

TEXAS TRANSPORTATION COMMISSION

OLDHAM County

MINUTE ORDER

Page 1 of 1

AMARILLO District

The Texas Transportation Commission (commission) finds it necessary to authorize the executive director to execute a deed notice restricting the use of a portion of the property at the Texas Department of Transportation (TxDOT) Vega Maintenance Office, 606 West Vega Boulevard (U.S. 66 East), Vega, Texas to commercial/industrial purposes only.

The proposed deed notice language, a list of the property owners notified, and Texas Commission on Environmental Quality concurrence, attached to this minute order as Exhibits A-C, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel.

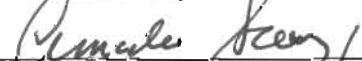
IT IS THEREFORE ORDERED by the commission that the executive director is authorized to execute a deed notice restricting the use of a portion of the property at TxDOT Vega Maintenance Office to commercial/industrial purposes only.

Submitted and reviewed by:



Director, Environmental Division

Recommended by:



Executive Director

**112200 MAR 25 10**

Minute  
Number

Date  
Passed

# Exhibit A

## Texas Risk Reduction Program Deed Notice

STATE OF TEXAS §

COUNTY OF OLDHAM §

This Notice is filed to provide information concerning certain environmental conditions and/or use limitations pursuant to the Texas Commission on Environmental Quality (TCEQ) Texas Risk Reduction Program Rule (TRRP) found at 30 Texas Administrative Code (TAC), Chapter 350, and affects the real property (Property) described as follows:

All of Lots 1 through 5 and all of Lots 16 through 20, Block 65, Town of Vega, Oldham County, Texas as conveyed to the State of Texas in deed recorded in Volume 43, Page 607, Deed Records of Oldham County; All of Lots 6 through 15, Block 65, Town of Vega, Oldham County, Texas as conveyed to the Texas State Highway Department in deed recorded in Volume 32, Page 141, Deed Records of Oldham County; All of Lots 10 through 13, Block 66 and part of Lots 5 through 9, Block 66, Town of Vega, Oldham County, Texas as conveyed to the State of Texas in deed recorded in Volume 57, Page 303, Deed Records of Oldham County; Sixth Street which lies between Blocks 65 and 66, Town of Vega, Oldham County, Texas as closed by City Ordinance No. 76, as shown in Exhibit "A", attached hereto and incorporated herein by reference.

Portions of the soils of the Property contain certain identified chemicals of concern causing those portions of the Property to be considered an Affected Property as that term is defined in the TRRP. The portion considered to be Affected Property is described as follows:

A portion of Block 65, Town of Vega, Oldham County, Texas as shown and described in Exhibit "B" attached hereto and incorporated herein by reference. Surface and subsurface soil at the Affected Property contains concentrations of the following chemicals of concern above the TRRP Tier 1 Residential Protective Concentration Levels: arsenic, barium, lead, selenium, and silver. The suspected source of these chemicals is a former Class V injection well.

This Notice is required for the following reasons:

The Affected Property currently meets TRRP standards for commercial/industrial use. Based on the reports submitted to the TCEQ, the chemicals of concern pose no significant present or future risk to humans or the environment based on commercial/industrial land use. No further remediation of the Affected Property is required by the TCEQ as long as the Affected Property is not to be used for residential purposes as the property may not be protective for residential use. If any person desires in the future to use the Affected Property for residential purposes, the TCEQ must be notified at least 60 days in advance of such use and additional response actions may be necessary before the property may be used for residential purposes. Persons contemplating a change in land use for the Affected Property are encouraged to review the definitions for commercial/industrial

# Exhibit A

and residential land use contained in TRRP as the definition of residential land use is broad.

As of the date of this Notice, the record owner of fee title to the Property is the Texas Department of Transportation, with an address of 606 Vega Boulevard, Vega, Oldham County, Texas.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle, Building E  
Austin, Texas 78753

Mail: TCEQ - MC 199  
P O Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.:  
Facility ID No. F0608, Enforcement ID No. 14019

This Notice may be rendered of no further force or effect only by a superseding deed notice executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Deed Notice is filed.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

[OWNER or RESPONDER]

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS

(\_\_\_\_\_) COUNTY

BEFORE ME, on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ personally appeared [name], [title], of the Texas Department of Transportation, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed.

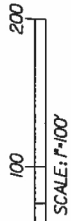
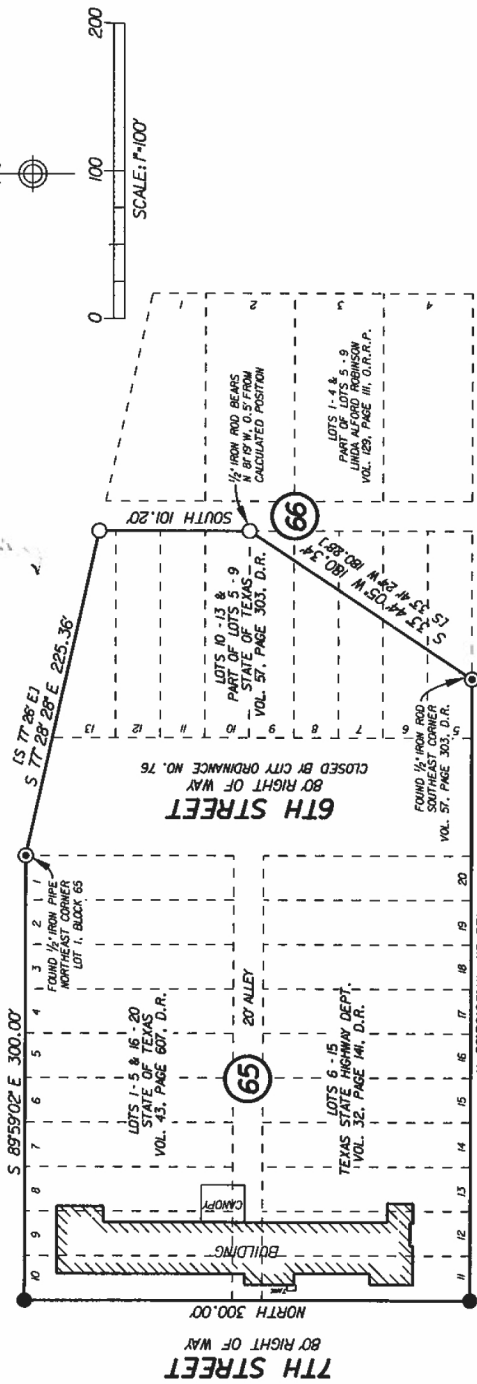
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public in and for the State of Texas,  
County of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

EXHIBIT "A"  
PAGE 1 OF 1

OLDHAM RANCHES, INC.  
VOL. 81, PAGE 558, D.R.



LEGEND

- FOUND MONUMENT AS NOTED
  - SET 5/8" IRON ROD WITH TXDOT PLASTIC CAP
  - CALCULATED POSITION
  - ℓ RECORD INFORMATION
- P.O.B. POINT OF BEGINNING  
D.R. DEED RECORDS OF OLDHAM COUNTY  
O.R.R.P. OFFICIAL RECORDS REAL PROPERTY OF OLDHAM COUNTY

- NOTES:
1. BASIS OF BEARINGS: THE WEST LINE OF BLOCK 65 WAS ASSUMED TO BE DUE NORTH.
  2. DATE OF FIELD SURVEY: OCT. 17, 2003.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



*R. Mike Robbins*  
R. MIKE ROBBINS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5139, STATE OF TEXAS

11-13-03

**VEGA MAINTENANCE FACILITY**  
OLDHAM COUNTY  
DETAIL: 57-71-3324  
TEXAS DEPARTMENT OF TRANSPORTATION  
P.O. BOX 2708  
AMARILLO, TX 79105  
PHONE: (806)356-3317

PAGE 1 OF 1  
SCALE: 1"=100'



# Exhibit A

## Exhibit "B"

Page 1 of 2

County: Oldham  
Vega Maintenance Facility  
Detail: 57-71-3324-020

### Description of Affected Area within Block 65

**BEING** a 2886 square foot portion of Block 65, Town of Vega, Oldham County, Texas, and being more particularly described as follows:

**BEGINNING** at a point on the west line of said Block 65, from which a 5/8" iron rod with a plastic cap stamped "TxDOT" set at the southwest corner of said Block 65, bears south 101.00 feet;

- (1) **THENCE** north along the west line of said Block 65, a distance of 54.00 feet, from which a 5/8" iron rod with a plastic cap stamped "TxDOT" set at the northwest corner of said Block 65, bears north 145.00 feet;
- (2) **THENCE** east, a distance of 20.00 feet;
- (3) **THENCE** south 62° 21' 14" east, a distance of 47.41 feet;
- (4) **THENCE** south, a distance of 32.00 feet;
- (5) **THENCE** west, a distance of 62.00 feet to the point of beginning.

#### NOTES:

1. Basis of bearings: the west line of Block 65 was assumed to be due north.
2. Parcel plat with same date accompanies this description.
3. Date of field survey: October 17, 2003.

*R. Mike Robbins*

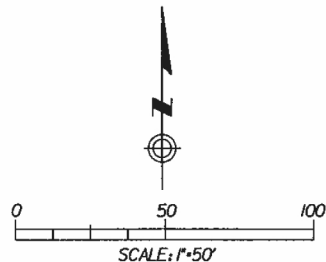
R. Mike Robbins  
Registered Professional Land Surveyor  
No. 5139 State of Texas

11-13-03  
Date



Texas Department of Transportation  
P.O. Box 2708  
Amarillo, Texas 79105  
Phone: (806) 356-3317

EXHIBIT "B"  
PAGE 2 OF 2

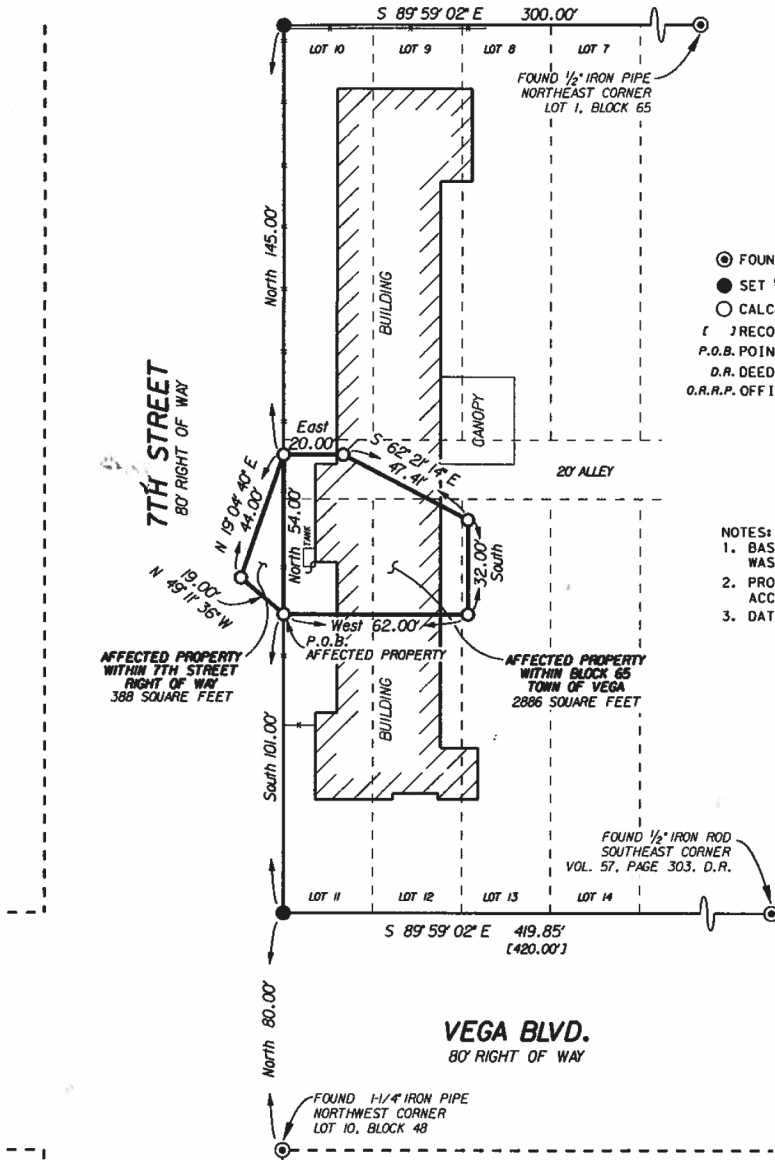


LEGEND

- ⊙ FOUND MONUMENT AS NOTED
- SET 5/8" IRON ROD WITH TxDOT PLASTIC CAP
- CALCULATED POSITION
- [ ] RECORD INFORMATION
- P.O.B. POINT OF BEGINNING
- D.R. DEED RECORDS OF OLDHAM COUNTY
- O.R.R.P. OFFICIAL RECORDS REAL PROPERTY OF OLDHAM COUNTY

NOTES:

1. BASIS OF BEARINGS: THE WEST LINE OF BLOCK 65 WAS ASSUMED TO BE DUE NORTH.
2. PROPERTY DESCRIPTION WITH SAME DATE ACCOMPANIES THIS PLAT.
3. DATE OF FIELD SURVEY: OCT. 17, 2003.



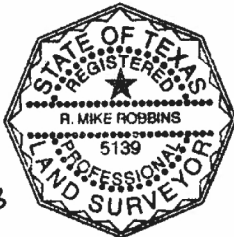
AFFECTED PROPERTY WITHIN 7TH STREET RIGHT OF WAY 388 SQUARE FEET

AFFECTED PROPERTY

AFFECTED PROPERTY WITHIN BLOCK 65 TOWN OF VEGA 2886 SQUARE FEET

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*R. Mike Robbins* 11-13-03  
R. MIKE ROBBINS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5139, STATE OF TEXAS



VEGA MAINTENANCE FACILITY  
AFFECTED PROPERTY  
OLDHAM COUNTY  
DETAIL: 57-71-3324  
TEXAS DEPARTMENT OF TRANSPORTATION  
P.O. BOX 2708  
AMARILLO, TX 79105  
PHONE: (806) 356-3317

EXHIBIT B

Vega Maintenance Proposed Deed Notice  
Adjacent Property Owners Mailed Required Notification

Mr. David Wheeler  
P.O. Box 762  
Vega, TX 79092-0762

Sushil and Tanvi Bhakta  
P.O. Box 628  
Vega, TX 79092-0628

Knox Properties  
P.O. Box 66  
Vega, TX 79092-0066

Steve and Arlene Hopper  
P.O. Box 191  
Vega, TX 79092-0191

Hereford Grain Corporation  
P.O. Box 910  
Hereford, TX 79045-0910

Oldham Ranches, Inc.  
P.O. Box 10251  
Amarillo, TX 79116-1251

City of Vega  
P.O. Box 470  
Vega, TX 79092-0470

Ms. Linda Robinson  
P.O. Box 221  
Vega, TX 79092-0221

EXHIBIT C

**From:** "Mark Arthur" <MARTHUR@tceq.state.tx.us>  
**To:** JRICCHAR@dot.state.tx.us  
**Date:** 1/27/10 10:41:08  
**Subject:** TxDOT Vega Maintenance Facility, TCEQ Facility ID No. F0608

Dear Jeff,

Re: TxDOT December 9, 2009 Letter - Revised Institutional Controls

The TCEQ accepts the revised deed notice and revised restrictive covenant for affected property associated with the TxDOT Vega Maintenance Facility. Please execute the remaining tasks to file the documents in the County of Oldham property records. Once your proof of filings are received, the TCEQ will transmit a final letter releasing TxDOT from post-response action care responsibilities for the affected areas. Please contact me if you have any questions regarding this matter.

Sincerely,

Mark Arthur, P.G., Project Manager  
Corrective Action Team 2, VCP-CA Section  
Remediation Division  
Texas Commission on Environmental Quality