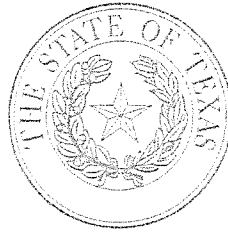


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



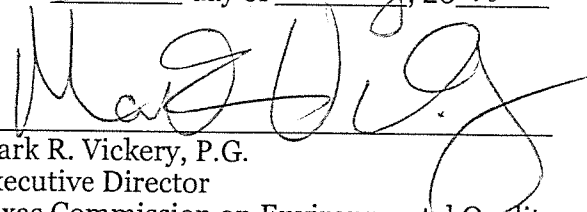
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No. 175, 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 3rd day of February, 2012



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

159.96 ACRES
MUNICIPAL SETTING DESIGNATOR TRACT
CITY OF LUBBOCK (MACKENZIE PARK)

FN NO 016
OCTOBER 20, 2010
JOB NO. 10054

DESCRIPTION

OF A 159.96 ACRE TRACT OR PARCEL OF LAND OUT OF AND PART OF SECTIONS 1, 79 AND 80, BLOCK "A", SITUATED IN LUBBOCK COUNTY, TEXAS, AND BEING A PORTION OF THAT PROPERTY DESCRIBED AS TRACT 2, 445.938 ACRES OF LAND CONVEYED TO THE CITY OF LUBBOCK, BY THAT DEED FOUND RECORDED IN VOLUME 4116, PAGE 124 OF THE DEED RECORDS OF LUBBOCK COUNTY, TEXAS, A PORTION OF TRACT "A", MUNICIPAL HILL ADDITION TO THE CITY OF LUBBOCK, A SUBDIVISION OF RECORD IN VOLUME 1795, PAGE 282 OF THE SAID DEED RECORDS, AND A PORTION OF THE MUNICIPAL DRIVE RIGHT-OF-WAY, A DEDICATED PUBLIC ROADWAY (RIGHT-OF-WAY VARIES) AND THE NORTH ASH DRIVE RIGHT-OF-WAY, A DEDICATED PUBLIC ROADWAY (RIGHT-OF-WAY VARIES), THE SAID 159.96 ACRES ALSO BEING A PORTION OF SECTIONS 1, 79 AND 80, BLOCK "A" OF THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS; THE SAID 159.96 ACRES INTENDED TO BE UTILIZED AS A MUNICIPAL SETTING DESIGNATOR (MSD) TRACT AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod with a plastic surveyor's cap (Hugo Reed Associates) found for the most easterly, northeast corner of the above mentioned Tract 2, 445.938 acre tract conveyed to the City of Lubbock, same being an interior ell corner in the west line of that tract described as Tract 1, 179.072 acres, in that deed to C. S. Investments, in that deed found recorded in Volume 7177, at Page 99 of the Official Public Records of Lubbock County, Texas;

THENCE, going along the east line of the said Tract 2, 445.938 acre City of Lubbock tract, same being the west line of the said Tract 1, C. S. Investments tract, the following four (4) courses and distances:

- 1) S03°45'31"W, a distance of 963.33 feet to a ½ inch iron rod with a surveyors cap (Hugo Reed Associates), found for the point of curvature of a non-tangent curve to the left; the radius point of said curve to the left bears S86°11'33"E, a distance of 1121.18;
- 2) along the arc of the said curve to the left, having a radius of 1121.18 feet, through a central angle of 15°20'49", a chord distance of 299.41 feet (chord bears S03°51'58"E), an arc distance of 300.31 feet to a ½ inch iron rod with a surveyors cap (Hugo Reed Associates) found for the point of tangency;
- 3) S03°45'50"W, a distance of 281.18 feet to a ½ inch iron rod with a surveyors cap (Hugo Reed Associates), found for an angle point of the tract described herein; and,
- 4) S05°32'42"E, a distance of 440.14 feet to a ½ inch iron rod with a surveyors cap (Hugo Reed Associates), found at a fence corner for the southeast corner of the tract described herein;

THENCE, leaving the east line of, and going over, across and through the said Tract 2, 445.938 acre tract, the following thirteen (13) courses and distances:

- 1) S74°34'33"W, a distance of 1322.31 feet to an 80D-Nail set near the top of a small bluff, and near a cart path within a Golf Course for an angle point of the tract described herein;

FN-016
159.96 ACRES
PAGE TWO

- 2) **S37°17'29"W**, a distance of **477.81** feet to an 80D-Nail set at the base of an angle post in a chain link fence around a Golf Course for an angle point of the tract described herein;
- 3) **S46°32'28"W**, a distance of **295.33** feet to an 80D-Nail set at the base of an angle post in a chain link fence around a Golf Course for an angle point of the tract described herein;
- 4) **S65°45'58"W**, a distance of **336.55** feet to Mag-Nail in concrete set at the base of an angle post in a chain link fence around a Golf Course for the southern most corner of the tract described herein;
- 5) **N35°23'16"W**, a distance of **129.62** feet to Cotton Gin Spindle set at the base of an angle post in a chain link fence around a Golf Course for an angle point of the tract described herein;
- 6) **N03°04'04"E**, a distance of **514.13** feet to an 80D-Nail set in a chain link fence around a Golf Course for an interior ell corner of the tract described herein;
- 7) **N88°06'34"W**, leaving the fence line around the Golf Course and continuing over, across and through the said Mackenzie Park, a distance of **395.05** feet to an 80D-Nail set at the base of an angle post in a chain link fence around a softball field for an angle point of the tract described herein;
- 8) **S68°04'45"W**, a distance of **268.22** feet to an 80D-Nail set at the back of a concrete curb on the northeasterly line of the Caesar Chavez access road to Mackenzie Park off of Municipal Drive, and the northwesterly side of an intersection with an interior park road, said point being an angle point of the tract described herein, and a point of non-tangency with a curve to the right; the radius point of said curve to the right bears **N08°03'31"E**, a distance of **87.25** feet;
- 9) going along the back of curb on the northeasterly line of the said Park access road, along the arc of the said curve to the right, having a radius of **87.25** feet, through a central angle of **38°58'46"**, a chord distance of **58.22** feet (chord bears **N62°27'06"W**), an arc distance of **59.36** feet to a calculated point for the point of tangency;
- 10) continuing along the back of curb, **N57°23'40"W**, a distance of **18.59** feet to a calculated point for the point of curvature of a curve to the left; the radius point of said curve to the left bears **S30°18'23"W**, a distance of **651.41** feet;
- 11) continuing along the back of curb on the northeasterly line of the said Park access road, along the arc of the said curve to the left, having a radius of **651.41** feet, through a central angle of **11°31'31"**, a chord distance of **130.81** feet (chord bears **N65°27'23"W**), an arc distance of **131.03** feet to a calculated point for the point of tangency;
- 12) continuing along the back of curb, **N75°05'42"W**, a distance of **26.46** feet to a calculated point for the point of curvature of a curve to the right; the radius point of said curve to the right bears **N19°58'23"E**, a distance of **235.06** feet; and,

FN-016
159.96 ACRES
PAGE THREE

- 13) continuing along the back of curb on the northeasterly line of the said Park access road, along the arc of the said curve to the right, having a radius of 235.06 feet, through a central angle of $42^{\circ}56'49''$, a chord distance of 172.10 feet (chord bears $N48^{\circ}33'12''W$), an arc distance of 176.20 feet to a calculated point for the point of intersection with the south line of that tract described as 2.55 acres in that deed to the Texas Department of Transportation (TxDot), of record in Volume 284, Page 03 of the said Deed Records of Lubbock County, Texas, same being the most northerly, northwest line of the said City of Lubbock, Tract 2, 445.938 acre tract, and being in or near the southeasterly right-of-way line of Municipal Drive, a dedicated public roadway (right-of-way varies – 100 foot wide at this point as per instrument of record in Volume 192, Page 524 of the said Deed Records), said point being an exterior ell corner of the tract described herein, and a point of non-tangency and reverse curvature with a curve to the left; the radius point of said curve to the left bears $N31^{\circ}19'55''W$, a distance of 1004.31 feet;

THENCE, leaving the back of curb on the northeasterly line of the said Park access road, going along the south line of the TxDot 2.55 acre tract, along the southeasterly right-of-way line of the said Municipal Drive, along the arc of the said curve to the left, having a radius of 1004.31 feet, through a central angle of $07^{\circ}14'06''$, a chord distance of 126.73 feet (chord bears $N55^{\circ}03'02''E$), an arc distance of 126.82 feet to a $\frac{1}{2}$ inch iron rod with a plastic surveyors cap (Wilson Surveying) found for the southeast corner of the said TxDot 2.55 acre tract, same being an interior ell corner of the tract described herein;

THENCE, $N19^{\circ}46'05''W$, leaving the northwest line of the said City of Lubbock, Tract 2, 445.938 acre tract, going across the said Municipal Drive right-of-way, going along the northeasterly line of the said TxDot 2.55 acre tract, passing at a distance of 106.35 feet, the northwest right-of-way line of said Municipal Drive, same being the southerly line of that tract described as Tract "A" in a subdivision plat of record for Municipal Hill Addition to the City of Lubbock, Lubbock County, Texas, a subdivision of record in Volume 1795, Page 282 of the said Deed Records of Lubbock County, Texas, continuing along a common line between the said TxDot tract and the said Tract "A" for a total distance of 469.91 feet to an eight inch steel corner fence post found for the northeast corner of the said TxDot 2.55 acre tract, same being an interior ell corner of the said Tract "A" and an angle point of the tract described herein;

THENCE, $N10^{\circ}03'12''E$, going across the said Tract "A", a distance of 352.32 feet to an 80D-Nail at the base of a chain link fence post set for an angle point of the tract described herein;

THENCE, $N13^{\circ}55'00''W$, continuing across the said Tract "A", along or near the east edge of a caliche lot area of a City of Lubbock maintenance yard which runs along the top of a bluff, a distance of 915.00 feet to a calculated point of intersection with a chain link fence which runs along or near the southerly right-of-way of the Panhandle and Santa Fe Railroad, same being the northerly line of the said Tract "A", said point being the northwest corner of the tract described herein;

THENCE, $N66^{\circ}58'44''E$, going along the said fence, along or near the south right-of-way of the Railroad, same being the northerly line of the said Tract "A", a distance of 1122.56 feet to a calculated point of intersection with the curving, westerly edge of concrete, of the concrete and asphalt roadway of North Ash Drive, a dedicated public roadway (100' right-of-way), said point being a northeasterly and exterior ell corner of the tract described herein, and a point of non-tangency with a curve to the right; the radius point of said curve to the right bears $S63^{\circ}43'36''W$, a distance of 978.29 feet;

FN-016
159.96 ACRES
PAGE FOUR

THENCE, leaving the south right-of-way line of said Panhandle and Santa Fe Railroad, going along the westerly edge of the concrete and asphalt roadway of North Ash Drive, along the arc of the said curve to the right, having a radius of 978.29 feet, through a central angle of $46^{\circ}57'31''$, a chord distance of 779.54 feet (chord bears $S02^{\circ}47'39''E$), an arc distance of 801.79 feet to a calculated point of intersection with the northerly line of the above referenced City of Lubbock Tract 2, 445.938 acres, same being the intersection of the pavement of Municipal Drive, for an interior ell corner of the tract described herein, said point also being a point of curvature with a non-tangent curve to the left; the radius point of said curve to the left bears $N40^{\circ}32'36''W$, a distance of 1005.14 feet;

THENCE, leaving the pavement of North Ash Drive, going along the north line of the said City of Lubbock Tract 2, 445.938 acres, same being along or near the south right-of-way line of said Municipal Drive, the following four (4) courses and distances:

- 1) along the arc of the said curve to the left, having a radius of 1005.14 feet, through a central angle of $07^{\circ}22'27''$, a chord distance of 129.27 feet (chord bears $N45^{\circ}46'10''E$), an arc distance of 129.36 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates) found for the point of tangency;
- 2) $N42^{\circ}04'57''E$, a distance of 1219.31 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates), found for an angle point of the tract described herein;
- 3) $N48^{\circ}22'26''E$, a distance of 175.65 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates), found for an angle point of the tract described herein; and,
- 4) $N54^{\circ}20'06''E$, a distance of 165.78 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates), found next to a steel post fence corner for the most northerly corner of the tract described herein, and the northeast corner of a chain link fence around a municipal golf course;

THENCE, leaving the southerly line of Municipal Drive, continuing along the northerly line of the said City of Lubbock Tract 2, 445.938 acres, and along the chain link fence around the said municipal golf course, the following two (2) courses and distances:

- 1) $S20^{\circ}40'22''E$, a distance of 784.96 feet to a one inch iron rod next to a steel post fence corner found for an interior ell corner of the tract described herein; and,
- 2) $N88^{\circ}03'01''E$, a distance of 123.02 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates), found for an interior ell corner of the tract described herein;

THENCE, leaving the fence line around the said golf course, continuing along the northerly line of the said City of Lubbock Tract 2, 445.938 acres, the following two (2) courses and distances:

- 1) $N29^{\circ}11'58''E$, a distance of 554.35 feet to a $\frac{1}{2}$ inch iron rod with a surveyors cap (Hugo Reed Associates), found near the center of an alley in Block 8 of Meadowbrook Villa, a subdivision of record in Volume 207, Page 159 of the above referenced Deed Records of Lubbock County, Texas, for an exterior ell corner of the tract described herein; and,

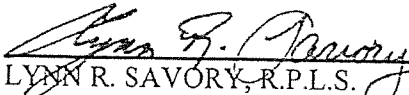
FN-016
159.96 ACRES
PAGE FIVE

2) S81°30'17"E, a distance of 437.35 feet to the POINT OF BEGINNING, containing 159.96 Acres of land area, more or less, within these metes and bounds. The basis of bearing being post-processed Static GPS observations; i.e. Geodetic, or True-North. A drawing has been prepared in connection with these fieldnotes, it is identified as AMD Engineering drawing No. 10054 MACKENZIE PARK MSD BNDRY.DWG.

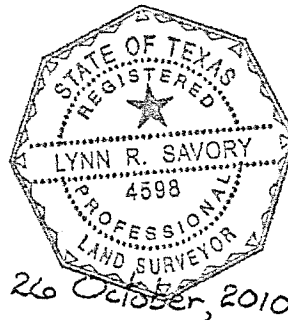
STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS §
COUNTY OF LUBBOCK §

THAT I, LYNN R. SAVORY, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

WITNESS MY HAND AND SEAL AT LUBBOCK, LUBBOCK COUNTY, TEXAS THIS 26th DAY OF OCTOBER, 2010



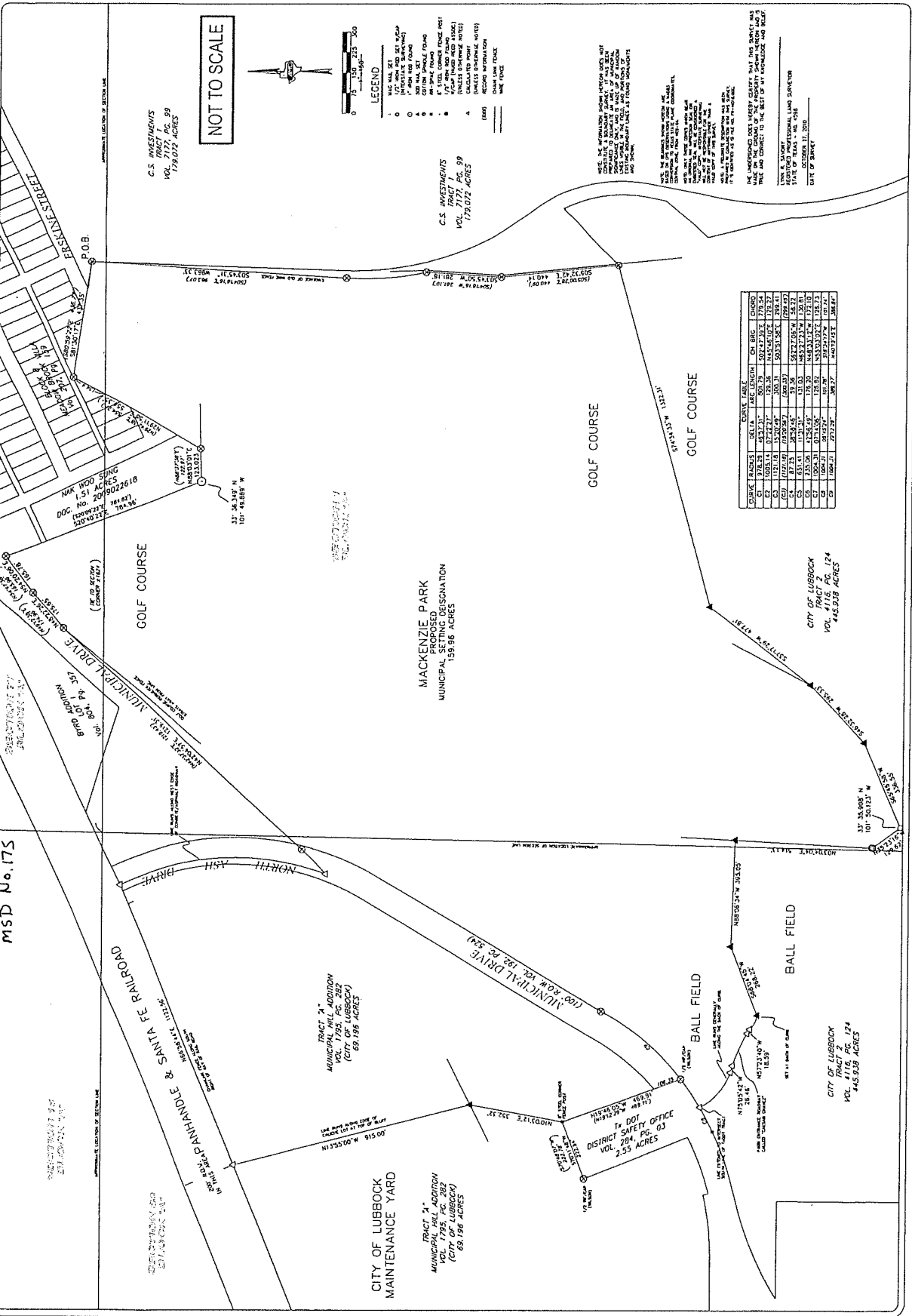
LYNN R. SAVORY, R.P.L.S.
STATE OF TEXAS NO. 4598
AMD ENGINEERING, LLC
2807 74th Street, Suite 8
Lubbock, TX 79423



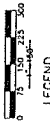
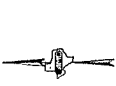
PLAT OF SURVEY FOR A MUNICIPAL SETTING DESIGNATOR TRACT LOCATED IN SECTION 17, 29 & 30, BLOCK 1, CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS

ENPROTEC/HIBBS & TODD, INC. & CITY OF LUBBOCK

Scale: 1" = 400' Date: 10/27/2010
 Drawn By: JCL
 Approved By: LRS
 Project No.: 10004



NOT TO SCALE



- LEGEND**
- 0 1/4" = 1/4" ACRES
 - 1 1/2" = 1/2" ACRES
 - 2 1/2" = 1 ACRES
 - 3 1/2" = 1 1/2 ACRES
 - 4 1/2" = 2 ACRES
 - 5 1/2" = 2 1/2 ACRES
 - 6 1/2" = 3 ACRES
 - 7 1/2" = 3 1/2 ACRES
 - 8 1/2" = 4 ACRES
 - 9 1/2" = 4 1/2 ACRES
 - 10 1/2" = 5 ACRES
 - 11 1/2" = 5 1/2 ACRES
 - 12 1/2" = 6 ACRES
 - 13 1/2" = 6 1/2 ACRES
 - 14 1/2" = 7 ACRES
 - 15 1/2" = 7 1/2 ACRES
 - 16 1/2" = 8 ACRES
 - 17 1/2" = 8 1/2 ACRES
 - 18 1/2" = 9 ACRES
 - 19 1/2" = 9 1/2 ACRES
 - 20 1/2" = 10 ACRES
 - 21 1/2" = 10 1/2 ACRES
 - 22 1/2" = 11 ACRES
 - 23 1/2" = 11 1/2 ACRES
 - 24 1/2" = 12 ACRES
 - 25 1/2" = 12 1/2 ACRES
 - 26 1/2" = 13 ACRES
 - 27 1/2" = 13 1/2 ACRES
 - 28 1/2" = 14 ACRES
 - 29 1/2" = 14 1/2 ACRES
 - 30 1/2" = 15 ACRES
 - 31 1/2" = 15 1/2 ACRES
 - 32 1/2" = 16 ACRES
 - 33 1/2" = 16 1/2 ACRES
 - 34 1/2" = 17 ACRES
 - 35 1/2" = 17 1/2 ACRES
 - 36 1/2" = 18 ACRES
 - 37 1/2" = 18 1/2 ACRES
 - 38 1/2" = 19 ACRES
 - 39 1/2" = 19 1/2 ACRES
 - 40 1/2" = 20 ACRES
 - 41 1/2" = 20 1/2 ACRES
 - 42 1/2" = 21 ACRES
 - 43 1/2" = 21 1/2 ACRES
 - 44 1/2" = 22 ACRES
 - 45 1/2" = 22 1/2 ACRES
 - 46 1/2" = 23 ACRES
 - 47 1/2" = 23 1/2 ACRES
 - 48 1/2" = 24 ACRES
 - 49 1/2" = 24 1/2 ACRES
 - 50 1/2" = 25 ACRES
 - 51 1/2" = 25 1/2 ACRES
 - 52 1/2" = 26 ACRES
 - 53 1/2" = 26 1/2 ACRES
 - 54 1/2" = 27 ACRES
 - 55 1/2" = 27 1/2 ACRES
 - 56 1/2" = 28 ACRES
 - 57 1/2" = 28 1/2 ACRES
 - 58 1/2" = 29 ACRES
 - 59 1/2" = 29 1/2 ACRES
 - 60 1/2" = 30 ACRES
 - 61 1/2" = 30 1/2 ACRES
 - 62 1/2" = 31 ACRES
 - 63 1/2" = 31 1/2 ACRES
 - 64 1/2" = 32 ACRES
 - 65 1/2" = 32 1/2 ACRES
 - 66 1/2" = 33 ACRES
 - 67 1/2" = 33 1/2 ACRES
 - 68 1/2" = 34 ACRES
 - 69 1/2" = 34 1/2 ACRES
 - 70 1/2" = 35 ACRES
 - 71 1/2" = 35 1/2 ACRES
 - 72 1/2" = 36 ACRES
 - 73 1/2" = 36 1/2 ACRES
 - 74 1/2" = 37 ACRES
 - 75 1/2" = 37 1/2 ACRES
 - 76 1/2" = 38 ACRES
 - 77 1/2" = 38 1/2 ACRES
 - 78 1/2" = 39 ACRES
 - 79 1/2" = 39 1/2 ACRES
 - 80 1/2" = 40 ACRES
 - 81 1/2" = 40 1/2 ACRES
 - 82 1/2" = 41 ACRES
 - 83 1/2" = 41 1/2 ACRES
 - 84 1/2" = 42 ACRES
 - 85 1/2" = 42 1/2 ACRES
 - 86 1/2" = 43 ACRES
 - 87 1/2" = 43 1/2 ACRES
 - 88 1/2" = 44 ACRES
 - 89 1/2" = 44 1/2 ACRES
 - 90 1/2" = 45 ACRES
 - 91 1/2" = 45 1/2 ACRES
 - 92 1/2" = 46 ACRES
 - 93 1/2" = 46 1/2 ACRES
 - 94 1/2" = 47 ACRES
 - 95 1/2" = 47 1/2 ACRES
 - 96 1/2" = 48 ACRES
 - 97 1/2" = 48 1/2 ACRES
 - 98 1/2" = 49 ACRES
 - 99 1/2" = 49 1/2 ACRES
 - 100 1/2" = 50 ACRES

CORD TABLE	CORD TABLE	CORD TABLE	CORD TABLE
CORD	TABLE	CORD	TABLE
1	0.000000	0.000000	0.000000
2	0.000000	0.000000	0.000000
3	0.000000	0.000000	0.000000
4	0.000000	0.000000	0.000000
5	0.000000	0.000000	0.000000
6	0.000000	0.000000	0.000000
7	0.000000	0.000000	0.000000
8	0.000000	0.000000	0.000000
9	0.000000	0.000000	0.000000
10	0.000000	0.000000	0.000000
11	0.000000	0.000000	0.000000
12	0.000000	0.000000	0.000000
13	0.000000	0.000000	0.000000
14	0.000000	0.000000	0.000000
15	0.000000	0.000000	0.000000
16	0.000000	0.000000	0.000000
17	0.000000	0.000000	0.000000
18	0.000000	0.000000	0.000000
19	0.000000	0.000000	0.000000
20	0.000000	0.000000	0.000000
21	0.000000	0.000000	0.000000
22	0.000000	0.000000	0.000000
23	0.000000	0.000000	0.000000
24	0.000000	0.000000	0.000000
25	0.000000	0.000000	0.000000
26	0.000000	0.000000	0.000000
27	0.000000	0.000000	0.000000
28	0.000000	0.000000	0.000000
29	0.000000	0.000000	0.000000
30	0.000000	0.000000	0.000000
31	0.000000	0.000000	0.000000
32	0.000000	0.000000	0.000000
33	0.000000	0.000000	0.000000
34	0.000000	0.000000	0.000000
35	0.000000	0.000000	0.000000
36	0.000000	0.000000	0.000000
37	0.000000	0.000000	0.000000
38	0.000000	0.000000	0.000000
39	0.000000	0.000000	0.000000
40	0.000000	0.000000	0.000000
41	0.000000	0.000000	0.000000
42	0.000000	0.000000	0.000000
43	0.000000	0.000000	0.000000
44	0.000000	0.000000	0.000000
45	0.000000	0.000000	0.000000
46	0.000000	0.000000	0.000000
47	0.000000	0.000000	0.000000
48	0.000000	0.000000	0.000000
49	0.000000	0.000000	0.000000
50	0.000000	0.000000	0.000000
51	0.000000	0.000000	0.000000
52	0.000000	0.000000	0.000000
53	0.000000	0.000000	0.000000
54	0.000000	0.000000	0.000000
55	0.000000	0.000000	0.000000
56	0.000000	0.000000	0.000000
57	0.000000	0.000000	0.000000
58	0.000000	0.000000	0.000000
59	0.000000	0.000000	0.000000
60	0.000000	0.000000	0.000000
61	0.000000	0.000000	0.000000
62	0.000000	0.000000	0.000000
63	0.000000	0.000000	0.000000
64	0.000000	0.000000	0.000000
65	0.000000	0.000000	0.000000
66	0.000000	0.000000	0.000000
67	0.000000	0.000000	0.000000
68	0.000000	0.000000	0.000000
69	0.000000	0.000000	0.000000
70	0.000000	0.000000	0.000000
71	0.000000	0.000000	0.000000
72	0.000000	0.000000	0.000000
73	0.000000	0.000000	0.000000
74	0.000000	0.000000	0.000000
75	0.000000	0.000000	0.000000
76	0.000000	0.000000	0.000000
77	0.000000	0.000000	0.000000
78	0.000000	0.000000	0.000000
79	0.000000	0.000000	0.000000
80	0.000000	0.000000	0.000000
81	0.000000	0.000000	0.000000
82	0.000000	0.000000	0.000000
83	0.000000	0.000000	0.000000
84	0.000000	0.000000	0.000000
85	0.000000	0.000000	0.000000
86	0.000000	0.000000	0.000000
87	0.000000	0.000000	0.000000
88	0.000000	0.000000	0.000000
89	0.000000	0.000000	0.000000
90	0.000000	0.000000	0.000000
91	0.000000	0.000000	0.000000
92	0.000000	0.000000	0.000000
93	0.000000	0.000000	0.000000
94	0.000000	0.000000	0.000000
95	0.000000	0.000000	0.000000
96	0.000000	0.000000	0.000000
97	0.000000	0.000000	0.000000
98	0.000000	0.000000	0.000000
99	0.000000	0.000000	0.000000
100	0.000000	0.000000	0.000000

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF ENPROTEC/HIBBS & TODD, INC. AND IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE INSTRUMENT REFERRED TO IN THE TITLE OF THIS SURVEY. ANY REPRODUCTION OR TRANSMISSION OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF ENPROTEC/HIBBS & TODD, INC. IS STRICTLY PROHIBITED.

DATE OF SURVEY: OCTOBER 12, 2010

100' = 1" SCALE

Exhibit "B"

MSD No. 175

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 ³	<input 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 checked="" type="radio"/> Yes, when? April/1996/	<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 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):

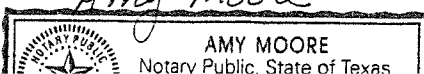
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed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

Aubrey A. Spear
Applicant Signature

7-29-11
Date

Before me AMY MOORE the undersigned authority, on this day personally appeared
AUBREY SPEAR Name of Notary
AUBREY SPEAR Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of LUBBOCK, State of Tx, on the 29th day of JULY, this month of JULY, 2011.

Amy Moore

 AMY MOORE
 Notary Public, State of Texas