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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 29, 2023

Mr. Ron Duncan
Continental VAV, Inc.
501 Galveston Street
Wichita Falls, Texas 76301

Re: Municipal Setting Designation for Continental VAV, Inc., Magic Aire Division Site, located at 501 Galveston Street, Wichita Falls, Wichita County, Texas, MSD No. 507; Voluntary Cleanup Program (VCP) No. 232; Customer No. CN606129757; Regulated Entity No. RN100567833

Dear Mr. Duncan:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on April 10, 2023 and additional information supporting this MSD application on August 28, 2023. 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) 239-3044 or via email at timothy.eckert@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Eckert", with a stylized flourish extending from the end.

Timothy Eckert, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 507

cc: Ms. Stella Brimo, Carrier Corporation (via email)
Mr. Richard Record, EnSafe, Inc. (via email)
Mr. Mike Taylor, Waste Section Manager, TCEQ Abilene Region Office, R-3

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):

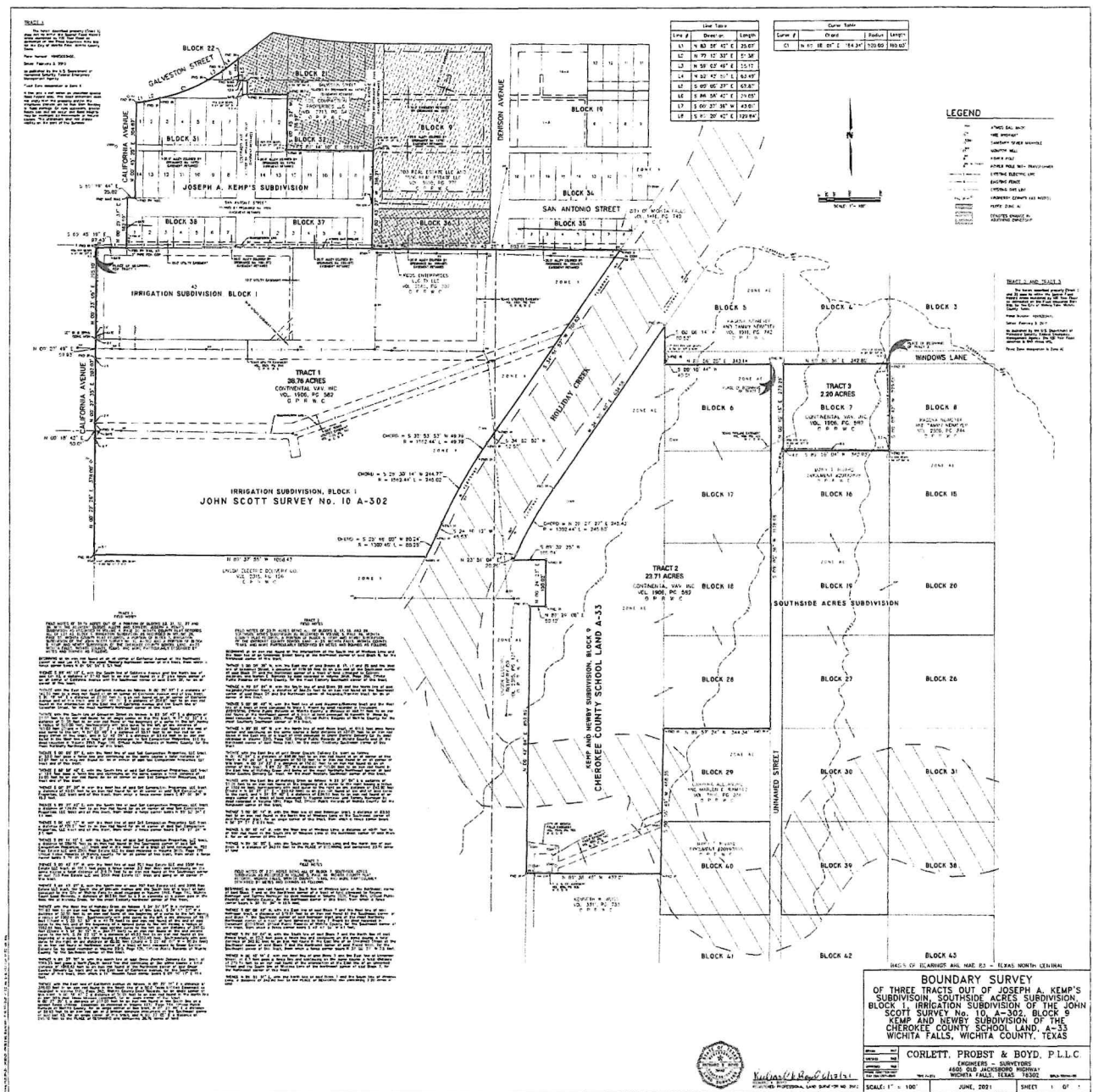
I, Monica I. Harris, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 507, in the City of Wichita Falls, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as 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 29th day of September, 2023

A handwritten signature in blue ink, reading "Monica I. Harris", written over a horizontal line.

Monica I. Harris, P.G., Deputy Director
Remediation Division
Texas Commission on Environmental Quality



TRACT 1
FIELD NOTES

FIELD NOTES OF 36.76 ACRES OUT OF A PORTION OF BLOCKS 22, 31, 32, 37 AND 38, WITH THE ADJACENT CLOSED ALLEYS AND STREETS, JOSEPH A. KEMP'S SUBDIVISION AS RECORDED IN VOLUME 4, PAGE 20, WICHITA COUNTY PLAT RECORDS, ALL OF LOT 43, BLOCK 1, IRRIGATION SUBDIVISION AS RECORDED IN VOLUME 25, PAGE 50, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 1, IRRIGATION SUBDIVISION OF THE "JOHN SCOTT" SURVEY No. 10, A-307 AND A PORTION OF BLOCK 8, KEMP AND NEWBY SUBDIVISION OF THE CHEROKEE COUNTY SCHOOL LAND, A-33, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at an ell corner of California Avenue at the Northwest corner of said Lot 43, for the most Westerly Northwest corner of this tract, from which a fence corner bears N 81° 06' 24" E 5.1 feet;

THENCE S 89° 45' 19" E, with the South line of California Avenue and the North line of said Lot 43, a distance of 87.43 feet to an iron rod found at a 3" pipe fence corner at an ell corner of California Avenue and the Southwest corner of said Block 38, for an ell corner of this tract;

THENCE with the East line of California Avenue as follows: N 00° 38' 57" E a distance of 162.59 feet to a mag nail found at an ell corner of California Avenue and of this tract; S 89° 19' 44" E a distance of 25.02 feet to a pk nail found at an ell corner of California Avenue end of this tract; and N 00° 45' 20" E a distance of 304.87 feet to an iron rod found at the intersection of the East line of California Avenue and the South line of Galveston Street, for the most Northerly Northwest corner of this tract;

THENCE with the South line of Galveston Street as follows: N 83° 58' 42" E a distance of 25.07 feet to an iron rod found for an angle corner of this tract; N 77° 12' 32" E a distance of 51.38 feet to an iron rod found at the beginning of a curve to the left having a radius of 520.02 feet; Northeasterly with said curve to the left on arc distance of 165.03 feet (Chord = N 69° 18' 01" E = 164.34 feet) to an iron rod found at the end of said curve to the left; N 58° 03' 48" E a distance of 55.17 feet to an iron rod found for an angle corner of this tract; and N 52° 42' 58" E a distance of 63.49 feet to an iron rod found in the West line of a tract of land conveyed to Soil Compaction Properties, LLC by deed recorded in Volume 2713, Page 541, Official Public Records of Wichita County, for the most Northerly Northwest corner of this tract;

THENCE S 00° 05' 37" E, with the West line of said Soil Compaction Properties, LLC tract, at 53.0 feet pass a fence line and continuing on the same course a total distance of 67.87 feet to a mag nail found on an ell corner of said Soil Compaction Properties, LLC tract end of this tract;

THENCE S 86° 56' 42" E, with the South line of said Soil Compaction Properties, LLC tract, at 13.6 feet pass a fence line and continuing on the same course a total distance of 29.05 feet to an iron rod found at an ell corner of said Soil Compaction Properties, LLC tract end of this tract;

THENCE S 00° 37' 38" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 43.01 feet to an iron rod found at an ell corner of said Soil Compaction Properties, LLC tract end of this tract, from which a fence corner bears S 67° 06' 34" W 15.3 feet;

THENCE S 89° 20' 42" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 129.64 feet to an iron rod found at an ell corner of said Soil Compaction Properties, LLC tract end of this tract, from which a fence corner bears N 55° 50' 04" E 1.1 feet;

THENCE S 00° 45' 52" W, with the West line of said Soil Compaction Properties, LLC tract, a distance of 176.57 feet to an iron rod found at an ell corner of said Soil Compaction Properties, LLC tract end of this tract, from which a fence corner bears S 45° 27' 24" W 2.5 feet;

THENCE S 89° 14' 10" E, with the South line of said Soil Compaction Properties, LLC tract, a distance of 280.19 feet to an iron rod found at the Southeast corner of said Soil Compaction Properties, LLC tract and in the West line of a tract of land conveyed to 703 Real Estate LLC and 2506 Real Estate LLC by deed recorded in Volume 3605, Page 276, Official Public Records of Wichita County, for an ell corner of this tract, from which a fence corner bears S 78° 01' 28" W 2.0 feet;

THENCE S 00° 43' 27" W, with the West line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, at 186.1 feet pass a fence corner 3.2 feet West and continuing on the same course a total distance of 318.21 feet to an iron rod found at the Southwest corner of said 703 Real Estate LLC and 2506 Real Estate LLC tract and being an ell corner of this tract;

THENCE S 89° 43' 25" E, with the South line of said 703 Real Estate LLC and 2506 Real Estate LLC tract, the South line of Denison Avenue and the South line of a tract of land conveyed to the City of Wichita Falls by deed recorded in Volume 1416, Page 740, Wichita County Deed Records, a distance of 803.66 feet to a X in concrete at a power pole in the West line of Holliday Creek, for the most Easterly Northeast corner of this tract;

THENCE with the West line of Holliday Creek as follows: S 34° 51' 57" W a distance of 701.63 feet to an iron rod found for an angle corner of this tract; S 34° 55' 52" W a distance of 52.20 feet to an iron rod found at the beginning of a curve to the left having a radius of 1562.44 feet; Southwesterly with said curve to the left on arc distance of 49.79 feet (Chord = S 33° 53' 53" W = 49.76 feet) to an iron rod found at the end of said curve to the left and at the beginning of a second curve to the left having a radius of 1562.44 feet; Southwesterly with said second curve to the left on arc distance of 245.02 feet (Chord = S 28° 35' 14" W = 244.77 feet) to an iron rod found at the end of second curve to the left; S 24° 10' 12" W a distance of 45.53 feet to an iron rod found at the beginning of a curve to the right having a radius of 1302.40 feet; Southwesterly with said curve to the right on arc distance of 86.25 feet (Chord = S 25° 48' 00" W = 86.24 feet) to an iron rod found at the Northeast corner of a tract of land conveyed to Onco Electric Delivery Co. by deed recorded in Volume 2315, Page 126, Official Public Records of Wichita County, for the Southeast corner of this tract;

THENCE N 89° 37' 58" W, with the North line of said Onco Electric Delivery Co. tract, at 1056.33 feet pass a North/South fence line and continuing on the same course a total distance of 1058.43 feet to an iron rod found at the Northwest corner of said Onco Electric Delivery Co. tract and in the East line of California Avenue, for the Southwest corner of this tract, from which a 14" wooden fence corner bears S 08° 59' 17" E 11.4 feet;

THENCE with the East line of California Avenue as follows: N 00° 22' 26" E a distance of 378.00 feet to an iron rod found in the South line of a 50.0 Texas Utilities Easement as recorded in Volume 1120, Page 342, Wichita County Deed Records, for an angle corner of this tract; N 00° 18' 42" E a distance of 50.01 feet to an iron rod found in the North line of said 50.0 Texas Utilities Easement, for an angle corner of this tract; N 00° 27' 30" E a distance of 207.07 feet to an iron rod found in the South line of a second Texas Utilities Easement as recorded in Volume 1932, Page 744, Official Public Records of Wichita County, for an angle corner of this tract; N 00° 20' 48" E a distance of 59.93 feet to an iron rod set at a broken concrete monument at the Southwest corner of said Lot 43, for an angle corner of this tract; and N 00° 23' 05" E a distance of 265.10 feet to the PLACE OF BEGINNING enc containing 36.76 acres of land.

TRACT 2
FIELD NOTES

FIELD NOTES OF 23.71 ACRES BEING ALL OF BLOCKS 6, 17, 18, AND 28, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 46, WICHITA COUNTY PLAT RECORDS, A PORTION OF BLOCK 8, KEMP AND NEWBY SUBDIVISION OF THE CHEROKEE COUNTY SCHOOL LAND, A-33, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the intersection of the South line of Windows Lane and the West line of an Unnamed Street being at the Northeast corner of said Block 6, for the Northwest corner of this tract;

THENCE S 00° 05' 35" W, with the East line of said Blocks 6, 17, 18 and 28 and the West line of Unnamed Street, a distance of 1176.98 feet to an iron rod at the Southeast corner of said Block 28 and the Northeast corner of a tract of land conveyed to Cabrera, Alejandro and Marlen E. Ramirez by deed recorded in Volume 3806, Page 356, Official Public Records of Wichita County, for the most Easterly Southeast corner of this tract;

THENCE N 89° 57' 24" W, with the South line of said Block 28 and the North line of said Alejandro/Ramirez tract, a distance of 344.34 feet to an iron rod found at the Southwest corner of said Block 28 and the Northwest corner of Alejandro/Ramirez tract, for an ell corner of this tract;

THENCE S 00° 56' 49" W, with the West line of said Alejandro/Ramirez tract and the West line of a tract of land conveyed to Mary T. Rivard by deed recorded in Document #20193898, Official Public Records of Wichita County, a distance of 468.35 feet to an iron rod found at the Northeast corner of a tract of land conveyed to Kenneth W. Weiss by deed recorded in Volume 3311, Page 733, Official Public Records of Wichita County, for the most Southerly Southeast corner of this tract;

THENCE N 89° 36' 48" W, with the North line of said Weiss tract, at 411.6 feet pass fence corner and continuing on the same course a total distance of 437.01 feet to an iron rod found in the East line of a tract of land conveyed to Onco Electric Delivery Co. by deed recorded in Volume 2315, Page 126, Official Public Records of Wichita County, for the most Southerly Southwest corner of this tract;

THENCE with the East line of said Onco Electric Delivery Co. tract as follows: N 00° 42' 04" E a distance of 859.89 feet to an iron rod found at an ell corner of this tract; N 89° 26' 08" E a distance of 50.12 feet to an iron rod found at an ell corner of this tract; N 00° 24' 23" E a distance of 150.02 feet to an iron rod found at an ell corner of this tract; S 89° 32' 25" W a distance of 105.04 feet to an iron rod found in the East line of Holliday Creek and being at the most Northerly Northwest corner of said Onco Electric Delivery Co. tract, for the most Westerly Southwest corner of this tract;

THENCE with the East line of Holliday Creek as follows: N 23° 51' 04" E a distance of 20.28 feet to an iron rod found at the beginning of a curve to the right having a radius of 1302.44 feet; Northeasterly with said curve to the right on arc distance of 245.80 feet (Chord = N 29° 27' 27" E = 245.43 feet) to an iron rod found at the end of said curve to the right; and N 34° 50' 40" E a distance of 634.58 feet to an iron rod found at an angle corner of a tract of land conveyed to Regene Neimeyer and Tammy Neimeyer by deed recorded in Volume 1911, Page 742, Official Public Records of Wichita County, for the Northwest corner of this tract;

THENCE S 00° 06' 14" W, with the West line of said Neimeyer tract, a distance of 80.53 feet to an iron rod found in the North line of Windows Lane at the Southwest corner of said Neimeyer tract, for an angle corner of this tract, from which a fence corner bears N 56° 33' 57" E 0.80 feet;

THENCE S 00° 10' 44" W, with the West line of Windows Lane, a distance of 40.01 feet to an iron rod found in the North line of Windows Lane at the Northwest corner of said Block 6, for an ell corner of this tract;

THENCE N 89° 56' 25" E, with the South line of Windows Lane and the North line of said Block 6, a distance of 343.14 feet to the PLACE OF BEGINNING and containing 23.71 acres of land.

TRACT 3
FIELD NOTES

FIELD NOTES OF 2.20 ACRES BEING ALL OF BLOCK 7, SOUTHSIDE ACRES SUBDIVISION AS RECORDED IN VOLUME 5, PAGE 46, WICHITA COUNTY PLAT RECORDS, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the South line of Windows Lane at the Northeast corner of said Block 7 and at the Northwest corner of a tract of land conveyed to Regene Neimeyer and Tammy Neimeyer by deed recorded in Volume 2526, Page 844, Official Public Records of Wichita County, for the Northeast corner of this tract, from which a fence corner bears N 30° 39' 34" W 16.9 feet;

THENCE S 00° 08' 42" W, with the East line of said Block 7 and the West line of said Neimeyer tract, a distance of 279.81 feet to an iron rod found at the Southeast corner of said Block 7, the Southwest corner of said Neimeyer tract and at the most Northerly Northwest corner of a tract of land conveyed to Mary T. Rivard by deed recorded in Document #20193898, Official Public Records of Wichita County, for the Southeast corner of this tract, from which a fence corner bears S 49° 47' 59" W 4.1 feet;

THENCE S 89° 59' 04" W, with the South line of said Block 7 and the North line of said Rivard tract, at 57.3 feet pass a fence line and continuing on the same course a total distance of 342.93 feet to an iron rod found in the East line of an Unnamed Street at the Southwest corner of said Block 7 and the Northwest corner of said Rivard tract, for the Southwest corner of this tract, from which a fence corner bears N 33° 00' 57" W 7.5 feet;

THENCE N 00° 10' 16" E, with the West line of said Block 7 and the East line of Unnamed Street, at 6.3 feet pass a fence line and continuing on the same course a total distance of 279.29 feet to an iron rod found at the intersection of the East line of an Unnamed Street and the South line of Windows Lane at the Northwest corner of said Block 7, for the Northwest corner of this tract;

THENCE N 89° 55' 51" E, with the North line of said Block 7 and the South line of Windows Lane, a distance of 342.80 feet to the PLACE OF BEGINNING and containing 2.20 acres of land.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Ron Duncan, as an authorized representative of
CONTINENTAL VAV, 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.

Ron Duncan
Signature

Date: 3/28/2023

Ron Duncan
Printed Name

President
Title

STATE OF Texas
COUNTY OF Wichita

SUBSCRIBED AND SWORN before me on this the 28 day of
March 2023, to which witness my hand and seal of office.

Shenna D. Huskisson
Notary Public in and for the State of Texas

