

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 9, 2019

Mr. Sam Satterwhite, Executive Director  
Wylie Economic Development Corporation  
250 South Highway 78  
Wylie, Texas 75098

Re: Municipal Setting Designation (MSD) Certificate for 800 and 802 W Kirby Street Site,  
located at 800 and 802 West Kirby Street, Wylie, Collin County, Texas; MSD No. 420;  
Customer No. CN603802208; Regulated Entity No. RN110777273

Dear Mr. Satterwhite:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on May 14, 2019 and additional information supporting this MSD application on May 24, 2019, June 5, 2019 and July 24, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2603 or via e-mail ([Heather.Podlipny@tceq.texas.gov](mailto:Heather.Podlipny@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Heather", written over a horizontal line.

Heather Podlipny, Project Manager  
VCP-CA Section  
Remediation Division

HP/jdm

Enclosure: MSD Certificate

cc: Ms. Erin Gorman, Waste Section Manager, TCEQ Dallas/Fort Worth Regional Office, R-4  
Mr. Clay Snider, P.G., W&M Environmental Group (via email)  
Mr. David Whitten, Guida, Slavich & Flores, P.C., 5956 Sherry Lane, Suite 1000, Dallas,  
Texas 75225

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):

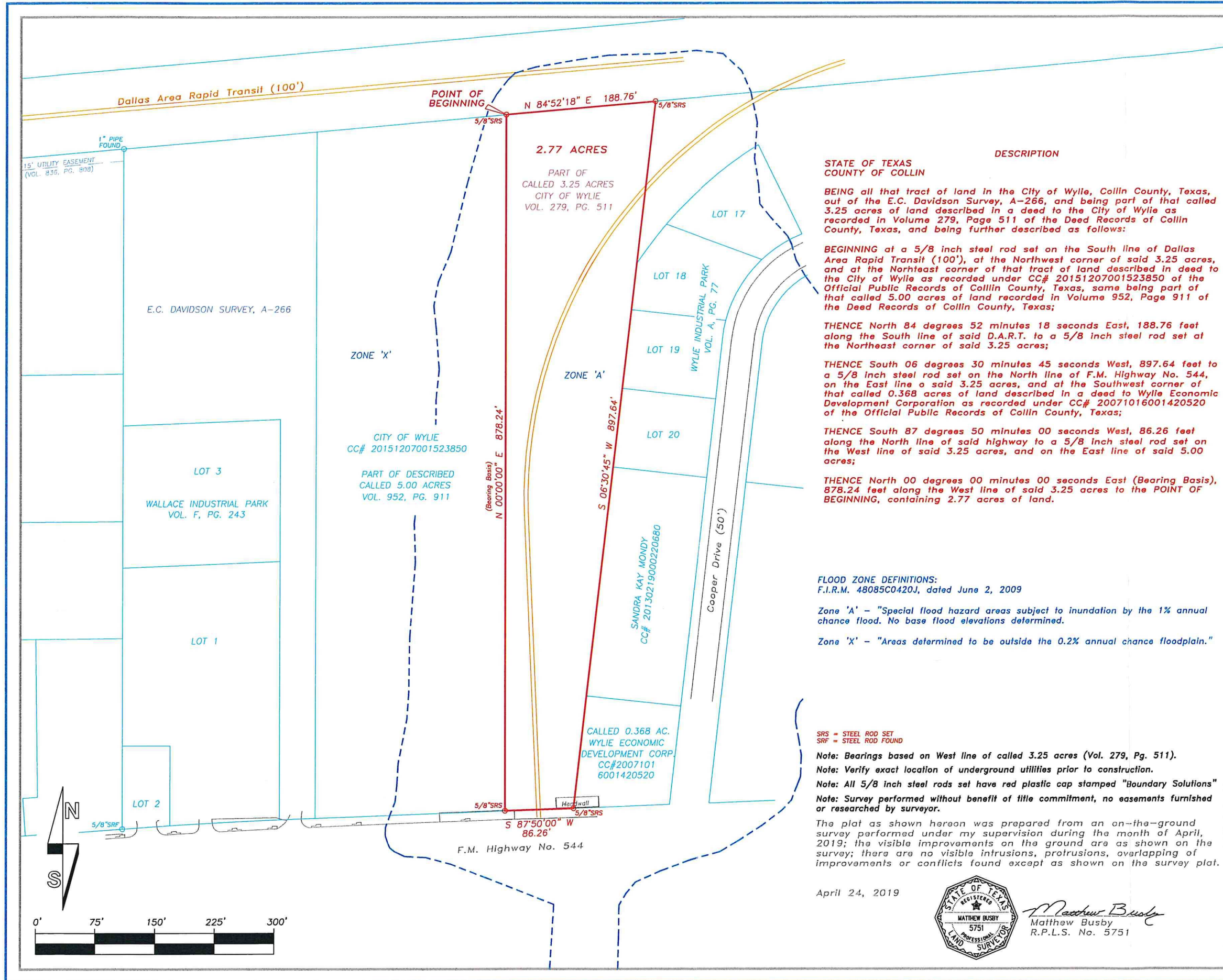
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 420, in the City of Wylie, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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 9<sup>th</sup> day of September, 2019

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality



**STATE OF TEXAS**  
**COUNTY OF COLLIN**

**DESCRIPTION**

BEING all that tract of land in the City of Wylie, Collin County, Texas, out of the E.C. Davidson Survey, A-266, and being part of that called 3.25 acres of land described in a deed to the City of Wylie as recorded in Volume 279, Page 511 of the Deed Records of Collin County, Texas, and being further described as follows:

BEGINNING at a 5/8 inch steel rod set on the South line of Dallas Area Rapid Transit (100'), at the Northwest corner of said 3.25 acres, and at the Northeast corner of that tract of land described in deed to the City of Wylie as recorded under CC# 20151207001523850 of the Official Public Records of Collin County, Texas, same being part of that called 5.00 acres of land recorded in Volume 952, Page 911 of the Deed Records of Collin County, Texas;

THENCE North 84 degrees 52 minutes 18 seconds East, 188.76 feet along the South line of said D.A.R.T. to a 5/8 inch steel rod set at the Northeast corner of said 3.25 acres;

THENCE South 06 degrees 30 minutes 45 seconds West, 897.64 feet to a 5/8 inch steel rod set on the North line of F.M. Highway No. 544, on the East line of said 3.25 acres, and at the Southwest corner of that called 0.368 acres of land described in a deed to Wylie Economic Development Corporation as recorded under CC# 20071016001420520 of the Official Public Records of Collin County, Texas;

THENCE South 87 degrees 50 minutes 00 seconds West, 86.26 feet along the North line of said highway to a 5/8 inch steel rod set on the West line of said 3.25 acres, and on the East line of said 5.00 acres;

THENCE North 00 degrees 00 minutes 00 seconds East (Bearing Basis), 878.24 feet along the West line of said 3.25 acres to the POINT OF BEGINNING, containing 2.77 acres of land.

**FLOOD ZONE DEFINITIONS:**  
F.I.R.M. 48085C0420J, dated June 2, 2009

Zone 'A' - "Special flood hazard areas subject to inundation by the 1% annual chance flood. No base flood elevations determined.

Zone 'X' - "Areas determined to be outside the 0.2% annual chance floodplain."

SRS = STEEL ROD SET  
SRF = STEEL ROD FOUND

Note: Bearings based on West line of called 3.25 acres (Vol. 279, Pg. 511).  
Note: Verify exact location of underground utilities prior to construction.  
Note: All 5/8 inch steel rods set have red plastic cap stamped "Boundary Solutions"  
Note: Survey performed without benefit of title commitment, no easements furnished or researched by surveyor.

The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of April, 2019; the visible improvements on the ground are as shown on the survey; there are no visible intrusions, protrusions, overlapping of improvements or conflicts found except as shown on the survey plat.

April 24, 2019

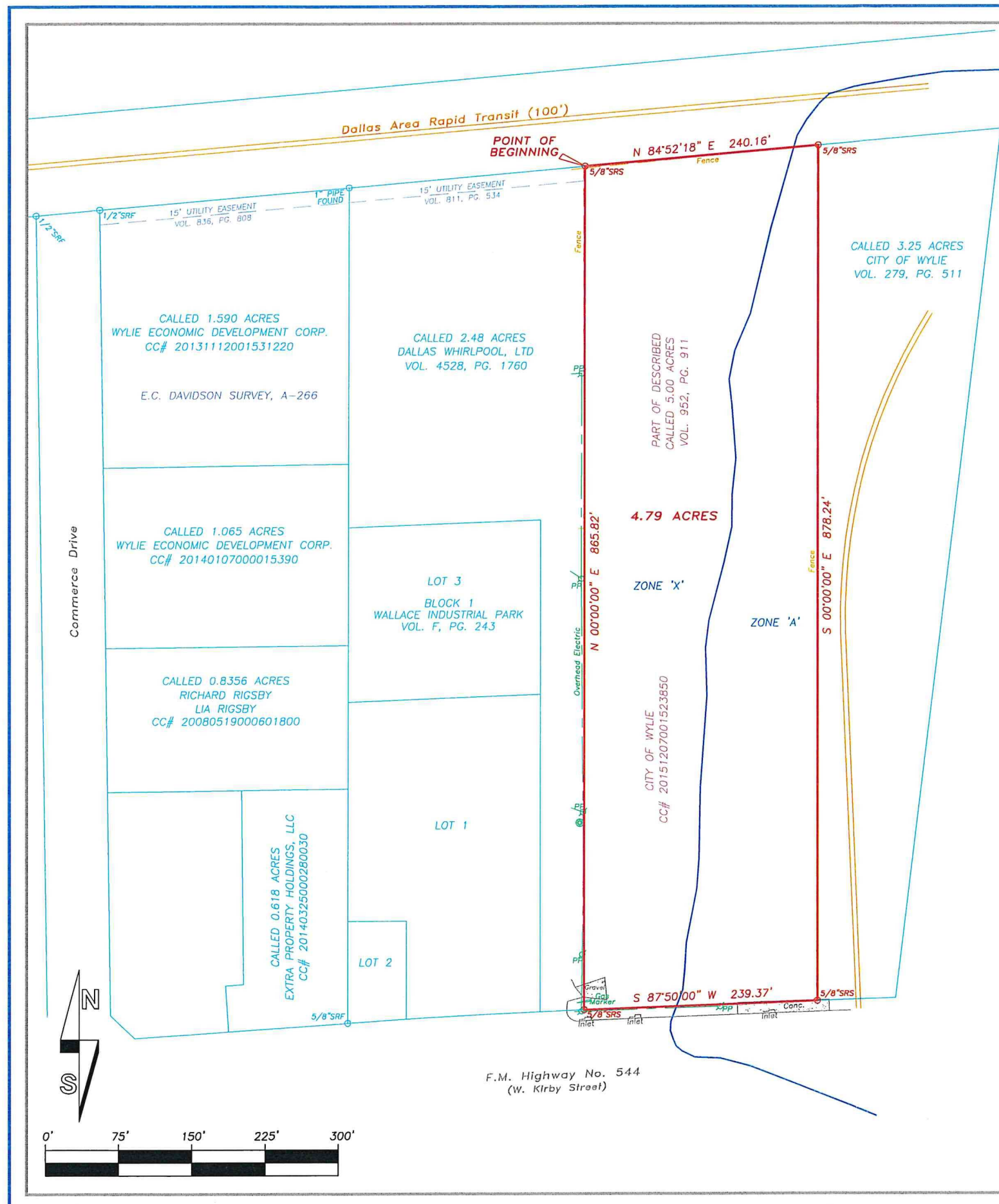
*Matthew Busby*  
Matthew Busby  
R.P.L.S. No. 5751



<b>BOUNDARY SURVEY</b>	2.77 ACRES
	E.C. DAVIDSON SURVEY, A-266 CITY OF WYLIE COLLIN COUNTY, TEXAS
<b>Boundary Solutions Inc.</b> <i>Professional Land Surveyors</i>	P.O. BOX 250 CADDO MILLS, TX 75135 OFFICE: 214-499-8472 FAX: 972-782-7611 EMAIL: mbusby_bs@yahoo.com
	COMMERCIAL AND RESIDENTIAL BOUNDARY, TOPOGRAPHIC, & ALTA/ACSM LAND TITLE SURVEYS
<b>CLIENT:</b>	
Wylie Economic Development Corporation	
No Schedule B Provided	
Drawn by: mjb B.S.I. Job# 1904-018	

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**DESCRIPTION**

STATE OF TEXAS  
COUNTY OF COLLIN

BEING all that tract of land in the City of Wylie, Collin County, Texas, out of the E.C. Davidson Survey, A-266, being that tract of land described in deed to the City of Wylie as recorded under CC# 20151207001523850 of the Official Public Records of Collin County, Texas, same being part of that called 5.00 acres of land recorded in Volume 952, Page 911 of the Deed Records of Collin County, Texas, and being further described as follows:

BEGINNING at a 5/8 Inch steel rod set on the South line of Dallas Area Rapid Transit (100'), at the Northwest corner of said 5.00 acres, and at the Northeast corner of that called 2.48 acres of land described in a deed to Dallas Whirlpool, LTD as recorded in Volume 4528, Page 1760 of the Land Records of Collin County, Texas;

THENCE North 84 degrees 52 minutes 18 seconds East, 240.16 feet along the South line of said D.A.R.T. to a 5/8 inch steel rod set at the Northeast corner of said 5.00 acres, and at the Northwest corner of that called 3.25 acres of land described in a deed to the City of Wylie as recorded in Volume 279, Page 511 of the Deed Records of Collin County, Texas;

THENCE South 00 degrees 00 minutes 00 seconds East, 878.24 feet along the common line of said 5.00 acres and said 3.25 acres to a 5/8 inch steel rod set on the North line of F.M. Highway No. 544;

THENCE South 87 degrees 50 minutes 00 seconds West, 239.37 feet along the North line of said F.M. Highway No. 544 to a 5/8 inch steel rod set at the Southeast corner of said 2.48 acres;

THENCE North 00 degrees 00 minutes 00 seconds East, 865.82 feet to the POINT OF BEGINNING, containing 4.79 acres of land.

**FLOOD ZONE DEFINITIONS:**  
F.I.R.M. 48085C0420J, dated June 2, 2009

Zone 'A' - "Special flood hazard areas subject to inundation by the 1% annual chance flood. No base flood elevations determined.

Zone 'X' - "Areas determined to be outside the 0.2% annual chance floodplain."

Notes Corresponding to Schedule B:  
10.f.) 15' Utility Easement, Vol. 811, Pg. 534 - Shown hereon.

SRS = STEEL ROD SET  
SRF = STEEL ROD FOUND

Note: Bearings based on West line of called 2.48 acres (Vol. 4528, Pg. 1760).  
Note: Verify exact location of underground utilities prior to construction.  
Note: All 5/8 Inch steel rods set have red plastic cap stamped "Boundary Solutions"

The plat as shown hereon was prepared from an on-the-ground survey performed under my supervision during the month of October, 2016; the visible improvements on the ground are as shown on the survey; there are no visible intrusions, protrusions, overlapping of improvements or conflicts found except as shown on the survey plat.

October 5, 2016

  
*Matthew Busby*  
 Matthew Busby  
 R.P.L.S. No. 5751

<b>BOUNDARY SURVEY</b>	4.79 ACRES E.C. DAVIDSON SURVEY, A-266 CITY OF WYLIE COLLIN COUNTY, TEXAS
 <b>Boundary Solutions Inc.</b> <i>Professional Land Surveyors</i>	P.O. BOX 250 CADDO MILLS, TX 75135 OFFICE: 214-499-8472 FAX: 972-782-7611 EMAIL: mbusby_bsi@yahoo.com
<b>CLIENT:</b>	<b>Wylie Economic Development Corporation</b>
G.F.# 1913502851 Address: 900 W. Kirby St.	Drawn by: mjb B.S.I. Job# 1609-015

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Sam Satterwhite, as an authorized representative of Wylie Economic Development Corp, 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)

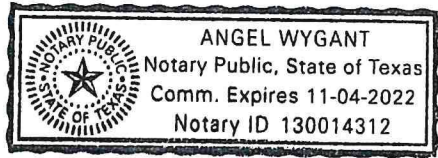
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Sam Satterwhite  
Signature

Date: 4-23-19

Sam Satterwhite  
Printed Name

Executive Director  
Title



STATE OF TEXAS

COUNTY OF COLLIN

April 2019, SUBSCRIBED AND SWORN before me on this the 23<sup>rd</sup> day of April, to which witness my hand and seal of office.

Angel Wygant  
Notary Public in and for the State of TEXAS