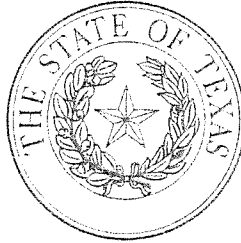


# Texas Commission on Environmental Quality



## Municipal Setting Designation

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD 46, in the City of Fort Worth, 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 7 day of December, 2008.

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

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

'A'

**Political Subdivision Description  
of Trinity Uptown  
Municipal Setting Designation**

A parcel of land, out of the J. Baugh Survey, Abstract Number 115, the M. Baugh Survey, Abstract Number 106, the W Bussell Survey, Abstract Number 151, the R. Crowley Survey, Abstract Number 313, A. Gouehneant Survey, Abstract Number 582, the E. Little Survey, Abstract Number 954, the J. M. C. Lynch Survey, Abstract Number 955, the F. G. Mulliken Survey, Abstract Number 1045, the A. Robinson Survey, Abstract Number 1289, the S. K. Smith Survey, Abstract Number 1417, and the I. Thomas Survey, Abstract Number 1526, in Tarrant County, Texas, situated at the Courthouse in Fort Worth, Texas, the County Seat, and being more particularly described by metes and bounds as follows;

BEGINNING at the intersection of the centerlines of White Settlement Road and University Drive;

THENCE with said centerline of University Drive, NORTH, crossing the West Fork of the Trinity River, and Northeasterly, some 4900 feet, to its intersection with the centerline of North Side Drive, at Jacksboro Highway;

THENCE with said centerline of North Side Drive, Northeasterly, some 600 feet, to its intersection with the centerline of Grand Avenue;

THENCE with the meanders of said centerline of Grand Avenue, Northeasterly, some 4000 feet, to its intersection with the centerline of North Houston Street;

THENCE with said centerline of North Houston Street, North 40 degrees West, some 1260 feet, to its intersection with the centerline of Central Avenue;

THENCE with said centerline of Central Avenue, North 50 degrees East, some 380 feet, to its intersection with the centerline of Ellis Avenue;

THENCE with said centerline of Ellis Avenue, North 40 degrees West, some 1500 feet, to its intersection with the centerline of 20<sup>th</sup> Street Northwest;

THENCE with said centerline of 20<sup>th</sup> Street Northwest, WEST, some 90 feet, to its intersection with the centerline of Ellis Avenue;

THENCE with said centerline of Ellis Avenue, NORTH, some 2850 feet, to its intersection with the centerline of Exchange Avenue;

THENCE with said centerline of Exchange Avenue, EAST, crossing Marine Creek, and NORTH, EAST, SOUTH, through the intersection of Exchange Avenue, Packers Avenue, and Stockyards Boulevard, and continuing EAST, some 2400 feet, to its intersection with the centerline of Niles City Boulevard;

THENCE with said centerline of Niles City Boulevard, Southerly, some 1250 feet, to its intersection with the centerline of 23<sup>rd</sup> Street Northeast;

THENCE with said centerline of 23<sup>rd</sup> Street Northeast, EAST, some 1600 feet, to its intersection with the centerline of Decatur Avenue;

THENCE with said centerline of Decatur Avenue, Northeasterly and Northerly, some 1600 feet, to its intersection with the centerline of Brennan Avenue;

THENCE with said centerline of Brennan Avenue, North 75 degrees East, some 870 feet;

THENCE continuing with said centerline of Brennan Avenue, South 70 degrees East, some 3100 feet, to its intersection with the centerline of Cold Springs Road;

THENCE with said centerline of Cold Springs Road, South 10 degrees West, some 1000 feet, to its intersection with the centerline of North Side Drive;

THENCE with the meanders of said centerline of North Side Drive, Southwesterly, again crossing the West Fork of the Trinity River, some 3800 feet, to its intersection with the centerline of Samuels Avenue;

THENCE with said centerline of Samuels Avenue, Southeasterly, some 3100 feet, to its intersection with the centerline of Greer Avenue;

THENCE with said centerline of Greer Avenue, South 75 degrees West, and to and along a projection of said centerline, some 850 feet, to its intersection with the easterly high bank of the West Fork of the Trinity River;

THENCE with the meanders of said easterly and the southeasterly high bank of the West Fork of the Trinity River, South and Southwesterly, some 4900 feet, to its intersection with the centerline of North Main Street;

THENCE with said centerline of North Main Street, South 30 degrees East, some 160 feet, to its intersection with the centerline of Bluff Street;

THENCE with said centerline of Bluff Street, Southwesterly, some 240 feet, to its intersection with the centerline of Houston Street;

THENCE with said centerline of Houston Street, South 30 degrees East, some 80 feet, to its intersection with the centerline of Belknap Street;

THENCE with said centerline of Belknap Street, South 60 degrees West, some 2500 feet, to its intersection with the centerline of Forest Park Boulevard;

THENCE with the meanders of said centerline of Forest Park Boulevard, Westerly and Southerly, some 2400 feet, to its intersection with the centerline of West 7<sup>th</sup> Street;

THENCE with said centerline of West 7<sup>th</sup> Street, WEST, some 2700 feet, to its intersection with the centerline of Carroll Street;

THENCE with said centerline of Carroll Street, NORTH, some 2900 feet, to its intersection with said centerline of White Settlement Road;

THENCE with said centerline of White Settlement Road, WEST, some 2000 feet, to the PLACE OF BEGINNING, and containing some 1964 acres of land, more or less.

Bearing Base and Distances, per City of Fort Worth, Graphic Information System.

This description prepared by Hans Kevin Hansen, Registered Professional Land Surveyor, Number 4786, in October 2006.

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

'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.

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? / /	<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:	<input type="radio"/> Yes	<input checked="" 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.

Brian K. Bolner  
Applicant Signature

July 2, 2007  
Date

Before me Ronald P. Gonzales the undersigned authority, on this day personally appeared Brian K. Bolner Name of Notary and signed this Municipal Setting Designation Application. Name of Applicant

Sworn, subscribed and signed before me in the County of Tarrant, State of TX, on the 2nd day of July, this month of 2007.

Ronald P. Gonzales

