

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 20, 2010

Mr. Carter Delleney  
City Engineer  
City of Tyler  
P.O. Box 2039  
Tyler, Texas 75710

Re: Municipal Setting Designation (MSD) Certificate for City of Tyler, 212 North Border Avenue, 613, 624, 638, 710, 714, and 812 West Ferguson Street, and 512, 520, 527, 623, 700, 711, 717, 725, and 829 West Erwin Street, Tyler, Smith County, Texas; MSD No. 138

Dear Mr. Delleney:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-2362 or via e-mail ([marthur@tceq.state.tx.us](mailto:marthur@tceq.state.tx.us)).

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Arthur".

Mark Arthur, P.G., Project Manager  
VCP-CA Section  
Remediation Division

MA/jdm

Enclosure

cc: Ms. Lauren Welker, Project Manager for VCP No. 2311, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 138, in the City of Tyler, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the institutional control required by Texas Health and Safety Code §361.8065 is maintained in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 13<sup>th</sup> day of September, 2010

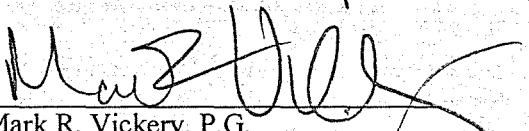
  
\_\_\_\_\_  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

Exhibit "A"

**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**

**Includes the following addresses: 527 W. Erwin St., 623 W. Erwin St.,  
711 W. Erwin St., 624 W. Ferguson St., 638 W. Ferguson St. ,  
710 W. Ferguson St.**

**ALL THAT CERTAIN** lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 19-A, N.C.B. 91 as shown on a Plat of King Chevrolet Unit 2 recorded in Cabinet D, Slide 33-C in the Plat Records of Smith County, Texas, same being Tract One (call 2.821 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671, and being all of Tract Three (call 0.669 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00039671, and being all of Tract Two (call 0.217 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00053949, and being all of Tract One (call 1.325 acres) as described in a deed to City of Tyler recorded in Document No. 2008-R00038605 of the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the northeast corner of said Lot 19-A, same being at the intersection of the south right of way line of West Ferguson Street with the west right of way line of North Bonner Avenue;

**THENCE** South 01 deg. 24 min. 45 sec. West with the west right of way line of North Bonner Avenue, same being the east line of said Lot 19-A, a distance of 301.65 feet to a point for the southeast corner of said Lot 19-A, same being at the intersection of the north right of way line of West Erwin Street;

**THENCE** North 89 deg. 16 min. 01 sec. West with the north right of way line of West Erwin Street and the south line of said Lot 19-A, a distance of 346.14 feet to a point for the southernmost southwest corner of said Lot 19-A, same being the southeast corner of said 1.325 acre tract;

**THENCE** South 89 deg. 28 min. 54 sec. West continuing with said north right of way line and the south line of said 1.325 acre tract, a distance of 122.43 feet to a point for corner;

**THENCE** South 88 deg. 54 min. 27 sec. West continuing with said north right of way line and said south line, a distance of 269.87 feet to a point for the southwest corner of said 1.325 acre tract, same being in the east line of an alley;

**THENCE** North 00 deg. 34 min. 53 sec. East with said east line of alley and the west line of said 1.325 acre tract, a distance of 148.17 feet to a point for the northwest corner of said 1.325 acre tract, same being the southwest corner of said 0.217 acre tract;

**THENCE** North 00 deg. 30 min. 15 sec. East continuing with said east line of said alley and the west line of said 0.217 acre tract, a distance of 144.93 feet to a point for the northwest corner of said 0.217 acre tract, same being at the intersection of the south right of way line of West Ferguson Street;

**THENCE** North 88 deg. 06 min. 09 sec. East with the south right of way line of West Ferguson Street and the north line of said 0.217 acre tract, a distance of 64.05 feet to a point for the northeast corner of said 0.217 acre tract, same being the northwest corner of said 0.669 acre tract;

**THENCE** East continuing with said south right of way line and the north line of said 0.669 acre tract, a distance of 191.60 feet to a point for the northeast corner of said 0.669 acre tract, same being the northwest corner of said Lot 19-A;

**THENCE** East continuing with said south right of way line and the north line of said Lot 19-A, a distance of 477.52 feet to the **PLACE OF BEGINNING** containing approximately 5.032 acres of land.

This document was prepared under 22 TAC 66.21 and 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. Bearings, distances and acreage shown hereon based on recorded documents only.

  
3/16/10  
Monty Nixon  
Registered Professional Land Surveyor No. 5542



MSD BOUNDARY  
 527 W. ERWIN ST., 623 W. ERWIN ST., 711 W. ERWIN ST.  
 624 W. FERGUSON ST., 638 W. FERGUSON ST., 710 W. FERGUSON ST.  
 CITY OF TYLER  
 SMITH COUNTY, TEXAS

CITY OF TYLER, TX.  
 2008-R00053949  
 TRACT TWO  
 CALL 0.217 AC.  
 D.R.S.C.T.

CITY OF TYLER, TEXAS  
 2008-R00039671  
 TRACT THREE  
 CALL: 0.669 AC.  
 D.R.S.C.T.

P.O.B. DESCRIPTION

N88°06'09"E 64.05'

EAST 191.60'

W. FERGUSON ST.

EAST 477.52'

N00°34'53"E 148.17'  
 N00°30'15"E 144.93'

710 W. FERGUSON ST.

638 W. FERGUSON ST.

624 W. FERGUSON ST.

TOTAL: 5.032 ± ACRES

LOT 19-A N.C.B. 91  
 CALL: 2.821 ACRES  
 KING CHEVROLET UNIT 2  
 CAB. D, SL 33-C  
 P.R.S.C.T.

CITY OF TYLER, TEXAS  
 2008-R00039671  
 TRACT ONE  
 D.R.S.C.T.

711 W. ERWIN ST.

623 W. ERWIN ST.

527 W. ERWIN ST.

S88°54'27"W 269.87'

S89°28'54"W 122.43'

N89°16'01"W 346.14'

W. ERWIN ST.

S01°24'45"W 301.65'

N. BONNER AVE.



1"=120'



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**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**  
Includes the following address: 714 W. Ferguson St.

**ALL THAT CERTAIN** lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Tract One (call 0.161 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00053949 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the northeast corner of said 0.161 acre tract, same being at the intersection of the south right of way line of West Ferguson Street with the west line of an alley;

**THENCE** South 00 deg. 30 min. 44 sec. West with the west line of said alley and the east line of said 0.161 acre tract, a distance of 135.04 feet to a point for the southeast corner of said 0.161 acre tract at the intersection of said east line with the north line of an alley;

**THENCE** North 89 deg. 07 min. 38 sec. West with the north line of said alley and the south line of said 0.161 acre tract, a distance of 49.60 feet to a point for the southwest corner of said 0.161 acre tract;

**THENCE** North 01 deg. 53 min. 34 sec. West with the west line of said 0.161 acre tract, a distance of 132.49 feet to a point for the northwest corner of said 0.161 acre tract at the intersection of said west line with the south right of way line of West Ferguson Street;

**THENCE** North 88 deg. 03 min. 43 sec. East with the south right of way line of West Ferguson Street and the north line of said 0.161 acre tract, a distance of 55.21 feet to the **PLACE OF BEGINNING** containing approximately 0.161 acres of land.

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Monty Nixon  
Registered Professional Land Surveyor No. 5542

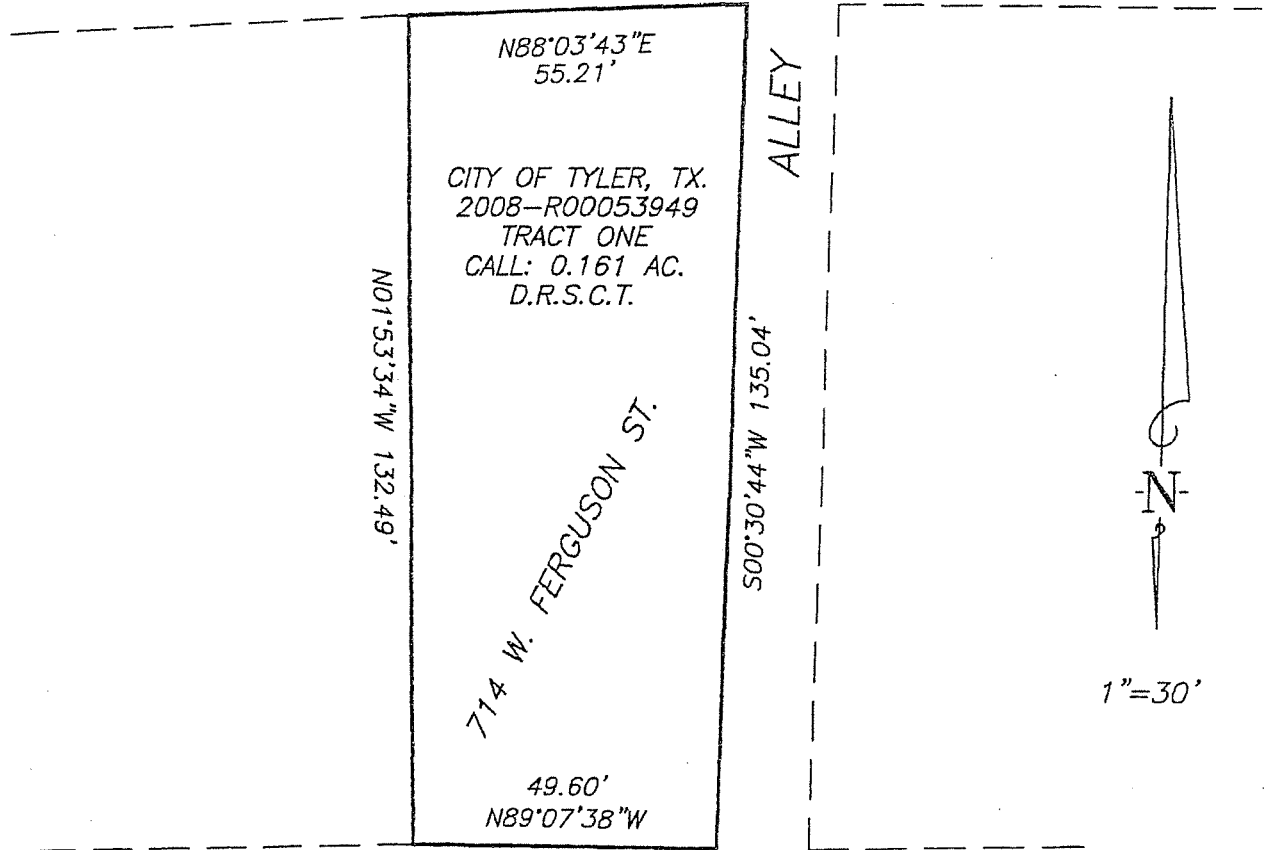
3/16/10



MSD BOUNDARY  
714 W. FERGUSON ST.  
CITY OF TYLER  
SMITH COUNTY, TEXAS

P.O.B. DESCRIPTION

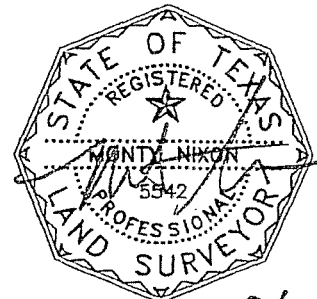
W. FERGUSON ST.



1"=30'

ALLEY

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**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**

Includes the following addresses: 717 W. Erwin St. & portion of 725 W.  
Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of a called 0.273 acre tract as described in a deed to City of Tyler, recorded in Document No. 2008-R00056756, and a portion of a called 0.246 acre tract as described in a deed to City of Tyler, recorded in Document No. 2008-R00056732 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the southeast corner of said 0.273 acre tract , same being at the intersection of the north right of way line of West Erwin Street with the west line of an alley;

**THENCE** South 89 deg. 00 min. 44 sec. West with the north right of way line of West Erwin Street and the south line of said 0.273 acre tract, passing the southwest corner of said 0.273 acre tract, same being the southeast corner of said 0.246 acre tract at 80.71 feet, continuing with said north right of way line and the south line of said 0.246 acre tract a total distance of 131.74 feet to a point for corner in same;

**THENCE** North 00 deg. 55 min. 48 sec. West across said 0.246 acre tract, a distance of 143.91 feet to a point for corner the north line of said 0.246 acre tract and being in the south line of an alley;

**THENCE** North 89 deg. 03 min. 15 sec. East with the south line of said alley and the north line of said 0.246 acre tract, passing the northeast corner of said 0.246 acre tract, same being the northwest corner of said 0.273 acre tract at 51.03 feet, continuing with the south line of said alley and the north line of said 0.273 acre tract, a total distance of 135.56 feet to a point for the northeast corner of said 0.273 acre tract and being in the west line of an alley;

**THENCE** South 00 deg. 30 min. 44 sec. West with the west line of said alley and the east line of said 0.273 acre tract, a distance of 143.87 feet to the **PLACE OF BEGINNING** containing approximately 0.441 acres of land.

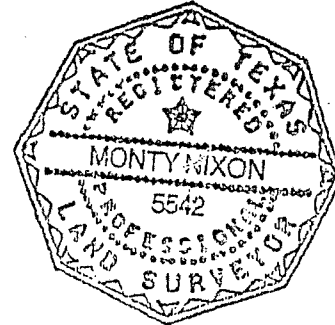
This document was prepared under 22 TAC 66.21 and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established



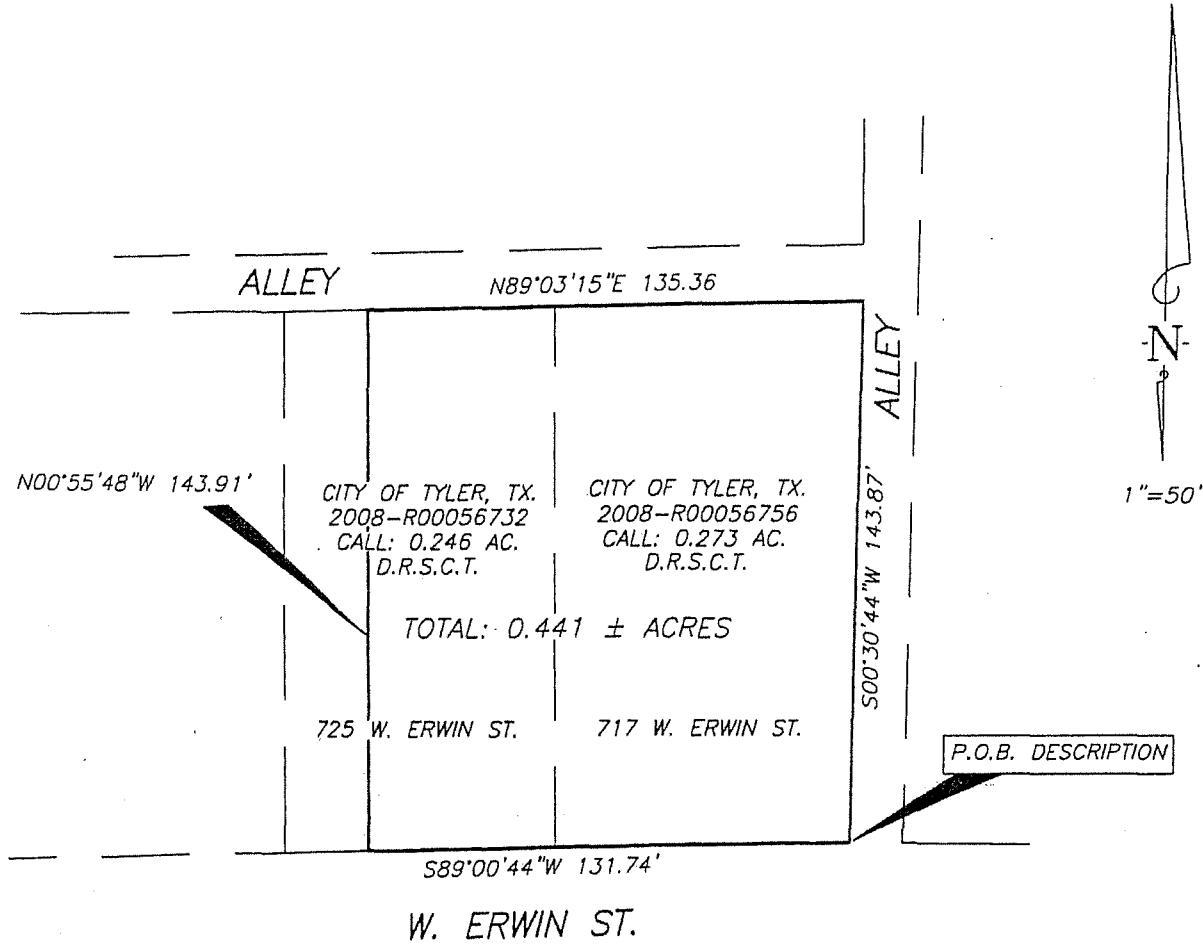
by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.

 8/26/10

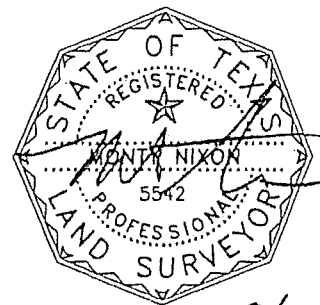
Monty Nixon  
Registered Professional Land Surveyor No. 5542



MSD BOUNDARY  
 717 W. ERWIN ST. & PORTION OF 725 W. ERWIN ST.  
 CITY OF TYLER  
 SMITH COUNTY, TEXAS



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**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**

Includes the following addresses: 812 W. Ferguson St. & 829 W. Erwin St.

**ALL THAT CERTAIN** lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 12-B, N.C.B. 343 as shown on a plat of the Bill Welk Addition, recorded in Cabinet E, Slide 89-B in the Plat Records of Smith County, Texas, same being described in a deed to City of Tyler, recorded in Document No. 2008-R00059860, and being all of a called 1.145 acre tract as described in a deed to City of Tyler, recorded in Document No. 2009-R00001198 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the southeast corner of said 1.145 acre tract, same being in the north right of way line of West Erwin Street;

**THENCE** South 87 deg. 42 min. 10 sec. West with the north right of way line of West Erwin Street and the south line of said 1.145 acre tract, a distance of 137.85 feet to a point for the southwest corner of said 1.145 acre tract, same being the southeast corner of said Lot 12-B;

**THENCE** South 89 deg. 40 min. 52 sec. West continuing with said north right of way line and the south line of said Lot 12-B, a distance of 141.24 feet to a point for the southwest corner of said Lot 12-B;

**THENCE** North 00 deg. 11 min. 43 sec. East with the west line of said Lot 12-B, a distance of 94.93 feet to a point for corner in same;

**THENCE** North 00 deg. 14 min. 58 sec. East continuing with said west line, a distance of 48.51 feet to a point for the westernmost northwest corner of said Lot 12-B;

**THENCE** North 62 deg. 24 min. 01 sec. East with the northwest line of Lot 12-B, a distance of 32.60 feet to a point for corner in same;

**THENCE** North 89 deg. 44 min. 55 sec. East with the north line of said Lot 12-B, a distance of 74.72 feet to a point for the northeast corner of said Lot 12-B, and being in the west line of said 1.145 acre tract;

**THENCE** North 17 deg. 47 min. 34 sec. West with said west line, a distance of 50.97 feet (by subtraction) to a point for corner;

THENCE North 24 deg. 27 min. 52 sec. West continuing with said west line, a distance of 78.36 feet to a point for the northwest corner of said 1.145 acre tract, same being in the south right of way line of West Ferguson Street;

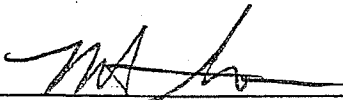
THENCE North 88 deg. 06 min. 32 sec. East with said south right of way line and the north line of said 1.145 acre tract, a distance of 224.95 feet to a point for the northeast corner of said 1.145 acre tract;

THENCE South 00 deg. 50 min. 03 sec. East with the east line of said 1.145 acre tract, a distance of 128.00 feet to a point for corner in same;

THENCE South 00 deg. 38 min. 33 sec. West continuing with said east line, a distance of 15.72 feet to a point for corner,

THENCE South 00 deg. 35 min. 49 sec. East along said east line, a distance of 140.17 feet to the **PLACE OF BEGINNING** containing approximately 1.589 acres of land.

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Monty Nixon  
Registered Professional Land Surveyor No. 5542

3/16/10



MSD BOUNDARY  
812 W. FERGUSON ST. & 829 W. ERWIN ST.  
CITY OF TYLER  
SMITH COUNTY, TEXAS

W. FERGUSON ST.

N88°06'32"E 224.95'

812 W. FERGUSON ST.

CITY OF TYLER, TEXAS  
2009-R00001198  
CALL: 1.145 ACRES  
D.R.S.C.T.

S00°38'33"W 15.72'

TOTAL: 1.589 ± ACRES

LOT 12-B N.C.B. 343  
BILL WELK ADDITION  
CALL: 19,325 SQ. FT.  
CAB. E, SL. 89-B  
P.R.S.C.T.

CITY OF TYLER, TEXAS  
2008-R00059860  
D.R.S.C.T.

829 W. ERWIN ST.

S89°40'52"W 141.24'

S87°42'10"W 137.85'

W. ERWIN ST.

S00°50'03"E 128.00'

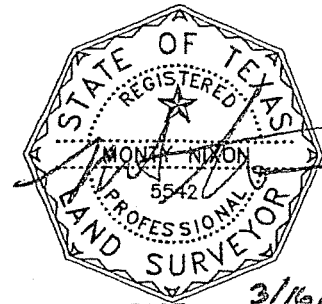
S00°35'49"E 140.17'



1"=50'

P.O.B. DESCRIPTION

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**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**  
Includes the following address: 700 W. Erwin St.

ALL THAT CERTAIN lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 17, N.C.B. 187 as shown on a plat of the Kimberly Addition, recorded in Cabinet C, Slide 63-A in the Plat Records of Smith County, Texas, same being Tract Two as described in a deed to City of Tyler, recorded in Document No. 2008-R00038605 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the westernmost northeast corner of said Lot 17, same being at the intersection of the south right of way line of West Erwin Street with the west right of way line of South Vine Avenue;

**THENCE** South 52 deg. 45 min. 48 sec. East with said west right of way line and a northeast line of said Lot 17, a distance of 11.33 feet to a point for corner;


**THENCE** South 00 deg. 29 min. 06 sec. East continuing with said west right of way line and the east line of Lot 17, a distance of 210.94 feet to a point for the southeast corner of said Lot 17;

**THENCE** South 89 deg. 58 min. 26 sec. West with the south line of said Lot 17, a distance of 298.35 feet to a point for the southwest corner of same;

**THENCE** North 00 deg. 13 min. 17 sec. West with the west line of said Lot 17, a distance of 217.79 feet to a point for the northwest corner of same, and being in the south right of way line of West Erwin Street;

**THENCE** North 89 deg. 58 min. 26 sec. East with said south right of way line and the north line of said Lot 17, a distance of 291.96 feet to the **PLACE OF BEGINNING** containing approximately 1.4977 acres of land.

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Monty Nixon  
Registered Professional Land Surveyor No. 5542

3/16/10



MSD BOUNDARY  
700 W. ERWIN ST.  
CITY OF TYLER  
SMITH COUNTY, TEXAS

W. ERWIN ST.

P.O.B. DESCRIPTION

N89°58'26"E 291.96'

S52°45'48"E 11.33'

700 W. ERWIN ST.

LOT 17, N.C.B. 187  
KIMBERLEY ADDITION  
CALL 1.4977 ACRES  
CAB. C, SL. 63-A  
P.R.S.C.T.

CITY OF TYLER, TEXAS  
2008-R00038605  
TRACT TWO  
D.R.S.C.T.

N00°13'17"W 217.79'

S00°29'06"E 210.94'

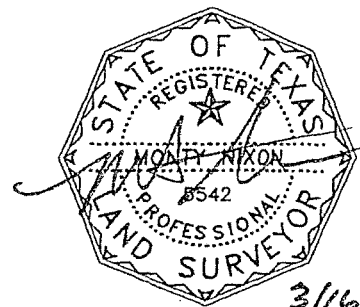
S. VINE AVE.

S89°58'26"W 298.35'



1"=50'

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3/16/10

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**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**

**Includes the following addresses: 512 W. Erwin St. & 520 W. Erwin St.**

**ALL THAT CERTAIN** lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Lot 2-A, N.C.B. 90 as shown on a plat of the King Chevrolet Addition, recorded in Cabinet C, Slide 150-D in the Plat Records of Smith County, Texas, same being Tract Four as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671, and being all of Tract Five (call 0.159 acres) as described in a deed to City of Tyler, recorded in Document No. 2008-R00039671 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the northeast corner of said 0.159 acre tract, same being at the intersection of the south right of way line of West Erwin Street with the west right of way line of North Bonner Avenue;

**THENCE** South 00 deg. 47 min. 33 sec. West with said west right of way line and the east line of said 0.159 acre tract, a distance of 80.32 feet to a point for the southeast corner of said 0.159 acre tract;

**THENCE** North 88 deg. 42 min. 27 sec. West with the south line of said 0.159 acre tract, a distance of 87.76 feet to a point for the southwest corner of same and being in the east line of said Lot 2-A;

**THENCE** South 01 deg. 11 min. 13 sec. West with said east line, a distance of 94.51 feet (by subtraction) to a point for the southeast corner of said Lot 2-A;

**THENCE** South 89 deg. 53 min. 56 sec. West with the south line of said Lot 2-A, a distance of 313.86 feet to a point for the southwest corner of same;

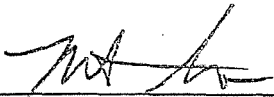
**THENCE** North 00 deg. 01 min. 38 sec. East with the west line of said Lot 2-A, a distance of 171.25 feet to a point for the northwest corner of same, and being in the south right of way line of West Erwin Street;

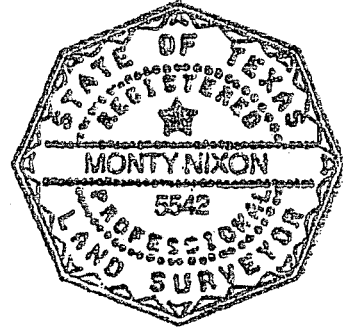
**THENCE** North 89 deg. 25 min. 24 sec. East with said south right of way line and the north right of way line of said Lot 2-A, a distance of 317.39 feet to a point for the northeast corner of said Lot 2-A, same being the northwest corner of said 0.159 acre tract;

**THENCE** South 89 deg. 19 min. 35 sec. East with said south right of way line and the north line of said 0.159 acre tract, a distance of 85.46 feet to the **PLACE OF BEGINNING** containing approximately 1.409 acres of land.



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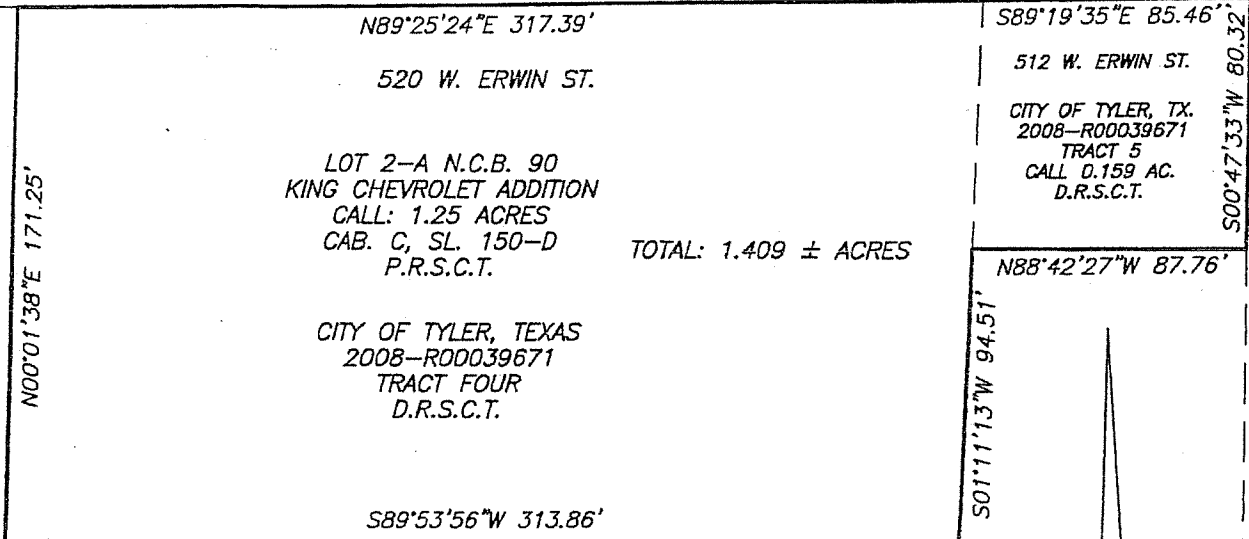
  
\_\_\_\_\_  
Monty Nixon  
Registered Professional Land Surveyor No. 5542



MSD BOUNDARY  
512 W. ERWIN ST. & 520 W. ERWIN ST.  
CITY OF TYLER  
SMITH COUNTY, TEXAS

W. ERWIN ST.

P.O.B. DESCRIPTION



N. BONNER AVE.



1"=60'



3/16/10

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This document was prepared under TAC 663.21, and 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. Bearings, distances and acreage shown hereon based on recorded documents only.

**MSD BOUNDARY  
CITY OF TYLER  
SMITH COUNTY, TEXAS**

Includes the following addresses: 212 North Border Ave.,  
613 W. Ferguson St.

**ALL THAT CERTAIN** lot, tract, or parcel of land situated within the Isaac Lollar Survey Abstract 574, City of Tyler, Smith County, Texas, and being all of Tract Two (call 0.929 acres) described in a deed to City of Tyler, recorded in Document No. 2008-R00039671 in the Deed Records of Smith County, Texas and being more completely described as follows:

**BEGINNING** at a point for the southeast corner of said 0.929 acre tract, same being at the intersection of the north right of way line of West Ferguson Street with the west right of way line of North Border Avenue;

**THENCE** South 89 deg. 41 min. 57 sec. West with the north right of way line of West Ferguson Street and the south line of said 0.929 acre tract, a distance of 198.33 feet to a point for the southwest corner of said 0.929 acre tract;

**THENCE** North 01 deg. 13 min. 03 sec. East with the west line of said 0.929 acre tract, a distance of 298.54 feet to a point for the northwest corner of same;

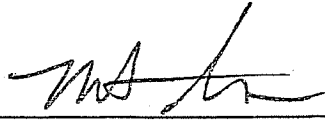
**THENCE** South 89 deg. 12 min. 33 sec. East with the westernmost north line of said 0.929 acre tract, a distance of 89.93 feet to a point for northernmost northeast corner of same;

**THENCE** South 00 deg. 48 min. 41 sec. West with the northernmost east line of said 0.929 acre tract, a distance of 171.63 feet to a point for an interior ell corner of same;

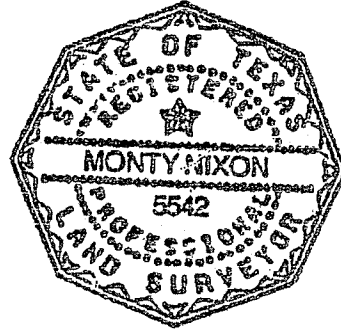
**THENCE** North 89 deg. 42 min. 53 sec. East with the easternmost north line of said 0.929 acre tract, a distance of 107.58 feet to a point for the easternmost northeast corner of same and being in the west right of way line of said North Border Avenue;

**THENCE** South 01 deg. 24 min. 45 sec. West with the southernmost east line of said 0.929 acre tract and said west right of way line, a distance of 125.16 feet to the **PLACE OF BEGINNING** containing approximately 0.929 acres of land.

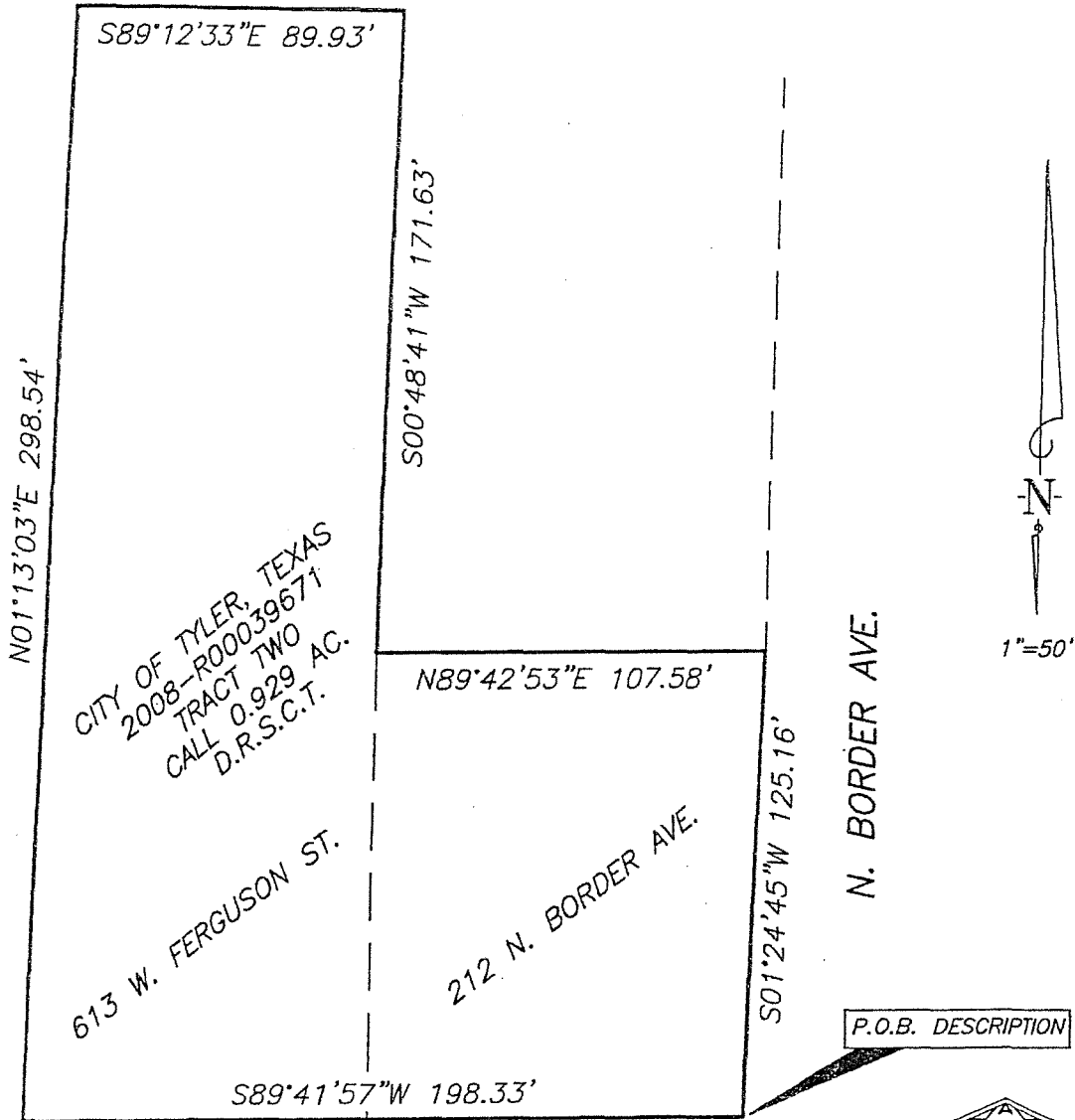
This document was prepared under 22 TAC 66.21 and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. Bearings, distances and acreage shown hereon based on recorded documents only.

 3/16/10

Monty Nixon  
Registered Professional Land Surveyor No. 5542



MSD BOUNDARY  
613 W. FERGUSON ST. & 212 NORTH BORDER AVE.  
CITY OF TYLER  
SMITH COUNTY, TEXAS



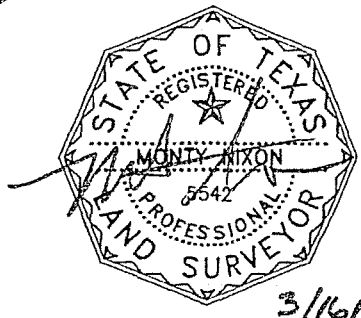
CITY OF TYLER, TEXAS  
2008-R00039671  
TRACT TWO  
CALL 0.929 AC.  
D.R.S.C.T.



P.O.B. DESCRIPTION

W. FERGUSON ST.

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3/16/10

Exhibit "B"

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists			

**MSD Information:**

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. See attached page for all applicable registration numbers.

Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 03 / 12 / 10	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify: Heavy metals and TPH in soils are being addressed through VCP	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

<sup>6</sup> Do not submit an application.

- I affirmatively state that (place an X in all applicable blanks):
- The MSD eligibility criteria of THSC §361.803 are satisfied.
  - True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
  - A true and accurate copy of a legal description of the proposed MSD property is included with the application.
  - Notice was provided in accordance with THSC §361.805.
  - A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

Applicant Signature: Mark McDaniel, City Manager Date: 8/29/10

Before me Darcel Veal Thompson the undersigned authority, on this day personally appeared MARK McDaniel Name of Notary and signed this Municipal Setting Designation Application. Name of Applicant

Sworn, subscribed and signed before me in the County of Smith State of TX on the 20 day of August, 2010.

