

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

*May 16, 2019*

Mr. Robert Gunby  
FD Fairfield Investments, LLC  
8235 Douglas Avenue, Suite 350  
Dallas, Texas 75225

Re: FD Fairfield Property Site, located at 402 to 418 East Commerce Street, Fairfield, Freestone County, Texas; Municipal Setting Designation (MSD) No. 390; Customer No. CN605169382; Regulated Entity No. RN109245274

Dear Mr. Gunby:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on August 6, 2018 and additional information supporting this MSD application on May 1, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD 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 cursive script, appearing to read "Anthony McGlown".

*for* Anthony McGlown, P.G., Project Manager  
VCP-CA Section  
Remediation Division

ABM/mdh

Enclosure: MSD Certificate

cc: Mr. David Mann, Waste Section Manager, TCEQ Waco Regional Office, R-9  
Mr. Michael Whitehead, Whitehead E.S., LLC (PDF via e-mail)

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 390, in the City of Fairfield, 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 16<sup>th</sup> day of May, 2019

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

**PLAT OF SURVEY  
SHOWING PART OF THE  
R. GAINER SURVEY, A-12  
FREESTONE COUNTY, TEXAS**  
SCALE: 1" = 50 FEET

**METES AND BOUNDS DESCRIPTION**

Being 1.569 acres of land situated in the R. Gainer Survey, Abstract No. 12, Freestone County, Texas, being all of that certain called 1.568 acre tract, as described in a deed from GDT CGU, LLC, to River of Life Family Worship Center, Inc., dated March 19, 2007, and recorded in Volume 1397, Page 101, of the Deed Records of Freestone County, Texas, said 1.569 acre tract to be more particularly described by metes and bounds as follows:

**BEGINNING** at a "T" bar (found) for corner in the south right-of-way of Main Street, being the northeast corner of said 1.568 acre tract, the northwest corner of a called 0.303 acre tract, conveyed to James Le Tran, as recorded in Volume 1647, Page 740, from which a 1/2" iron rod found for reference bears North 82°36'22" West a distance of 7.74 feet;

**THENCE** South 02° 18' 55" West, for a distance of 148.01 feet, with the east line of said 1.568 acre tract, the west line of said 0.303 acre tract, to a "T" bar (found) in the north right-of-way of Farm to Market No. 488, at the southeast corner of said 1.568 acre tract;

**THENCE** South 68° 11' 25" West, for a distance of 79.60 feet, with the north right-of-way line of said Farm to Market No. 488, and the south line of said 1.568 acre tract, to a PK Nail (set), at an angle point in said line;

**THENCE** South 36° 11' 09" West, for a distance of 28.19 feet, continuing with said line to a PK Nail (set), at an angle point in said line;

**THENCE** South 68° 12' 22" West, for a distance of 219.37 feet, continuing with said line to a "T" bar (found) at the intersection of the north right-of-way of said Farm to Market No. 488, the north right-of-way of U.S. Highway No. 84, and the east line of Cotton Street, being the southwest corner of said 1.568 acre tract, from which a 1/2" iron rod (found) for reference bears North 68°12'22" West a distance of 125.05 feet, and another bears North 62°10'00" West a distance of 43.12 feet;

**THENCE** North 02° 10' 08" West, for a distance of 328.13 feet, with the east line of said Cotton Street, the west line of said 1.568 acre tract, to a "T" bar (found) in the east line of said Cotton Street, the south line of said Main Street, being the northwest corner of said 1.568 acre tract, from which a PK Nail (found) for reference bears South 38°58'42" West a distance of 7.22 feet, and a 1/2" iron rod (found) for reference bears North 88°32'39" East a distance of 11.73 feet;

**THENCE** South 75° 53' 55" East, for a distance of 321.02 feet, with the south line of said Main Street, the north line of said 1.569 acre tract, to the place of beginning and containing 1.569 acres of land;

SEE METES AND BOUNDS DESCRIPTION PREPARED EVEN DATE.

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 1983, AS DERIVED FROM GPS OBSERVATIONS.

**CERTIFICATION**

TO TEXAS EXCHANGE BANK, SSB, A STATE SAVINGS BANK, ITS SUCCESSORS AND ASSIGNS:

I, ROBERT A. WEDGEWORTH, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THIS PLAT TO REFLECT AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER, 2015.

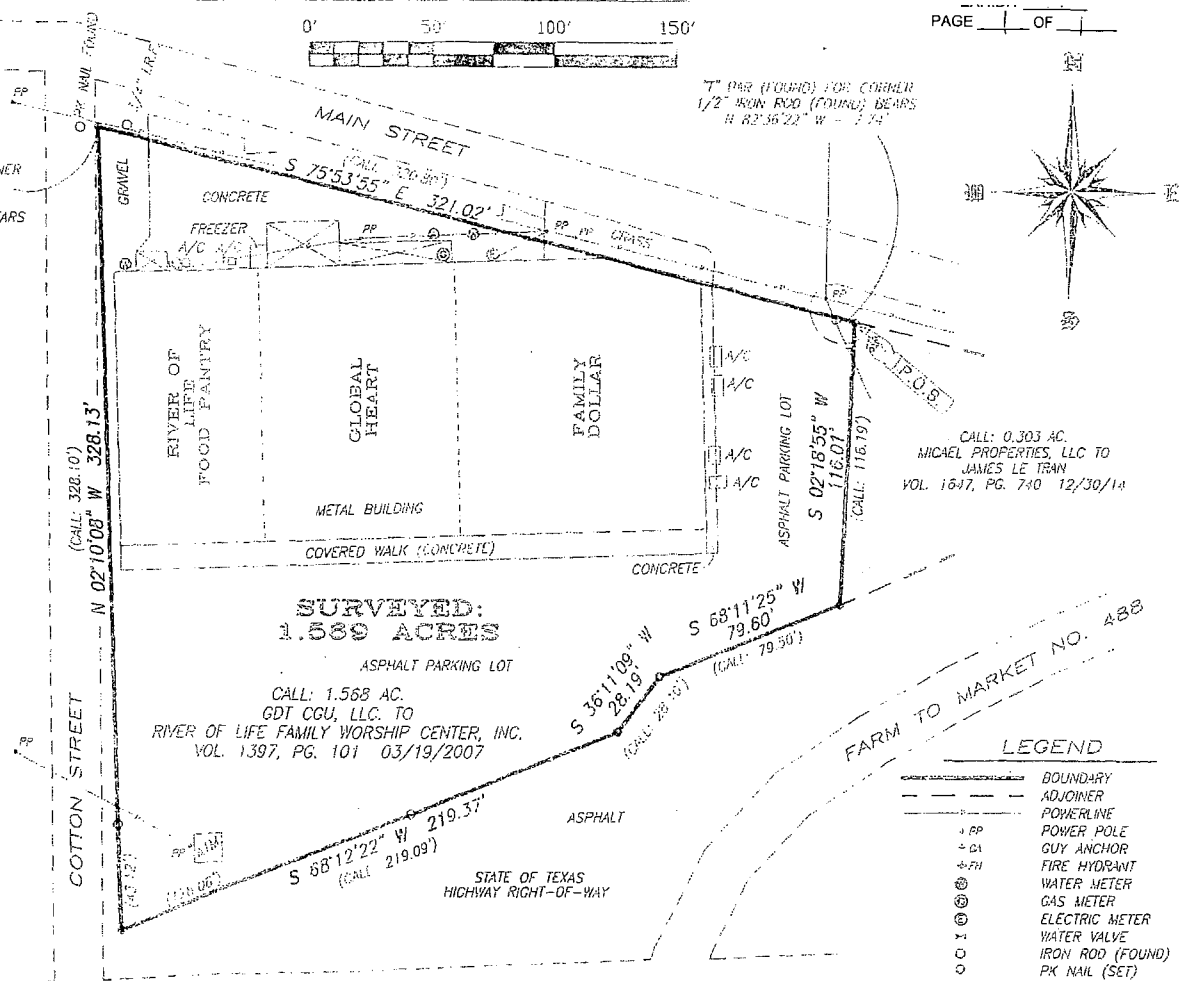
GIVEN UNDER MY HAND & SEAL, THIS THE 07TH DAY OF DECEMBER, 2015.

BY: Robert A. Wedgeworth  
ROBERT A. WEDGEWORTH  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF TEXAS NO. 5791

(REVISED: 01/08/2015)



PLAT VOID IF NOT SIGNED IN RED.

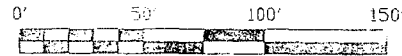


U.S. HIGHWAY 84

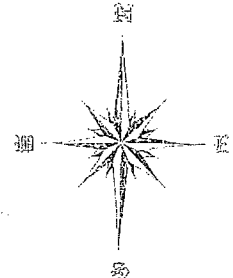
THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, TITLE OWNERSHIP, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

IN PROVIDING THIS BOUNDARY SURVEY NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OF DEVELOPMENT OF THIS PROPERTY.

RESEARCH OF EASEMENTS BY THIS SURVEYOR WAS LIMITED TO THE FOLLOWING, IN CONNECTION WITH C.F. # 150036-12



"T" BAR (FOUND) FOR CORNER  
1/2" IRON ROD (FOUND) BEARS  
N 82°36'22" W - 7.74'



CALL: 0.303 AC.  
MICHAEL PROPERTIES, LLC TO  
JAMES LE TRAN  
VOL. 1647, PG. 740 12/30/14

**LEGEND**

- BOUNDARY
- - - ADJACENT
- - - POWERLINE
- + PP POWER POLE
- + CA GUY ANCHOR
- + FH FIRE HYDRANT
- ⊙ WATER METER
- ⊙ GAS METER
- ⊙ ELECTRIC METER
- ⊙ WATER VALVE
- ⊙ IRON ROD (FOUND)
- ⊙ PK NAIL (SET)

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STANGER SURVEYING FAIRFIELD LLC  
FAIRFIELD, TEXAS

PREPARED BY:  
**STANGER**  
SURVEYING FAIRFIELD LLC  
T.B.P.L.S. FIRM No. 10025703  
211 East Commerce St.  
Fairfield, Texas 75840  
(903) 389-4403

SURVEY COMPLETED: 12/03/2015  
FB/PG: F161/23 JOB NO: 150141

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Mr. Robert T. Gunby, as an authorized representative of FD Fairfield Investments, LLC, 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.

Robert T. Gunby  
Signature

Date: 7/26/18

Robert T. Gunby  
Printed Name

Manager  
Title

STATE OF Texas

COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 26<sup>th</sup> day of July 2018, to which witness my hand and seal of office.

Monica Smith  
Notary Public in and for the State of Texas

