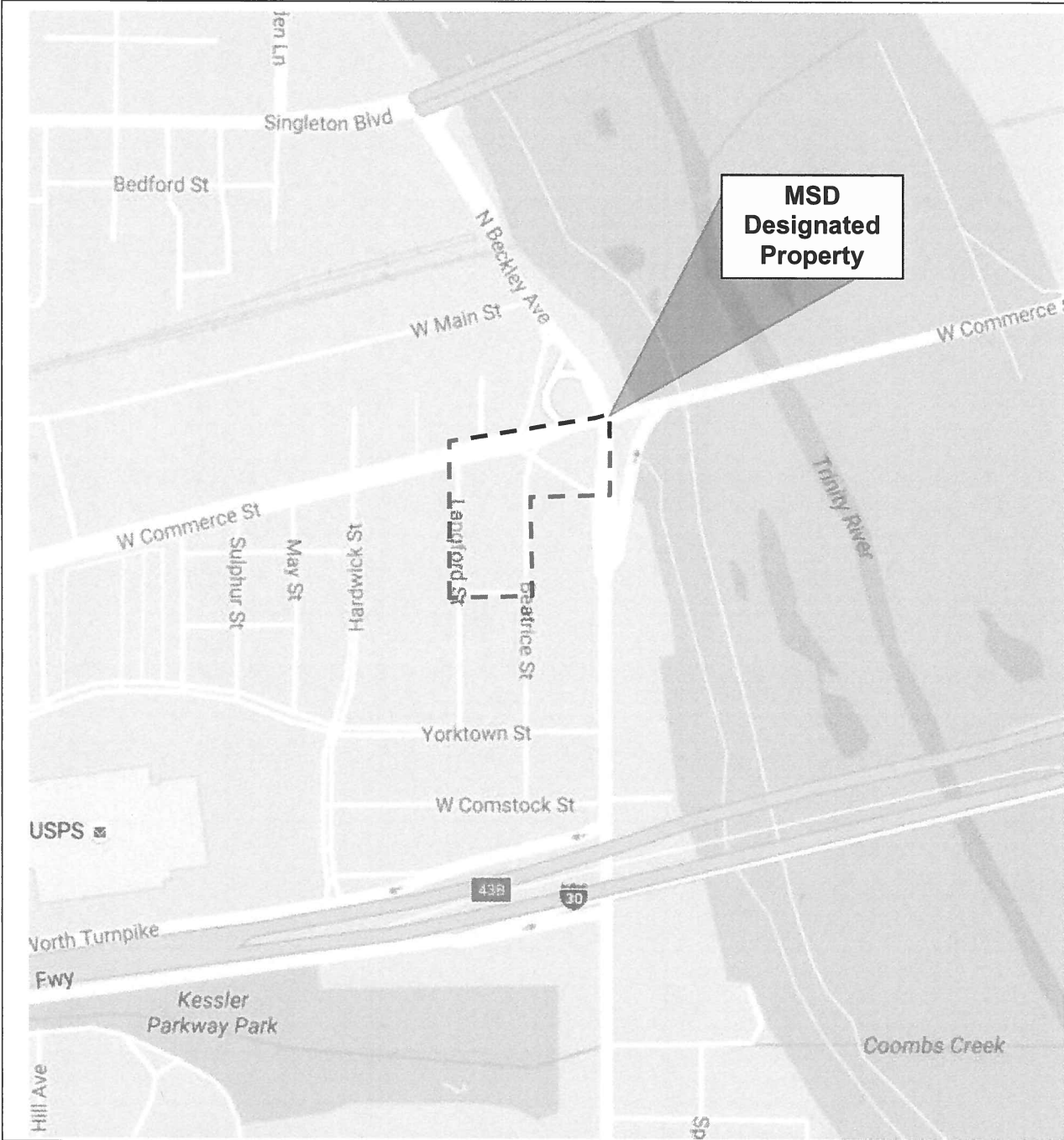
Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

| | | | | | |
|-----------|----------|------------|----------|-------------|-----------|
| Scale | Drawn by | Checked by | Date | Project No. | Sheet No. |
| 1" = 150' | JAD | DAB | FEB 2016 | 064484300 | 3 OF 3 |

DOBBS ANDY 3/17/2016 10 10 AM K:\DAL_SURVEY\064484300-SLATE CITY LIGHTS\SDWG\064484300_SLATE CITY LIGHTS_MSD EX.DWG

MSD No. 060061 West Commerce Investments LLC - 2400, 2404, 2408, 2412, 2420, 2426 Langford St., 2415 & 2439 Beatrice St., 120 & 218 W. Commerce St.



CITY OF DALLAS



Municipal Setting Designation
 Designated Property Boundary Map
 MSD Log OEQ0061
 Applicant – West Commerce Investments LLC
 Designated Property Address
 2400, 2404, 2408, 2412, 2420,
 2426 Langford St., 2415 & 2439 Beatrice St.,
 120 & 218 W. Commerce St, Dallas, TX 75208