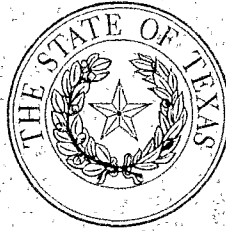


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



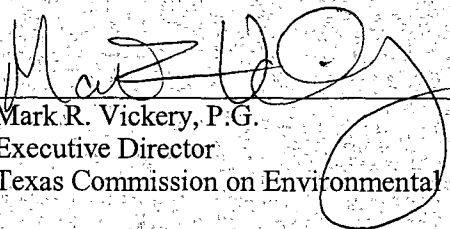
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

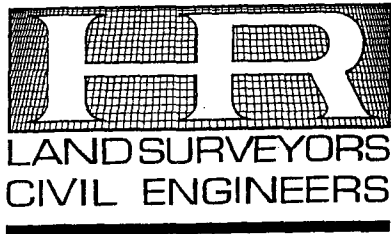
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 108, in the City of Lubbock, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 9th day of September, 2009


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

"A"



HUGO REED AND ASSOCIATES, INC.
1601 Avenue N / Lubbock, Texas 79401 / 806/763-5642 / FAX 806/763-3891

METES AND BOUNDS DESCRIPTION of a 5.205 acre tract located in Section 2, Block O, Lubbock County, Texas being further described as follows:

BEGINNING at an "X" chiseled in concrete set at the intersection of the West right-of-way line of Avenue "R" and the North right-of-way line of 7th Street for the Northwest corner of this tract, same being the original Southeast corner of Block 111, Overton Addition to the City of Lubbock, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded in Volume 18, Page 610 of the Deed Records of Lubbock County, Texas;

THENCE S. $88^{\circ}24'35''$ E., along said North right-of-way line, a distance of 50.00 feet to an "X" chiseled in concrete set in the East right-of-way line of Avenue "R" for the original Southwest corner of Block 110, Overton Addition;

THENCE S. $88^{\circ}16'46''$ E., continuing along said North right-of-way line and the South line of said Block 110, at 315.00 feet pass an "X" chiseled in concrete set for the Southeast corner of said Block 110 and the West right-of-way line of Avenue "Q", continuing for a total distance of 415.02 feet to an "X" chiseled in concrete set for the Northeast corner of this tract;

THENCE S. $01^{\circ}42'18''$ W. a distance of 504.98 feet to a "PK" nail with shiner set for the Southeast corner of this tract;

THENCE N. $88^{\circ}17'54''$ W., at 99.94 feet pass an "X" chiseled in concrete set in the West right-of-way line of Avenue "Q" for the Southeast corner of Lot 2, Block 114, Overton Addition, continuing along the South line of said Lot 2 for a total distance of 247.44 feet to a "PK" nail set in the East line of a 20 foot alley for the Southwest corner of said Lot 2;

THENCE N. $88^{\circ}18'46''$ W. a distance of 20.00 feet to a point in the West line of said 20 foot alley for the Southeast corner of Lot 9, Block 114, Overton Addition and a corner of this tract;

THENCE N. $01^{\circ}42'09''$ E., along said West alley line, a distance of 110.02 feet to a 1/2" iron rod with cap set in the South right-of-way line of Glenna Goodacre Boulevard for the Northeast corner of Lot 10, Block 114, Overton Addition and a corner of this tract;

THENCE N. $88^{\circ}17'54''$ W., along said South right-of-way line and the North line of said Lot 10, a distance of 73.76 feet to a 1/2" iron rod with cap set for a corner of this tract;

THENCE S. $01^{\circ}42'07''$ W. a distance of 110.02 feet to a point in the South line of Lot 9, Block 114, Overton Addition for a corner of this tract;

THENCE N. 88°17'54" W., along the South line of said Lot 9, at 73.76 feet pass a 1/2" iron rod with cap set for the Southwest corner of said Lot 9, continuing for a total distance of 123.76 feet to a 1/2" iron rod with cap set in the West right-of-way line of Avenue "R" for the Southeast corner of Lot 2, Block 115, Overton Addition and the Southwest corner of this tract;

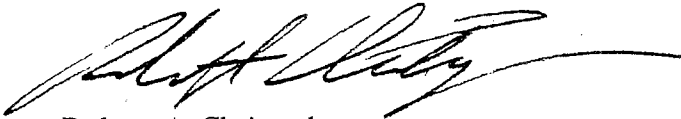
THENCE N. 01°42'06" E., along the East right-of-way line of Avenue "R" and the West line of said Block 115, a distance of 110.02 feet to an "X" chiseled in concrete set in the South right-of-way line of Glenna Goodacre Boulevard for the Northeast corner of said Block 115;

THENCE N. 01°41'18" E. a distance of 60.00 feet to a 1/2" iron rod with cap set for a point of intersection;

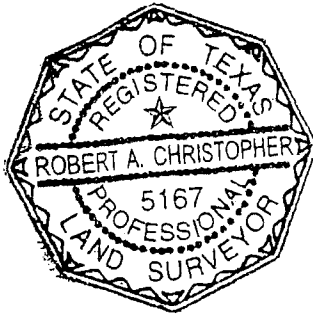
THENCE N. 01°41'51" E., at 275.28 feet pass an "X" chiseled in concrete set at the intersection of the South right-of-way line of 7th Street, continuing for a total distance of 335.00 feet to the Point of Beginning.

This survey and all information hereon is for the exclusive use of McDougal Properties for the establishment of a Municipal Setting Designation (MSD) and shall not be copied or used except for the purpose for which it is expressly furnished.

Witness my hand and my seal,
October 17, 2008



Robert A. Christopher
Registered Professional Land Surveyor No. 5167
Licensed State Land Surveyor
State of Texas



PERIMETER SURVEY OF A PROPOSED
MUNICIPAL SETTING DESIGNATION LOCATED IN
SECTION 2, BLOCK O
LUBBOCK COUNTY, TEXAS



METES AND BOUNDS DESCRIPTION of a 5.205 acre tract located in Section 2, Block O, Lubbock County, Texas, being further described as follows:

BEGINNING at an "X" chiseled in concrete set at the intersection of the West right-of-way line of Avenue "R" and the North right-of-way line of 7th Street for the Northwest corner of this tract, same being the original Southeast corner of Block 111, Overton Addition to the City of Lubbock, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded in Volume 18, Page 610 of the Deed Records of Lubbock County, Texas;

THENCE S. 88°24'35" E., along said North right-of-way line, a distance of 50.00 feet to an "X" chiseled in concrete set in the East right-of-way line of Avenue "R" for the original Southwest corner of Block 110, Overton Addition;

THENCE S. 88°16'46" E., continuing along said North right-of-way line and the South line of said Block 110, at 315.00 feet pass an "X" chiseled in concrete set for the Southeast corner of said Block 110 and the West right-of-way line of Avenue "Q", continuing for a total distance of 415.02 feet to an "X" chiseled in concrete set for the Northeast corner of this tract;

THENCE S. 01°42'18" W., a distance of 304.98 feet to a "PK" nail with shiner set for the Southeast corner of this tract;

THENCE N. 88°17'54" W., at 99.94 feet pass an "X" chiseled in concrete set in the West right-of-way line of Avenue "Q" for the Southwest corner of Lot 2, Block 114, Overton Addition, continuing along the South line of said Lot 2 for a total distance of 247.44 feet to a "PK" nail set in the East line of a 30 foot alley for the Southwest corner of said Lot 2;

THENCE N. 88°18'46" W., a distance of 29.00 feet to a point in the West line of said 20 foot alley for the Southeast corner of Lot 9, Block 114, Overton Addition and a corner of this tract;

THENCE N. 01°42'09" E., along said West alley line, a distance of 110.02 feet to a 1/2" iron rod with cap set in the South right-of-way line of Glenna Goodacre Boulevard for the Northeast corner of Lot 10, Block 114, Overton Addition and a corner of this tract;

THENCE N. 88°17'54" W., along said South right-of-way line and the North line of said Lot 10, a distance of 73.76 feet to a 1/2" iron rod with cap set for a corner of this tract;

THENCE S. 01°42'07" W., a distance of 110.02 feet to a point in the South line of Lot 9, Block 114, Overton Addition for a corner of this tract;

THENCE N. 88°17'54" W., along the South line of said Lot 9, at 73.76 feet pass a 1/2" iron rod with cap set for the Southwest corner of said Lot 9, continuing for a total distance of 123.76 feet to a 1/2" iron rod with cap set in the West right-of-way line of Avenue "R" for the Southeast corner of Lot 2, Block 115, Overton Addition and the Southwest corner of this tract;

THENCE N. 01°42'06" E., along the East right-of-way line of Avenue "R" and the West line of said Block 115, a distance of 110.02 feet to an "X" chiseled in concrete set in the South right-of-way line of Glenna Goodacre Boulevard for the Northeast corner of said Block 115;

THENCE N. 01°41'18" E., a distance of 60.00 feet to a 1/2" iron rod with cap set for a point of intersection;

THENCE N. 01°41'51" E., at 275.28 feet pass an "X" chiseled in concrete set at the intersection of the South right-of-way line of 7th Street, continuing for a total distance of 335.00 feet to the Point of Beginning.

This survey and all information hereon is for the exclusive use of McDougal Properties for the establishment of a Municipal Setting Designation (MSD) and shall not be copied or used except for the purpose for which it is expressly furnished.

Witness my hand and my seal,
October 17, 2008

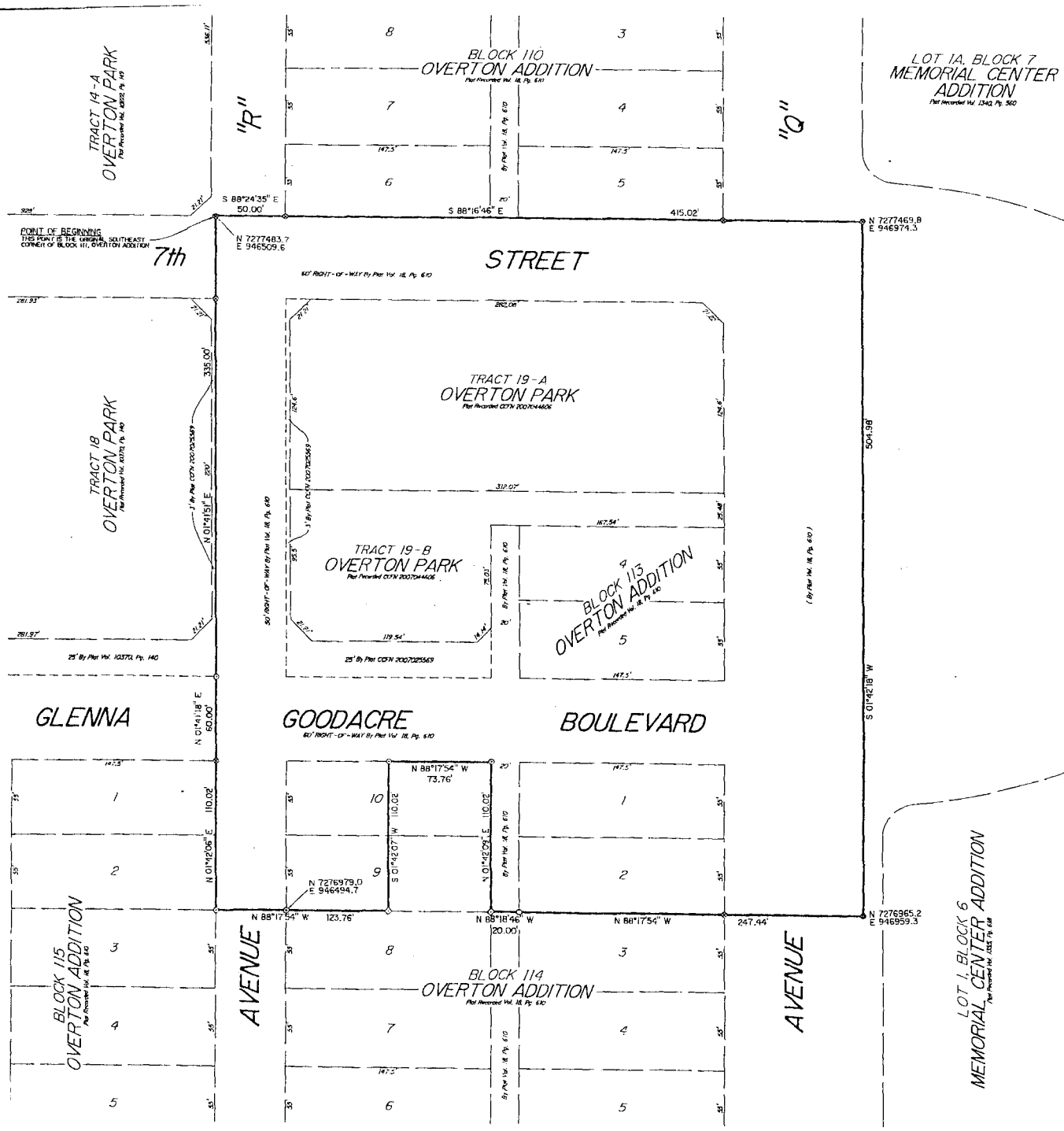
Robert A. Christopher

Robert A. Christopher
Registered Professional Land Surveyor No. 5167
Licensed State Land Surveyor
State of Texas



- NOTES:
SCALE: 1"=50'
HEAVY LINES INDICATE PLAT LIMITS.
CONTROL MONUMENTS AS FOUND AND SHOWN.
BEARINGS AND COORDINATES RELATIVE TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH-CENTRAL ZONE.
COORDINATES EXPRESSED IN UNITS OF U.S. SURVEY FEET.
DISTANCES SHOWN ARE SURFACE, U.S. SURVEY FEET.
● - COULD NOT SET CORNER MONUMENT (UNDER FENCE)
○ - SET "PK" NAIL WITH SHINER
○ - SET "PK" NAIL
○ - SET "X" IN CONCRETE
○ - SET 1/2" IRON ROD WITH CAP
091966/ab0 (BAKER)

Copyright 2005, Hugo Reed and Associates, Inc.
HUGO REED AND ASSOCIATES, INC.
LAND SURVEYORS CIVIL ENGINEERS
1001 AVENUE N LUBBOCK, TEXAS 79404
PHONE: (806) 763-5842 FAX: (806) 763-3804



LOT 1, BLOCK 6
MEMORIAL CENTER ADDITION

" 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 type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ 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 ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input type="radio"/> Yes, when? / /	<input checked="" 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 ⁶	<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 ⁶	<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 ⁶
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
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ 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.

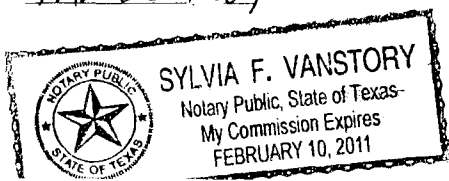
Sally A. McLaughlin
Applicant Signature

3-23-09
Date

Before me Sylvia F. VanStory the undersigned authority, on this day personally appeared
Name of Notary
Sally A. McLaughlin and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Lubbock, State of TX, on the 23rd day of March, this month of March, 2009

TCEQ-20149 June 2007



Sylvia F. VanStory