

Mochtyak, Benjamin J

To: Miki Chilarescu; Smiley, Scott A; Gayatri Bitracanti
Cc: Gulay Aki; Mario Perez; charles.vaclavik@austintexas.gov
Subject: RE: Butler Landfill Zilker Park Staging Area - Notice of Deficiency (NOD) - Rocks Removal

See responses to comments in **RED** below.

Ben Mochtyak, EIT
Engineer II, Austin, TX

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From: Miki Chilarescu
Sent: Tuesday, May 8, 2018 1:27 PM
To: 'charles.vaclavik@austintexas.gov' <charles.vaclavik@austintexas.gov>; 'scott.smiley@atkinsglobal.com' <scott.smiley@atkinsglobal.com>
Cc: Gulay Aki; Mario Perez
Subject: Butler Landfill Zilker Park Staging Area - Notice of Deficiency (NOD) - Rocks Removal

Dear Mr. Vaclavik,

The MSW Permits Section has completed the review of the application for Authorization to Disturb Final Cover dated April 16, 2018 for the above-referenced facility. In order for us to proceed with the review, please address and submit a response to the following comments.

1. Please revise Drawing No.3 to clearly indicate the location and limits of the rocks removal project, related to the landfill. **Area of stone to be removed has been shaded on sheet 3.**
2. Please provide a copy of the deed recordation showing compliance with all requirements of 30 Texas Administrative Code (TAC) Chapter (§)330.962. **Deed recordation is attached with this package.**
3. All engineering drawings and plans shall be sealed and signed by a P.E. in accordance with 30 TAC §330.960(7). Please revise the application accordingly. **All sheets have been signed and sealed.**

Please submit an original, two unmarked copies, and one marked copy (for example, in redline/strikeout format) of the revisions within 15 days of the date of this email. Please provide an up-dated certification statement that includes the name, title, and signature of the responsible official, and an up-dated P.E. certification (pages 4 and 5 of Form TCEQ-20787) with the NOD response .

If you have any questions, please contact me at (512) 239-6175.

Sincerely,

Miki Chilarescu
Texas Commission on Environmental Quality
Municipal Solid Waste Permits Section
512-239-6175



ORIGINAL
FILED FOR RECORD

Deed Recordation Affidavit
Declaration of use
Municipal Solid Waste Facility

State of Texas:
County of Travis:

Tony Arnold

BEFORE ME, The undersigned authority, on this day personally appeared _____ who, being duly sworn by me, deposes and says:

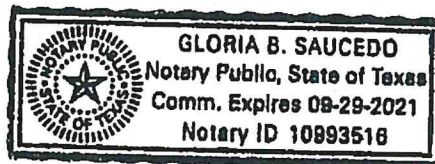
1. My name is Tony Arnold and as the owner's representative of Zilker Metropolitan Park, a 280.5 acre tract recorded in Book 482 page 129 of the Travis County Deed Records, the City of Austin (successor to the Public Free Schools of the City of Austin) records the following information. See attached deed and deed map.
2. A portion of the 280.5 acre tract as described on the following map, 27.6 acres, lies over a closed municipal solid waste landfill. See attached map.
3. The portion of the tract is locally known as the Butler Landfill within the City of Austin. Its prior use was a sand and gravel quarry prior to being filled with household waste.
4. The City acknowledges that restrictions on the development or lease of the land exist in Texas Health and Safety Code, Chapter 361, Subchapter R and this subchapter referenced below.

Texas Administrative Code (Last Updated: May 16, 2017)
TITLE 30. ENVIRONMENTAL QUALITY
PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 330. MUNICIPAL SOLID WASTE
SUBCHAPTER T. USE OF LAND OVER CLOSED MUNICIPAL SOLID WASTE LANDFILLS SECTION 330.962. Notice to Real Property Records

Tony Arnold Tony Arnold
LANDOWNER AFFIANT

SWORN AND SUBSCRIBED TO before me, on this 14 day of 2018

Gloria B. Saucedo
NOTARY PUBLIC



482

3

Field notes for 1931/280.5 (1932) 129
- 435 lac

THE STATE OF TEXAS :
COUNTY OF DALLAS : BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Rex Townsend, Vice President of the Cain Townsend Company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and as the act and deed of said Company and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 30th day of July A. D. 1932.

Willie Foley

(Notary Seal) Notary Public, Dallas County, Texas.
Filed for record Aug. 2, 1932 at 3 P. M. Recorded Aug. 3, 1932 at 11 A. M.

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THE STATE OF TEXAS :
COUNTY OF TRAVIS.) KNOW ALL MEN BY THESE PRESENTS:

THAT whereas, on December 29, 1931, A. J. Zilker, joined by his wife, Mrs. A. J. Zilker, conveyed by deed to the Board of Trustees of the Public Free Schools of the City of Austin, in accordance with the certain proposition theretofore made by said A. J. Zilker to said Board of Trustees, and upon the terms and conditions expressed in the deed, certain tracts of land situated in Travis County, Texas, said deed being recorded in Book 431, at pages 562-565, inclusive of the Deed Records of Travis County, Texas, to which deed and record thereof reference is here made for particulars; and,

WHEREAS, the tracts of land conveyed and intended to be conveyed by said deed are only generally described therein, and not by definite notes and bounds upon accurate survey thereof; and since said deed, a survey has been made of said tracts of land, and it is expedient to now describe said tracts of land according to said survey; Now, Therefore,

I, A. J. Zilker, joined ^{herein} by my wife, Mrs. A. J. Zilker, in consideration of the premises and for the purpose and upon the terms and conditions expressed in the deed first above mentioned, and in confirmation thereof, and for the purpose of more particularly described ^{the} tracts of land conveyed and intended to be conveyed by the deed first hereinabove mentioned, and confirming said deed in all particulars, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the Board of Trustees of the Public Free Schools of the City of Austin, Texas, all of those certain tracts of land and premises situated in the County of Travis and State of Texas, described as follows, to-wit:

FIRST TRACT: Beginning at a stake in the wet edge of the Colorado River/its South bank ^{on} said stake being in the north line of the 151 1/2 acre Walsh tract out of the William Barton Survey in Travis County, Texas, and in the south line, produced, of the Dobbs tract out of the Henry P. Hill League in Travis County, Texas, at a point N. 67 E. 109 feet from a concrete monument at the upper corner of the William Barton Survey and the most southeasterly corner of the Henry P. Hill League in Travis County, Texas, said concrete monument being at the location of the original corner of the William Barton Survey and the Henry P. Hill League on the Colorado River in Travis County, Texas; thence with the wet edge of the south bank of the Colorado River in a downstream direction with the following meanders along the northeast line of the Walsh tract out of the ~~the~~ William Barton Survey; S. 66° 15' E. 98 feet; S. 69° 08' E. 115.2 feet, S. 62° 38' E. 403.4 feet, and S. 55° 55' E. 424.5 feet to the mouth of Barton Creek; thence with the wet edge of Barton Creek with its northwest bank in an upstream direction along the following meanders, same being along the southeast line of the Walsh tract out of the William Barton Survey; S. 71° 30' W. 106 feet, S. 63° 00' W. 339.2 feet, S. 50° 00' W. 141.4 feet, S. 39° 00' W. 151.4 feet, S. 55° 35' W. 197.5 feet, and S. 63° 30' W. 499.6 feet to a point in the east line of old County

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tin and Bee Cave Road as fenced, S. 7° 32' W. for a distance of 533.5 feet to a stake for corner; S. 80° W. 73.5 feet to stake; S. 65° 30' W. 900.3 feet to stake for corner, S. 24° 46' W. 135 feet to stake for corner; S. 69° 06' W. 950 feet to stake for corner. S. 85° 40' W. 284.5 feet to stake for corner, N. 87° 30' W. 559.6 feet to stake for corner, N. 71° 32' W. to stake for corner of a distance of 89.4 feet from which a concrete monument at the most southerly corner of the Dohme 100 acre tract and at the most easterly corner of the Colony 25 acre tract bears N. 31° 40' W. 34 feet thence continuing with the east line of the Austin and Bee Cave Road as fenced, N. 45° 47' W. for a distance of 72.7 feet to a stake for corner, from which the concrete monument at the most southerly corner of the 100 acre Dohme tract and at the most easterly corner of the 25 acre Colony tract, bears S. 65° 00' E. 42.3 feet; thence along the east line of the Austin and Bee Cave Road as fenced for the following courses and distances; N. 37° 24' W. 228.5 feet to a stake for corner N. 27° 48' W. 187 feet to a stake for corner, N. 7° 24' W. 122.6 feet to a stake for corner, N. 0° 26' E. 415.6 feet to a stake for corner, N. 21° 17' W. 87.8 feet to a stake for corner, N. 33° 11' W. 505.8 feet to a stake for corner, N. 20° 11' W. 204.4 feet to a stake for corner, N. 1° 32' E. 115 feet to a stake for corner, and N. 35° 26' W. 62 feet to a stake for corner on the east bank of Dry Creek; thence along fence on north side of Austin and Bee Cave Road, across Dry Creek; N. 65° 17' W. 95 feet to a stake for corner; S. 48° 00' W. 349 feet to a stake for corner; S. 73° 50' W. 132 feet to a stake for corner; thence again crossing Dry Creek N. 83° 36' W. 104 feet to a stake for corner in the north line of the Austin and Bee Cave Road; thence with north line of the Austin and Bee Cave Road, as fenced, N. 66° 27' W. for a distance of 129 feet to a stake for corner, N. 70° 04' W. 131 feet to a stake for corner; and N. 61° 50' W. for a distance of 112 feet to a stake for corner, said stake being at the intersection of the East line of the Delana tract with the north line of the Austin and Bee Cave Road as fenced; thence with the southeast line of the Delana property adjoining this tract on the Northwest, along the division line as fenced, N. 35° 35' E. for a distance of 919.6 feet to a stake N. 35° 14' E. for a distance of 1004.1 feet to a stake; N. 35° 11' E. for a distance of 911.9 feet to a stake for corner at a large 48 inch elm stump; thence along fence N. 35° 30' W. 320 feet to a stake; N. 29° 00' W. 27 feet to a stake; N. 1° 00' W. 190 feet to a stake at a fence corner; and N. 46° 30' E. for a distance of 45 feet to a stake in the wet edge of the Colorado River on its south bank; thence with the wet edge of the Colorado River along the meanders of its south bank in a downstream direction as follows: S 72° 24' E. 595.5 feet S. 46° 54' E. 536.7 feet, S. 57° 01' E. 298.1 feet, S. 54° 05' E. 294.8 feet, S. 4° 00' W. 173.5 feet S. 37° 10' E. 570.4 feet, S. 51° 40' E. 291 feet, S. 51° 02' E. 193.2 feet, S. 49° 45' E. 512.6 feet S. 38° 18' E. 515.8 feet S. 62° 42' E. 546.1 feet S. 65° 10' E. 490.5 feet and S. 66° 15' E. 284.1 feet to the place of the beginning, containing in all 230.5 acres of land, which includes approximately 80 acres out of the Walsh tract in the William Barton Survey, 192.5 acres out of the Henry P. Hill League, (of which 106.5 acres is out of the Dohme tract and 86 acres is out of the Copes tract), and approximately 3 acres by limitation off the Delana tract adjoining the Copes tract.

Butler Butk Works

SECOND TRACT: Beginning at an iron stake for the northeast corner of the A. J. Zilker 40 acre tract as described in Travis County Dead Records, Volume 172, Page 460, said iron stake being in the South right of way line of the I. & G. N. Railway at the intersection of the said right-of-way line with the east line of the George W. Spear League on the north side of the Colorado River in Travis County, Texas, and from which iron stake a set stone which is the most easterly corner of Lot 71, of a subdivision of 252 acres of George W. Spear League in the City of Austin, Travis County, Texas, as recorded in Travis County, Dead Records, Book "S", Page 501 bears N. 29° 47' E. 985.93 feet; thence with the east line of said George W. Spear League S. 29° 50' W. for a distance of 1137.5 feet to an iron stake on the north bank of the Colorado River, in

in evidence, passing an iron stake for the northwest corner of the Sand Beach Reserve at 62 feet thence running with west line of said Reserve to corner; thence with the wet edge of the Colorado River along its north bank, same being the approximate south line of the George W. Spear League running an upstream direction with the following bearings; N. 64° 17' W. 357.2 feet, N. 52° 15' W. 510 feet E. 40° 45' N. 330 feet N. 55° 09' W. 305.6 feet to an iron stake for the southwest corner of the A. J. Zilker 40 acre tract, said corner being in the division line between Lot No. 4 and Lot No. 5, out of a subdivision of 252 acres out of the George W. Spear League prouced to the Colorado River; thence with the west line of said A. J. Zilker 40 acre tract N. 29° 30' E. 1650 feet to an iron stake for the northwest corner of said tract and from which stake the centerline of the connecting spur between the Austin Dam and Suburban Railway and the main line of the Missouri Pacific Railway, as evidenced by the existing rails, bears N. 29° 30' E. 108 feet and from which northwest corner a concrete monument set in West 6th Street bears N. 29° 30' E. 306.92 feet and from which northwest corner the southwest corner of Lot #5 of said 252 acre subdivision as described above bears N. 29° 30' E. 317.79 feet; thence 10 feet distance from and parallel to the center of the spur line tract S. 40° 00' E. 28 feet to an iron stake in the south 100 foot right-of-way line of the I. & G. N. Railway; thence with the south right-of-way line of the I. & G. N. Railway and 100 feet southerly and parallel to the centerline of said railroad line for the following courses and distances for the north line of said A. J. Zilker 40 acre tract; S. 22° 20' E. 569.4 feet S. 24° 25' E. 222.8 feet S. 30° 00' E. 286 feet S. 36° 20' E. 178 feet S. 39° 30' E. 85.1 feet S. 44° 51' E. 147.9 feet S. 46° 50' E. 145 feet, and S. 60° 45' E. 250 feet to an iron stake at the place of beginning, and containing 45.81 acres of land.

The purpose and intent of this instrument is to convey all of the premises within the boundaries of the two tracts above set out, which were acquired and owned by the said A. J. Zilker through the various conveyances to him of those portions of the Walsh Dome Copes and Hunter tracts on the South or West side of the Colorado River and the Bulter lease tract out of the Geo. W. Spear League on the North or East side of the Colorado River, referred to in said original deed from A. J. Zilker and wife to the Grantee of date December 29, 1931, to which reference is here made; together with such other tracts or parcels of land which may have been acquired by the said A. J. Zilker by limitation or otherwise, and which are also included in said boundaries.

TO HAVE AND TO HOLD unto said Board of Trustees of the Public Free Schools of the City of Austin, Texas, their successors and assigns, the said above two described tracts of land and premises, in trust for the purposes hereinbefore referred to.

And we do hereby bind ourselves, our heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said land and premises unto the said Board of Trustees of the Public Free Schools of the City of Austin, Texas, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

WITNESS OUR HANDS, at Austin, Texas, this the 31st day of July A. D. 1932.

A. J. Zilker

Mrs A. J. Zilker

THE STATE OF TEXAS)

COUNTY OF TRAVIS.)



BEFORE ME, Hoyes D. Smith, a Notary Public in and for Travis County, Texas, on this day personally appeared A. J. Zilker known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, and also on this day personally appeared before me Mrs A. J. Zilker, wife of said A. J. Zilker, also known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband and having the same fully explained to her by me, she, the said Mrs A. J. Zilker, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same

Approximate Locations of Deed Tracts making up the Zilker Park area

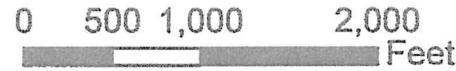
City of Austin
Real Estate Services



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

-  Zilker Park Deeds
-  City of Austin Parks

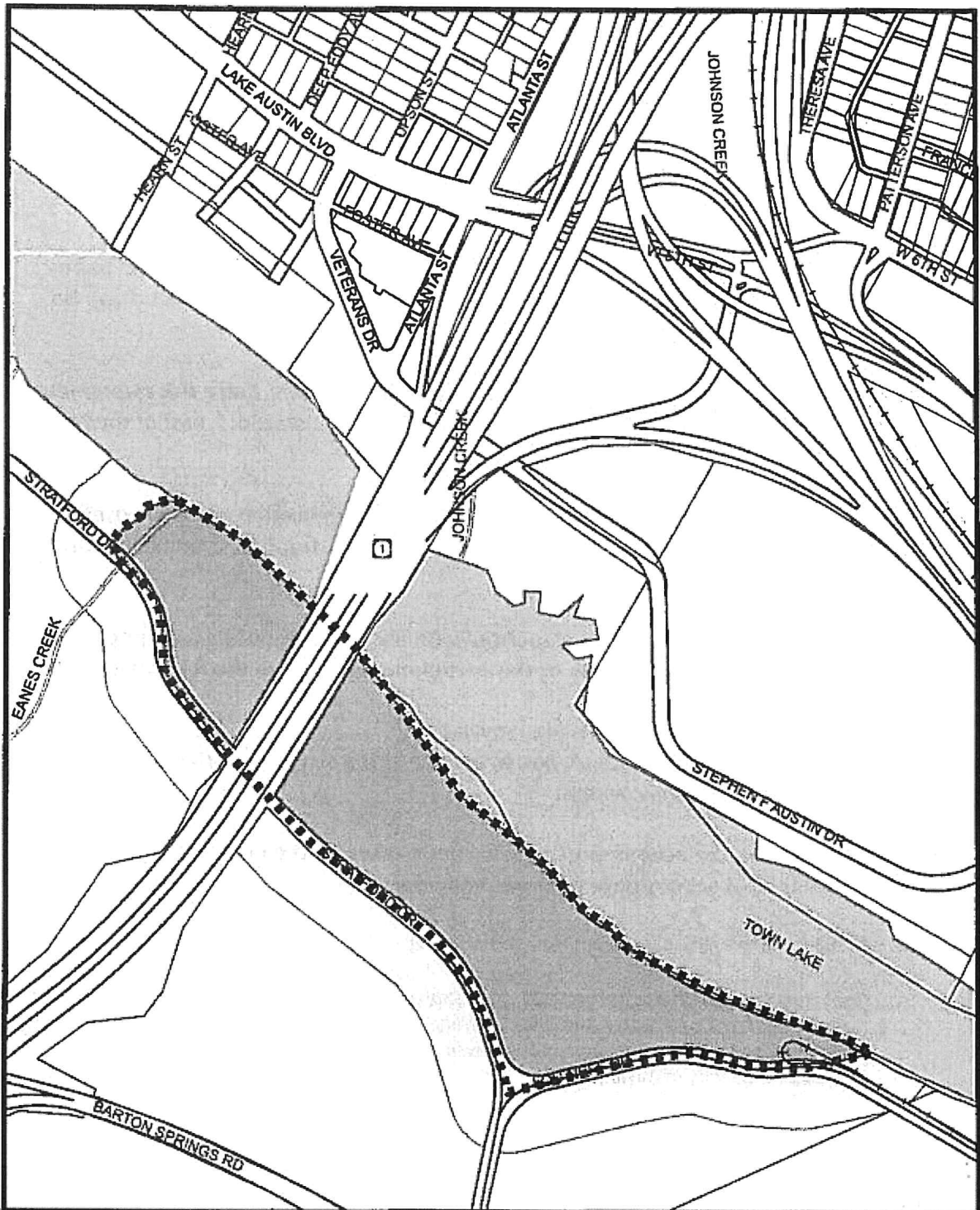
2015 Aerial Imagery, City of Austin



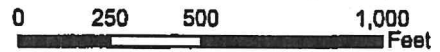
This product has been produced by the Office of Real Estate Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by CBoas, 4/14/2017





#7. Butler



- | | | |
|-----------------------------|------------------------------------|------------------|
| Landfill Features | City of Austin Jurisdiction | Lot Lines |
| Estimated Landfill Boundary | FULL | Roads |
| Landfill | LTD | Water features |
| Landfill Buffer | 2 MILE | |
| | 5 MILE | |



Watershed Protection Development Review

Watershed Protection & Development Review Department, The City of Austin produced this map for the sole purpose of use as a work resource and as an estimated boundary of landfills in & around Austin. The City of Austin does not warrant the map &/or information regarding its accuracy or completeness. Reproduction is not permitted without permission from the City of Austin-Watershed Protection & Development Review Department.

Date: 09.20.2006

3.7 #7, BUTLER

Location: The Butler landfill is owned by the City of Austin and is located in south Austin along the shore of Town Lake and the MoPac bridge.

Prior Use: Stockpiles of fill material and four 55-gallon drums of what appeared to be monitoring well purge water were stored in the area west of the bridge. No evidence of illegal dumping was evident.

Groundwater: Since 1984, the COA has conducted field investigations and a risk assessment for groundwater. Three monitoring wells have been installed; 2 east of the MoPac bridge, 1 west of the MoPac bridge.

Remediation: Design of erosion control improvements and remediation of the exposed landfill waste at Eanes Creek occurred in 2004, with construction scheduled to begin in 2005.

Current Conditions: Current conditions associated with this site may pose a current or future concern to human health or the environment, based on the following factors:

- proximity of recreational uses to landfill,
- exposed landfill materials due to erosion at the stream and river banks,
- unrestricted public access.

Based on the actions already being undertaken by the COA at this site, no additional actions have been recommended.

Reference: Information in this fact sheet comes from the following:

1. Geomatrix Consultants. November 2004. *2004 Supplemental Assessment to Landfills in the Vicinity of Austin, TX*. Prepared for City of Austin Public Works Department.
2. Underground Resource Management, Inc. November 1984. *Landfills in the Vicinity of Austin, TX*. Prepared for the City of Austin.

Return:

Tony Arnold
2525 S. Lakeshore Blvd,
Austin, TX 78741

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jun 14, 2018 10:35 AM 2018092476

WILLIAMSJ: \$50.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS