

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 22, 2016

Mr. Mark Yohman, Director Environmental Affairs
Lennox Industries Inc.
2140 Lake Park Boulevard
Richardson, Texas 75080

Re: Municipal Setting Designation (MSD) Certificate for Lennox Industries Inc.,
4900 Airport Freeway, Fort Worth, Tarrant County, TX; Municipal Setting
Designation (MSD) No. 321; Customer No. CN123456789; Regulated Entity No.
RN123456789

Dear Mr. Yohman:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 2016 and additional information supporting this MSD application on July 28 2016. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3170 or via e-mail (Estefani.jimenez@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Estefani D. Jimenez".

Estefani D. Jimenez, Project Manager
VCP-CA Section
Remediation Division

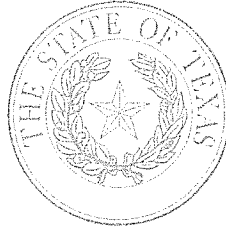
EDJ/jdm

cc: Mike Grover, Weston Solutions, Inc., 3900 Dallas Parkway Suite 175, Plano TX
75093

Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4 Office, Fort Worth

Enclosure: MSD Certificate

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

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

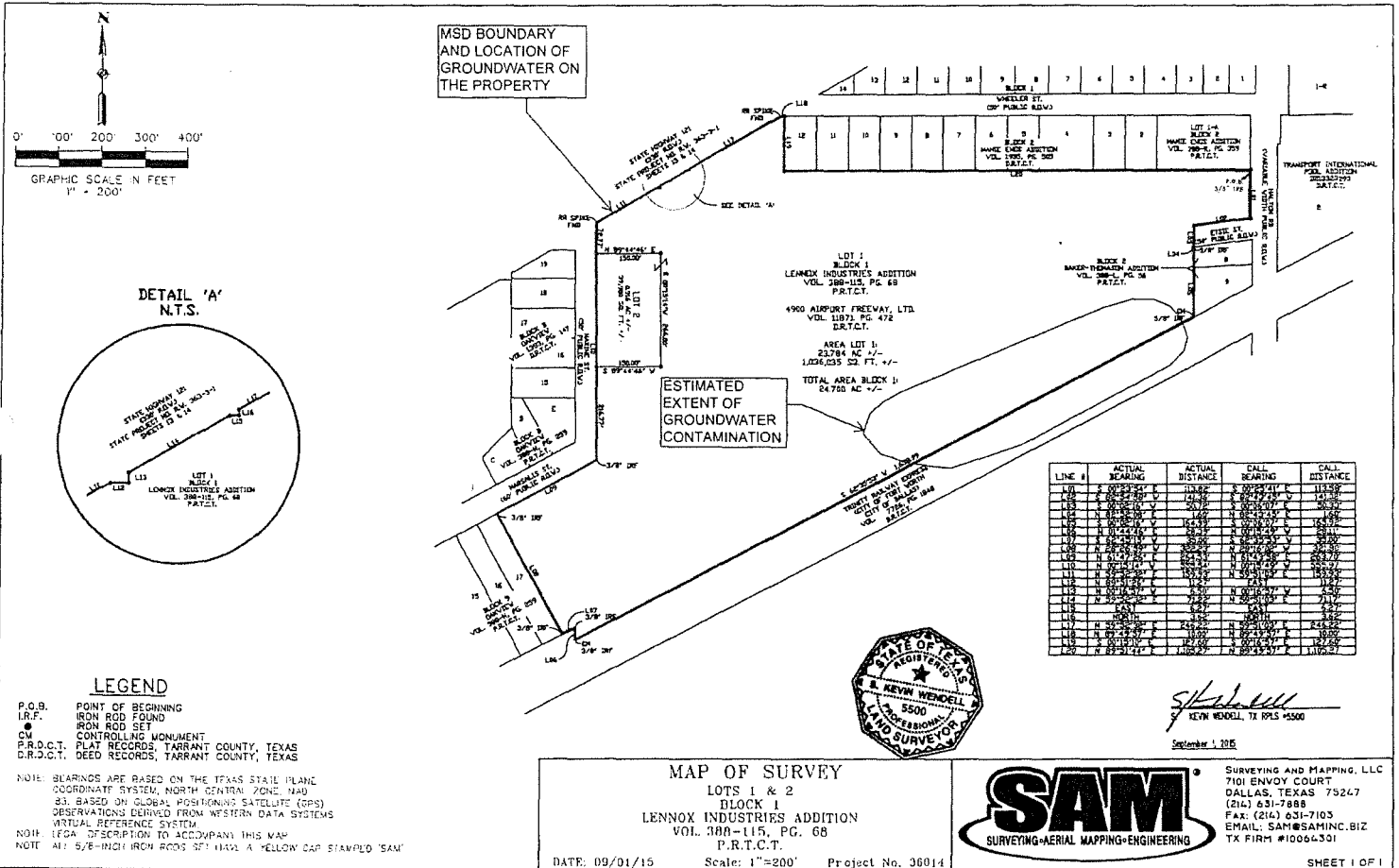
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 321, in the City of Fort Worth, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 17th day of August, 2016

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



LINE #	ACTUAL BEARING	ACTUAL DISTANCE	CALL BEARING	CALL DISTANCE
101	N 89° 59' 57" E	113.62	S 89° 59' 57" W	113.62
102	N 89° 59' 57" E	125.75	S 89° 59' 57" W	125.75
103	N 89° 59' 57" E	137.88	S 89° 59' 57" W	137.88
104	N 89° 59' 57" E	150.01	S 89° 59' 57" W	150.01
105	N 89° 59' 57" E	162.14	S 89° 59' 57" W	162.14
106	N 89° 59' 57" E	174.27	S 89° 59' 57" W	174.27
107	N 89° 59' 57" E	186.40	S 89° 59' 57" W	186.40
108	N 89° 59' 57" E	198.53	S 89° 59' 57" W	198.53
109	N 89° 59' 57" E	210.66	S 89° 59' 57" W	210.66
110	N 89° 59' 57" E	222.79	S 89° 59' 57" W	222.79
111	N 89° 59' 57" E	234.92	S 89° 59' 57" W	234.92
112	N 89° 59' 57" E	247.05	S 89° 59' 57" W	247.05
113	N 89° 59' 57" E	259.18	S 89° 59' 57" W	259.18
114	N 89° 59' 57" E	271.31	S 89° 59' 57" W	271.31
115	N 89° 59' 57" E	283.44	S 89° 59' 57" W	283.44
116	N 89° 59' 57" E	295.57	S 89° 59' 57" W	295.57
117	N 89° 59' 57" E	307.70	S 89° 59' 57" W	307.70
118	N 89° 59' 57" E	319.83	S 89° 59' 57" W	319.83
119	N 89° 59' 57" E	331.96	S 89° 59' 57" W	331.96
120	N 89° 59' 57" E	344.09	S 89° 59' 57" W	344.09
121	N 89° 59' 57" E	356.22	S 89° 59' 57" W	356.22
122	N 89° 59' 57" E	368.35	S 89° 59' 57" W	368.35
123	N 89° 59' 57" E	380.48	S 89° 59' 57" W	380.48
124	N 89° 59' 57" E	392.61	S 89° 59' 57" W	392.61
125	N 89° 59' 57" E	404.74	S 89° 59' 57" W	404.74
126	N 89° 59' 57" E	416.87	S 89° 59' 57" W	416.87
127	N 89° 59' 57" E	429.00	S 89° 59' 57" W	429.00
128	N 89° 59' 57" E	441.13	S 89° 59' 57" W	441.13
129	N 89° 59' 57" E	453.26	S 89° 59' 57" W	453.26
130	N 89° 59' 57" E	465.39	S 89° 59' 57" W	465.39
131	N 89° 59' 57" E	477.52	S 89° 59' 57" W	477.52
132	N 89° 59' 57" E	489.65	S 89° 59' 57" W	489.65
133	N 89° 59' 57" E	501.78	S 89° 59' 57" W	501.78
134	N 89° 59' 57" E	513.91	S 89° 59' 57" W	513.91
135	N 89° 59' 57" E	526.04	S 89° 59' 57" W	526.04
136	N 89° 59' 57" E	538.17	S 89° 59' 57" W	538.17
137	N 89° 59' 57" E	550.30	S 89° 59' 57" W	550.30
138	N 89° 59' 57" E	562.43	S 89° 59' 57" W	562.43
139	N 89° 59' 57" E	574.56	S 89° 59' 57" W	574.56
140	N 89° 59' 57" E	586.69	S 89° 59' 57" W	586.69
141	N 89° 59' 57" E	598.82	S 89° 59' 57" W	598.82
142	N 89° 59' 57" E	610.95	S 89° 59' 57" W	610.95
143	N 89° 59' 57" E	623.08	S 89° 59' 57" W	623.08
144	N 89° 59' 57" E	635.21	S 89° 59' 57" W	635.21
145	N 89° 59' 57" E	647.34	S 89° 59' 57" W	647.34
146	N 89° 59' 57" E	659.47	S 89° 59' 57" W	659.47
147	N 89° 59' 57" E	671.60	S 89° 59' 57" W	671.60
148	N 89° 59' 57" E	683.73	S 89° 59' 57" W	683.73
149	N 89° 59' 57" E	695.86	S 89° 59' 57" W	695.86
150	N 89° 59' 57" E	707.99	S 89° 59' 57" W	707.99
151	N 89° 59' 57" E	720.12	S 89° 59' 57" W	720.12
152	N 89° 59' 57" E	732.25	S 89° 59' 57" W	732.25
153	N 89° 59' 57" E	744.38	S 89° 59' 57" W	744.38
154	N 89° 59' 57" E	756.51	S 89° 59' 57" W	756.51
155	N 89° 59' 57" E	768.64	S 89° 59' 57" W	768.64
156	N 89° 59' 57" E	780.77	S 89° 59' 57" W	780.77
157	N 89° 59' 57" E	792.90	S 89° 59' 57" W	792.90
158	N 89° 59' 57" E	805.03	S 89° 59' 57" W	805.03
159	N 89° 59' 57" E	817.16	S 89° 59' 57" W	817.16
160	N 89° 59' 57" E	829.29	S 89° 59' 57" W	829.29
161	N 89° 59' 57" E	841.42	S 89° 59' 57" W	841.42
162	N 89° 59' 57" E	853.55	S 89° 59' 57" W	853.55
163	N 89° 59' 57" E	865.68	S 89° 59' 57" W	865.68
164	N 89° 59' 57" E	877.81	S 89° 59' 57" W	877.81
165	N 89° 59' 57" E	889.94	S 89° 59' 57" W	889.94
166	N 89° 59' 57" E	902.07	S 89° 59' 57" W	902.07
167	N 89° 59' 57" E	914.20	S 89° 59' 57" W	914.20
168	N 89° 59' 57" E	926.33	S 89° 59' 57" W	926.33
169	N 89° 59' 57" E	938.46	S 89° 59' 57" W	938.46
170	N 89° 59' 57" E	950.59	S 89° 59' 57" W	950.59
171	N 89° 59' 57" E	962.72	S 89° 59' 57" W	962.72
172	N 89° 59' 57" E	974.85	S 89° 59' 57" W	974.85
173	N 89° 59' 57" E	986.98	S 89° 59' 57" W	986.98
174	N 89° 59' 57" E	999.11	S 89° 59' 57" W	999.11
175	N 89° 59' 57" E	1011.24	S 89° 59' 57" W	1011.24
176	N 89° 59' 57" E	1023.37	S 89° 59' 57" W	1023.37
177	N 89° 59' 57" E	1035.50	S 89° 59' 57" W	1035.50
178	N 89° 59' 57" E	1047.63	S 89° 59' 57" W	1047.63
179	N 89° 59' 57" E	1059.76	S 89° 59' 57" W	1059.76
180	N 89° 59' 57" E	1071.89	S 89° 59' 57" W	1071.89
181	N 89° 59' 57" E	1084.02	S 89° 59' 57" W	1084.02
182	N 89° 59' 57" E	1096.15	S 89° 59' 57" W	1096.15
183	N 89° 59' 57" E	1108.28	S 89° 59' 57" W	1108.28
184	N 89° 59' 57" E	1120.41	S 89° 59' 57" W	1120.41
185	N 89° 59' 57" E	1132.54	S 89° 59' 57" W	1132.54
186	N 89° 59' 57" E	1144.67	S 89° 59' 57" W	1144.67
187	N 89° 59' 57" E	1156.80	S 89° 59' 57" W	1156.80
188	N 89° 59' 57" E	1168.93	S 89° 59' 57" W	1168.93
189	N 89° 59' 57" E	1181.06	S 89° 59' 57" W	1181.06
190	N 89° 59' 57" E	1193.19	S 89° 59' 57" W	1193.19
191	N 89° 59' 57" E	1205.32	S 89° 59' 57" W	1205.32
192	N 89° 59' 57" E	1217.45	S 89° 59' 57" W	1217.45
193	N 89° 59' 57" E	1229.58	S 89° 59' 57" W	1229.58
194	N 89° 59' 57" E	1241.71	S 89° 59' 57" W	1241.71
195	N 89° 59' 57" E	1253.84	S 89° 59' 57" W	1253.84
196	N 89° 59' 57" E	1265.97	S 89° 59' 57" W	1265.97
197	N 89° 59' 57" E	1278.10	S 89° 59' 57" W	1278.10
198	N 89° 59' 57" E	1290.23	S 89° 59' 57" W	1290.23
199	N 89° 59' 57" E	1302.36	S 89° 59' 57" W	1302.36
200	N 89° 59' 57" E	1314.49	S 89° 59' 57" W	1314.49

Real Property Description

Lots 1 and 2

Block 1

Lennox Industries Addition

An Addition to the City of Fort Worth, Tarrant County, TX

BEING all of Lot 1 and Lot 2, Block 1, Lennox Industries Addition, an addition to the City of Fort Worth, Tarrant County, Texas as shown on plat recorded in Volume 388-115, Page 68, Plat Records, Tarrant County, Texas and conveyed to 4900 Airport Freeway, Ltd, a Texas Limited Partnership by instrument recorded in Volume 11871, Page 472, Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod set in the West line of the Haltom Road right-of-way (a variable width public right-of-way), for the Northeast corner of said Block 1 and the Southeast corner of Lot 1-A, Block 2, Mamie Enos Addition, an addition to the City of Fort Worth, Tarrant County, Texas as shown on plat recorded in Volume 388-K, Page 359, Deed Records, Tarrant County, Texas;

THENCE S 00°23'54" E (call S 00°25'41" E), with the East line of said Lot 1 and the West line of said Haltom Road right-of-way, a distance of 113.82 feet (call 113.58 feet) to a 5/8-inch iron rod set for the Northeast corner of the Etsie Street right-of-way (a 50-foot public right-of-way) for the East most Southeast corner of said Block 1;

THENCE S 82°54'58" W (call S 82°43'45" W), with the North line of said Etsie Street right-of-way and the North most South line of said Block 1, a distance of 141.36 feet (call 141.02 feet) to a 5/8-inch iron rod set for the Northwest corner of said Etsie Street right-of-way;

THENCE S 00°02'16" W (call S 00°06'07" E), with the West most East line of said Block 1 and the West line of said Etsie Street right-of-way, a distance of 50.72 feet (call 50.33 feet) to a 5/8-inch iron rod set for the Southwest corner of said Etsie Street right-of-way;

THENCE N 82°52'08" E (call N 82°43'45" E), with the South line of said Etsie Street right-of-way, a distance of 1.60 feet to a 5/8-inch iron rod found for the Northwest corner of Lot 8, Block 2, Baker-Thomasson Addition, an addition to the City of Fort Worth, Tarrant County, Texas as shown on plat recorded in Volume 388-L, Page 56, Plat Records, Tarrant County, Texas;

THENCE S 00°02'16" W (call S 00°06'07" E), with the common line of said Block 1 and said Lot 8 and Lot 9, said Block 2, said Baker-Thomason Addition, a distance of 164.99 feet (call 165.92 feet) to a 5/8-inch iron rod found in the Northwesterly line of the Trinity Railway Express right-of-way as conveyed to the City of Fort Worth and the City of Dallas by instrument recorded in Volume 7726, Page 1848, Deed Records, Tarrant County, Texas, for the South most Southeast corner of said Block 1 and the Southwest corner of said Lot 9;

THENCE S 62°35'53" W, with the common line of said Block 1 and said Trinity Railway Express right-of-way, a distance of 1,638.99 feet to a 3/8-inch iron rod found;

THENCE N 01°44'46" E (call N 01°15'49" W), continuing with the common line of said Block 1 and said Trinity Railway Express right-of-way, a distance of 28.39 feet (call 28.11 feet) to a 3/8-inch iron rod found;

THENCE S 62°45'15" W (call 62°35'53" W), continuing with the common line of said Block 1 and said Trinity Railway Express right-of-way, a distance of 35.00 feet to a 3/8-inch iron rod found in the Northwesterly line of said Trinity Railway Express right-of-way, for the West most Southwest corner of said Block 1 and the Southeast corner of Lot 17, Block 9, Oakview, an addition to the City of Fort Worth, Tarrant County, Texas as shown on plat recorded in Volume 388-H, Page 259, Plat Records, Tarrant County, Texas;

THENCE N 28°26'59" W (call N 28°16'02" W), with the common line of said Block 1 and said Lot 17, a distance of 322.23 feet (call 321.80 feet) to a 3/8-inch iron rod found in the Southeasterly line of the Marsalis Street right-of-way (a 60-foot public right-of-way), for the West most Northwest corner of said Block 1 and the Northeast corner of said Lot 17;

THENCE N 61°47'26" E (call 61°43'58" E), with the common line of said Block 1 and said Marsalis Street right-of-way, a distance of 264.53 feet (call 263.70 feet) to a 3/8-inch iron rod found at the intersection of the Southwesterly line of said Marsalis Street right-of-way and the East line of the Maxine Street right-of-way (a 50-foot public right-of-way) for an angle point in said Block 1;

THENCE N 00°15'14" W (call N 00°15'49" W), with the common line of said Block 1 and said Maxine Street right-of-way, at 216.77 feet, pass a 5/8-inch iron rod set for the Southwest corner of said Lot 2, said Block 1, at 482.77 feet, pass a 5/8-inch iron rod set for the Northwest corner of said Lot 2, said Block 1, in all a distance of 555.54 feet (call 555.97 feet) to a railroad spike found in the East line of said Maxine Street right-of-way and the Southeasterly line of State Highway 121 right-of-way (a 330-foot public right-of-way), for the Northwest corner of said Block 1;

THENCE N 59°52'32" E (call 59°51'03" E), with the common line of said Block 1 and said State Highway 121, a distance of 159.93 feet to a 5/8-inch iron rod set;

THENCE N 89°51'26" E (call EAST), continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 11.27 feet;

THENCE N 00°16'57" W, continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 6.50 feet to a 5/8-inch iron rod set;

THENCE N 59°52'32" E (call N 59°51'03" E), continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 71.22 feet (call 71.17 feet) to a 5/8-inch iron rod set;

THENCE EAST, continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 6.27 feet to a 5/8-inch iron rod set;

THENCE NORTH, continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 3.62 feet to a 5/8-inch iron rod set;

THENCE N 59°52'32" E (call N 59°51'03" E), continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 246.22 feet to a railroad spike found;

THENCE N 89°49'57" E, continuing with the common line of said Block 1 and said State Highway 121 right-of-way, a distance of 10.00 feet to a 5/8-iron rod set in the South line of the Wheeler Street right-of-way (a 50-foot public right-of-way), for the North most Northeast corner of said Block 1 and the Northwest corner of Lot 12, Block 2, Mamie Enos Addition, an addition to the City of Fort Worth, Tarrant County, Texas as shown on plat recorded in Volume 1935, Page 505, Deed Records, Tarrant County, Texas;


THENCE S 00°15'10" E (call S 00°16'57" E), departing the South line of said Wheeler Street right-of-way, with the common line of said Block 1 and said Lot 12, a distance of 127.60 feet to a 5/8-inch iron rod set for a re-entrant corner of said Block 1 and the Southwest corner of said Lot 12;

THENCE N 89°51'44" E (call N 89°49'57" E) with the common line of said Block 1 and said Block 2, a distance of 1,105.27 feet to the **POINT OF BEGINNING** and containing 24.700 acres of land, more or less.

NOTE: Bearings are based on the Texas State Plane Coordinate System, North Central Zone, NAD '83, based on Global Positioning Satellite (GPS) observations derived from Western Data Systems Virtual Reference System.

NOTE: All 5/8-inch iron rods set have a yellow cap stamped 'SAM'.

NOTE: Map of Survey, to accompany this legal description.



S. Kevin Wendell
Registered Professional Land Surveyor
Texas Registration Number 5500

9/1/15
Date

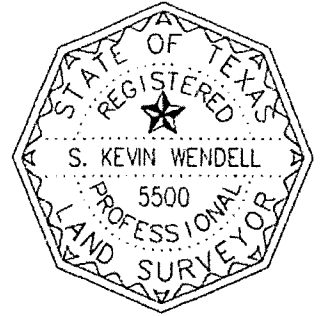


Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Mark Yohman, as an authorized representative of Lennox Industries, Inc., 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.

Mark Yohman

Signature

Mark Yohman

Printed Name

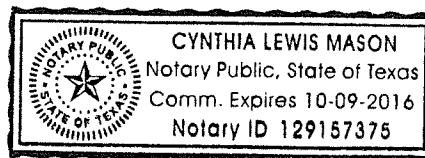
Director Environmental Affairs

Title

Date: March 1, 2016

STATE OF TEXAS

COUNTY OF DALLAS



SUBSCRIBED AND SWORN before me on this the 1st day of March 2016, to which witness my hand and seal of office.

Cynthia Lewis Mason

Notary Public in and for the State of TEXAS