

Bryan J. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 3, 2017

Mr. Dale A. Fisseler, P.E., City Manager
City of Waco
300 Austin Avenue
Waco, Texas 76701

Re: **Municipal Setting Designation (MSD) Certificate for City of Waco, Waco Riverfront Property, 414 South University Parks Drive, Waco, McLennan County, TX; MSD No. 364; Voluntary Cleanup Program (VCP) No. 2818; Customer No. CN600131940; Regulated Entity No. RN109240085**

Dear Mr. Fisseler:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on June 2, 2017 and additional information supporting this MSD application on June 22, 2017, August 7, 2017, and August 11, 2017. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-1747 or via e-mail (anthony.mcglown@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony McGlown".

Anthony McGlown, Project Manager
VCP-CA Section
Remediation Division

ABM/mdh

cc: **Mr. Charles Dowdell, Director of Public Works, City of Waco, 501 Schroeder Drive, Waco, Texas 76706**
Mr. Jim Lawrence, P.G., SCS Engineers, 1901 Central Drive, Suite 550, Bedford, Texas 76021
Mr. David Mann, Waste Section Manager, TCEQ Waco Regional Office, R-9

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

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

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 364, in the City of Waco, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains in effect.

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

EXECUTED this the 3rd day of October, 2017

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

600 Austin Ave., Suite 20
Waco, Texas 76701

**2.549 ACRE TRACT
LOCATED IN THE T. J. CHAMBERS SURVEY, ABSTRACT 7
IN THE CITY OF WACO, McLENNAN COUNTY, TEXAS**

FIELD NOTES FOR A 2.549 ACRE TRACT LOCATED IN THE T. J. CHAMBERS SURVEY, ABSTRACT 7, IN THE CITY OF WACO, McLENNAN COUNTY, TEXAS BEING ALL OF BLOCK 24 OF THE ORIGINAL CITY OF WACO ACCORDING TO THE UN-RECORDED MAP OF WACO AND VICINITY BY W. A. TAYLOR AND BEALL, INCLUDING A 20' WIDE ALLEY, LOTS 1 THROUGH 4, AND LOTS 11 THROUGH 14 IN BLOCK 24 OF SAID ORIGINAL CITY OF WACO, AND ALL OF LOT 15, BLOCK 24 OF SAID ORIGINAL CITY OF WACO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1296, PAGE 539 OF THE DEED RECORDS OF McLENNAN COUNTY, TEXAS (D.R.M.C.T.), AND ALL OF LOT 16, BLOCK 24 OF SAID ORIGINAL CITY OF WACO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1309, PAGE 619 OF THE D.R.M.C.T. SAID 2.549 ACRES BEING MORE PARTICULARLY SHOWN ON THE ATTACHED BOUNDARY SURVEY DRAWING AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A MAG NAIL FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD (JACKSON AVENUE, 75' WIDE) AT ITS INTERSECTION WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF UNIVERSITY PARKS DRIVE (VARIABLE WIDTH) MARKING THE NORTH CORNER OF SAID LOT 14, FROM WHICH A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD AT ITS INTERSECTION WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE MARKING THE WEST CORNER OF LOT 16, BLOCK 23 OF THE ORIGINAL CITY OF WACO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1296, PAGE 542 OF THE D.R.M.C.T. BEARS N 42°44'21" E - 110.18';

THENCE S 47°15'08" E – 350.06' WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE TO A CHISELED "X" IN CONCRETE FOUND IN THE NORTHWEST RIGHT-OF-WAY LINE OF WEBSTER AVENUE (75' WIDE) MARKING THE EAST CORNER OF SAID LOT 15;

THENCE S 42°04'27" W – 317.36' WITH THE NORTHWEST RIGHT-OF-WAY LINE OF SAID WEBSTER AVENUE TO A 3/4" IRON PIPE FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH 2ND STREET (75' WIDE) MARKING THE SOUTH CORNER OF SAID LOT 16, BLOCK 24;

THENCE N 46°50'26" W – 352.66' WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID SOUTH 2ND STREET TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD MARKING THE WEST CORNER OF SAID LOT 1;

THENCE N 42°32'26" E – 314.81' WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD RETURNING TO THE POINT OF BEGINNING AND CONTAINING 2.549 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON THE ATTACHED BOUNDARY SURVEY DRAWING REVISED OCTOBER 26, 2016, MADE BY DANA B. SPIGENER, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809.

BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SURVEYED: MAY, 2016
RELEASED: OCTOBER 26, 2016

Dana B. Spigener
DANA B. SPIGENER, R.L.S. 4809

PROJ NO. 1-02835
PLAT NO. FI-0014
FIELD NOTE NO. 02
MAP CHECKED 10-25-16 DBS



www.WalkerPartners.com

600 Austin Ave., Suite 20
Waco, Texas 76701

**12.567 ACRE TRACT
LOCATED IN THE T. J. CHAMBERS SURVEY, ABSTRACT 7
IN THE CITY OF WACO, McLENNAN COUNTY, TEXAS**

FIELD NOTES FOR A 12.567 ACRE TRACT LOCATED IN THE T. J. CHAMBERS SURVEY, ABSTRACT 7, AND BEING ALL OF THAT LAND KNOWN AS BLOCK 1, BLOCK 2 AND BLOCK 3 OF THE WACO COMMONS AS HELD BY THE CITY OF WACO ACCORDING TO THE DEED DATED JUNE 10, 1850, RECORDED IN VOLUME B, PAGE 37 OF THE DEED RECORDS OF McLENNAN COUNTY, TEXAS (D.R.M.C.T.), A PORTION OF BLOCK 32 OF THE ORIGINAL CITY OF WACO ACCORDING TO THE UN-RECORDED MAP OF WACO AND VICINITY BY W. A. TAYLOR AND BEALL AND DESCRIBED IN DEEDS RECORDED IN VOLUME 1098, PAGE 733, VOLUME 1089, PAGE 676, VOLUME 1098, PAGE 298, VOLUME 849, PAGE 445, VOLUME 162, PAGE 340, AND VOLUME 522, PAGE 558 OF THE D.R.M.C.T., ALL OF BLOCK 33 OF SAID ORIGINAL CITY OF WACO AS DESCRIBED IN DEEDS RECORDED IN VOLUME 1055, PAGE 423, VOLUME 1068, PAGE 569, VOLUME 1060, PAGE 247, VOLUME 1067, PAGE 202, VOLUME 1066, PAGE 282, AND VOLUME 1070, PAGE 875 OF THE D.R.M.C.T., ALL OF LOT 15, BLOCK 23 OF SAID ORIGINAL CITY OF WACO ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1296, PAGE 557 OF THE D.R.M.C.T., ALL OF LOT 16, BLOCK 23 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1296, PAGE 542 OF THE D.R.M.C.T., A PORTION OF WEBSTER AVENUE, A PORTION OF CLAY AVENUE, AND A PORTION OF RIVER STREET ABANDONED BY CITY OF WACO ORDINANCE 1978-53 RECORDED IN VOLUME 1299, PAGE 84 OF THE D.R.M.C.T., AND THE REMAINDER OF A CALLED 1.12 ACRE TRACT DESCRIBED IN A DEED TO THE CITY OF WACO RECORDED IN VOLUME 1081, PAGE 783 OF THE D.R.M.C.T. SAID 12.567 ACRES BEING MORE PARTICULARLY SHOWN ON THE ATTACHED BOUNDARY SURVEY DRAWING AND FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF UNION PACIFIC RAILROAD (JACKSON AVENUE, 75' WIDE) AT ITS INTERSECTION WITH THE NORTHEAST RIGHT-OF-WAY LINE OF UNIVERSITY PARKS DRIVE (VARIABLE WIDTH) MARKING THE WEST CORNER OF SAID LOT 16, BLOCK 23 FROM WHICH A MAG NAIL FOUND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD AT ITS INTERSECTION WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE MARKING THE NORTH CORNER OF LOT 14, BLOCK 24 OF SAID ORIGINAL CITY OF WACO BEARS S 42°44'21" W-110.18';

THENCE N 42°35'30" E – 200.00' WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND MARKING THE NORTH CORNER OF SAID LOT 16, SAME BEING THE WEST CORNER OF SAID LOT 15, BLOCK 23;

THENCE N 42°35'30" E – 150.00' WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID UNION PACIFIC RAILROAD TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND MARKING THE NORTH CORNER OF SAID LOT 15;

THENCE N 42°35'30" E – 183.88' WITH THE COMMON LINE OF SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY AND SAID BLOCK 1 OF THE WACO COMMONS TO A POINT ON THE SOUTH SIDE OF A CONCRETE WALL FROM WHICH A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND FOR REFERENCE BEARS S 42°35'30" W – 3.72';

THENCE GENERALLY ALONG THE SOUTH SIDE OF SAID CONCRETE WALL THE FOLLOWING FOURTEEN (14) CALLS:

- 1) S 75°50'06" E – 146.25' TO A CORNER POINT,
- 2) S 40°50'50" W – 4.00' TO A CORNER POINT,
- 3) S 49°20'28" E – 14.52' TO A CORNER POINT,
- 4) N 40°44'42" E – 17.89' TO A CORNER POINT,
- 5) S 65°24'35" E – 216.16' TO AN ANGLE POINT,
- 6) N 61°49'51" E – 16.04' TO AN ANGLE POINT,
- 7) S 63°10'26" E – 29.70' TO AN ANGLE POINT,
- 8) S 24°15'21" E – 18.67' TO AN ANGLE POINT,
- 9) S 63°08'17" E – 71.17' TO A CORNER POINT,
- 10) N 28°29'18" E – 8.88' TO A CORNER POINT,
- 11) S 63°10'53" E – 86.50' TO A CORNER POINT,
- 12) N 26°19'31" E – 11.53' TO A CORNER POINT,
- 13) S 62°59'18" E – 113.11' TO AN ANGLE POINT,
- 14) S 63°26'58" E – 29.75' TO A CORNER POINT;

THENCE N 26°42'07" E – 1.35' TO A CORNER POINT;

THENCE S 62°40'08" E – 46.00' GENERALLY ALONG THE SOUTH SIDE OF A CONCRETE WALK TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE GENERALLY ALONG THE SOUTHWEST SIDE OF SAID CONCRETE WALK, 22.59' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 14.41', A CENTRAL ANGLE OF 89°50'03", AND A CHORD WHICH BEARS S 09°01'46" E – 20.34' TO THE END OF SAID CURVE;

THENCE N 62°56'28" W – 0.89' TO A THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;

THENCE GENERALLY ALONG THE WEST SIDE OF A CONCRETE WALL, 39.20' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 52.14', A CENTRAL ANGLE OF 43°04'51", AND A CHORD WHICH BEARS S 05°31'07" W – 38.29' TO THE END OF SAID CURVE;

THENCE S 19°21'14" E – 11.89' GENERALLY ALONG THE WEST SIDE OF A CONCRETE WALL TO A CORNER POINT;

THENCE S 51°51'33" W – 31.29' TO AN ANGLE POINT;

THENCE GENERALLY ALONG THE NORTH SIDE OF A CONCRETE WALL THE FOLLOWING FOUR (4) CALLS:

- 1) S 75°36'02" W – 19.08' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT,
- 2) 18.20' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 24.18', A CENTRAL ANGLE OF 43°07'19" AND A CHORD WHICH BEARS N 85°17'53" W – 17.77' TO THE END OF SAID CURVE,
- 3) N 61°25'11" W – 7.16' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT,
- 4) 24.99' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 47.63', A CENTRAL ANGLE OF 30°03'44" AND A CHORD WHICH BEARS N 75°42'43" W – 24.70' TO THE END OF SAID CURVE;

THENCE S 01°56'39" W – 1.35' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;

THENCE GENERALLY ALONG THE NORTH SIDE OF A CONCRETE WALK, 25.33' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 43.80', A CENTRAL ANGLE OF 33°08'32" AND A CHORD WHICH BEARS S 71°40'23" W – 24.98' TO THE END OF SAID CURVE;

THENCE S 48°41'08" E – 12.39' TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE GENERALLY ALONG THE SOUTH SIDE OF SAID CONCRETE WALK 13.99' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 27.66', A CENTRAL ANGLE OF 28°58'40" AND A CHORD WHICH BEARS N 72°21'47" E – 13.84' TO THE END OF SAID CURVE;

THENCE S 03°20'59" E – 1.38' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE GENERALLY ALONG THE SOUTHWEST SIDE OF A CONCRETE WALL THE FOLLOWING SIX (6) CALLS:

- 1) 39.23' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 32.51', A CENTRAL ANGLE OF 69°07'38" AND A CHORD WHICH BEARS S 59°09'20" E – 36.89' TO THE END OF SAID CURVE,
- 2) S 24°18'09" E – 47.87' TO AN ANGLE POINT,
- 3) S 15°05'59" E – 25.94' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT,
- 4) 25.36' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 136.72', A CENTRAL ANGLE OF 10°37'37" AND A CHORD WHICH BEARS S 27°57'23" E – 25.32' TO THE END OF SAID CURVE,
- 5) S 34°50'37" E – 53.83' TO AN ANGLE POINT,
- 6) S 87°53'23" E – 137.79' TO A CORNER POINT;

THENCE N 27°34'47" E – 16.04' TO AN ANGLE POINT;

THENCE GENERALLY ALONG THE SOUTHWEST SIDE OF A CONCRETE WALL THE FOLLOWING FOUR (4) CALLS:

- 1) S 61°53'42" E – 61.55' TO A CORNER POINT,
- 2) N 55°49'00" E – 7.57' TO AN ANGLE POINT,
- 3) N 31°19'07" E – 1.80' TO A CORNER POINT,
- 4) S 60°47'38" E – 16.61' TO A CORNER POINT;

THENCE GENERALLY ALONG THE NORTHWEST SIDE OF A CONCRETE WALL THE FOLLOWING THREE (3) CALLS:

- 1) N 30°03'08" E – 70.03' TO A CORNER POINT,
- 2) S 59°45'27" E – 9.76' TO A CORNER POINT,
- 3) N 30°18'39" E – 15.38' TO A CORNER POINT;

THENCE S 61°07'39" E – 14.44' TO A CORNER POINT;

THENCE GENERALLY ALONG THE SOUTHERLY SIDE OF A CONCRETE WALL THE FOLLOWING THREE (3) CALLS:

- 1) N 29°25'19" E – 39.96' TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT,
- 2) 13.13' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 8.90', A CENTRAL ANGLE OF 84°29'17" AND A CHORD WHICH BEARS N 73°06'18" E – 11.97' TO THE END OF SAID CURVE,
- 3) S 60°17'48" E – 119.99' TO A CORNER POINT;

THENCE S 29°42'04" W – 2.20' TO A TEXAS DEPARTMENT OF TRANSPORTATION BRASS CAP MONUMENT FOUND IN THE NORTHWEST LINE OF THE REMAINDER OF A CALLED 1.12 ACRE TRACT DESCRIBED IN A DEED TO THE CITY OF WACO, A MUNICIPAL CORPORATION RECORDED IN VOLUME 1081, PAGE 783 OF THE D.R.M.C.T. MARKING THE WEST CORNER OF A CALLED 4.612 ACRE RIGHT-OF-WAY EASEMENT DESCRIBED AS PARCEL 4(E) IN A DEED TO THE STATE OF TEXAS RECORDED IN McLENNAN COUNTY CLERK'S DOCUMENT (M.C.C.D.) 2012015217 OF THE OFFICIAL PUBLIC RECORDS OF McLENNAN COUNTY, TEXAS (O.P.R.M.C.T.);

THENCE S 59°56'41" E – 22.70' WITH THE SOUTHWEST LINE OF SAID PARCEL 4(E) TO AN ANGLE POINT;

THENCE S 78°08'35" E – 12.29' WITH THE SOUTHWEST LINE OF SAID PARCEL 4(E) TO A POINT FOR THE NORTH CORNER OF A CALLED 0.336 ACRE TRACT DESCRIBED AS PARCEL 3 IN A DEED TO THE STATE OF TEXAS RECORDED IN M.C.C.D. 2012015983 OF THE O.P.R.M.C.T.;

THENCE WITH THE SOUTHEAST LINE OF THE REMAINDER OF SAID 1.12 ACRE TRACT, SAME BEING THE NORTHWEST LINE OF SAID PARCEL 3 AND THE NORTHWEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35 THE FOLLOWING FOUR (4) CALLS:

- 1) S 24°44'34" W – 122.24' TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT,
- 2) 140.21' WITH THE ARC OF SAID CURVE HAVING A RADIUS OF 2025.00', A CENTRAL ANGLE OF 03°58'01" AND A CHORD WHICH BEARS S 22°45'33" W – 140.18' TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND MARKING THE POINT OF TANGENCY,
- 3) S 20°46'32" W – 72.19' TO AN ANGLE POINT,
- 4) S 15°55'34" W – 47.00' TO A POINT FOR THE WEST CORNER OF PARCEL 3 AND THE SOUTH CORNER OF THE REMAINDER OF THE 1.12 ACRE TRACT, SAME BEING THE EAST CORNER OF THE REMAINDER OF LOT 7, BLOCK 1, UNIVERSITY PARKS ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1463, PAGE 675 OF THE D.R.M.C.T.;

THENCE N 47°31'01" W – 165.31' WITH THE COMMON LINE OF THE REMAINDER OF SAID 1.12 ACRE TRACT AND THE REMAINDER OF SAID LOT 7 TO A 5/8" IRON ROD WITH A CAP STAMPED "LANDESIGN" FOUND MARKING THE WEST CORNER OF THE 1.12 ACRE TRACT;

THENCE N 47°02'54" W – 350.11' PARTWAY WITH THE COMMON LINE OF SAID LOT 7 AND THE ABOVE MENTIONED BLOCK 3 OF THE WACO COMMONS, AND WITH THE COMMON LINE OF LOT 6, BLOCK 1 OF SAID UNIVERSITY PARKS ADDITION TO A CHISELED "X" IN CONCRTE FOUND MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID LOT 6;

THENCE S 89°05'03" W – 53.81' TO A 1/2" IRON ROD FOUND MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID LOT 6;

THENCE S 85°53'52" W – 39.56' TO A 1/2" IRON ROD IN CONCRETE FOUND MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID LOT 6;

THENCE S 42°47'44" W – 125.62' TO A 1/2" IRON ROD FOUND IN THE NORTHEAST LINE OF LOT 5, BLOCK 1 OF SAID UNIVERSITY PARKS ADDITION MARKING AN OUTSIDE ELL CORNER OF SAID LOT 6;

THENCE N 47°56'44" W – 195.38' TO A 1/2" IRON ROD IN CONCRETE FOUND MARKING THE NORTH CORNER OF SAID LOT 5;

THENCE S 42°23'36" W – 48.43' WITH THE NORTHWEST LINE OF SAID LOT 5 TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND IN THE SOUTHWEST LINE OF THAT PART OF RIVER STREET ABANDONED BY CITY OF WACO ORDINANCE 1978-53, RECORDED IN VOLUME 1299, PAGE 84 OF THE D.R.M.C.T., IN THE NORTHEAST LINE OF THE ABOVE MENTIONED BLOCK 32 MARKING THE EAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF WACO RECORDED IN VOLUME 1089, PAGE 676 OF THE D.R.M.C.T.;

THENCE S 42°33'58" W – 350.12' CONTINUING WITH THE NORTHWEST LINE OF SAID LOT 5 TO A CHISELED "X" IN CONCRETE FOUND IN THE NORTHEAST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE MARKING THE SOUTH CORNER OF LOT 7, BLOCK 32 OF SAID ORIGINAL CITY OF WACO, AND THE SOUTH CORNER OF A TRACT OF LAND DESCRIBED AS SECOND TRACT IN A DEED TO THE CITY OF WACO RECORDED IN VOLUME 162, PAGE 340 OF THE D.R.M.C.T. FROM WHICH A CHISELED "X" IN CONCRETE FOUND MARKING THE WEST CORNER OF SAID LOT 5 BEARS N 42°33'58" E – 5.02';

THENCE N 47°11'34" W – 166.10' WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND AT ITS INTERSECTION WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF WEBSTER AVENUE (75' WIDE) MARKING THE WEST CORNER OF SAID LOT 7, BLOCK 32 OF SAID ORIGINAL CITY OF WACO, AND THE WEST CORNER OF SAID SECOND TRACT;

THENCE N 42°36'10" E – 349.98' WITH THE COMMON LINE OF SAID BLOCK 32 AND SAID WEBSTER AVENUE TO A MAG NAIL IN ASPHALT FOUND IN SAID SOUTHWEST LINE OF THAT PART OF RIVER STREET ABANDONED BY CITY OF WACO ORDINANCE 1978-53 MARKING THE NORTH CORNER OF BLOCK 32 AND THE NORTH CORNER OF A CALLED 8680 SQUARE FEET OF LAND AWARDED TO THE CITY OF WACO, DESCRIBED IN THE AGREED JUDGMENT, CAUSE NO. 33893 RECORDED IN VOLUME 1098, PAGE 733 OF THE D.R.M.C.T.;

THENCE N 47°24'34" W – 74.67' WITH THE SOUTHWEST LINE OF THAT PART OF RIVER STREET ABANDONED BY CITY OF WACO ORDINANCE 1978-53 TO A 3/8" IRON ROD IN CONCRETE FOUND IN THE NORTHWEST RIGHT-OF-WAY LINE OF SAID WEBSTER AVENUE MARKING THE EAST CORNER OF THE ABOVE MENTIONED LOT 15, BLOCK 23;

THENCE S 42°38'12" W – 149.87' WITH THE NORTHWEST RIGHT-OF-WAY LINE OF SAID WEBSTER AVENUE TO A POINT FOR THE SOUTH CORNER OF SAID LOT 15, SAME BEING THE EAST CORNER OF THE ABOVE MENTIONED LOT 16, BLOCK 23 FROM WHICH A 3/8" IRON ROD FOUND BEARS S 47°12'38" E – 0.60'

THENCE S 42°38'12" W – 199.90' WITH THE NORTHWEST RIGHT-OF-WAY LINE OF SAID WEBSTER AVENUE TO A 1/2" IRON ROD WITH A CAP STAMPED "LETH 3879" FOUND AT ITS INTERSECTION WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID UNIVERSITY PARKS DRIVE MARKING THE SOUTH CORNER OF SAID LOT 16, BLOCK 23;

THENCE N 47°13'36" W – 350.10' WITH THE COMMON LINE OF SAID UNIVERSITY PARKS DRIVE AND SAID LOT 16 RETURNING TO THE POINT OF BEGINNING AND CONTAINING 12.567 ACRES OF LAND.

THIS DESCRIPTION IS BASED ON THE ATTACHED BOUNDARY SURVEY DRAWING REVISED OCTOBER 26, 2016, MADE BY DANA B. SPIGENER, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 4809.

BEARINGS CITED WITHIN THIS DESCRIPTION ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, TEXAS CENTRAL ZONE ACQUIRED FROM GLOBAL POSITIONING SYSTEM OBSERVATIONS.

SURVEYED: MAY, 2016
RELEASED: OCTOBER 26, 2016

Dana B. Spigener
DANA B. SPIGENER, R.L.S. 4809



PROJ NO. 1-02835
PLAT NO. F1-0014
FIELD NOTE NO. 01
MAP CHECKED 10-25-16 DBS

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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Dale A. Fisserler, P.E., as an authorized representative of the City of Waco, Texas, 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)

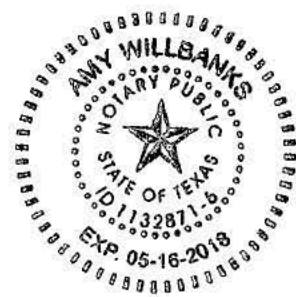
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Dale A. Fisserler
Signature

Date: 5-18-17

Dale A. Fisserler, P.E.
Printed Name
City Manager
Title

STATE OF Texas
COUNTY OF McLennan



SUBSCRIBED AND SWORN before me on this the 18 day of May 20 17, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas