

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 9, 2013

Mr. Greg Rogers
Guida, Slavich & Flores, P.C.
816 N. Congress Avenue, Suite 1500
Austin, TX 78701

RE: Municipal Setting Designation (MSD) Certificate for Kone Inc., 2101 Couch Drive, McKinney, Collin County; Municipal Setting Designation (MSD) Application No. 216; Voluntary Cleanup Program (VCP) No. 2523; Regulated Entity No. RN102529690; Customer No. CN603471814

Dear Mr. Rogers:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at (512) 239-2204 or via e-mail (Andre.Price@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Price".

André V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure: MSD Certificate No. 216

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 216, in the City of McKinney, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 3rd day of January, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

DESCRIPTION, of a 59.0317 acre tract of land situated in the W.S. Richardson Survey, Abstract No. 747, Collin County, Texas; said tract being all of Lot 1, Block D, Amending Plat of McKinney Industrial Park No. 2 Replat, an addition to the City of McKinney, Texas according to the plat recorded in Cabinet M, Page 154 of the Plat Records of Collin County, Texas; all of that certain tract of land described in Warranty Deed to Montgomery Elevator Company recorded in Volume 1160, Page 73 of the Deed Records of Collin County, Texas; and all of that certain tract of land described in Deed to Montgomery Elevator Company recorded in Volume 1120, Page 22 of the said Deed Records; said 59.0317 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found for corner at the intersection of the easterly right-of-way line of Couch Drive (a variable width right-of-way, 60 feet wide at this point) and the southerly right-of-way line of Southern Pacific Transportation Company (a 50-foot wide right-of-way); said point also being the beginning of a non-tangent curve to the left;

THENCE, along the northerly line of said Lot 1, Block D and the said southerly line of Southern Pacific Transportation Company tract, the following two (2) calls:

In a southeasterly direction, along said curve to the left, having a central angle of 35 degrees, 43 minutes, 43 seconds, a radius of 407.04 feet, a chord bearing and distance of South 70 degrees, 09 minutes, 02 seconds East, 249.73 feet, an arc distance of 253.82 feet to a 1/2-inch iron rod found at the end of said curve;

South 87 degrees, 50 minutes, 00 seconds East, a distance of 1312.31 feet to a 1/2-inch iron rod with "RPLS #4775" cap found for corner in the west line of first referenced Montgomery Elevator Company tract; said point also being the northeast corner of said Lot 1, Block D and the south corner of the east terminus of said Southern Pacific Transportation Company tract;

THENCE, North 01 degrees, 32 minutes, 28 seconds West, departing the said northerly line of Lot 1, Block D and the said southerly line of Southern Pacific Transportation Company tract and along the east terminus of said Southern Pacific Transportation Company tract and the said west line of first referenced Montgomery Elevator Company tract, a distance of 46.78 feet to a 5/8-inch iron rod with "Sparr Surveys" cap found for corner; said point also being the northwest corner of first referenced Montgomery Elevator Company tract and the southwest corner of that certain tract of land described in Special Warranty Deed to Bramblewood Associates, Ltd. recorded in Volume 5401, Page 6558 of the said Deed Records;

THENCE, South 89 degrees, 36 minutes, 48 seconds East, departing the east terminus of said Southern Pacific Transportation Company tract and the said west line of first referenced Montgomery Elevator Company tract and along the common line between the first referenced Montgomery Elevator Company tract and said Bramblewood Associates

tract, a distance of 1204.06 feet to a 5/8-inch iron rod with "Sparr Surveys" cap found for corner in the west right-of-way line of F.M. 546 (an 80-foot wide right-of-way); said point also being the northeast corner of first referenced Montgomery Elevator Company tract and the southeast corner of said Bramblewood Associates tract;

THENCE, departing the said common line between the first referenced Montgomery Elevator Company tract and Bramblewood Associates tract and along the said west line of F.M. 546 and the east line of first referenced Montgomery Elevator Company tract, the following two (2) calls:

South 00 degrees, 08 minutes, 16 seconds East, a distance of 602.00 feet to a concrete right-of-way monument at the beginning of a non-tangent curve to the left;

In a southeasterly direction, along said curve to the left, having a central angle of 27 degrees, 16 minutes, 26 seconds, a radius of 358.81 feet, a chord bearing and distance of South 13 degrees, 35 minutes, 17 seconds East, 169.19 feet, an arc distance of 170.80 feet to a 1/2-inch iron rod found at an angle point;

THENCE, South 00 degrees, 03 minutes, 36 seconds East, departing the said west line of F.M. 546 and continuing along the east line of first referenced Montgomery Elevator Company tract, a distance of 140.92 feet to a 1/2-inch iron rod with "RPLS #4775" cap found for corner; said point also being the southeast corner of first referenced Montgomery Elevator Company tract and the northeast corner of that certain tract of land described in Warranty Deed to North Texas Municipal Water District recorded in Volume 4503, Page 1610 of the said Deed Records;

THENCE, North 89 degrees, 26 minutes, 40 seconds West, departing the said east line of first referenced Montgomery Elevator Company tract and along the south line of first referenced Montgomery Elevator Company tract and the north line of said North Texas Municipal Water District tract, at a distance of 1221.14 feet passing the southeast corner of said Lot 1, Block D, the southwest corner of first referenced Montgomery Elevator Company tract and southeast corner of second referenced Montgomery Elevator Company tract, continuing along the south line of second referenced Montgomery Elevator Company tract, the south line of said Lot 1, Block D and the said north line of North Texas Municipal Water District tract, in all a total distance of 1237.93 feet to a 38-inch hackberry found at an angle point;

THENCE, North 89 degrees, 10 minutes, 02 seconds West, continuing along the said south line of second referenced Montgomery Elevator Company tract, the south line of said Lot 1, Block D and the said north line of North Texas Municipal Water District tract, a distance of 1686.44 feet to a 1/2-inch iron rod found for corner in the said easterly line of Couch Drive; said point also being the southwest corner of said Lot 1, Block D and the northwest corner of said North Texas Municipal Water District tract;

THENCE, departing the said south line of second referenced Montgomery Elevator Company tract, the south line of said Lot 1, Block D and the said north line of North Texas Municipal Water District tract and along the said easterly line of Couch Drive, the following three (3) calls:

North 00 degrees, 30 minutes, 02 seconds East, a distance of 723.23 feet to a 5/8-inch iron rod with "Pogue Eng & Dev" cap set at the beginning of a tangent curve to the right;

In a northeasterly direction, along said curve to the right, having a central angle of 46 degrees, 57 minutes, 21 seconds, a radius of 293.57 feet, a chord bearing and distance of North 23 degrees, 58 minutes, 43 seconds East, 233.91 feet, an arc distance of 240.59 feet to a 3/8-inch iron rod found at the end of said curve;

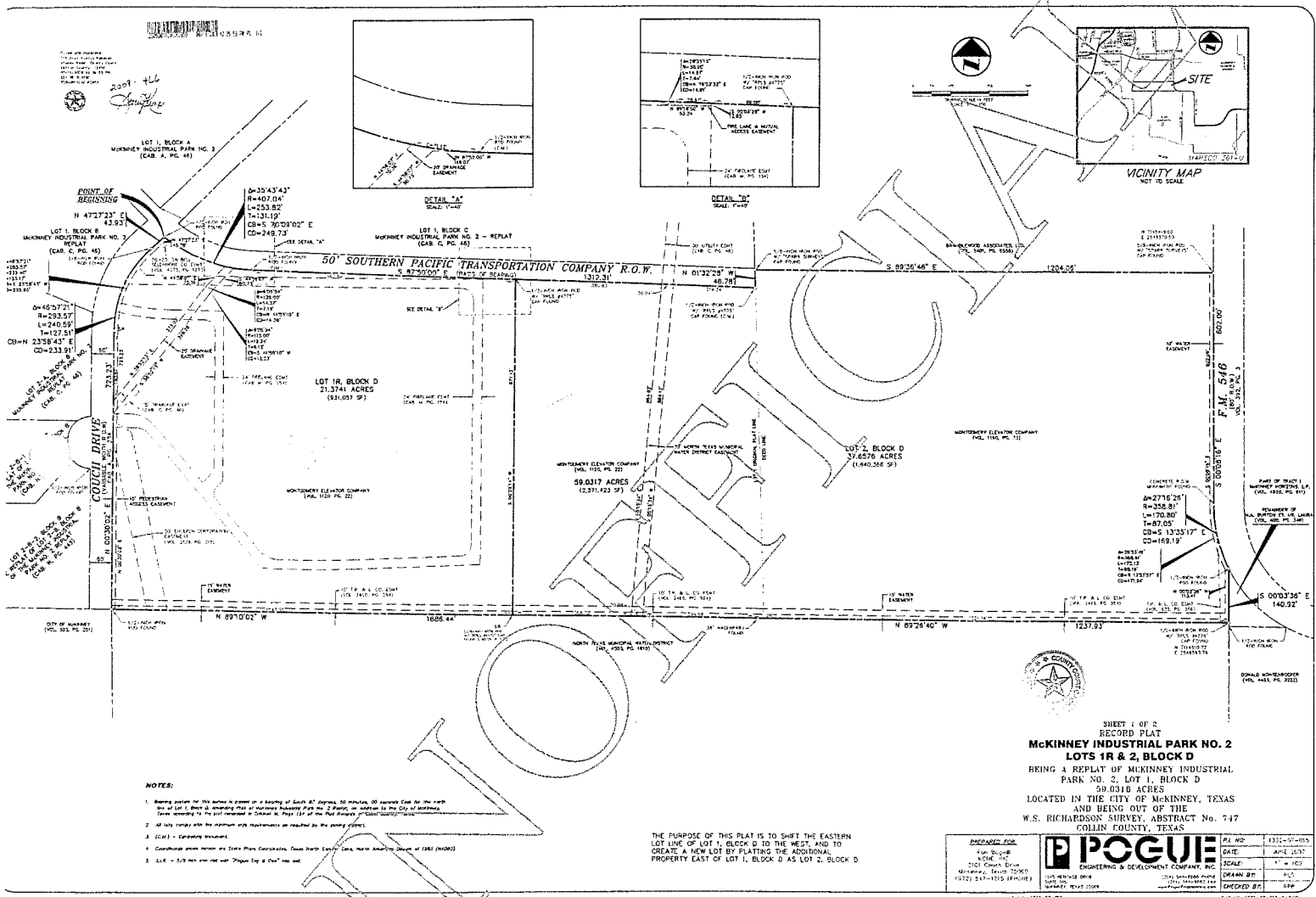
North 47 degrees, 27 minutes, 23 seconds East, a distance of 43.93 feet to the POINT OF BEGINNING;

CONTAINING, 2,571,423 square feet or 59.0317 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
07/03/2012 03:06:51 PM
\$32.00 CJAMAL
20120703000003150



A handwritten signature in cursive script that reads "Stacey Kemp".



- NOTES:**
1. Bearing system for this plat is based on a bearing of South 87° 00' 00" West, 50' 00" 00" distance East for the center line of Lot 1, Block D, assuming that McKinney Industrial Park No. 2 Plat is in addition to the City of McKinney. From according to the plat recorded in Central W. Page 147 of the Public Survey of Grant County, Texas.
 2. All lots comply with the minimum area requirements as required by the zoning code.
 3. (S-1) - Existing easement.
 4. Coordinates shown herein are State Plane Coordinates, Texas North Central Zone, North American Datum of 1983 (NAD83).
 5. S-14 - 1/4 Section 14, Township 34S, Range 12E, County of Collin, Texas.

THE PURPOSE OF THIS PLAT IS TO SHUT THE EASTERN LOT LINE OF LOT 1, BLOCK D TO THE WEST AND TO CREATE A NEW LOT BY PLATTING THE ADDITIONAL PROPERTY EAST OF LOT 1, BLOCK D AS LOT 2, BLOCK D.

SHEET 1 OF 2
 RECORD PLAT
McKINNEY INDUSTRIAL PARK NO. 2
LOTS 1A & 2, BLOCK D
 BEING A REPLAT OF MCKINNEY INDUSTRIAL PARK NO. 2, LOT 1, BLOCK D
 59.0318 ACRES
 LOCATED IN THE CITY OF MCKINNEY, TEXAS
 AND BEING OUT OF THE
 W.S. RICHARDSON SURVEY, ABSTRACT No. 747
 COLLIN COUNTY, TEXAS

POGUE ENGINEERING & DEVELOPMENT COMPANY, P.C. 1100 W. WILSON ROAD SUITE 100 MCKINNEY, TEXAS 75069 (972) 517-1155 (FAX)	PREPARED BY: DATE:	PLAT NO.: DATE:
	CHECKED BY: DATE:	SCALE: DRAWN BY:
	ENGINEER'S SEAL:	CHECKED BY:
	DATE:	DATE:

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Steve Cox Stephen J. Cox, as an authorized representative of
Kone 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.

Stephen J. Cox
Signature

Date: August 16, 2012

Steve Cox. Stephen J. Cox
Printed Name

Sourcing Manager
Title

STATE OF ILLINOIS
COUNTY OF ~~DUPAGE~~ Rock Island

SUBSCRIBED AND SWORN before me on this the 16th day of
August 2012, to which witness my hand and seal of office.

Vicki LaFayette
Notary Public in and for the State of Illinois Iowa

