

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2024

Mr. Roger Bower
Bower Investments Inc.
1733 Fletcher Way
Santa Ynez, CA 93460

Re: Municipal Setting Designation (MSD) Certificate for Bower Investments, Incorporated, Former Chemguard Facility Site, located at 1101 West Broad Street and 204 South 6th Street, Mansfield, Tarrant County, TX; MSD No. 495; Voluntary Cleanup Program (VCP) No. 2431; Customer No. CN606086049; Regulated Entity No. RN111615506

Dear Mr. Bower:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on November 8, 2022, and additional information supporting this MSD application on December 7, 2022, May 25, 2023, August 25, 2023, and January 23, 2024. 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) 239-3156 or via email at james.formby@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "Jim Formby".

Jim Formby, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 495

cc: Mr. Jeffrey R. Henke, P.G., Weston Solutions, Inc. (via email)
Mr. Eric Knoedler, P.G., Weston Solutions, Inc. (via email)
Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



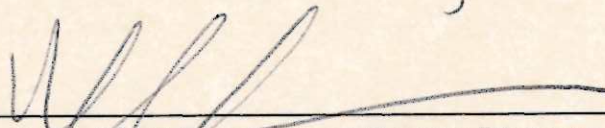
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Merrie Smith, P.G., Assistant Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 495, in the City of Mansfield, 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 1st day of February, 2024



Merrie Smith, P.G., Assistant Deputy Director
Remediation Division
Texas Commission on Environmental Quality

LEGAL DESCRIPTION

BEING 129.808 acres of land located in the T.J. HANKS SURVEY, Abstract No. 644, Tarrant County, Texas, and the T.J. HANKS SURVEY, Abstract No. 1109, Johnson County, Texas, and containing all of the tract of land conveyed to Bower Investments, Inc, by the deed recorded in County Clerk's File No. D220086383, of the Official Public Records of Tarrant County, Texas, and all of Lot 1, Block 1, CMS Plat of Mansfield Industrial Park, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 388-161, Page 1, of the Deed Records of Tarrant County, Texas, also being a portion of the tract of land conveyed to Mary Ann Brown Johnston, by the deed recorded in Volume 8099, Page 2110, of the Deed Records of Tarrant County, Texas, and a portion of the tract of land conveyed to Mary Ann Brown Johnston, by the deed recorded in Volume 3894, Page 787, of the Official Public Records of Johnson County, Texas, and being described in the deed to R. S. Brown, recorded in Volume 1445, Page 190, of the Deed Records of Tarrant County, Texas. Said 129.808 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at the South corner of the aforesaid tract of land to Mary Ann Brown Johnston, which lies Northwesterly 1,556.09 feet, from a ½" iron rod marked "BEASLEY" found at the original South corner of R. S. Brown Tract, which lies in the Southeast boundary line of said T.J. Hanks Survey, and said POINT OF BEGINNING also having Texas State Grid Coordinates N: 6,884,432.1740 and E: 2,382,546.1750;

THENCE along the Southwest boundary line of said Johnston (Brown) Tract, as follows:

1. N 29° 51' 05" W 702.01 feet, along the Northeast boundary line of the tract of land conveyed to the City of Mansfield, by the deed recorded in Document No. 2019-10606, of the Official Public Records of Johnson County, Texas, to a ½" iron rod found at the North corner of said City of Mansfield Tract;
2. N 30° 34' 20" W 1199.40 feet, along the Northeast boundary line of the tract of land conveyed to Mansfield Independent School District, by the deed recorded in Volume 4206, Page 915, of the Deed Records of Johnson County, Texas, to a point at the East corner of Silver Oaks Addition, Phase 2, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Document No. D221101516, of the Official Public Records of Tarrant County, Texas;
3. N 29° 29' 20" W 1224.94 feet, along the Northeast boundary line of said Silver Oaks Addition, Phase 2, to a ½" iron rod found at the North corner of said Silver Oaks Addition, Phase 2, lying in the Southeast boundary line of Lot 1R, Block 1, Pioneer Place Addition, to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Instrument No. 218057484, of the Official Public Records of Tarrant County, Texas;
4. N 59° 18' 24" E 6.91 feet, along the Southeast boundary line of said Lot 1R, to a point at the East corner of said Lot 1R;
5. N 29° 55' 08" W 821.68 feet, along the Northeast boundary line of said Lot 1R, to a ½" iron rod found at the North corner of said Lot 1R, lying in the South right-of-way line of W. Broad Street;

THENCE along the South right-of-way line of W. Broad Street, as follows:

1. N 58° 41' 55" E 62.10 feet, to a ½" iron rod marked "BEASLEY" found at the beginning of a curve to the left;
2. NORTHEASTERLY 387.27 feet, along said curve to the left, having a radius of 1245.00 feet, a central angle of 17° 49' 20", and a chord bearing N 49° 47' 44" E 385.71 feet, to a ½" iron rod marked "BEASLEY" found at the end of said curve;
3. N 40° 53' 08" E 289.69 feet, to a point at the beginning of a curve to the right;
4. NORTHEASTERLY 519.32 feet, along said curve to the right, having a radius of 1055.00 feet, a central angle of 28° 12' 12", and a chord bearing N 54° 59' 11" E 514.09 feet, to a ½" iron rod marked "Brittain & Crawford" found at the end of said curve;
5. N 69° 14' 33" E 149.61 feet, to a point at the Northwest corner of Lot 1, Block 1, The Caring Place, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Document No. D207127375, of the Official Public Records of Tarrant County, Texas;

THENCE S 30° 06' 19" E 407.80 feet, along the Southwest boundary line of said Lot 1, Block 1, The Caring Place Addition, to a 5/8" iron rod found at the South corner of said Lot 1, also being the West corner of the aforesaid Tract of land conveyed to Bower Investments, Inc.;

THENCE N 59° 48' 13" E 553.47 feet, along the Northwest boundary line of said Bower Investments, Inc. Tract, to a 5/8" iron rod found at the North corner of said Bower Investments, Inc. Tract, lying in the Southwest right-of-way line of 6th Avenue;

THENCE S 30° 07' 34" E 846.17 feet, along the Southwest right-of-way line of said 6th Avenue and the Northeast boundary line of said Bower Investments, Inc. Tract and the Northeast boundary line of said Lot 1, Block 1, CMS Plat of Mansfield Industrial Park, to a point at the East corner of said Lot 1;

THENCE S 59° 51' 32" W 552.85 feet, along the Southeast boundary line of said Lot 1, Block 1, and the Northwest boundary line of Lot 2, Block 1, Mansfield Industrial Park, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Volume 388-198, Page 98, of the Official Public Records of Tarrant County, Texas, to a 5/8" iron rod found at the South corner of said Lot 1, Block 1, and the West corner of said Lot 2, Block 1;

THENCE along the Northeast boundary line of said Johnston (Brown) Tract, as follows:

1. S 30° 10' 05" E 196.91 feet, along the Southwest boundary line of said Lot 2, Block 1, Mansfield Industrial Park, to a 5/8" iron rod found at the South corner of said Lot 2, Block 1, Mansfield Industrial Park, and the West corner of Lot 3-R, Block 1, Mansfield Industrial Park, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Document No. 200164953, of the Official Public Records of Tarrant County, Texas;
2. S 30° 11' 05" E 1867.33 feet, along the Southwest boundary line of said Lot 3-R, Block 1, and the Southwest boundary line of Lot 1R, Block 1, S. J. Louis Construction Company of Texas Addition, to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 6766, of the Plat Records of Tarrant County, Texas, to a point at the South corner of said Lot 1R;

THENCE S 59° 15' 17" W 590.27 feet, along the Northwest boundary line of Lot 2, Block 1, Broseh Industrial Park, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Instrument No. D211207785, of the Official Public Records of Tarrant County, Texas, to a 1/2" iron rod marked "GRANT" found at the West corner of said Lot 2;

THENCE S 29° 51' 06" E 803.59 feet, along the Southwest boundary line of said Lot 2, and also the Southwest boundary line of Lot 1, Block 1, Broseh Industrial Park, an addition to the City of Mansfield, Johnson County, Texas, according to the plat recorded in Volume 9, Page 902, of the Plat Records of Johnson County, Texas, to a 1/2" iron rod marked "BEASLEY" found at the South corner of said Lot 1;

THENCE S 59° 40' 23" W 801.59 feet, along the Northwest boundary line of the tract of land conveyed to Mansfield Independent School District, by the deed recorded in Instrument No. D212272633, of the Official Public Records of Johnson County, Texas, to the POINT OF BEGINNING containing 129.808 acres of land.

SURVEYED ON THE GROUND
NOVEMBER 4, 2021

James L. Brittain
JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS NO. 1674

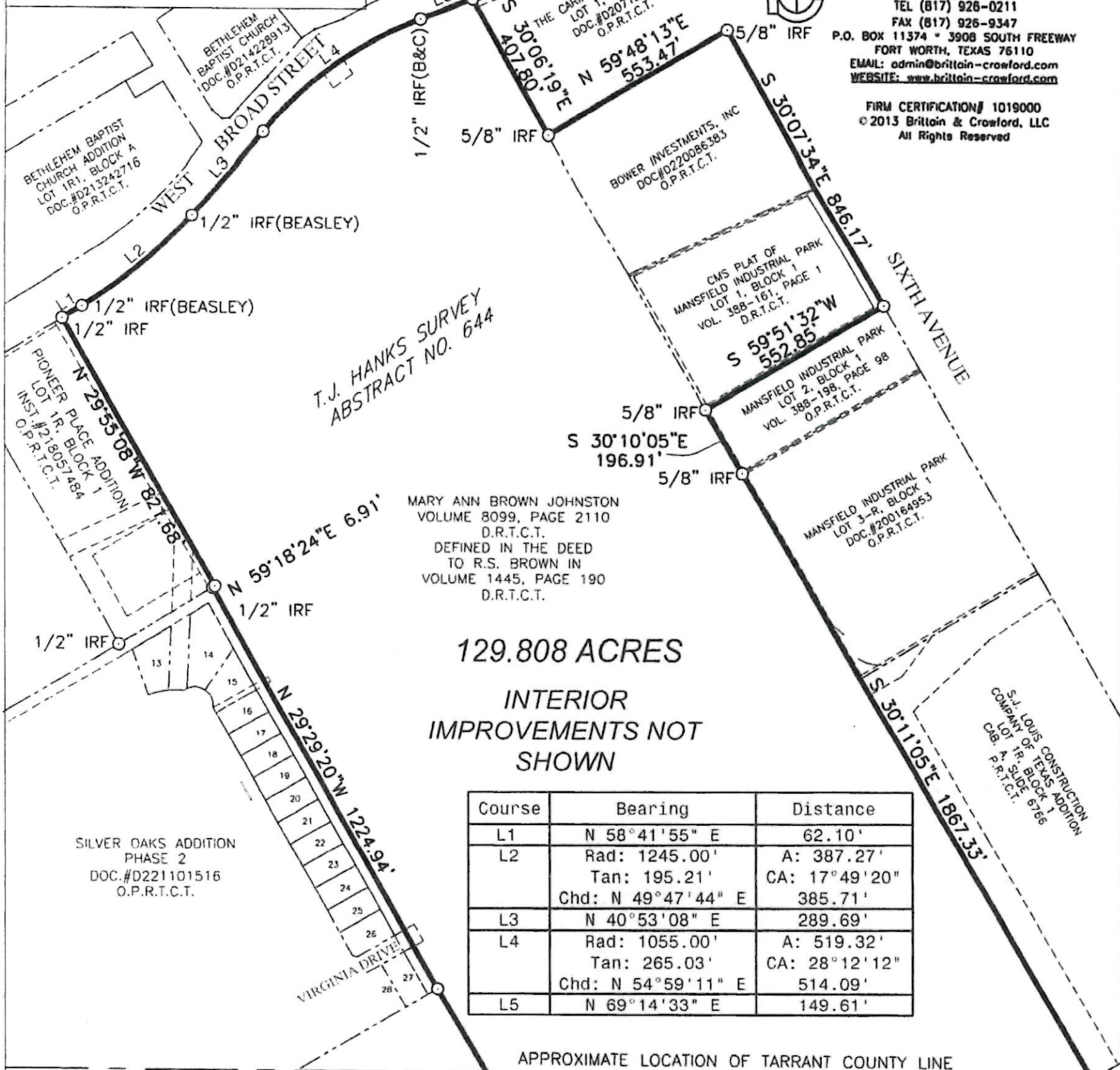


BEARING BASE:
THE BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, REALIZATION OF 2011, NO SCALE AND NO PROJECTION

BRITTAIN & CRAWFORD
LAND SURVEYING & TOPOGRAPHIC MAPPING

TEL (817) 926-0211
FAX (817) 926-9347
P.O. BOX 11374 * 3908 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com
WEBSITE: www.brittain-crawford.com

FIRM CERTIFICATION# 1019000
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129.808 ACRES
INTERIOR IMPROVEMENTS NOT SHOWN

Course	Bearing	Distance
L1	N 58°41'55" E	62.10'
L2	Rad: 1245.00' Tan: 195.21' Chd: N 49°47'44" E	A: 387.27' CA: 17°49'20" 385.71'
L3	N 40°53'08" E	289.69'
L4	Rad: 1055.00' Tan: 265.03' Chd: N 54°59'11" E	A: 519.32' CA: 28°12'12" 514.09'
L5	N 69°14'33" E	149.61'



SURVEYED ON THE GROUND
NOVEMBER 04, 2021

James L. Brittain
JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS NO. 1674

BOUNDARY SURVEY MAP
OF
129.808 ACRES OF LAND
LOCATED IN THE
T.J. HANKS SURVEY,
ABSTRACT No.644
TARRANT COUNTY AND
ABSTRACT No.1109
JOHNSON COUNTY
MANSFIELD, TARRANT COUNTY, TEXAS

POINT OF BEGINNING
N.6884432.1740
E.2382546.1750
GRID COORDINATE

ORIGINAL SOUTH CORNER
OF THE TRACT CONVEYED TO
R.S. BROWN IN
VOLUME 1445, PAGE 190
D.R.T.C.T.
ALSO LYING IN THE
SOUTH LINE OF THE
TJ HANKS SURVEY

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Roger K. Bower, as an authorized representative of Bower Investments, 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.

Roger K. Bower
Signature

Date: January 4, 2024

Roger K. Bower
Printed Name

Owner
Title

STATE OF _____
COUNTY OF _____

See attached

SUBSCRIBED AND SWORN before me on this the _____ day of _____ 20____, to which witness my hand and seal of office.

Notary Public in and for the State of _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

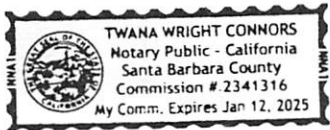
State of California
 County of Santa Barbara

Subscribed and sworn to (or affirmed) before me
 on this 4th day of January, 2024,
 by _____
Date Month Year

(1) Roger K. Bower

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.



Signature Twana Wright Connors
Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of Eligibility, msb No. 495 Document Date: January 4, 2024

Number of Pages: 1 Signer(s) Other Than Named Above: _____