

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 3, 2021

Mr. Mark Jurica  
Treatment and Compliance Manager  
City of Bryan  
P.O. Box 1000  
Bryan, Texas 77805

Re: Municipal Setting Designation (MSD) Certificate for City of Bryan, City of Bryan MSD,  
1284.6 acres in Bryan per legal description, Bryan, Brazos County, Texas; MSD No. 446;  
Customer No. CN600373310; Regulated Entity No. RN111109716

Dear Mr. Jurica:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on September 15, 2020 and additional information supporting this MSD application on March 16, 2021. 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) 239-2445 or via e-mail (Otu.Ekpo-Otu@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G., Project Manager  
VCP-CA Section  
Remediation Division

OE/jdm

Enclosure: MSD Certificate

cc: Mr. David Mann, Waste Section Manager, TCEQ Region 9 Office, Waco

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, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 446, in the City of Bryan, 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 30<sup>th</sup> day of April, 2021

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Beth Seaton, Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality

S. Austin Survey, A-62  
S. Austin Survey, A-63  
J. Austin Survey, A-2  
Z. Phillips Survey, A-45  
City of Bryan  
Brazos County, Texas  
1284.6 Acres, more or less

Fieldnotes to that certain 1284.6 acre, more or less, situated in the S. Austin Survey, A-62, the S. Austin Survey, A-63, the J. Austin Survey, A-2, and the Z. Phillips Survey, A-45, Brazos County, Texas, being a Municipal Setting Designation Area and described as follows, to wit:

Beginning at the intersection of the eastern right of way of Sims Avenue with the southeastern right of way of San Jacinto Ln (SH 21);

THENCE with the southeastern right of way of San Jacinto Ln (SH 21), N52°08'52"E 855.40 feet to a point in the intersection of said southeastern right of way with the northwestern projection of the western right of way of Texas Avenue (Business 6);

THENCE in a southeastern direction along the western right of way of Texas Avenue, as follows:

SOUTH 37°50'18" EAST 620.35 feet to a point for bend,

SOUTH 23°27'38" EAST 516.63 feet to a point for bend,

SOUTH 17°30'52" EAST 1237.04 feet to a point for the beginning of a curve to the right, (the radius point of which bears S79°48'38"W 1630.51 feet),

Along the arc of said curve (CA=19°11'16", LC=S00°35'44"E 543.49 feet) at 546.04 feet a point for the end of same, and

SOUTH 05°02'39" WEST 448.36 feet to a point in the intersection of said western right of way with the southern right of way of 19<sup>th</sup> Street (Martin Luther King Drive);

THENCE along the southern right of way of 19<sup>th</sup> Street, SOUTH 84°57'21" EAST 355.33 feet, to the intersection of said southern right of way with the western right of way of Houston Street;

THENCE along the western right of way of Houston Street, as follows:

SOUTH 04°52'28" WEST 3343.93 feet to a point for bend, and

SOUTH 11°54'39"W 460.82 feet to a point in the intersection of said western right of way with the southwestern right of way of 30<sup>th</sup> Street;

THENCE in a southeastern direction along the southwestern right of way of 30<sup>th</sup> Street, S48°35'43"E 438.66 feet, to a point in the intersection of said southwestern right of way with the northwestern right of way of Baker Street;

THENCE in a southwestern direction along the northwestern right of way of Baker Street, S42°09'37"W 899.72 feet, to a point in the intersection of said northwestern right of way with the eastern right of way of Texas Avenue;



THENCE along the eastern right of way of Texas Avenue, SOUTH 05°07'23" WEST 64.15 feet, to the intersection of said eastern right of way with the southwestern right of way of 32<sup>nd</sup> Street;

THENCE in a southeastern direction along the southwestern right of way of 32<sup>nd</sup> Street, SOUTH 48°20'02" EAST 445.83 feet, to a point in the intersection of said southwestern right of way with the northwestern right of way of Hutchins Street;

THENCE in a southwestern direction along the northwestern right of way of Hutchins Street, SOUTH 42°58'07" WEST 471.26 feet to the intersection of said northwestern right of way with the southwestern right of way of 33<sup>rd</sup> Street;

THENCE in a southeastern direction with the southwestern right of way of 33<sup>rd</sup> Street, SOUTH 47°35'23" EAST 290.42 feet, to the intersection of said southwestern right of way with the western right of way of Winter Street;

THENCE in a southern direction along the western right of way of Winter Street, SOUTH 04°53'01" WEST 1166.10 feet, to the intersection of said western right of way with southwestern right of way of Burnett Street;

THENCE in a southeastern direction along the southwestern right of way of Burnett Street, SOUTH 48°33'42" EAST 906.30 feet, to the intersection of same with the northwestern right of way of Coulter Street;

THENCE in a southwestern direction along the northwestern right of way of Coulter Street, SOUTH 40°57'04" WEST 96.06 feet, to a point in the intersection with the northwestern projection of an existing alley within Block 1 of Cavitt's Woodland Heights No. 2, of record in Volume Page 539;

THENCE along the centerline of said alley and through said Block1, SOUTH 45°00'33" EAST 833.30 feet, to a point in the intersection of said centerline with the southeastern right of way of Bethel Street (shown as East Lane on said plat);

THENCE in a northeastern direction along the southeastern right of way of Bethel Street (East Lane) NORTH 46°40'02" EAST 122.06 feet, to a point in the intersection of same with the northern projection of the southwestern right of way of Oak View (shown on the aforesaid plat as Edgewood Street);

THENCE in a southeastern direction along the southwestern right of way of Oak View Street SOUTH 43°20'01" EAST 1017.86 feet, to a bend in said right of way. Same being the a common corner of Lot 3 and 5 in Block 3 of said Cavitt's Woodland Heights No. 2 and a common corner between Lot G and Lot 5 in Block 3 of Booney's Resubdivision of a portion of Block 3 of Cavitt's Woodland Heights, of record in Volume 134, Page 507;

THENCE in a southeastern direction with the common line of Lot K and Lot 5 of said Booney's Resubdivision, SOUTH 29°13'39" EAST 276.05 feet, to a point for the common southern corner of said lots. Same being an apparent common corner between Arc Dgbyntx 002, LLC (CAD R#349609) and David W. Sparks (CAD R#49854);

THENCE in a southeastern direction with the apparent common line of said R#349609 and R#49854, picking up the northeastern line of the O'Reilly Auto Enterprises Tract (CAD R#49853), SOUTH 42°41'06" EAST 430.85 feet, to a point in the northwestern right of way of Wayside Drive;

THENCE in a southeastern direction across Wayside Drive, SOUTH 21°03'57" EAST 60.90 feet, to a point in the southern right of way of Wayside Drive and the apparent common northern corner of the Yeagua Water, Inc. tract (CAD R#49840) and the Puzzler Properties, LLC tract (CAD R#49842);

THENCE in a southeastern direction with the apparent common line of said R#49840 and R#49842, crossing an existing alley and picking up the apparent common line of the Margaret Rael, et al tract (CAD# R 49851) and Marion Oldham tract (CAD# R49850), SOUTH 43°04'01" EAST 507.65 feet, crossing



Avondale Avenue, to a point in the southeastern right of way of Avondale Avenue. Same being a point in the northwestern line of Townshire, Replat No. 1, of record in Volume 10725, Page 291;

THENCE in a northeastern direction along the southeastern right of way of Avondale Avenue and the northwestern line of said Townshire, Replat No. 1, NORTH 48°54'04" EAST 413.29 feet, to the northern corner of said Townshire, Replat No. 1 and the western corner of Culpepper Manor, First Installment, of record in Volume 169, Page 289;

THENCE in a southeastern direction with the common line of Townshire, Replat No. 1 and Culpepper Manor, SOUTH 41°05'56" EAST 850.24 feet, and SOUTH 11°33'35" WEST 290.01 feet, to a point in the northwestern right of way of Bywood Street;

THENCE generally in southern direction, crossing Bywood Street, with the common line of Culpepper Manor and the northeastern line of Townshire, of record in Volume 187, Page 585, as follows:

SOUTH 41°28'27" EAST 527.61 feet to a point for bend,

SOUTH 00°41'46" WEST 192.17 feet to a point for bend, and

SOUTH 43°16'54" EAST 446.22 feet, crossing Twin Boulevard, to the common southern corner of Townshire and Culpepper Manor. Same being an "ell" corner in the Piri Enterprises, Inc. tract (CAD# R50992);

THENCE in a northeastern direction with the apparent common line of Culpepper Manor and R# 50992, NORTH 54°14'07" EAST 634.62 feet, to a point for the apparent common eastern corner of Culpepper Manor and R#50992 and an "ell" corner of Culpepper Manor, Second Installment, of record in Volume 188, Page 413;

THENCE in a southeastern direction with the eastern line of said Piri Enterprises, Inc. tract and the western and Culpepper Manor, Second Installment, SOUTH 49°13'45" EAST 122.82 feet, to a point for the eastern corner of said Piri Enterprises, Inc. and the northern corner of CAD Parcel R#33495;

THENCE in a southwestern direction with the apparent common line of said Piri Enterprises, Inc. tract, R#33495, picking up the northwestern lines of CAD Parcels R# 33494, R# 33493, and R# 33492, SOUTH 46°38'28" WEST 425.50 feet, to a point for an "ell" corner of Piri Enterprises, Inc. and R# 33492;

THENCE in a southeastern direction with a common line of the Piri Enterprises, Inc. tract and R# 33492, SOUTH 48°38'18" EAST 132.82 feet, to a point in the northwestern right of way of Lawrence Street;

THENCE in a southwestern direction along the northwestern right of way of Lawrence Street, SOUTH 42°01'09" WEST 224.65 feet, to a point in the intersection of said northwestern right of way with the southwestern right of way of Todd Street;

THENCE in a southeastern direction along the southwestern right of way of Todd Street, SOUTH 47°17'08" EAST 948.97 feet, to a point in the southeastern projection of Todd Street with the northwestern right of way of Oak Street;

THENCE in a northeastern direction along the southeastern right of way of Todd Street, NORTH 42°41'57" EAST 408.36 feet, to a point at the intersection of said southeastern right of way with the southwestern line of the aforementioned Culpepper Manor, Second Installment;

THENCE in a southeastern direction along the southwestern line of said Culpepper Manor, Second Installment, SOUTH 34°36'26" EAST 401.26 feet, to the intersection of same with the northwestern right of way of Dellwood Street. Same being the southern corner of Lot 11 of Block 13 in said Culpepper Manor, Second Installment;

THENCE in a southwestern direction along the northwestern right of way of Dellwood Street, SOUTH 41°48'24" WEST 304.66 feet, to a point in the northwestern projection of the common lot line between Lot 1 and Lot 4 in the Texas-Villa Maria Retail Plat, of record in Volume 6901, Page 176;

THENCE generally in a southeastern direction through said Texas-Villa Maria Retail, as follows:

SOUTH 45°08'33" EAST 250.01 feet,

SOUTH 46°08'51" WEST 5.00 feet, and

SOUTH 45°08'33" EAST 149.80 feet to the northwestern right of way of Villa Maria Road;

THENCE in a southwestern direction along the northwestern right of way of Villa Maria Road with the following meanders:

SOUTH 44°52'50" WEST 769.05 feet to a point for bend,

SOUTH 32°08'36" WEST 172.70 feet to a point for bend,

SOUTH 23°02'19" WEST 362.96 feet to a point for bend,

SOUTH 56°20'43" WEST 796.11 feet to a point for bend,

SOUTH 49°39'36" WEST 211.42 feet to a point for bend,

SOUTH 60°33'25" WEST 1050.16 feet to a point for bend,

SOUTH 57°42'03" WEST 175.18 feet to a point for bend,

SOUTH 41°38'37" WEST 1452.46 feet to a point for bend, and

SOUTH 48°24'57" WEST 535.64 feet to a point in the intersection of said northwestern right of way with the northeastern right of way of Finfeather Road;

THENCE generally in a northern direction along the northeastern right of way of Finfeather Road with the following meanders:

NORTH 40°11'56" WEST 4235.31 feet to the beginning of a curve to the right, from which the radius point bears N56°32'52"E 3652.46 feet,

Along the arc of said curve (CA=16°31'40", LC=N25°11'18"W 1049.96 feet) at an arc length of 1053.61 feet the end of said curve,

NORTH 12°01'01" WEST 286.55 feet to the beginning of a curve to the right, from which the radius point bears N81°29'16"E 3423.64 feet,

Along the arc of said curve (CA=14°58'54", LC=N01°01'17"W 892.66 feet) at an arc length of 895.21 feet the end of said curve, and

NORTH 04°40'47" EAST 5997.22 feet to a point in the transitional right of way between Finfeather Road and Sims Street;

THENCE generally in a northeastern direction northeastern right of way of Sims Street with the following meanders:

NORTH 33°31'09" WEST 142.54 feet,



Exhibit A  
Page 5 of 6

NORTH 47°53'38" WEST 1145.24 feet to the beginning of a curve to the right, from which the radius point bears N43°52'58"E 223.32 feet,

Along the arc of said curve (CA=38°52'02", LC=N26°41'00"W 148.61 feet) at an arc length of 151.49 feet the end of said curve,

NORTH 04°45'43" EAST 4250.51 feet, and

NORTH 05°34'44" EAST 2429.03 feet to the Point of Beginning and containing 1284.6 acres, more or less, as shown on the accompanying sketch of even date herewith.

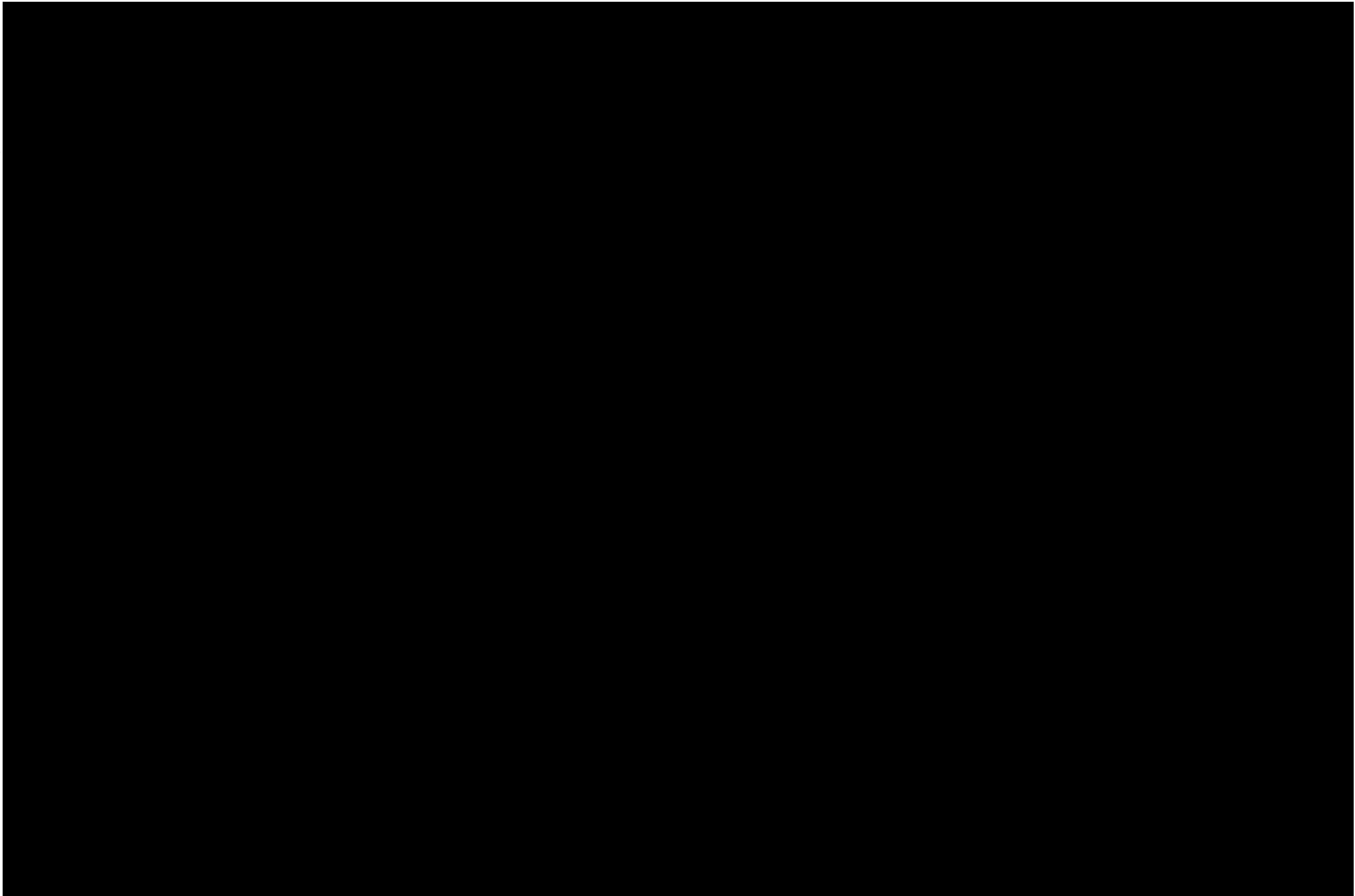
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

The bearings and distances stated herein are for informational purposes only and do not reflect actual field surveyed measurements. These values were derived from The Texas Natural Resources Information Systems (TNRIS) Strat Map Data Set which data set is projected to the Texas Central Zone NAD 83 Projection.

All ownership information cited herein is based on the published records of the Brazos County Central Appraisal District.

Kirk Raymond, R.P.L.S. 4957  
Raymond Survey & Mapping  
(a division of Goodwin-Lasiter, Inc.)  
Groesbeck, Texas  
July 22, 2016  
TBPLS Firm License No. 10110902







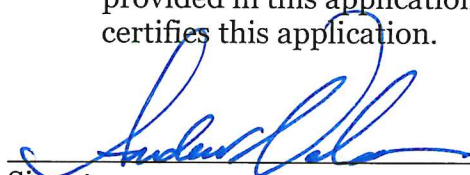
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Andrew Nelson, as an authorized representative of  
City of Bryan, 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.

  
\_\_\_\_\_  
Signature

Date: 9-2-2020

Andrew Nelson  
\_\_\_\_\_  
Printed Name

Mayor  
\_\_\_\_\_  
Title

STATE OF Texas  
COUNTY OF Brazos



SUBSCRIBED AND SWORN before me on this the 2nd day of  
September 2020, to which witness my hand and seal of office.

Cheleen McQuaide  
\_\_\_\_\_  
Notary Public in and for the State of Texas