

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 8, 2012

Mr. Greg Rogers  
Counsel for the City of Abilene  
816 Congress Avenue, Suite 1500  
Austin, Texas 78701


RE: Municipal Setting Designation (MSD) Certificate for City of Abilene, Pine Street Corridor, Abilene, Texas; MSD No. 194

Dear Mr. Rogers:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-3737 or via e-mail ([joanna.manning@tceq.texas.gov](mailto:joanna.manning@tceq.texas.gov)).

Sincerely,

  
Joanna Manning, Project Manager  
VCP-CA Section  
Remediation Division

JAM/mdh

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



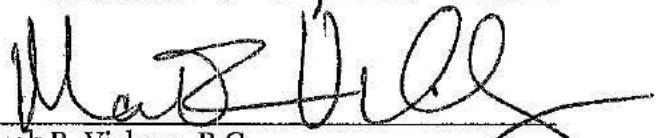
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 194, in the City of Abilene, 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 27<sup>th</sup> day of April, 20 12

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

**LEGAL DESCRIPTION  
MUNICIPAL SETTING DESIGNATION  
CITY OF ABILENE, TAYLOR COUNTY, TEXAS**

BEING approximately 1,108 acres of land containing all of Blocks 1 through 44, Blocks 49 through 73, Blocks 80 and 81, Blocks 85 through 92, Blocks 103 through 110, Blocks 126 through 133, Block 146, 147, 148, 177, 178, 179, 199, 200, 201, 202 and 203, and portions of Blocks 82, 83, 84, 94, 95, 96, 97 and 125, of the ORIGINAL TOWN OF ABILENE, an unrecorded plat in the City of Abilene, Taylor County, Texas, and portions of Blocks 1, 2, 3, 4, 9, and 11, and all of Blocks 5, 6, 7, 8, 12 and 18 of CENTRAL PARK ADDITION, to the City of Abilene, Taylor County, Texas, according to the plat recorded in Volume 1, Page 95 of the Deed Records of Taylor County, Texas, and all or portions of Blocks 1 through 15 of COLLEGE HEIGHTS ADDITION, to the City of Abilene, Taylor County, Texas, according to the plat recorded in Volume 2, Page 140 of the Deed Records of Taylor County, Texas, and all of Blocks 3, 4, 5, 6, 9, 10, 11, 12 and portions of Blocks 7 and 8 of NORTH PARK ADDITION, to the City of Abilene, Taylor County, Texas, according to the plat recorded in Volume 2, Page 137 of the Deed Records of Taylor County, Texas, and all of Lot 1, Block A, HEDRICK HEALTH SYSTEM, an addition to the City of Abilene, Taylor County, Texas, according to the plat recorded in Cabinet 3, Slide 491 of the Plat Records of Taylor County, Texas, and all of Lot 101, a plat of 0.528 acres out of the JAMES WARFIELD SURVEY, ABSTRACT NO. 86 and 0.458 acres of Lot 1, Block 15, CENTRAL PARK ADDITION, to the City of Abilene, Taylor County, Texas, according to the plat recoded in Cabinet 1, Slide 67 of the Plat Records of Taylor County, Texas, and all of Lot 1, Block "A", continuation of CENTRAL PARK ADDITION, to the City of Abilene, Taylor County, Texas, according to the plat recorded in Cabinet 1, Slide 295 of the Plat Records of Taylor County, Texas, and all of TEXAS FORKS TRAILS SUBDIVISION, an addition to the City of Abilene, Taylor County, Texas, according to the plat recorded in Cabinet 3, Slide 571 of the Plat Records of Taylor County, Texas, and all of the tract of land conveyed to Texas Presbyterian Foundation by the Gift Deed in County Clerk's Document No. 18937 of the Deed Records of Taylor County, Texas, a portion of Block B, PARRAMORE & MERCHANT'S SUBDIVISION, an addition to the City of Abilene, Taylor County, Texas, according to the plat recorded in Volume 2, Page 143 of the Deed Records of Taylor County, Texas, Lots 1 through 14, COMPERE PLACE, an addition to the City of Abilene, Taylor County, Texas, according to the plat recorded in Volume 2, Page 270 of the Deed Records of Taylor County, Texas, and all of the tracts of land lying along the South right-of-way line of North First Street, conveyed to the City of Abilene by the deeds recorded in Volume 2129, Page 619, Volume 2375, Page 982, and Volume 2460, Page 237 of the Deed Records of Taylor County, Texas, and a portion of the Union Pacific Railroad (formerly Texas & Pacific Railroad) tracts reserved for railroad purposes.

Said 1,108 acres of land also being located in the Southeast  $\frac{1}{4}$  of Block 35, Blind Asylum, JOHN KING SURVEY, ABSTRACT NO. 772, and the Northeast  $\frac{1}{4}$  of Block 36, Blind Asylum, J. A. MATTHEWS SURVEY, ABSTRACT NO. 796, the South  $\frac{1}{4}$  of Block 36, Blind Asylum, HUMPHREY HOOD SURVEY, ABSTRACT NO. 730, the North  $\frac{1}{4}$  of Block 49, Blind Asylum, R. T. SEAY SURVEY, ABSTRACT NO. 855, the North  $\frac{1}{2}$  of Block 35, Blind Asylum, B. F. IRBY SURVEY, ABSTRACT NO. 760, the Southwest  $\frac{1}{4}$  of Block 35, Blind Asylum, M. F. MERCHANT SURVEY, ABSTRACT NO. 793, the Northwest  $\frac{1}{4}$  of Block 36, Blind Asylum, M. C. BERRY SURVEY, ABSTRACT NO. 627, the HERMAN WARD SURVEY, ABSTRACT NO. 426, the J. F. NORTHINGTON SURVEY, ABSTRACT NO. 818, the HERMAN WARD SURVEY, ABSTRACT NO. 427, Fraction 86, Block 14, T & P RR. CO., JAMES WARFIELD SURVEY, ABSTRACT NO. 605, and the T & P RR. CO. SURVEY 85, BLOCK 14, ABSTRACT NO. 386, Abilene, Taylor County, Texas.

Said 1,108 acres of land also contains a portion of the right-of-way area for Business Interstate Highway No. 20, and portions of the rights-of-way of South 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Street, portions of right-of-way of North Treadaway Boulevard (U.S. Highway No. 83), South Treadaway Boulevard (U.S. Highway No. 83), Wilson Street, Compere Boulevard, and portions of right-of-way of North 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup> and 26<sup>th</sup> Streets, State Street, Grape Street, Ambler Avenue (State Highway No. 35), Sandefur Street, University Boulevard, Vogel Avenue, Lowden Street, Simmons Avenue, Hickory Street, Cedar Street, Pine Street (Old U.S. Highway No. 83), Hardy Street, Willow, Cherry, Plum, Mesquite, Walnut, Cypress, Ash, Orange, Beech, Mulberry, Locust, Pecan, Oak, Chestnut, Sycamore, Elm, Butternut, Poplar, Stafford and West Washington Streets, and Northland Court, lying within the following described metes and bounds description of land. Said 1,108 acres being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the South right-of-way line of South 7<sup>th</sup> Street, and the East right-of-way line of South Treadway Boulevard (U.S. Highway No. 83) also being the Northwest corner of Block 164 of the aforesaid ORIGINAL TOWN OF ABILENE;

THENCE WESTERLY approximately 3,313 feet, along the South right-of-way line of said South 7<sup>th</sup> Street, and along a line South of and parallel to the South boundary lines of Blocks 125 through 133 of the ORIGINAL TOWN OF ABILENE, to a point;

THENCE NORTHERLY approximately 1,523 feet, along the East right-of-way line of the alley severing Blocks 82, 83, 84 and 125, of the ORIGINAL TOWN OF ABILENE, to a point at the Northwest corner of Lot 1, of said Block 82, lying in the South right-of-way line of South 3<sup>rd</sup> Street;

THENCE WESTERLY approximately 221 feet, along the South right-of-way line of said South 3<sup>rd</sup> Street, to a point at the Northeast corner of Block 121, ORIGINAL TOWN OF ABILENE, lying in the West right-of-way line of Poplar Street;

THENCE NORTHERLY approximately 765 feet, along the West right-of-way line of said Poplar Street, to a point at the Northeast corner of Block 119 of said ORIGINAL TOWN OF ABILENE, lying in the South right-of-way line of South 1<sup>st</sup> Street (Business Interstate Highway No. 20);

THENCE EASTERLY approximately 380 feet, along the South right-of-way line of South 1<sup>st</sup> Street (Business Interstate Highway No. 20), to a point at the Northeast corner of Block 80, ORIGINAL TOWN OF ABILENE;

THENCE NORTHEASTERLY approximately 437 feet, crossing the aforesaid Union Pacific Railroad right-of-way and the right-of-way areas of South 1<sup>st</sup> Street and North 1<sup>st</sup> Street, to a point at the Southeast corner of Block 48, of said Original Town of Abilene, lying in the West right-of-way line of Hickory Street;

THENCE NORTHERLY approximately 7,348 feet, along the West right-of-way line of said Hickory Street, to a point at the Northeast corner of Lot 1, Block 16, COLLEGE HEIGHTS ADDITION, to the City of Abilene, Taylor County, Texas, according to the deed recorded in Volume 2, Page 140 of the Deed Records of Taylor County, Texas, lying in the South right-of-way line of North 18<sup>th</sup> Street;

THENCE WESTERLY approximately 1,479 feet, along the South right-of-way line of said North 18<sup>th</sup> Street, to a point at the Northeast corner of Lot 1, Block 34, of aforesaid COLLEGE HEIGHTS ADDITION, lying in the West right-of-way line of Grape Street;

THENCE NORTHERLY approximately 4,382 feet, along the West right-of-way line of said Grape Street, to a point in the East boundary line of Lot 3, Block 2, DELLIS & PAXTON'S SUBDIVISION, an addition to the City of Abilene, Taylor County, Texas, according to the deed recorded in Volume 2, Page 142 of the Deed Records of Taylor County, Texas, lying in the North right-of-way line of Lowden Street;

THENCE EASTERLY approximately 2,613 feet, along the North right-of-way line of said Lowden Street, to a point at the Southwest corner of Block 19, NORTH PARK ADDITION, to the City of Abilene, Taylor County, Texas, according to the deed recorded in Volume 2, Page 137 of the Deed Records of Taylor County, Texas, lying in the East right-of-way line of North Treadaway Boulevard (U.S. Highway No. 83);

THENCE SOUTHERLY approximately 11,781 feet, along the East right-of-way line of said North Treadaway Boulevard (U.S. Highway No. 83), to a point in the West boundary line of Block 98 of said ORIGINAL TOWN OF ABILENE;

THENCE SOUTHEASTERLY 374 feet, continuing along the East right-of-way line of said Treadaway Boulevard (U.S. Highway No. 83), to a point;

THENCE SOUTHERLY approximately 2,665 feet, continuing along the East right-of-way line of said Treadaway Boulevard (U.S. Highway No. 83), and crossing the aforesaid rights-of-way of the Union Pacific Railroad, and Business Interstate Highway No. 20, to a point at the Northwest corner of Block 134 of the ORIGINAL TOWN OF ABILENE;

THENCE SOUTHERLY approximately 380 feet, along the East right-of-way line of said Treadaway Boulevard (U.S. Highway No. 83), to the POINT OF BEGINNING containing approximately 1,108 acres of land.


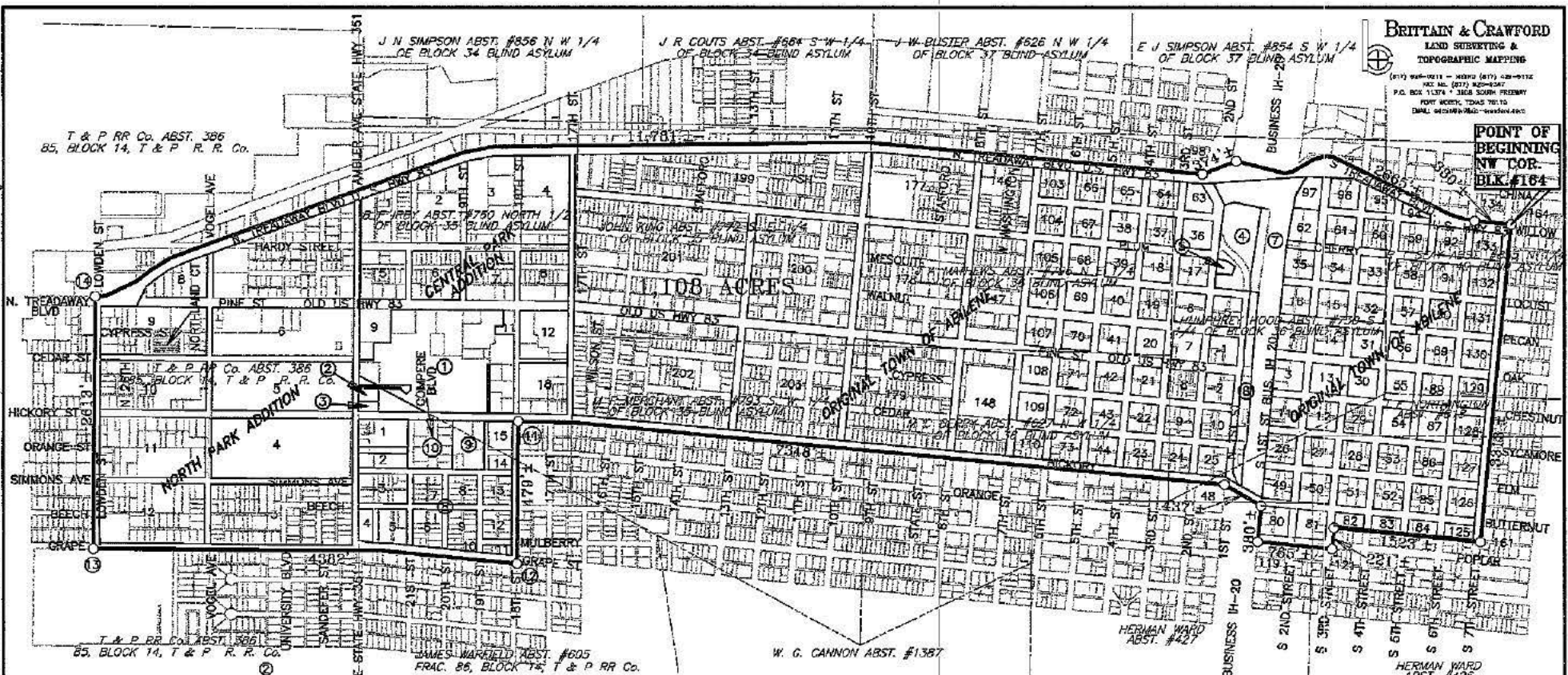
  
James L. Brittan  
September 13, 2011

Exhibit "A" MSD No. 194

**BRITAIN & CRAWFORD**  
 LAND SURVEYING &  
 TOPOGRAPHIC MAPPING  
 (817) 696-0211 • (817) 622-0912  
 FAX: (817) 622-0247  
 P.O. BOX 13374 • 79103 SOUTH PERRY  
 FORT WORTH, TEXAS 76110  
 EMAIL: BRITAIN@BC-MAPPING.COM



POINT OF BEGINNING NW COR. BLK. #164

T & P R.R. Co. ABST. 386  
 85, BLOCK 14, T & P R. R. Co.

J N SIMPSON ABST. #856 N W 1/4  
 OF BLOCK 34 BLIND ASYLUM

J R COURTS ABST. #684 S W 1/4  
 OF BLOCK 34 BLIND ASYLUM

J W BLISTER ABST. #626 N W 1/4  
 OF BLOCK 37 BLIND ASYLUM

E J SIMPSON ABST. #854 S W 1/4  
 OF BLOCK 37 BLIND ASYLUM

T & P R.R. Co. ABST. 386  
 85, BLOCK 14, T & P R. R. Co.

JAMES WARFIELD ABST. #605  
 FRAC. 86, BLOCK 75, T & P R.R. Co.

W. G. CANNON ABST. #1387

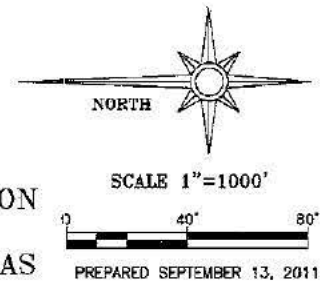
HERMAN WARD  
 ABST. #427

HERMAN WARD  
 ABST. #426

- LIST OF PROPERTIES INCLUDED WITHIN THIS EXHIBIT:**
- ① LOT 1, BLOCK "A" HENDRICK HEALTH SYSTEM CABINET 3, SLIDE 491 P.R.T.C.T.
  - ② LOT 101, A PLAT OF .528 ACRES OUT OF JAMES WARFIELD SURVEY No. 86 AND 0.458 ACRES OF LOT 1, BLOCK 15 CENTRAL PARK ADDITION CABINET 1, SLIDE 87 P.R.T.C.T.
  - ③ LOT 1, BLOCK "A" CONTINUATION OF CENTRAL PARK ADDITION CABINET 1, SLIDE 295 P.R.T.C.T.
  - ④ TEXAS PORTS TRAIL SUBDIVISION CABINET 3, SLIDE 571 P.R.T.C.T.
  - ⑤ TEXAS PRESBYTERIAN FOUNDATION GIFT DEED DOCUMENT #18937 D.R.T.C.T.
  - ⑥ CITY OF ABILENE VOLUME 2129, PAGE 619, VOLUME 2475, PAGE 982 & VOLUME 2460, PAGE 237 D.R.T.C.T.
  - ⑦ UNION PACIFIC RAILROAD RESERVED FOR RAILROAD PURPOSES AND BUSINESS HIGHWAY INTERSTATE 20 RIGHT OF WAY
  - ⑧ COLLEGE HEIGHTS ADDITION VOLUME 2, PAGE 140 D.R.T.C.T.
  - ⑨ BLOCK "B" PARRAMORE & MERCHANT'S SUBDIVISION VOLUME 2, PAGE 143 D.R.T.C.T.
  - ⑩ LOTS 1-14, COMPERE PLACE VOLUME 2, PAGE 270 D.R.T.C.T.
  - ⑪ LOT 1, BLOCK 18 COLLEGE HEIGHTS ADDITION VOLUME 2, PAGE 140 D.R.T.C.T.
  - ⑫ LOT 1, BLOCK 34 COLLEGE HEIGHTS ADDITION VOLUME 2, PAGE 140 D.R.T.C.T.
  - ⑬ LOT 3, BLOCK 2 DELLIS & PAXTON'S SUBDIVISION VOLUME 2, PAGE 142 D.R.T.C.T.
  - ⑭ BLOCK 19, NORTH PARK ADDITION VOLUME 2, PAGE 137 D.R.T.C.T.

⑭ BLOCK 19, NORTH PARK  
 ADDITION  
 VOLUME 2, PAGE 137  
 D.R.T.C.T.

**EXHIBIT MAP OF  
 1,108 ACRES  
 BEING A MUNICIPAL SETTING DESIGNATION  
 FOR THE  
 CITY OF ABILENE, TAYLOR COUNTY, TEXAS**



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Larry Gilley, as an authorized representative of City Manager, 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.

Larry S. Gilley  
Signature

Date: 1/23/12

Larry Gilley  
Printed Name

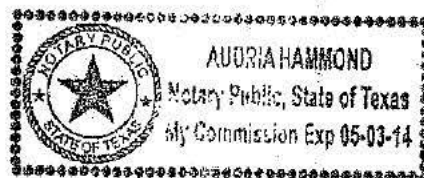
City Manager  
Title

City Manager  
Title

City Manager  
Title

STATE OF TEXAS

COUNTY OF TAYLOR



SUBSCRIBED AND SWORN before me on this the 23rd day of January 2012, to which witness my hand and seal of office.

Audria Hammond  
Notary Public in and for the State of Texas