

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2020

Mr. Leo Lane
Wichita Falls Economic Development Corporation
900 8th Street, Suite 100
Wichita Falls, Texas 76301

Re: Municipal Setting Designation (MSD) Certificate for Wichita Falls Economic Development Corporation, Former Fleetwood Homes of Texas Site, located at 2400 Burkburnett Road, Wichita Falls, Wichita County, TX; Municipal Setting Designation (MSD) No. 430; Voluntary Cleanup Program (VCP) No. 2960; Customer No. CN602189318; Regulated Entity No. RN110909702

Dear Mr. Lane:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on December 12, 2019 and additional information supporting this MSD application on May 1, 2020 and July 2, 2020. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-1747 or via e-mail (Rohan.Jayasuriya@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Rohan Jayasuriya".

Rohan Jayasuriya, Project Manager
VCP-CA Section
Remediation Division

RJ/jdm

Enclosure: MSD Certificate

cc: Mr. Michael Taylor, Waste Section Manager, TCEQ Abilene Regional Office, R-3 (PDF via e-mail)
Mr. Jim Florey, Braun Intertec (PDF via e-mail)
Mr. Matthew Osbourne, Strata Environmental (PDF via e-mail)
Mr. Henry Florsheim, Wichita Falls Chamber of Commerce & Industry (PDF via e-mail)

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. 430, in the City of Wichita Falls, 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 13 day of August, 2020

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

TEXOMA LAND SURVEYING

870 South Bell Road
Iowa Park, Texas 76367
(940) 691-9711

December 30, 2005

FIELD NOTES

FIELD NOTES OF 31.01 ACRES BEING ALL OF BLOCK 4 AND BLOCK 5, UNIT TWO, ARROWHEAD INDUSTRIAL DISTRICT, AND KNOWN AS 2400 BURKBURNETT ROAD, WICHITA FALLS, WICHITA COUNTY, TEXAS AND DESCRIBED AS FOLLOWS:

BEGINNING at a 3/8 inch iron rod found at the Northwest corner of Block 4, Unit Two, Arrowhead Industrial District, as shown on the plat of record in Volume 21, Pages 21-22, Wichita County Plat Records, a fire hydrant on the East line of the Old Burk Road bears on foot West from this iron rod;

THENCE N 72° 01' E 299.55 feet to a two inch pipe for a corner, a three inch pipe fence corner bears North nine tenths of a foot and East three tenths of a foot;

THENCE N 17° 57' W 201.42 feet to a three inch pipe fence corner post for a corner;

THENCE N 71° 51' E 826.76 feet (824.07 feet record) to a 3/8 inch iron rod found on the West line of Burkburnett Road (State Highway 240), a three inch pipe fence corner post bears South seventy one degrees fifty one minutes West seven tenths of a foot;

THENCE S 23° 30' 24" E 1114.04 feet along the West line of the Burkburnett Road to an iron rod set at the beginning of a curve to the right, a power pole with an aluminum tag marked 7980 bears South thirty degrees East eighteen point four feet;

THENCE in a Southeasterly direction with the curve to the right having an Arc Length of 290.66 feet, a Radius of 2666.71 feet, a Central Angle of 6° 14' 42", the Chord bears S 20° 23' E 290.52 feet to a 1/2 inch iron rod set for the Southeast corner of Block 5, Unit Two, Arrowhead Industrial District, as shown on the Plat of record in Volume 27, Pages 326-327, Wichita County Plat Records;

THENCE N 89° 45' W 1310.20 feet (1317.98 feet record) along the South line of Block 5 to a 1/2 inch iron rod found on the East line of the Old Burk Road for the Southwest corner of this tract;

THENCE N 18° 05' W along the East line of the Old Burk Road at 264.1 feet pass a three inch pipe fence corner post, in all a total distance of 785.36 feet to the Place of Beginning and containing 31.01 Acres of land. The bearings in these Field Notes are NAD 83 Grid from Solar Observations.

FIELD NOTES OF 1.11 ACRES OUT OF THE M. CARBAJAL SURVEY,
ABSTRACT 44, WICHITA COUNTY, TEXAS AND DESCRIBED AS
FOLLOWS:

BEGINNING at a ½ inch iron rod found on the West line of the Old Burk Road, said iron rod bears S 18° 05' E 915.49 feet to the intersection of the North line of Pleasant Veiv Road and the West line of the Old Burk Road, also a 3/8 inch iron rod at the Northwest corner of Block 4, Unit Two, Arrowhead Industrial District bears N 18° 05' W 338.67 feet and N 71° 55' E 70.0 feet;

THENCE S 18° 05' E 270.0 feet along the West line of the road to a ½ inch iron rod found for the Southwest corner of this tract, a 3/8 inch iron rod found on the North side of a gravel driveway bears South 19.3 feet and East 2.1 feet;

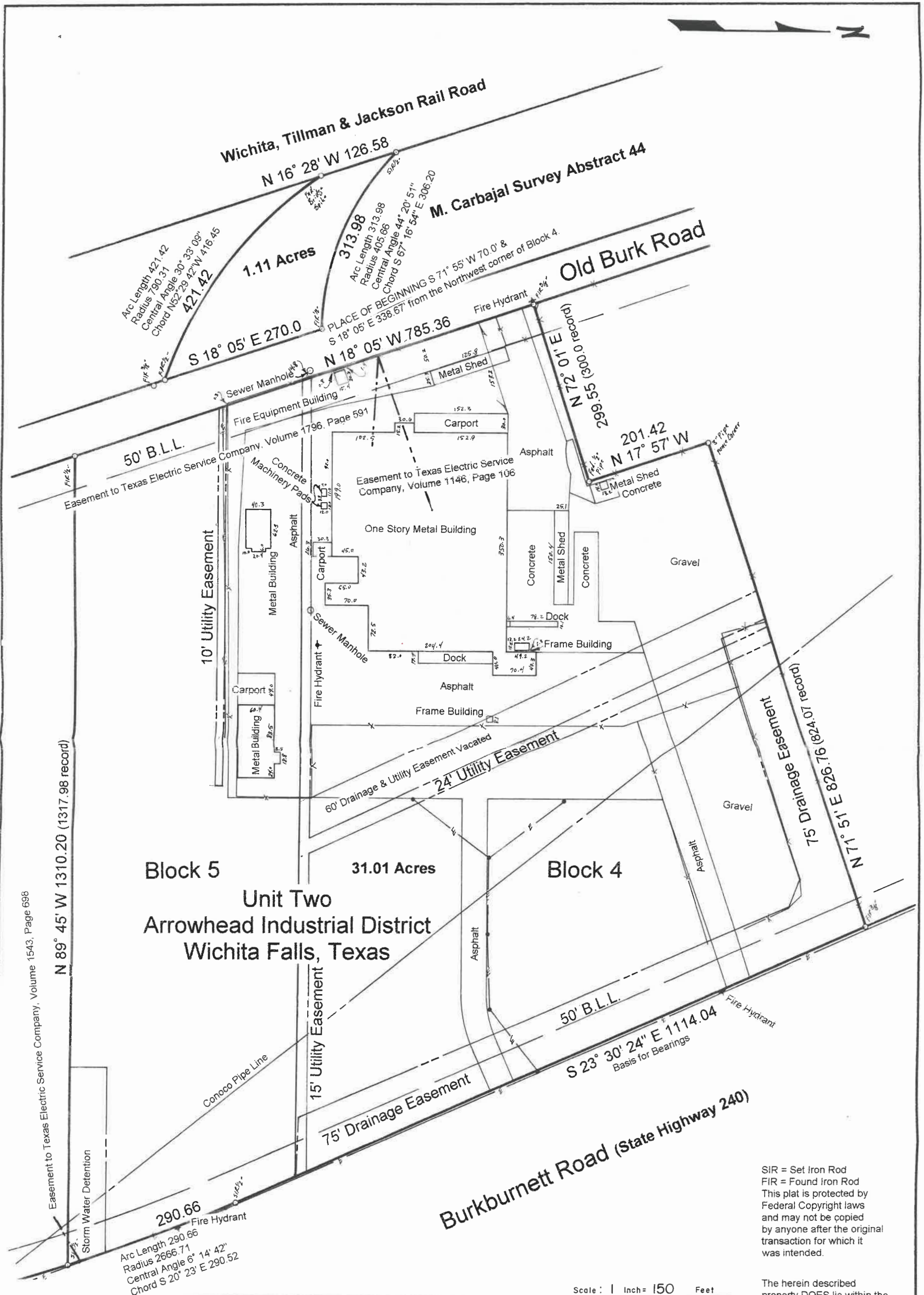
THENCE with a curve to the right in a Northwesterly direction having an Arc Length of 421.42 feet, a Radius of 790.31 feet, a Central Angle of 30° 33' 09", the Chord bears N 52° 29' 42" W 416.45 feet to a Bridge Spike found on the East line of the Wichita, Tillman and Jackson Rail Road;

THENCE N 16° 28' W 126.58 feet along the East line of the Rail Road to a ½ inch iron rod set for the Northwest corner of this tract;

THENCE with a curve to the left in a Southeasterly direction having an Arc Length of 313.98 feet, a Radius of 405.66 feet, a Central Angle of 44° 20' 51", the Chord bears S 67° 16' 54" E 306.20 feet to the Place of Beginning and containing 1.11 Acres of land. The bearings in these Field Notes are NAD 83 Grid bearings from Solar Observations.

See Attached Plat.

BURKRD@L



Block 5
Block 4
Unit Two
Arrowhead Industrial District
Wichita Falls, Texas

SIR = Set Iron Rod
FIR = Found Iron Rod
This plat is protected by Federal Copyright laws and may not be copied by anyone after the original transaction for which it was intended.

The herein described property DOES lie within the 100 Year Flood Zone as delineated on the Flood Boundary and Floodway Map, City of Wichita Falls, Wichita County, Texas Panel Number 0020E as published by the U.S. Department of Housing and Urban Development Federal Insurance Administration.
Zone X

This plat is property of Texoma Land Surveying.

Easement to Texas Electric Service Company, Volume 1543, Page 698

N 89° 45' W 1310.20 (1317.98 record)

Arc Length 290.66
Radius 2666.71
Central Angle 6° 14' 42"
Chord S 20° 23' E 290.52

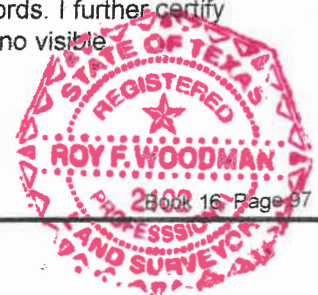
Scale: 1 Inch = 150 Feet

I hereby certify that this plat represents the results of an on the ground survey made under my direction and supervision of the property located at 2400 Burkburnett Road (State Highway 240), and described as follows: Arrowhead Industrial District, Unit Two, Block 4 and Block 5, and 1.11 Acres out of the M. Carbajal Survey, Abstract 44 (See Attached Field Notes for a complete description), an addition to the City of Wichita Falls, Wichita County, Texas, according to the plat of record in Volume 21, Pages 21-22, and Volume 27, Pages 326-327, Wichita County Plat Records and being the same land described in Volume 1781, Page 382, Wichita County Official Public Records. I further certify that the dimensions, size and location of the buildings and improvements are as shown; that there no visible encroachments, conflicts or protrusions except as shown. All corners are as shown.
This the 30th day of December, 2005.

Revised January 16, 2006

TEXOMA LAND SURVEYING
(940) 691-9711

Roy F. Woodman
Registered Professional Land Surveyor Number 2102



Book 16 Page 97

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Henry Florsheim, as an authorized representative of Wichita Falls Economic Development Corporation, 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.

Henry Florsheim
Signature

Date: 12-6-19

Henry Florsheim

Printed Name

President & CEO

Title

STATE OF Texas

COUNTY OF Wichita

SUBSCRIBED AND SWORN before me on this the 6th day of DECEMBER 2019, to which witness my hand and seal of office.

Ingrid C. Carey
Notary Public in and for the State of TEXAS

