

ORDINANCE NO. 28278

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 3215 Canton Street; 3201, 3204, 3208, 3209, 3212, 3216, 3220, 3221, 3226, and 3300 Commerce Street; 3202, 3311, 3333, 3400, 3401, and 3404 Elm Street; 3101, 3115, 3117, 3127, 3200, 3210, 3300, and 3400 Main Street; and Parcel No. SE1-010-4(1), Parcel No. SE1-010-4(2), and Parcel No. SE1-010-4(3) 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 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 VCP No. 2193 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than June 22, 2013.

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 June 22, 2013. 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:

THOMAS P. PERKINS, JR., City Attorney

By


Assistant City Attorney

Passed

JUN 22 2011

Exhibit A

NOTE:
The Coordinates shown herein are State Plane Coordinates, Texas Coordinate System, North Central Zone, NAD 83 (1983). U.S. Survey Feet, Project CSF-0.993617-82-7. All distances shown on this plat are actual ground surface distances, the bearings shown are based on the record deed from Yonaco, Inc., to Westdale Properties America, Ltd. recorded in Volume 2003616, Page 05667, of the Deed Records of Dallas County, Texas. The rotation factor from record bearing to State Plane is 0°39'47" counter clockwise or negative.

The Geodetic Control, NAD 83 (1983) used are from the Dallas Floodway Extension-Survey Control Monuments. Trinity River Monuments (TRM) published values as follows.

N 6,973,077.5098
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Exhibit A

LINE TABLE TRACT A		LINE TABLE TRACT B	
LINE	LENGTH	BEARING	BEARING
L-1	65.96'	N 13°58'36" W	N 50°15'43" E
L-2	210.31'	N 14°10'43" W	N 75°55'08" E
L-3	57.66'	N 14°17'53" W	S 14°04'52" E
L-4	100.75'	N 75°42'47" E	S 75°55'08" W
L-5	330.96'	N 75°34'09" E	N 42°56'00" W
L-6	82.44'	N 76°35'19" E	
L-7	96.88'	N 75°49'03" E	
L-8	215.09'	N 14°09'20" W	
L-9	88.30'	S 83°14'00" E	
L-10	68.04'	N 06°41'12" E	
L-11	21.67'	S 72°54'24" E	
L-12	50.03'	S 73°01'57" E	
L-13	105.01'	S 73°04'56" E	
L-14	72.38'	S 21°27'29" E	
L-15	100.00'	S 75°55'08" W	
L-16	100.00'	S 14°04'52" E	
L-17	100.00'	S 75°55'08" W	
L-18	160.00'	S 14°04'52" E	
L-19	48.80'	N 75°55'04" E	
L-20	100.00'	S 14°04'52" E	
L-21	100.00'	N 75°55'08" E	
L-22	10.25'	N 14°04'53" W	
L-23	50.00'	N 75°55'08" E	
L-24	35.10'	S 14°04'52" E	
L-25	57.75'	N 45°53'26" E	
L-26	130.05'	S 14°04'52" E	
L-27	92.79'	S 17°20'51" W	
L-28	100.00'	S 44°04'20" E	
L-29	3.71'	N 75°56'42" E	
L-30	126.97'	S 44°04'20" E	
L-31	111.21'	S 03°34'34" E	
L-32	42.22'	S 83°12'13" W	
L-33	114.80'	S 75°54'01" W	
L-34	399.51'	S 75°47'16" W	
L-35	100.00'	N 14°06'39" W	
L-36	109.95'	N 14°06'39" W	
L-37	43.75'	S 75°57'08" W	
L-38	19.90'	N 14°11'04" W	
L-39	109.85'	N 14°11'04" W	
L-40	131.75'	S 75°57'08" W	
L-41	299.91'	N 14°02'56" W	
L-42	250.26'	S 75°56'08" W	
L-43	123.65'	S 75°41'42" W	

LINE	LENGTH	BEARING
L-44	615.90'	N 50°15'43" E
L-45	362.49'	N 75°55'08" E
L-46	200.00'	S 14°04'52" E
L-47	252.30'	S 75°55'08" W
L-48	228.35'	N 42°56'00" W

CURVE TABLE			
CURVE	LENGTH	RADIUS	CRD. BRG.
C - 1	328.20'	2824.93'	N 76°13'43" W
C - 2	185.91'	2824.93'	S 77°39'41" E
C - 3	141.29'	2824.93'	S 74°19'59" E
C - 4	24.30'	374.50'	N 45°55'51" W
C - 5	13.93'	10.00'	S 83°59'48" E
C - 6	185.16'	698.36'	S 71°30'06" W

ADJOINING MSD PROPERTY OWNERS			
NO.	ADDRESS	OWNER	VOLUME PAGE
60	3033 MAIN ST	TXON INC	2003159 2777
61	3036 MAIN ST	UNITED PARTS EXCHANGE	93071 3526
62	211 N. HALL ST	EARL R OWENS TR	INST# 20070362947
63	210 N. HALL ST	DALLAS NATIONAL BANK DALLAS	77144 2439
64	3301 ELM ST	DANIEL DICKERSON	93156 1497
65	3417 MAIN ST	SCOTT MAGERS & DOUGLAS ALDRIDGE	93086 7369
66	3309 ELM ST	TALL COTTON PROP. LTD	8804 1963
67	555 2ND	2.05 MILE CORRIDOR(DART)	DEEP ELLUM DALLAS TIF
68	3414 ELM ST	SONS of HERMAN	436 578
69	3310 ELM ST	JERNIGAN & MITCHELL INV. INC.	90085 11362
70	3307 MAIN ST	JERNIGAN & MITCHELL INV. INC.	2002234 0190
71	3401 MAIN ST	JERNIGAN & MITCHELL INV. INC.	90085 11362
72	3408 MAIN ST	JERNIGAN & MITCHELL INV. INC.	2002234 0190
74	3416 MAIN ST	JUNE C CHOW & THOMAS G GILLET	2001070 11362
75	3418 MAIN ST	JANE & GARY VONKENNEL	2003251 6949
76	3435 COMMERCE ST	JOYCE CAMPBELL BOATWRIGHT	96229 5871
77	3400 COMMERCE ST	MAYNARD & NANCY RIEGAL	83229 3042
78	305 EXPOSITION AVE	TALL COTTON PROP. LTD	98092 6398
79	317 S 2ND AVE	PETER FONBERG TRUST	91166 907
80	3131 DAWSON ST	CITY of DALLAS SERVICE CENTER	77243 277
22a	3225 CANTON ST	ALFORD ENTERPRISES	00694 1595
81	3209 CANTON ST	HERBERT & LUCILLE BAUMGARTNER	87100 4002
82	3301 CANTON ST	HERBERT & LUCILLE BAUMGARTNER	95241 1574
83	3200 COMMERCE ST	HERBERT & LUCILLE BAUMGARTNER	95241 1574
84	3206 COMMERCE ST	HERBERT & LUCILLE BAUMGARTNER	87100 4002
85	3316 COMMERCE ST	ROBERT WEINBERG	INST# 200600019112
86	3117 COMMERCE ST	ED W SMITH MACHINE WORKS	79080 0440
87	3112 MAIN ST	MAIN MURRAY LLC	98176 4851
88	3108 MAIN ST	MAIN MURRAY LLC	98176 4851
89	3104 MAIN ST	DIMITRI C ENGLERT	INST# 20080071031
90	3309 ELM ST	MARK & DIRK KELCHER	2003181 16974
91	3028 MAIN ST	JAS INTERPRISES INC	2000170 4209

MSD BOUNDARY, REPORT AND SURVEY

BEING A 19.3443 ACRE TRACT OF LAND

SITUATED IN THE

CITY OF DALLAS, DALLAS COUNTY, TEXAS

OUT OF THE

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

PAGE 3 OF 12

Exhibit A

PROPOSED MSD BOUNDRY PROPERTIES (TRACT A)						
NO.	ADDRESS	OWNER	VOLUME	PAGE	BLOCK	ADDITION or SURVEY
A	3101 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD	INST# 2006000416246		847	JOHN GRIGSBY SURVEY, ABST. 495
B	3115 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD	INST# 2006000416246		847	JOHN GRIGSBY SURVEY, ABST. 495
C	3117 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD	INST# 2006000416246		847	JOHN GRIGSBY SURVEY, ABST. 495
D	3202 ELM ST	WESTDALE PROPERTIES AMERICA I LTD	INST# 2006000416246		847	JOHN GRIGSBY SURVEY, ABST. 495
E	3127 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD	INST# 2006000416246		833	JOHN GRIGSBY SURVEY, ABST. 495
7	3311 ELM ST	WESTDALE DEEP ELLUM LOFTS	INST#20070456286		833	CONTINETAL GIN ADDITION
8	3333 ELM ST	WESTDALE PROPERTIES	94183	771	833	JOHN GRIGSBY SURVEY, ABST. 495
15	3400 ELM ST	WESTDALE PROP. AMERICA I LTD	2000167	2172	832	GASTON HOMESTEAD ADD (UNRECORDED)
16	3404 ELM ST	WESTDALE PROP. AMERICA I LTD	2000167	2179	832	
24	3300 MAIN ST	WESTDALE DEEP ELLUM LOFTS	INST# 20070456286		1/829	PAN AMERICAN CAPITAL ADDITION
25	3400 MAIN ST	WESTDALE DEEP ELLUM LOFTS	INST# 20070456286		1/828	JOHN GRIGSBY SURVEY, ABST. 495
31	3414 ELM ST	WESTDALE PROP. AMERICA I LTD	98229	3144	3/848	JOHN GRIGSBY SURVEY, ABST. 495
31a	100 MURRAY ST	WESTDALE PROP. AMERICA I LTD	2000021	0898	3/848	JOHN GRIGSBY SURVEY, ABST. 495
32	3200 MAIN ST	WESTDALE PROP. AMERICA I LTD	98096	5257	3/849	JOHN GRIGSBY SURVEY, ABST. 495
36	3201 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	98229	3144	3/849	JOHN GRIGSBY SURVEY, ABST. 495
37	3201 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	98229	3144	3/849	JOHN GRIGSBY SURVEY, ABST. 495
38	3221 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	95198	0342	3/848	JOHN GRIGSBY SURVEY, ABST. 495
45	3208 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	3/848	JOHN GRIGSBY SURVEY, ABST. 495
46	3204 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	851	JOHN GRIGSBY SURVEY, ABST. 495
47	3204 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	851	JOHN GRIGSBY SURVEY, ABST. 495
48	3212 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	851	JOHN GRIGSBY SURVEY, ABST. 495
49	3220 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	851	JOHN GRIGSBY SURVEY, ABST. 495
50	3226 COMMERCE ST	WESTDALE PROP. AMERICA I LTD	96219	4958	851	JOHN GRIGSBY SURVEY, ABST. 495
51	3300 COMMERCE ST	WESTDALE PROPERTIES	INST# 20070456286		7/828	AMENDED MAP OF HUGHES & SLAUGHTER ADD
57	3215 COMMERCE ST	WESTDALE PROPERTIES AMERICA I	2000167	02156	851	AMENDED MAP OF HUGHES & SLAUGHTER ADD
58	3401 ELM ST	WESTDALE PROPERTIES AMERICA I	94183	771	833	JOHN GRIBBY SURVEY, ABST. 495

TEXAS UTILITIES ELEC. CO. PROPERTIES (TRACT B)						
NO.	ADDRESS	OWNER	VOLUME	PAGE	BLOCK	ADDITION or SURVEY
10	3302 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
11	3312 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
12	3312 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
13	3326 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
14	3300 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
17	3305 ELM ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
18	3309 MAIN ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
19	3313 MAIN ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)
20	3301 MAIN ST	TEXAS UTILITIES ELEC. CO.	JONES INVESTMENT	ADDITION	831	JONES INVESTMENT ADD.(REVISED BLK 831)

MSD BOUNDARY, REPORT AND SURVEY
 BEING A 19.3443 ACRE TRACT OF LAND
 SITUATED IN THE
CITY OF DALLAS, DALLAS COUNTY, TEXAS
 OUT OF THE
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

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LEGAL DESCRIPTION:**TRACT A**

BEING a 20.7557 acre tract of land, situated in the City of Dallas, Dallas County, Texas, out of the John Grigsby Survey, Abstract No. 495, said 20.7557 includes all of City of Dallas Block 847, part of Block 833, part of Block 831, part of Block 1/829 and 1/828, all of Block 7/828, part of Block 6/849, all of Block 3/848, and a part of Block 851 also said 20.7557 acre tract contains Elm Street, between N. Hall and Exposition, Main Street, between N. Hall and N. Second Street Commerce Street between Murray and S. Second Street, a part of Canton Street between Murray and S. Second Street, S. Hall Street between Elm and Main, Murray Street between Main and Commerce, N. Trunk Avenue between Elm and Canton, N. Second Avenue between Elm and Main, and S. Second Avenue between Commerce and Canton, and the Texas and New Orleans Railroad right-of-way between Elm Street and Canton Street, and being more particularly described as follows;

BEGINNING at an X found at the intersection of the southwesterly line of Hall Street (right-of-way varies at this point, 123.65 measured) with the southeasterly line of Main Street, (65.96 measured right-of-way) also being the north corner of a tract of land conveyed to JAS Interest Inc., and recorded in Volume 2000170, Page 4209, of the Deed Records of Dallas County, Texas;

THENCE N. 13°58'36" W., over and across said Main Street for a distance of 65.96 feet to an X found cut in concrete at the southeast corner of that certain tract of land conveyed to TXON Inc., and recorded in Volume 2003159, Page 2777, of the Deed Records of Dallas County, Texas, also being the southeast corner of City Block 845 and the intersection of the north line of said Main Street and the west line of North Hall Street (99.84 measured right-of-way);

THENCE N. 14°10'43" W., with the west line of said North Hall Street and the east line of said Block 845, at 114.0 feet passing the north corner of said TXON Inc. tract, and the southeasterly corner of a tract of land conveyed to United Parts Exchange and recorded in Volume 93071, Page 3526, of the Deed Records of Dallas County, and continuing N. 14°10'43" W., in all a total distance of 210.31 feet to an X found cut in concrete at the north corner of said Block 845, and at the intersection of the south line of Elm Street (57.66) and the west line of said North Hall Street (measure 99.97 at this point);

THENCE N. 14°17'53" W., over and across said Elm Street, for a distance of 57.66 feet to a 5/8 inch iron rod found at the southeast corner of Block J/844, and the southeast corner of a tract of land conveyed to (Earl R. Owen Sr. and Shirley A. Owen Co-Trustees, of the Owen Family Trust) and recorded in Instrument No. 20070362947 of the Deed Records of Dallas County, Texas;

THENCE N. 75°42'47" E., over and across said North Hall Street for a distance of 100.75 feet to a 1/2 inch iron rod found with cap at the southwest corner of City Block 844, and the southwest corner of that certain tract of land conveyed to Dallas National Bank, Dallas as recorded in Volume 77144, Page 2439, of the Deed Records of Dallas County, Texas;

THENCE N. 75°34'09 E., with the north line of said Elm Street and the south line of said Dallas National Bank, Dallas tract for a distance of 330.96 feet to an X found in concrete for the southeast corner of said Bank tract and being in the southwesterly line of North Trunk Avenue;

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THENCE N. 76°35'19" E., over and across said North Trunk Avenue for a distance of 82.44 feet to a 1/2 inch iron rod found at the southwest corner of Block 833 and being at the southwest corner of a tract of land conveyed to Dickenson Daniel Joint Venture, and recorded in Volume 93156, Page 1497, of the Deed Records of Dallas County, Texas;

THENCE N. 75°49'03" E., with the south line of said Dickenson Daniel tract at and the north line of said Elm Street (called 69.0 feet wide right-of-way) at 74.87 feet passing a 1/2 inch iron rod found at the southeast corner of said Dickenson Daniel tract and continuing N. 75°49'03" E., with the south line of that certain tract of land conveyed to Tall Cotton Properties Ltd., and recorded in Volume 88044, Page 1969, of the Deed Records of Dallas County, Texas, for a total distance of 96.88 feet to a 1/2 inch iron rod found for the southeast corner of said Tall Cotton tract and the southwest corner of that certain tract of land conveyed to Westdale Deep Ellum Lofts, Ltd., and recorded in Instrument No. 20070456286, of the Deed Records of Dallas County, Texas;

THENCE N. 14°09'20" W., with the common west line of said Westdale Deed Ellum Lofts, Ltd., tract and the east line of said Tall Cotton Properties, Ltd., tract, for a distance of 215.09 feet to a P.K. nail found for corner;

THENCE S. 83°14'00" E., with the common line between said Westdale Deep Ellum Lofts, Ltd., tract and said Tall Cotton Properties, Ltd., tract for a distance of 88.30 feet to a P.K. nail found for corner;

THENCE N. 06°41'12" E., with the common line between said Westdale Deed Ellum Lofts, Ltd., and said Tall Cotton Properties, Ltd., tract for a distance of 68.04 feet to a P.K. nail set for corner in the south line of T.P. Railroad (80 feet wide right-of-way), and being in a non-tangent curve to the right whose radius bears S. 10°26'35" W., for a radius of 2824.93 feet;

THENCE in a southeasterly direction with the north line of said Westdale Deed Ellum Lofts, tract and with the south right-of-way of said railroad right-of-way and with said curve to the right having a radius of 2824.93 feet at an arc length of 186.90 feet passing a P.K. nail found in asphalt pavement at the northeast corner of said Westdale Deep Ellum Lofts, Ltd., tract and the north corner of Westdale Properties America I, Ltd., tract, recorded in Volume 94183, Page 771, of the Deed Records of Dallas County, Texas, and continuing with the north line of said Westdale Properties America I, Ltd., tract and the south line of said railroad tract and with said curve to the right having a radius of 2824.93 feet, for a total length of 328.20 feet and through a total central angle of 06°39'24", and whose chord bears S. 76°13'43" E., 328.02 feet to a 1/2 inch iron rod found at the end of said curve;

THENCE S. 72°54'24" E., continuing with the north line of said Westdale Properties America I, Ltd., and the south line of said railroad tract for a distance of 21.67 feet to a P.K. nail in concrete set for the north corner of Race Street (50' right-of-way);

THENCE S. 73°01'57" E., continuing with the south line of said railroad tract and the north line of said Race Street for a distance of 50.03 feet to a 1/2 inch iron rod found for the east corner of Race Street and the north corner of said Westdale Properties America I, Ltd., tract as described in Volume 94183, Page 771, as Tract 2;

THENCE S. 73°04'56" E., with the north line of said Westdale Properties America, I. Ltd., Tract 2, and the south line of said railroad right-of-way, for a distance of 105.01 feet to a 5/8 inch iron rod set for corner at the intersection of the railroad right-of-way and the north line of said Elm Street;

THENCE S. 21°27'29" E., over and across said Elm Street for a distance of 72.38 feet to a point for corner at the north corner of Block 832, Gaston Homestead Addition (unrecorded) and being the intersection of the south line of said Elm Street with the southwesterly line of Exposition Avenue (80' right-of-way) from which the two story building corner of the Son's of Herman at 3414 Elm Street bears N. 38°56'13" E., 0.69 feet and an X cut found cut in concrete walk bears N. 03°40'26" E., 7.39 feet;

THENCE S. 75°55'08" W., with the south line of said Elm Street and the north line of said Block 832, at 50.00 feet passing the west corner of said Sons of Herman tract and the north corner of that certain tract of land conveyed to Mitchell and Jernigan Inv. Inc., and recorded in Volume 90085, Page 1192, of the Deed Records of Dallas County, Texas, and continuing S. 75°55'08" W., with the north line of said Jernigan tract and the south line of said Elm Street for a total distance of 100.00 feet to a P.K. nail found at the most northerly west corner of said Jernigan tract and being at the north corner of that certain tract of land conveyed to Westdale Properties America I, Ltd., and recorded in Volume 2000167, Page 02179, of the Deed Records of Dallas County, Texas;

THENCE S. 14°04'52" E., with the common southwesterly line of said Jernigan and Mitchell Inv., tract and the northeasterly line of said Westdale Properties America I, Ltd., tract for a distance of 100.00 feet to a 5/8 inch iron rod set for corner at an ell corner of said Jernigan and Mitchell Inv. tract and being the southeast corner of said Westdale Properties America I, Ltd., tract;

THENCE S. 75°55'08 W., with the south line of said Westdale tract and a north line of said Jernigan tract at 25.00 feet passing the west corner of said Jernigan tract and the north corner of a tract of land conveyed to Arvel L. Jernigan by deed recorded in Volume 99031, Page 2271, of the Deed Records of Dallas County, Texas, and continuing S. 75°58'08 W., in all a total distance of 100.00 feet to an X cut in concrete found for the south corner of said Westdale tract, the west corner of said Arvel L. Jernigan tract and being the northeasterly line of N. Second Street (50' right-of-way);

THENCE S. 14°04'52" E., with the northeasterly line of said N. Second Street and the southwesterly line of said Arvel L. Jernigan tract at 100.00 feet passing the intersection of the northeasterly line of said N. Second Street and the northwesterly line of Main Street (60' right-of-way) and continuing S. 14°04'52" E., over and cross said Main Street in all a total distance of 160.00 feet to a P.K. nail set for corner in masonry pavers in the south line of said Main Street and the north line of a tract of land conveyed to Westdale Properties America I, Ltd., recorded in Instrument No. 20070456286 of the Deed Records of Dallas County, Texas;

THENCE N. 75°55'04" E., with the south line of said Main Street and the north line of said Westdale tract for a distance of 48.80 feet to a nail found in masonry pavers for the northwest corner of that certain tract of land conveyed to Jernigan Reality Partners Ltd., and recorded in Volume 2002234, Page 190, of the Deed Records of Dallas County, Texas;

THENCE S. 14°04'52" E., with the southwesterly line of said Jernigan Reality tract and a northeasterly line of said Westdale tract for a distance of 100.00 feet to a building corner and P.K.

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nail found for corner;

THENCE N. 75°55'08" E., with the southeasterly line of said Jernigan Reality tract and a north line of said Westdale tract for a distance of 100.00 feet to a P.K. nail found for corner;

THENCE N. 14°04'52" W., continuing with the common line between said Westdale tract and said Jernigan Reality tract for a distance of 10.25 feet to a point for corner inside of building;

THENCE N. 75°55'08" E., with the common line between said Westdale tract and said Jernigan Reality tract for a distance of 50.00 feet to a 1/2 inch iron rod found at the common southeasterly corner of said Jernigan Reality tract and the southwesterly corner of a tract of land conveyed to Jane and Gary Vonkennel by deed recorded in Volume 2003251, Page 6949, of the Deed Records of Dallas County, Texas;

THENCE S. 14°04'52" E., with the common line between said Vonkennel tract and said Westdale tract for a distance of 35.10 feet to an X cut found in concrete for corner;

THENCE N. 45°53'26" E., with the common line between said Vonkennel tract and said Westdale tract for a distance of 57.75 feet to an X found in concrete for corner in the westerly line of a tract of land conveyed to Joyce Campbell Boatwright and recorded in Volume 96229, Page 5871, of the Deed Records of Dallas County, Texas;

THENCE S. 14°04'52" E., with the northeasterly line of said Westdale and the southwesterly line of said Boatwright tract for a distance of 130.05 feet to a 1/2 inch iron rod found for corner in the northerly line of Commerce Street, (called 80' right-of-way);

THENCE S. 17°20'51" W., over and across said Commerce Street for a distance of 92.79 feet to a 1/2 inch iron rod found at the northwest corner of that certain tract of land conveyed to Maynard W. Red and wife Nancy J. Reigel and recorded in Volume 83228, Page 3043, of the Deed Records of Dallas County, Texas, and also being at the intersection of the south line of said Commerce Street with the east line of South Second Street (called 60' right-of-way);

THENCE S. 44°04'20" E., with the westerly line of said Reigel tract and the east line of said South Second Street for a distance of 100.00 feet to a X cut in concrete light pole base for corner at the southwest corner of said Reigel tract;

THENCE N. 75°56'42" E., with the southeasterly line of said Reigel tract for a distance of 3.71 feet to a P.K. nail cut in concrete curb for the most westerly corner of that certain tract of land conveyed to Tall Cotton Properties Ltd., by deed recorded in Volume 98092, Page 6398, of the Deed Records of Dallas County, Texas, and being at the beginning of a non-tangent curve to the right whose radius bears S. 42°12'38" W., 374.50 feet;

THENCE in a southeasterly direction, with the northeasterly line of said South Second Street and the southwesterly line of said Tall Cotton tract and with said curve to the right having a radius of 374.50 feet, through a central angle of 03°43'02", for an arc length of 24.30 feet and whose chord bears S. 45°55'51" E., 24.29 feet to a 5/8 inch iron rod set;

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THENCE S. 44°04'20" E., with the southwesterly line of said Tall Cotton tract and the northeasterly line of said South Second Street for a distance of 126.97 feet to a 5/8 inch iron rod set for corner at the beginning of a curve to the left having a radius that bears N. 45°55'40" E., 10.00 feet;

THENCE in a southeasterly direction with the southwesterly line of said Tall Cotton tract and with the northeast line of said South Second Street and with said curve to the left having a radius of 10.00 feet through a central angle of 79°50'54", for an arc length of 13.94 feet and having a chord that bears S. 83°59'48" E., 12.84 feet to a 5/8 inch iron rod set in the north line of Canton Street (right-of-way varies);

THENCE S. 03°34'34" E., over and across said Canton Street for a distance of 111.21 feet to a 5/8 inch iron rod found at the northeast corner of that certain tract of land conveyed to Peter Fonberg, Trustee to the Jeannette Schwartz tract, and recorded in Volume 9116, Page 0907, of the Deed Records of Dallas County, Texas;

THENCE S. 83°12'13" W., with the north line of said Schwartz 1.505 acre tract and the south line of said Canton Street for a distance of 42.22 feet to a 5/8 inch iron rod found at the beginning of a non-tangent curve to the right whose radius bears N. 26°05'38" W., 698.36 feet;

THENCE in a southwesterly direction with the north line of said Schwartz tract and the south line of said Canton Street and with said curve to the right having a radius of 698.36 feet, through a central angle of 15°11'29", for a arc length of 185.16 feet, and whose chord bears S. 71°30'06" W., 184.62 feet to a 5/8 inch iron rod found at the northwest corner of said Schwartz tract and being the intersection of the south line of said Canton Street with the northeasterly line of Trunk Street (20' right-of-way);

THENCE S. 75°54'01" W., over and across said Trunk Street and the T & N.O. Railroad right-of-way for a distance of 114.80 feet to a 5/8 inch iron rod found with cap marked (Dallas ROW) at the intersection of the south line of Canton Street (100' right-of-way) with said southwesterly line of Trunk Street and T & N.O. Railroad, and being the northeast corner of that certain tract of land known as Central Service Center Addition, and addition to the City of Dallas according to the plat thereof recorded in Volume 77243, Page 2777, of the Deed Records of Dallas County, Texas;

THENCE S. 75°47'16" W., with the south line of said Canton Street, and the north line of said Central Service Center Addition, for a distance of 399.51 feet to a 5/8 inch iron rod found for corner;

THENCE N. 14°06'39" W., over and across said Canton Street for a distance of 100.00 feet to a 1/2 inch iron rod found in the north line of said Canton Street and the southwest corner of that certain tract of land conveyed to Westdale Properties America I, Ltd., and recorded in Volume 2000167, Page 2156, of the Deed Records of Dallas County, Texas, and being the southeast corner of a tract of land conveyed to Cecilia Elizabeth Baumgartner by deed recorded in Volume 87100, Page 4002, of the Deed Records of Dallas County, Texas;

THENCE N. 14°06'39" W., with the common southwesterly line of said Westdale tract and the northeasterly line of said Baumgartner tract for a distance of 109.95 feet to a 1/2 inch iron rod found in the south line of a 20 foot wide public alley;

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THENCE S. 75°57'08" W., with the south line of said 20' alley and the north line of said Baumgartner tract for a distance of 43.75 feet to a P.K. nail set in concrete for corner;

THENCE N. 14°11'04" W., over and across said public alley for a distance of 19.90 feet to a 1/2 inch iron rod found for corner at the southwesterly corner of that certain tract of land conveyed to Westdale Properties America I, Ltd., by deed recorded in Volume 96219, Page 4958, of the Deed Records of Dallas County, Texas, and being at the southeasterly corner of that tract of land conveyed to Herbert and Lucille Baumgartner by deed recorded in Volume 95241, Page 1574, of the Deed Records of Dallas County, Texas;

THENCE N. 14°11'04" W., with the common westerly line of said Westdale tract and the easterly line of said Baumgartner tract for a distance of 109.85 feet to a 1/2 inch iron rod found for corner in the south line of Commerce Street (called 80' right-of-way);

THENCE S. 75°57'08" W., with the north line of said Baumgartner tract and the south line of said Commerce Street at 81.59 feet passing a P.K. nail found in brick building corner at the intersection of the south line of said Commerce Street with the east line of Murray Street (50' right-of-way) and continuing S. 75°57'08" W., over and across said Murray Street in all a total distance of 131.75 feet to a 1/2 inch iron rod found at the intersection of the south line of said Commerce Street with the westerly line of said Murray Street;

THENCE N. 14°02'56" W., with the southwesterly line of said Murray Street, extended over and across said Commerce Street at 79.63 feet passing an X cut found in concrete at the intersection of the north line of said Commerce Street with the west line of said Murray Street, and being at southeasterly corner of that certain tract of land described to Ed W. Smith Machine Works in Volume 79080, Page 440, of the Deed Records of Dallas County, Texas, and continuing N. 14°02'56" W., with the west line of said Murray Street and the east line of said Smith tract at 179.91 feet passing a building corner for the northeast corner of said Smith tract and being the southeast corner of a 20 foot wide public alley and continuing N. 14°02'56" W., with the southwesterly line of said Murray Street and over and across said alley at 200.04 feet passing a building corner at the southeast corner of that certain tract of land described to Main Murray LLC in Volume 98176, Page 4851, of the Deed Records of Dallas County, Texas, and continuing N. 14°02'56" W., with the westerly line of said Murray Street and the easterly line of said Main Murray LLC tract in all a total distance of 299.91 feet to a P.K. nail found at the intersection of westerly line of said Murray Street with the southerly line of said Main Street;

THENCE S. 75°56'08" W., with the southerly line of said Main Street and the northerly line of City Block 2/848 and the north line of said Murray LLC tract, and the north line of that tract of land described to Dimitri C. Englert by deed recorded in Instrument No. 20080071031, and the north line of that certain tract described to Mark Kirk Kelcher in Volume 2003181, Page 16974, of the Deed Records of Dallas County, Texas, for a total distance of 250.26 feet to a P.K. nail found for the intersection of the southerly line of said Main Street and the northeasterly line of South Hall Street;

THENCE S. 75°41'42" W., with the southerly line of said Main Street extended over and across said South Hall Street for a distance of 123.65 feet to the POINT OF BEGINNING and containing 904,118 square feet or 20.7557 acres of land gross. Save and except from the above described 20.7557 acre tract of land, a 1.4114 acre tract of land that is described as Tract B, and leaving a net

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of 842,639 square feet or 19.3443 acres of land more or less, known as Tract A.

TRACT B

BEING a 1.4114 acre tract of land, situated in the City of Dallas, Dallas County, Texas out of the John Grigsby Survey, Abstract No.495, and being all of the revised said Block 831, also known as Jones Investment Company, an addition to the City of Dallas, according to the map or plat thereof recorded in Volume 1, Page 427, of the map records of Dallas County Texas, and being more particularly described as follows;

COMMENCING at an X found at the intersection of the southwesterly line of Hall Street (right of way varies at this point 123.65 measured) with the southeasterly line of Main Street (65.96 measured right of way) also being the north corner of a tract of land conveyed to Jones Investment Inc, and recorded in Volume 2000170, Page 4209, of the Deed Records of Dallas County, Texas;

THENCE N. 50°15'43" E., over and across said Tract A, for a distance of 615.90 feet to a 5/8 inch iron rod set for the **POINT OF BEGINNING** on herein described tract A also the west corner of said revised Block 831, or said Jones Investment Company, and being at the intersection of the southeasterly line of Elm Street (right of way varies) and the northeasterly line of Trunk Avenue (15' foot wide right of way);

THENCE N. 75°55'08" E., with the southeasterly line of said Elm Street and the northwesterly line of said recorded Block 831, for a distance of 362.49 feet to a 5/8 inch iron rod set for the north corner of said revised Block 831, Jones Investment Company, and being at the intersection of the southwesterly line of said Elm Street and the southwesterly line of North 2nd Street (50' right of way);

THENCE S. 14°04'52" E., with the northeasterly line of said revised Block 831, Jones Investment Addition, and with the said southeasterly line of said North 2nd Street for a distance of 200.00 feet to a 5/8 inch iron rod set for corner at the east corner of said revised Block 831, and being at the intersection of the said southeasterly line of said North 2nd Street with the northwesterly line of Main Street, (60' right of way);

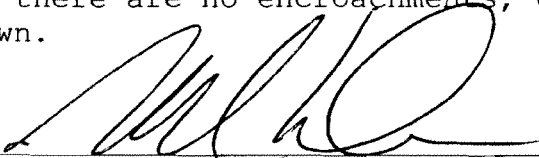
THENCE S. 75°55'08" W., with the southeasterly line of said revised Block 831, and the northwesterly of said Main Street for a distance of 252.30 feet to a 5/8 inch iron rod set for the south corner of said revised Block 831, and being at the intersection of the said northwesterly line of said Main Street and the northeasterly line of said North Trunk Avenue;

THENCE N. 42°56'00" W., with the southwesterly line of said revised Block 831, and the northeasterly line of said North Trunk Avenue for a distance of 228.35 feet to the **POINT OF BEGINNING** and containing 61,479 square feet of 1.4114 acres of land more or less.

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I, **M.S. (STEVE) KEETON**, a Registered Professional Land Surveyor, hereby certify that the foregoing Plat was compiled from an accurate survey made on the ground under my personal supervision, and there are no encroachments, conflicts, or protrusions except as shown.


M.S. (Steve) Keeton
Registered Professional Land Surveyor
Registration No. 4019

