

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 12, 2013

Ms. Toni A. Motta  
CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, Rhode Island 02895

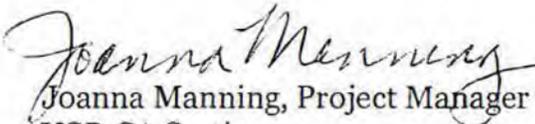
RE: Municipal Setting Designation (MSD) Certificate for CVS Pharmacy, 301 Andrews Highway (Formerly 2410 W. Illinois Avenue), Midland, Midland County, Texas, MSD No. 233

Dear Ms. Motta:

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.

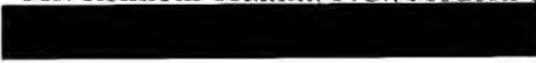
If I can be of any further assistance, please do not hesitate to contact me at (512) 239-3737 or via e-mail ([Joanna.manning@TCEQ.Texas.gov](mailto:Joanna.manning@TCEQ.Texas.gov)).

Sincerely,

  
Joanna Manning, Project Manager  
VCP-CA Section  
Remediation Division

JAM/jdm

Enclosure

cc: Mr. Kenneth Tramm, P.G., Modern Geosciences,  


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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 233, in the City of Midland, 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 8<sup>th</sup> day of July, 2013

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar  
Executive Director  
Texas Commission on Environmental Quality

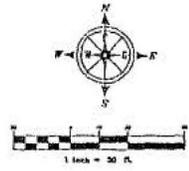
WEST OHIO AVENUE

DODDSON STREET  
(60' RIGHT-OF-WAY)

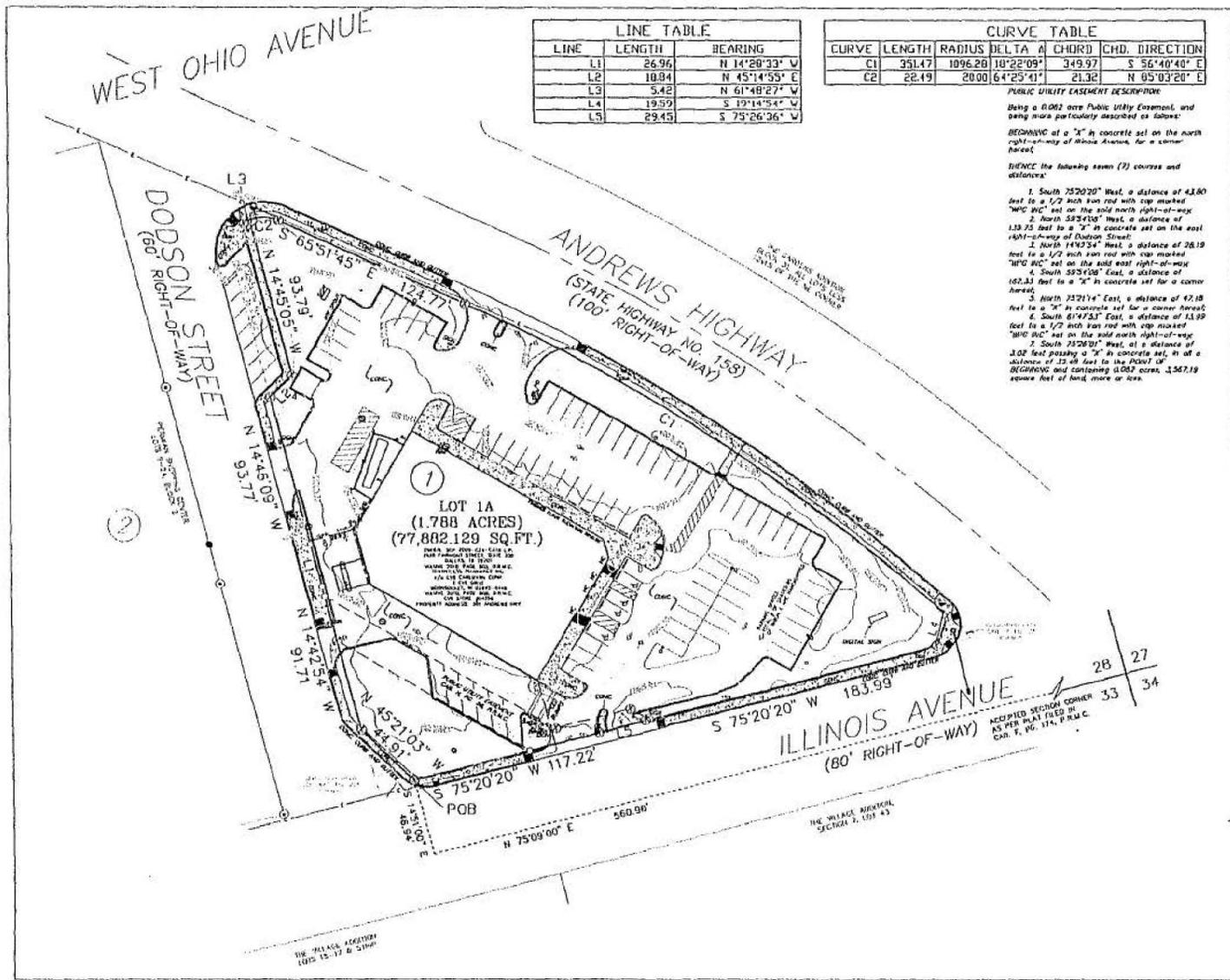
LINE TABLE		
LINE	LENGTH	BEARING
L1	26.96	N 14°29'33" W
L2	18.84	N 45°14'55" E
L3	5.42	N 61°48'27" E
L4	19.59	S 19°14'54" W
L5	29.45	S 75°26'36" W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHD. DIRECTION
C1	351.47	1096.28	18°22'09"	349.97	S 56°40'40" E
C2	22.49	2000	64°25'41"	21.32	N 05°03'20" E

**PUBLIC UTILITY EASEMENT DESCRIPTION:**  
Being a 0.082 acre Public Utility Easement, and being more particularly described as follows:  
BEGINNING at a "X" in concrete set on the north right-of-way of Illinois Avenue, for a corner hereat;  
THENCE the following seven (7) courses and distances:  
1. South 75°20'20" West, a distance of 43.80 feet to a 1/2 inch iron rod with top marked "W02 002" set on the sold north right-of-way;  
2. North 58°51'58" West, a distance of 139.25 feet to a "X" in concrete set on the east 80'-0" right-of-way of Dodson Street;  
3. North 14°03'54" West, a distance of 28.19 feet to a 1/2 inch iron rod with top marked "W02 002" set on the sold east right-of-way;  
4. South 55°10'58" East, a distance of 182.83 feet to a "X" in concrete set for a corner hereat;  
5. North 75°21'14" East, a distance of 92.18 feet to a "X" in concrete set for a corner hereat;  
6. South 61°49'53" East, a distance of 13.99 feet to a 1/2 inch iron rod with top marked "W02 002" set on the sold north right-of-way;  
7. South 75°20'01" West, a distance of 3.02 feet passing a "X" in concrete set, in all a distance of 23.04 feet to the POINT OF BEGINNING and containing 0.082 acres, 3,567.19 square feet of land, more or less.



- LEGEND**
- IRON ROD SET W/CAP (UNLESS OTHERWISE NOTED)
  - ⊕ "X" IN CONCRETE SET
  - ⊙ WATER VALVE/WATER METER
  - ⊙ SANITARY SEWER MANHOLE/POLE/CAJOUT
  - ⊙ FIRE DEPT. WATER VALVE/CONNECTION MONITOR WELL
  - ⊙ POWER/UTILITY POLE
  - ⊙ LOT LIGHT/SECURITY LIGHT
  - TRAFFIC SIGNAL
  - ⊙ GAS METER
  - ⊙ ELECTRIC METER
  - ⊙ ELECTRIC MOUNTING BOX
  - ⊙ ILLUMINATION CONTROL VALVE
  - ⊙ HANDICAP PARKING SPACE SIGN
  - ⊙ HANDICAP PARKING SPACE
  - ⊙ CONCRETE POST
  - ⊙ TRAFFIC SIGNAL ADDRESS
  - ⊙ ELECTRIC LINE (EXISTING)
  - DUNE CUT
  - ⊙ CONCRETE BLOCK FENCE (EXISTING)
  - (R) RECORD
  - D.R.M.C. DEED RECORDS MIDLAND COUNTY, TEXAS
  - D.R.M.C. OFFICIAL RECORDS MIDLAND COUNTY, TEXAS
  - P.R.M.C. PLAT RECORDS MIDLAND COUNTY, TEXAS



I, the undersigned, being a duly licensed and qualified Surveyor in the State of Texas, hereby certify that this map or plan and the survey on which it is based was made by me or under my direct supervision and that I am a duly licensed and qualified Surveyor in the State of Texas, and that I am duly sworn to the accuracy of the same. Witness my hand and seal this 11th day of August, 2010.



Watson Professional Group, Inc.  
1501 W. BLVD.  
SUITE 200  
MIDLAND, TEXAS 79701  
PHONE: 409.833.1111  
FAX: 409.833.1112  
www.watsonpro.com

ATTORNEY: C. CARROLL JR.  
JOB NO. 043556  
DATE: AUG. 11, 2010

AS-BUILT ALTA/ACSM LAND TITLE SURVEY OF CVS PHARMACY #04356  
LOT 1A, BLOCK 1, PERMIAN SHOPPING CENTER, SECTION 2,  
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

PAGE 1 OF 2

P&L 617 "A"

LEGAL DESCRIPTION

Lot 1A, Block 1, PERMIAN SHOPPING CENTER, SECTION 2, being a part of all of block 1 Permian Shopping Center, an Addition to the City of Midland, Midland County, Texas, according to the map and plat thereof in Volume 74, Page 28, Plat Records, Midland County, Texas.

SCHEDULE 'B' EXCEPTIONS

- 1. The following restrictive covenants of record remain in full force and effect: Recorded in Volume 113, Page 35, Deed Records, and Plat C-6014, H, Page 28, Plat Records, Midland County. (This item affects this property but does not affect this survey.)
2. Any encroachments, contours, or encroachments in area of boundary lines, or any improvements or structures, or any encroachments of improvements. (This item affects this property but does not affect this survey.)
3. Information or commonly property or easement rights, if any, or any appurtenant or appurtenances to the same. (This item affects this property but does not affect this survey.)
4. Any title or rights asserted by anyone, including but not limited to, persons, the public, corporations, governments or other entities.
5. Standby fees, taxes and assessments by any taxing authority for the year 2009 and subsequent years, and assessments by any taxing authority for prior years due to changes in land usage or ownership but not those taxes or assessments for prior years because of an exemption granted to a previous owner of this property under Section 111.3, Texas Tax Code, or because of improvements not assessed for a previous year. (If taxes shall from Residential Mortgage Policy of this insurance (1-28) be levied, that policy will constitute which become due and payable in accordance with the date of policy in lieu of 'for the year 2009 and subsequent years'. (This item affects this property but does not affect this survey.)
6. The terms and conditions of the documents relating to your interest in the land (This item does not address herein)
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the mortgage title policy binder on Midland Construction Loan only, and may be added if satisfactory evidence is submitted to a lender if issued.) (This item does not address herein.)
8. Laws and orders that affect the title to the land, but that are not adverse to the lien of the insured mortgage. (Applies to the mortgage title policy only.) (This item affects this property but does not affect this survey.)
9. The exceptions from Coverage and Expense Insurance in Schedule B of the Texas Short Form Residential Mortgage Policy of Title Insurance (1-28). (Applies to Texas Short Form Residential Mortgage Policy of Title Insurance (1-28) only. Separate exceptions 1-8 of the Schedule B do not apply to the Texas Short Form Mortgage Policy of Title Insurance (1-28) (This item does not address herein.)
10. The following matters and all terms of the documents affecting or affecting evidence of the matters:
a. Restrictive Covenants recorded at Volume 113, Page 35, Deed Records of Midland County, Texas. (1) The restrictive covenants require buildings to face Andrews Highway and impose liability without requirement per the recorded plat. (Midland County.)
b. Any lien or taxes, recorded or unrecorded, and rights of parties therein. (This item affects this property but does not affect this survey.)
c. Intentionally deleted.
d. Intentionally deleted.
e. Intentionally deleted.
f. Intentionally deleted.
g. Intentionally deleted.
h. Intentionally deleted.
i. Intentionally deleted.
j. Intentionally deleted.
k. Intentionally deleted.
l. Intentionally deleted.
m. Public Utility Easement creating through the subsurface portion of lot as reflected on plat recorded in Plat C-6014, H, Page 28, Plat Records Midland County.
n. All oil, gas and other mineral of every character in and under the land described herein, as hereinafter defined in Volume 74, Page 28, Plat Records, Midland County. Deed Records of Midland County, Texas, referenced to which instrument is here made for all purposes. Title to said minerals has not been investigated to date of this instrument. (This item affects this property but does not affect this survey.)
o. Standby fees granted to Texas Electric Service company as recorded in Volume 36, Page 58, Deed Records of Midland County, Texas. (Description unobtainable Utility poles and overhead lines shown herein.)
p. Lease assignment from Growth Investment Group, LLC to VanStinson Interiors, Inc., dated March 7, 2002, filed for record in Volume 1865, Page 823, Official Records of Midland County, Texas. (This item affects this property but does not affect this survey.)

SURVEYOR'S NOTES

- 1. Elevations shown herein are based on City of Midland benchmark #1211, HAVINGS, located near the northeast corner of the intersection of W. 3rd Street and S. Garland Street.
2. Survey reflects 'Title Commitment' issued by Fidelity National Title Insurance Company (Commission No. 08-184131-A), issued July 15, 2008, effective July 8, 2009.
3. Utilities shown are located by observable evidence only. Record information should be considered approximate.
4. Record bearings and distances are based off of Permian Shopping Center, Section 2, being a part of all of Block 1, Permian Shopping Center, City and County of Midland, Texas, as recorded in Plat C-6014, H, Page 28, Plat Records of Midland County, Texas.
5. Bearings, Distances, Coordinates and Areaage shown herein are GDA, NAD83, Texas Central Zone, US Feet.

WELLS AND BOUNDARY DESCRIPTION

BEGINNING at a "X" in concrete set to replace a 1/2 inch iron rod on the north right-of-way of Wiles Avenue, for the southwest southeast corner hereon, from which the accepted common corner of Section 28, 37, 31, 33, Block 28, Township 1 South, 1 & P. R. Co. Survey, as recorded in Exhibit F, Page 174 of the Plat Records of Midland County, Texas, under South 1515'00" East, 48.48 feet and North 73'00'00" East, 36.08 feet.

THENCE along S 27°21'31" West, along a corner pile on the northeast corner of the intersection of the said Wiles Avenue and Dodson Street as recorded by dedication deed in Volume 142, Page 275 of the Deed Records of Midland County, Texas, a distance of 14.80 feet to a "X" in concrete set to replace a 1/2 inch iron rod for the southwest southeast corner hereon.

THENCE along the east right-of-way of the said Dodson Street, the following three (3) courses and distances:

- 1. North 14°42'34" West, at a distance of 58.80 feet to a "X" in concrete set for a corner of a Public Utility Easement as recorded in Exhibit H, Page 26, of the Plat Records, and at a distance of 85.13 feet past a 1/2 inch iron rod set for a corner of the said Public Utility Easement, in a distance of 91.71 feet to a 1/2 inch iron rod with cap marked "MFC INC" set to replace a 1/2 inch iron pipe, for a corner hereon.
2. North 17°21'31" West, at a distance of 26.98 feet to a 1/2 inch iron rod with cap marked "MFC INC" set for a corner hereon.
3. North 14°19'00" West, at a distance of 53.71 feet to a "X" in concrete set to replace a 1/2 inch iron rod, for the southwest corner of a right-of-way dedication as recorded in Exhibit H, Page 28, of the said Plat Records, for a corner hereon.

THENCE along east right-of-way deduction, the following three (3) courses and distances:

- 1. North 19°15'55" East, at a distance of 18.84 feet to a "X" in concrete set for an interior corner hereon.
2. North 14°55'05" West, at a distance of 63.78 feet to a "X" in concrete set for an interior corner hereon.
3. North 61°48'27" West, at a distance of 5.42 feet to a "X" in concrete set in the southwest corner of the intersection of the said Dodson Street and Andrews Highway, for the northeast corner of the east right-of-way dedication, and the northeast corner hereon, also being the beginning of a curve to the right having a radius of 20.00 feet.

THENCE along said curve to the right and continuing along the south right-of-way line of the said Andrews Highway, and in a southerly direction, through a delta angle of 84°15'41", an arc length of 22.10 feet, having a long chord which bears North 85°03'20" East, and a chord length of 31.32 feet, to a "X" in concrete set to replace a 1/2 inch iron rod on the south right-of-way line of said Andrews Highway, for a corner hereon.

THENCE along the south right-of-way line of the said Andrews Highway, South 85°51'45" East, at a distance of 117.72 feet to a "X" in concrete set to replace a 1/2 inch iron rod for a corner hereon, also being the beginning of a curve to the right having a radius of 108.28 feet.

THENCE along said curve to the right and continuing along the south right-of-way line of the said Andrews Highway, and in a southerly direction, through a delta angle of 187°22'03", an arc length of 334.42 feet, having a long chord which bears South 58°40'40" East, and a chord length of 348.07 feet, to a "X" in concrete set on the south right-of-way line of said Andrews Highway, the north corner of a corner chip at the intersection of the intersection of Andrews Highway and Wiles Avenue as recorded in Exhibit H, Page 28, of the said Plat Records, for the most northerly east corner hereon.

THENCE along said corner chip, South 18°13'34" West, at a distance of 18.58 feet to a "X" in concrete set in the north right-of-way line of the said Wiles Avenue for the south corner of the said corner chip, and the most southerly east corner hereon.

THENCE along the said north right-of-way line of the said Wiles Avenue, the following three (3) courses and distances:

- 1. South 75°20'20" West, at a distance of 180.84 feet past a 1/2 inch iron rod with cap marked "MFC INC" set for a corner of the said Public Utility Easement, in a distance of 183.90 feet to a "X" in concrete set to replace a 1/2 inch iron rod, for a corner hereon.
2. South 72°29'36" West, at a distance of 29.45 feet to a "X" in concrete set to replace a 1/2 inch iron rod, for a corner hereon.
3. South 75°20'20" West, at a distance of 48.80 feet past a 1/2 inch iron rod set for a corner of the said Public Utility Easement, in a distance of 117.72 feet to the POINT OF BEGINNING and containing 1.788 acres, 77,882.129 square feet of land, more or less.

THE UNDERSIGNED CERTIFIES TO CVS CARMARK CORPORATION, ITS AFFILIATES AND SUCCESSORS, HEIRS, SUCCESSORS, HEIRS AND ASSIGNS, CHICAGO TITLE INSURANCE COMPANY AND WATA, LEVIE, COOP, FERRELL, GLOVNY, AND PUPPO, P.C., AS OF THE DATE OF THIS SURVEY, THAT TO THE BEST OF THE UNDERSIGNED'S PERSONAL KNOWLEDGE, INFORMATION AND BELIEF:

- 1. A BRS SURVEY SHOWS, ON THE BASIS OF A FIELD INSTRUMENT SURVEY WHICH MEETS THE STANDARDS, IF ANY, ESTABLISHED BY THE STATE IN WHICH THE PROPERTY IS LOCATED AND IN THE EVENT THAT NO SUCH STANDARDS HAVE BEEN ESTABLISHED, THE CURRENT MICHIGAN STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS' JUDICIALLY ESTABLISHED AND ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND THE AMERICAN COLLEGE OF SURVEYING AND MAPPING IN 2002 (AS DEFINED THEREIN);
2. A FIELD AND DETERMINABLE POSITION AND LOCATION OF THE LAND (THE PROPERTY) DESCRIBED ON THIS SURVEY (INCLUDING THE POSITION OF THE POINT OF BEGINNING (IF ANY) AND THE POINT OF BEGINNING);
3. THE LOCATION OF ALL BUILDINGS, VISIBLE STRUCTURES, AND OTHER WORKS, ABOVE-GROUND IMPROVEMENTS SITUATED ON THE PROPERTY; AND
4. ALL DRIVEWAYS OR OTHER CUTS IN THE CURBS ALONG ANY STREET UPON WHICH THE PROPERTY ADJACENT AND ADJACENT.

- 5. NO ENCROACHMENTS, PROTRUSIONS, OVERLAYS, OR OVERHANGS OF ANY IMPROVEMENTS LOCATED ON THE PROPERTY EXIST UPON ANY EASEMENTS OR RIGHTS-OF-WAY ENCUMBERING OR APPURTENANT TO THE PROPERTY; AND
6. THE ONLY EXCEPTIONS TO THE FACTS CERTIFIED BY THIS SURVEY ARE AS FOLLOWS: REFER TO EASEMENTS IN SCHEDULE 'B' LISTED IN THE TITLE COMMITMENT NOTES.

- 7. WITHOUT INTENDING TO LIMIT ANY OF THE FOREGOING CERTIFICATIONS, THE UNDERSIGNED MAKES A SPECIFIC EXAMINATION WITH RESPECT TO THE FOLLOWING ITEMS AND REPORTS AS FOLLOWS (INDICATE "NONE" OR "RIGHTLY SPECIFIC MATTERS, AS APPROPRIATE):
(a) NO JOINT DRIVEWAYS OR WALKWAYS AND PARTY WALLS OR RIGHTS OF EIGHTH PART AFFECTING THE PROPERTY;
(b) NO VISIBLE, ABOVE-GROUND SPRINGS, STREAMS, RIVERS, PONDS, LAKES, SWAMPS OR DRAINAGE DITCHES LOCATED, CENTERING ON OR RUNNING THROUGH THE PROPERTY;
(c) NO VISIBLE, ABOVE-GROUND TELEPHONE, TELEGRAPH, ELECTRIC POWER OR OTHER UTILITY LINES, WITH THE EXCEPT OF TRANSFORMER OVERHEADS OR CROSSING OR LOCATED ON THE PROPERTY AS SHOWN HEREON.

- (d) PHYSICAL EVIDENCE OF BOUNDARY LINES OF THE PROPERTY AS SHOWN HEREON.
(e) NO KNOWN PROPOSED CHANGES IN STREET LINES.
(f) NO DISPUTED BOUNDARIES.
(g) CURBING AND CURB CUTS AS SHOWN HEREON.

ALL OF THE SAME FOUND TO EXIST ARE SHOWN UPON THE SURVEY IN THE LOCATIONS DESCRIBED ABOVE;

- 2. THE SUBJECT PROPERTY CURRENTLY LIES IN ZONE LR2, LOCAL RETAIL, DISTRICT, UNDER THE APPLICABLE ZONING ORDINANCE OF THE CITY/TOWN OF MIDLAND, TEXAS.
3. THE FOLLOWING PROVISIONS OF THE ZONE LR2, LOCAL RETAIL, DISTRICT ORDINANCE APPLY TO THE PREMISES:
1. MINIMUM HEIGHT: 3-1/2 STORIES
2. MINIMUM LOT SIZE: ONLY FOR RESIDENTIAL USES

THE UNDERSIGNED HAS EXAMINED THE ABOVE PREMISES AND ALL OTHER APPLICABLE MATERIALS RELATING TO THESE RESTRICTIONS AND REQUIREMENTS SOME OF WHICH REFERRED TO AS USE, DIMENSIONAL, BULK AND PARKING RESTRICTIONS AND IMPROVEMENTS WHICH RELATE TO THE PREMISES AND HAS DETERMINED THAT THE SURVEY AND THE EXISTING IMPROVEMENTS SHOWN THEREON CONFORM TO ALL OF THE RESTRICTIONS AND REQUIREMENTS WHICH ARE APPLICABLE TO THE PREMISES UNDER THE TERMS OF THE APPLICABLE ZONING ORDINANCE.

K. THE PREMISES SHOWN ON THE SURVEY HAS ACCESS TO AND FROM A DEDICATED PUBLIC HIGHWAY CONTIGUOUS TO THE PREMISES, WHICH ACCESS BETWEEN THE PREMISES AND SAID HIGHWAY AS SHOWN UPON SAID SURVEY EXISTS WITHOUT RESTRICTION AND IS SUFFICIENT TO MEET THE REASONABLE NEEDS OF THE CURRENT USE, AS THE CASE MAY BE, OF THE PREMISES AND ALL APPLICABLE REQUIREMENTS OF PUBLIC AUTHORITIES.

L. TO THE BEST OF MY KNOWLEDGE THE WATER SUPPLY, SANITARY WATER, SANITARY SEWER, STORM DRAINAGE, ELECTRICITY, GAS AND OTHER UTILITIES ARE AVAILABLE IN ADEQUATE QUANTITIES AT THE LOT LINES OF THE PREMISES AT THE LOCATION INDICATED ON THE FOREGOING SURVEY, AND THE RELEVANT IMPROVEMENTS ARE CONNECTED AND TIED TO THE SAME.

M. ALL EASEMENTS AND OTHER RIGHTS IN THE PREMISES APPEARING IN THE TITLE REPORT SUBMITTED TO THE UNDERSIGNED WHICH ARE CAPABLE OF LOCATION ON A SURVEY HAVE BEEN LOCATED ON THE SURVEY AND THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY OTHER EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE PROPERTY, NOR IS THERE ANY VISIBLE EVIDENCE OF POSSIBLE UNRECORDED EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE PROPERTY. UNLESS OTHERWISE SHOWN AND DETAILED ON THE SURVEY, NO EASEMENTS OVER LAND OF OTHERS ARE REQUIRED FOR:
(a) ACCESS TO AND EGRESS FROM THE PREMISES.
(b) DRAINAGE OF SURFACE OR OTHER WATER OF THE PREMISES.
(c) ANY UTILITIES WHICH SERVE THE PREMISES AND SAID IMPROVEMENTS, SUCH AS WATER, ELECTRICITY, GAS AND TELEPHONE, OR
(d) STORM SEWER AND SANITARY SEWER FACILITIES SERVING THE PREMISES AND SAID IMPROVEMENTS.

N. AS OF THE DATE OF THE SURVEY, THE PREMISES DOES NOT LIE WITHIN ANY FLOOD PLAIN OR FLOOD-PRONE AREA, OR A FLOOD PLAIN AREA HAVING SPECIAL FLOOD HAZARDS IDENTIFIED AS SUCH UNDER THE FLOOD DISASTER PROTECTION ACT OF 1973.

O. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.



VICINITY MAP NOT TO SCALE

THE UNDERSIGNED HAS EXAMINED THE ABOVE PREMISES AND ALL OTHER APPLICABLE MATERIALS RELATING TO THESE RESTRICTIONS AND REQUIREMENTS SOME OF WHICH REFERRED TO AS USE, DIMENSIONAL, BULK AND PARKING RESTRICTIONS AND IMPROVEMENTS WHICH RELATE TO THE PREMISES AND HAS DETERMINED THAT THE SURVEY AND THE EXISTING IMPROVEMENTS SHOWN THEREON CONFORM TO ALL OF THE RESTRICTIONS AND REQUIREMENTS WHICH ARE APPLICABLE TO THE PREMISES UNDER THE TERMS OF THE APPLICABLE ZONING ORDINANCE.

K. THE PREMISES SHOWN ON THE SURVEY HAS ACCESS TO AND FROM A DEDICATED PUBLIC HIGHWAY CONTIGUOUS TO THE PREMISES, WHICH ACCESS BETWEEN THE PREMISES AND SAID HIGHWAY AS SHOWN UPON SAID SURVEY EXISTS WITHOUT RESTRICTION AND IS SUFFICIENT TO MEET THE REASONABLE NEEDS OF THE CURRENT USE, AS THE CASE MAY BE, OF THE PREMISES AND ALL APPLICABLE REQUIREMENTS OF PUBLIC AUTHORITIES.

L. TO THE BEST OF MY KNOWLEDGE THE WATER SUPPLY, SANITARY WATER, SANITARY SEWER, STORM DRAINAGE, ELECTRICITY, GAS AND OTHER UTILITIES ARE AVAILABLE IN ADEQUATE QUANTITIES AT THE LOT LINES OF THE PREMISES AT THE LOCATION INDICATED ON THE FOREGOING SURVEY, AND THE RELEVANT IMPROVEMENTS ARE CONNECTED AND TIED TO THE SAME.

M. ALL EASEMENTS AND OTHER RIGHTS IN THE PREMISES APPEARING IN THE TITLE REPORT SUBMITTED TO THE UNDERSIGNED WHICH ARE CAPABLE OF LOCATION ON A SURVEY HAVE BEEN LOCATED ON THE SURVEY AND THE UNDERSIGNED HAS NOT BEEN ADVISED OF ANY OTHER EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE PROPERTY, NOR IS THERE ANY VISIBLE EVIDENCE OF POSSIBLE UNRECORDED EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE PROPERTY. UNLESS OTHERWISE SHOWN AND DETAILED ON THE SURVEY, NO EASEMENTS OVER LAND OF OTHERS ARE REQUIRED FOR:
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(b) DRAINAGE OF SURFACE OR OTHER WATER OF THE PREMISES.
(c) ANY UTILITIES WHICH SERVE THE PREMISES AND SAID IMPROVEMENTS, SUCH AS WATER, ELECTRICITY, GAS AND TELEPHONE, OR
(d) STORM SEWER AND SANITARY SEWER FACILITIES SERVING THE PREMISES AND SAID IMPROVEMENTS.

N. AS OF THE DATE OF THE SURVEY, THE PREMISES DOES NOT LIE WITHIN ANY FLOOD PLAIN OR FLOOD-PRONE AREA, OR A FLOOD PLAIN AREA HAVING SPECIAL FLOOD HAZARDS IDENTIFIED AS SUCH UNDER THE FLOOD DISASTER PROTECTION ACT OF 1973.

O. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

P. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

Q. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

R. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

S. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

T. THE UNDERSIGNED HAS REVIEWED THE MOST RECENT FLOOD INSURANCE RATE MAP MADE BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY UNDER THE NATIONAL FLOOD INSURANCE PROGRAM APPLICABLE TO THE PREMISES AND HAS DETERMINED THAT THE PREMISES IS IN ZONE A, AN AREA THAT IS OUTSIDE THE 0.2 ANNUAL CHANCE FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL #182820070F, EFFECTIVE SEPTEMBER 16, 2005.

Handwritten signature and date: B.L.H. 8/11/10

WATSON PROFESSIONAL GROUP, INC. AUG. 11, 2010

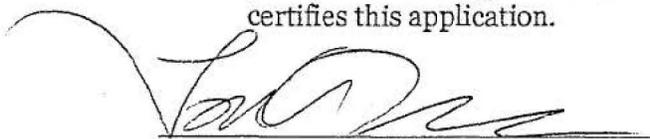
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared Toni A. Motta, as an authorized representative of CVS Pharmacy, Inc., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

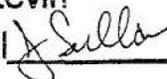
I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been provided in accordance with THSC 361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

  
\_\_\_\_\_  
Signature

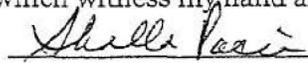
Date: 6/2/13

Toni A. Motta  
\_\_\_\_\_  
Printed Name  
Assistant Secretary, CVS Pharmacy, Inc.  
\_\_\_\_\_  
Title

Mintz Levin  
Legal Approval 

STATE OF RHODE ISLAND  
\_\_\_\_\_  
COUNTY OF PROVIDENCE  
\_\_\_\_\_

SUBSCRIBED AND SWORN before me on this the 2<sup>nd</sup> day of June 2013, to which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public in and for the State of Rhode Island