

Texas Commission on Environmental Quality
Remediation Division Correspondence Identification Form

SITE & PROGRAM AREA IDENTIFICATION			
SITE LOCATION		REMEDIATION DIVISION PROGRAM AND FACILITY IDENTIFICATION	
Site Name: Grand Park Property		Is This Site Being Managed Under A State Lead Contract? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Address 1: 7275 Dallas Parkway		Program Area: VOLUNTARY CLEANUP PROGRAM	
Address 2:		Mail Code: MC-214	
City: Frisco State: Texas		Is This A New Site To This Program Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Zip Code: 75034	County: Collin	TCEQ Core Data Form attached to this submittal.	Needs Program Area ID Number assignment.
TCEQ Region: Region 4 - Dallas/Fort Worth		--Leave This Field Empty--	--Leave This Field Empty--

PHASE OF REMEDIATION		DOCUMENT(S) IDENTIFICATION	DOCUMENT NAME
1.	MISCELLANEOUS		TECHNICAL CORRESPONDENCE NOT OTHERWISE SPECIFIED (NOS)
2.	MISCELLANEOUS		VCP APPLICATION FORM
3.			
4.			
5.			

CONTACT INFORMATION			
RESPONSIBLE PARTY/APPLICANT/CUSTOMER			
Name:	Mr. Mack Borchardt	Phone Number:	(972) 292-5000
Company:	City of Frisco	Fax Number:	(972) 292-5122
Address 1:	6101 Frisco Square Boulevard	City:	Frisco
Address 2:		State:	TX
		Zip Code:	75034
		Email Address:	MBorchardt@friscotexas.gov
ENVIRONMENTAL CONSULTANT/REPORT PREPARER/AGENT			
Name:	Mr. Wade Wheatley	Phone Number:	(512) 474-9097
Company:	Cook-Joyce, Inc.	Fax Number:	None
Address 1:	812 West 11th Street	City:	Austin
Address 2:		State:	TX
		Zip Code:	78701
		Email Address:	wade.wheatley@cook-joyce.com

TCEQ INTERNAL USE ONLY			
Document No.	TCEQ Database Term	Document No.	TCEQ Database Term
1.	TECHNICAL CORRESPONDENCE	4.	
2.	VCP APPLICATION	5.	
3.			

HAND DELIVERED



5 July 2013

Via Hand Delivery

Texas Commission on Environmental Quality (TCEQ)
VCP / Corrective Action Section
P.O. Box 13087
Austin, TX 78711-3087

Re: VCP Application
Grand Park Property, 7275 Dallas Parkway, Frisco, Texas 75034
CN600245526

To Whom it May Concern:

Cook-Joyce, Inc. (CJI) has prepared this letter on behalf of the City of Frisco (City), the owner of the Grand Park property. The City wishes to enroll the Grand Park property (Site) in the Voluntary Cleanup Program (VCP). The City wishes to enroll the Site in the VCP because it is immediately downstream of the nearby and recently closed Exide Battery Recycling Facility (former Exide facility) and contamination attributable to Exide has been discovered on the Grand Park property.

Currently, the Site consists of open fields and wooded corridors along Stewart Creek, which bisects the Site (Figure 1). The City plans to develop the Site into "Grand Park" – a public recreational area that will contain several small lakes that will be constructed along the current path of Stewart Creek. A portion of Grand Park will also include mixed use commercial development that is adjacent to and integrated with the park's recreational elements. A current conceptual plan for Grand Park is available online at http://www.friscofun.org/Parks1/Grand%20Park_Revised%20.pdf.

Figure 2 depicts Grand Park's location relative to the former Exide facility. The former Exide facility operated as a lead oxide manufacturing facility from 1963 to 1971, and as a battery recycler/secondary lead smelter from 1971 until it closed in November 2012. Prior to the Exide's purchase of the facility, it was owned and operated by Gould National Battery (GNB).

The former Exide facility is immediately adjacent to Stewart Creek and one of its tributaries. Lead contamination, foundry slag, and battery chips originating from the former Exide facility have impacted Stewart Creek. Lead contaminated air particulate originating from Exide has also impacted vacant property (the J-Parcel) adjacent to the former Exide facility.¹ Current VCP or Corrective Action projects that are directly associated with the former Exide facility include:

¹ *Phase I Environmental Site Assessment, J Parcel, Near the Intersection of Eagan Drive and 5th Street, Frisco, Collin County, Texas*, by Southwest Geoscience, dated January 18, 2013.





Name	Address	Program ID Numbers
Former Exide Battery Recycling Facility	7471 South 5 th Street, Frisco, Texas 75034	TXD006451092 CN600129787, RN100218643 SWR #30516
J-Parcel Property	N of Dallas North Tollway & S of Hickory St, Frisco, Texas	VCP ID # 2541
Former Stewart Creek Wastewater Treatment Plant (SCWTP)	Eagan Way and Parkwood Boulevard, Frisco, Texas	VCP ID # 2122
Museum of the American Railroad	Cotton Gin Road, Frisco, Texas	
Bicentennial Park Site	9349 Sunset Drive, Frisco, Texas	TXD988088266 SWR# 52140 (inactive) SWR# 80088

LEAD CONTAMINATION IN AND ADJACENT TO STEWART CREEK

Sections of Stewart Creek that are upstream of the Grand Park property were remediated to remove slag and/or lead contaminated sediment in 1986² and 1999³. Stewart Creek was identified as a Solid Waste Management Unit (SWMU) at the former Exide facility in 1991⁴. More recently, lead contaminated sediment or soil has been reported in or adjacent to Stewart Creek in the following locations:

- On Exide property by the TCEQ⁵ and the United States EPA⁶.
- At and downgradient of the former Stewart Creek Wastewater Treatment Plant (SCWTP)⁷. The SCWTP site is located on Stewart Creek between the former Exide facility and the Grand Park property (Figure 2).

² *Water and Sediment Tests, GNB Lead Plant, Frisco, Texas*, prepared by Southwestern Laboratories (SWL) dated February 21, 1986; *Stream Sediment Samples, GNB, Inc. Plant, Frisco, Texas*, prepared by SWL dated May 21, 1986; *Stream Sediment Test, GNB, Inc. Plant, Frisco, Texas*, prepared by SWL dated June 13, 1986; and *Stream Sediment Tests, GNB, Inc. Plant, Frisco, Texas*, prepared by SWL dated July 29, 1986.

³ *Stewart Creek Corrective Measures Implementation Report (CMI)*, JDC Consulting, Inc., dated July 13, 2000.

⁴ *RCRA Facility Investigation (RFI), GNB Incorporated, Frisco, Texas*, Lake Engineering, dated May 8, 1991.

⁵ *Texas Commission on Environmental Quality Investigation Report, Exide Technologies, Exide Frisco, Battery Recycling Plant, Investigation #880260, CN600129787, RN100218643*, dated September 9, 2011.

⁶ *Corrective Action Inspection, Exide Technologies, 7471 South 5th Street, Frisco, TX 75034, TXD0064510920*, United States Environmental Protection Agency, dated January 12, 2011.

⁷ *Affected Property Assessment Report, Former Stewart Creek Wastewater Treatment Plant (VCP ID No. 212), Frisco, Texas*, Pastor, Behling & Wheeler, LLC, dated April 1, 2013.





- On the Grand Park property. The results of sediment sampling in the Grand Park segment of Stewart Creek are provided with, but not discussed in, the Screening Level Ecological Risk Assessment (SLERA) submitted as Appendix 9 of the SCWTP APAR.

LEAD CONTAMINATION IN UPLAND AREAS FROM AIR DEPOSITION

Currently, there is an on-going VCP investigation of buffer property (the J-Parcel Property) surrounding the former Exide facility. Although those data have not been provided to the TCEQ to date (the APAR for that project is currently being finalized), they indicate that several acres of that area has been impacted by lead particulate originating from the former Exide facility.

CLOSING

The City plans to investigate Stewart Creek, particularly the areas that will be excavated to construct ponds, through the VCP. The City will also investigate upland areas of the Grand Park property that could have been impacted by air deposition. Impacts discovered during the investigation will be remediated through the VCP as well.

To that end, an executed VCP Application, a Core Data Form for the City of Frisco, and a \$1000 check for the VCP Application Fee are attached to this transmittal letter.

Please contact the undersigned with questions or comments regarding this VCP Application. A copy of these documents has also been sent to the TCEQ's Region 4 office in Fort Worth, Texas.

Sincerely,

Wade Wheatley by Adv w/ permission
Wade M. Wheatley, P.E

Cc: Mr. Mack Borchardt, City of Frisco, Texas
Mr. Kerry Russell, Russell & Rodriguez

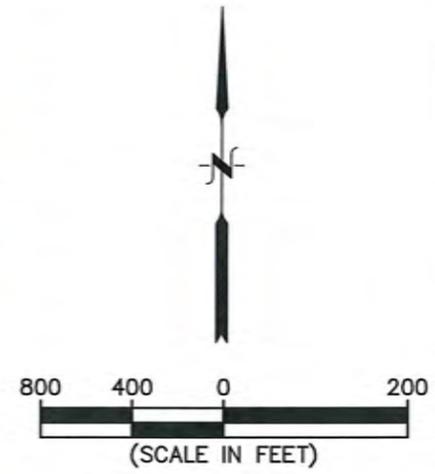
RV:rv
Attachments





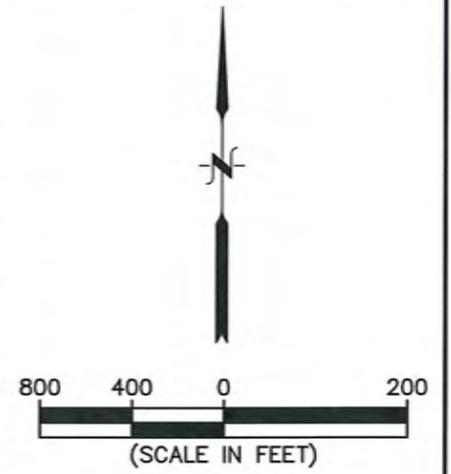
FIGURES





LEGEND
 ——— PROPERTY BOUNDARY

REV.	DATE	DESCRIPTION	DR BY	APP BY
 COOK-JOYCE INC. ENGINEERING AND CONSULTING 812 WEST ELEVENTH 512-474-9097 AUSTIN, TEXAS 78701 TEXAS REGISTERED ENGINEERING FIRM F-883				
PROJECT: GRAND PARK VCP SITE FRISCO, TEXAS				
SHEET TITLE: SITE PLAN				
DES BY	SDB	SCALE:	SEE BAR SCALE	
DR BY	SDB	PROJECT NO.	12061.01	
CHK BY	RDV	C/J NO.	12061023	
APP BY	RDV	SHEET	1 OF 1 SHEETS	
DATE ISSUED:	07-05-2013	FIGURE NO.	1	
PURPOSE: PURPOSE:				



LEGEND
 ——— PROPERTY BOUNDARY

REV.	DATE	DESCRIPTION	DR BY	APP BY
 COOK-JOYCE INC. ENGINEERING AND CONSULTING 812 WEST ELEVENTH 512-474-9097 AUSTIN, TEXAS 78701 TEXAS REGISTERED ENGINEERING FIRM F-883				
PROJECT: GRAND PARK VCP SITE FRISCO, TEXAS				
SHEET TITLE: VICINITY MAP				
DES BY	SDB	SCALE:	SEE BAR SCALE	
CHK BY	RDV	PROJECT NO.	12061.01	
APP BY	RDV	C/J NO.	12061024	
DATE ISSUED:	07-05-2013	SHEET	1 OF 1 SHEETS	
PURPOSE:	PURPOSE:	FIGURE NO.	2	



VCP APPLICATION



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY VOLUNTARY CLEANUP PROGRAM

The information provided on the Voluntary Cleanup Program (VCP) application will be used to determine a site's eligibility for participation in the VCP. The application assumes that at a minimum, a Phase I Environmental Site Assessment or similar investigation has been completed at the site. **A TCEQ Form 10400 (CORE data form) must be attached to the application. Incomplete, outdated or inaccurate applications will be rejected.**

General Information

This provides site-specific information and should be completed in the greatest detail possible.

Applicant(s)

Applicant A is generally considered the person requesting the Certificate of Completion (COC) and agreeing to pay Texas Commission on Environmental Quality (TCEQ) oversight costs. If billing should be directed to another person or address, be sure to provide this information on the application form under Billing Information along with written proof of consent to be billed.

Submittal of Revised VCP Application: If a prospective buyer wants to apply as a new or co-applicant and receive a COC, an amended or revised application will be required. Please prepare and submit a new VCP application and agreement, \$1000 VCP application fee and TCEQ CORE data form. These items should be sent to the TCEQ Cashier's Office at the address listed on the VCP application form. Please include a cover letter that states that you are amending an application of an existing VCP site. You should also reference the "PCA Number" and original VCP ID on the cover letter, application and \$1000 check.

Withdrawal of Applicant "A" with New Party Assuming Cleanup: If Applicant "A" is withdrawing from the VCP and another party is assuming the role of Applicant "A" and is also the new billing party, an amended or revised VCP application and agreement, \$1000 VCP application fee and TCEQ CORE data form should be submitted. These items should be sent to the TCEQ Cashier's Office at the address listed on the VCP application form. Please include a cover letter that states that you are amending an application of an existing VCP site. You should also reference the "PCA Number" and original VCP ID on the cover letter, application and the \$1000 check.

Except for certain exceptions with phased response actions, a person (e.g., a future owner, future lessee, future operator or lender) who is not a responsible party under §361.271 or §361.275(g) at the time they apply or (if not on the application) when the TCEQ issues a COC is qualified to obtain the protection from liability provided by §361.610(b), Subchapter S, Solid Waste Disposal Act (SWDA) (Health and Safety Code, Section 1, Chapter 361). Therefore, a qualified person who intends to purchase a VCP property before the COC is issued, should ensure that they become an applicant before purchase in order to benefit from this liability protection (§361.610(a), SWDA).

Current Site Owner

If the current owner is not included as an applicant, then provide the requested information on the application form for the current property owner.

Other Contacts

If others are involved in the voluntary cleanup, such as an environmental consultant or legal representative, provide the requested information for this person. These persons should be (in the applicant's determination) those with the greatest capability to provide site-specific information or make decisions related to the voluntary cleanup.

Billing Information

If the billing is to be directed to someone other than Applicant A, provide the requested information and have the billing party sign the application under Billing Information, indicating their consent to be obligated for payment of TCEQ oversight costs. If an applicant desires to change the billing party after the VCP agreement has been signed, then a new application will be required. In addition, if the original billing party desires to close out their account with the TCEQ and receive a final billing invoice, then the new application must include an application fee (\$1,000).

Current Property Use

Check the correct category or provide a more appropriate description under "Other." If the site is divided into more than one use category, indicate this by providing the percent of the land area used for each land use category. If the site is non-residential, describe the type of business.

Involvement with Other Regulatory Programs

Describe any contact with any state or federal regulatory program. Please provide names and dates, contacts and any actions taken as a result of these contacts. It is especially important to describe any order, notice of violation, permits or inspections related to the site, as this may directly impact the eligibility of the site for participation in the VCP. No site which is under a TCEQ permit or order is eligible to participate in the VCP. The term TCEQ permit does not apply to wastewater or air permits, but is intended only for permits which address site cleanup. If there has been no prior contact with any state or federal environmental regulatory agency, indicate this by checking "No." This section must not be left blank.

Applicant's Intended Response Action Objectives

This section is requesting information about the applicant's intentions related to the site cleanup. The applicant is not required to make this decision this early in the process; however, if the applicant has made this determination, it will make completion of the VCP agreement easier. Please check the appropriate selection.

Federal Brownfields Tax Deduction

The Taxpayer Relief Act (HR 2014) signed on August 5, 1997, includes a tax incentive to encourage the cleanup and redevelopment of Brownfields in distressed urban and rural areas. The eligible time period for this law is from August 5, 1997 until December 31, 2004.

To receive the tax deduction, you must obtain pre-certification from the TCEQ that the property is located within a targeted area and the property has had a release or threat of release, or disposal of any federal hazardous substance. A federal hazardous substance, as defined in section 101(14) of CERCLA 1980 is:

“(A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. **The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).**”

In addition to the petroleum exclusion, you should be aware of several other requirements including:

- ◆ The property must be held by the taxpayer incurring or paying the expenses;
- ◆ The property must be held for use in a trade or business or for the production of income, or property included in the taxpayer’s inventory;
- ◆ The property is not a site on U.S. Environmental Protection Agency’s (EPA’s) National Priorities List (Federal Superfund);
- ◆ For costs incurred before December 16, 2000, the property must be located in one of four eligible areas:
 - Brownfields Pilot areas designated prior to February 1997;
 - Census tracts where 20 percent or more of the population is below the poverty level;
 - Census tracts that have a population less than 2,000 and have 75 percent or more of their land zoned for industrial or commercial use, and are adjacent to one or more census tracts with a poverty rate of 20 percent or more; or
 - Any empowerment zone or enterprise community (EZ/EC) (and any supplemental zone designated on December 21, 1994). EZ/EC designated areas may be located by contacting the Texas Department of Economic Development at (512) 936-0260.

To receive pre-certification, please download and complete a Brownfields Federal Tax Deduction Pre-Certification Form located at <http://www.tceq.state.tx.us/assets/public/remediation/vcp/taxform> and return it to the address listed at the bottom of the form. For additional information regarding the federal brownfields tax deduction, contact the USEPA at (202) 260-3525.

State Property Tax Abatement

Effective September 1, 1997, the Texas Tax Code, Chapter 312 was amended by Senate Bill 1596 to provide ad valorem tax incentives for the development or redevelopment of certain properties cleaned up through the VCP. Only properties located within a reinvestment zone, as defined in the Texas Tax Code, are eligible for the tax abatement. The change in the tax code allows the governing body of a municipality to enter into a tax abatement agreement with a property owner to exempt from taxation a portion of the value of the property for a period not to exceed four years after the date the owner receives a VCP COC. Also, the property owner must have signed a VCP agreement prior to entering into an agreement with the governing body of a municipality. The tax exemption takes effect the next year after the date the owner receives a VCP COC. A property owner who files a copy of the COC for the first tax year is not required to refile the COC in subsequent tax years to receive a tax abatement. Cancellation or modification of the tax abatement may occur should the land use change to a use which may result in an increased risk to human health or the environment. School districts are not eligible to enter into a tax abatement agreement to exempt from taxation an owner who receives a VCP COC. Properties with projects funded by tax increment bonds are also not eligible.

Environmental Assessment

A copy of the Phase I Environmental Site Assessment and all other previously completed site investigation reports, if any, should be submitted with the completed application. The assessment should be of sufficient detail to fulfill the requirements of SWDA, §361.604(c)(1)-(5). At a minimum, the document should identify all areas of known or suspected contamination that will be addressed by the VCP application and agreement. Specifically, the Phase I Environmental Site Assessment must include, but is not limited to the following items:

1. A legal description of the site, including a site map drawn to scale;
2. A description of the physical characteristics of the site;
3. A discussion of the operational history of the site to the extent the history is known by the applicant;
4. Information of which the applicant is aware concerning the nature and extent of contamination at the site and in areas immediately contiguous to the site; and
5. Relevant information of which the applicant is aware concerning the potential for human exposure to contamination at the site.

A detailed explanation of these items is presented on the next page.

Legal Description of the Site

A legal description of the property must be prepared for the site. Although the legal description does not have to include a survey performed by a licensed surveyor at the time of application, the description should provide adequate detail such that the areal extent and location of the site is obvious. Include a site map drawn to scale which clearly indicates property boundaries and also surrounding properties. It may be necessary to include two maps of different scale; at least one map should indicate the site location relative to the intersection of two major roads.

A metes and bounds legal property description conducted by a registered professional survey is required for **partial response action areas (PRAAs)**. For sites other than PRAAs, a lot and block legal property description along with the name of the site owner, must meet the Texas Health and Safety Code

§361.609(b) legal description requirement. However, if a lot and block legal property description does not exist, a metes and bounds property description will be necessary to accurately describe the boundaries of the area covered by a COC. A new metes and bounds survey is not necessary if a previously completed survey matches the property description.

All legal property descriptions should also include a map which accurately identifies the entire area covered by the COC. The map must be submitted in order for VCP project managers to verify that the site physical address correlates with the legal property description. This map should display a Texas-registered land surveyor's stamp (for a metes and bounds description) or some other indication that it is permanently contained in the county property records (for a lot and block description).

Physical Characteristics of the Site

The physical characteristics of the site must be described using a map illustrating site features. The site map must depict the following: property lines, building and road outlines, potential contamination source areas (i.e., chemical storage areas, above and below ground tanks, process equipment, loading/unloading areas, floor drains, waste treatment, storage, or disposal areas), surface water bodies, water supply wells and utility rights-of-way. In addition, a map must be prepared that identifies adjacent property uses (e.g., gas station, dry cleaner, battery recycler or residential).

Summary of Operational History

A summary of the historical and current business operations must be prepared for the site with an emphasis upon identifying possible contaminant source areas. The summary should include a list of the potential source areas and a discussion of the types of contaminants for each area if known. A map must be included that clearly identifies known or suspected primary source areas (process area, product storage, etc.) and secondary source areas (contaminated environmental media).

Nature and Extent of Contamination

To the degree that it is known at the time of VCP application, the nature and extent of contamination must be described. At a minimum, a site map must be prepared illustrating known or suspected areas of contamination.

Potential for Human and Environmental Exposure

Discuss potential exposure and risk to human health and the environment presented by known or suspected contamination at the site or PRAA. Highlight any areas that may require immediate action.

How Long Does it Take to Process Applications?

As per §361.604(d) SWDA, applications will be processed in the order they are received. The TCEQ will provide written notice of the acceptance or rejection of an application within 45 days of receipt. If the application is rejected because it is not complete or accurate, the TCEQ will provide written notice of the rejection, which includes a list of information needed to make the application complete or accurate. The applicant will then have 45 days to resubmit the application with the requested information without incurring an additional application fee. If the application is not resubmitted in the allotted time frame or if the application was rejected because the site was not eligible, the TCEQ will refund half of the application fee (\$500) as per 361.605(c) SWDA.

Can I Submit an Agreement with the Application?

VCP applicants may submit a VCP agreement with the application. To enable the VCP project manager to begin work on the project as soon as possible, applicants are encouraged to submit a signed VCP agreement with the application if they are able to complete at least some of the information required for a complete agreement. This generally includes: (1) the name, address and phone number for persons (not to exceed two) the applicant desires to receive copies of documents which the TCEQ issues; (2) applicable rules; (3) anticipated submittals with a schedule for submission; and (4) proposed future land use. The VCP project manager can complete any missing information after discussing the site with the applicant.

ATTENTION: Please do not submit this application without attaching a CORE Data Form (TCEQ-10400) for Applicant A. If you do not submit this form, the TCEQ will not be able to process the application in a timely manner. You may find this form at:

http://www.tceq.state.tx.us/permitting/central_registry/guidance.html

If you have any questions on how to fill out this form or about the VCP, please contact us at 512/239-5894.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact the TCEQ at 512-239-3282.

***** IMPORTANT NOTICE *****
FOR ALL TCEQ REGULATED ENTITIES
NEW PROTOCOL FOR PROCESSING APPLICATIONS

Effective September 1, 2006, the Texas Commission on Environmental Quality (TCEQ) will not issue, amend, or renew permits, registrations, certifications, or licenses to an entity or person who owes delinquent penalties or fees.

Any application submitted by a person/entity who is delinquent on a fee and/or penalty will not be declared administratively complete until the fees/penalties are paid and/or current. Similarly, final action will be withheld by the agency on an application if it is discovered after the application is considered administratively complete that the owner/entity who submitted the application is delinquent on fees and/or penalties until such time as the fees/penalties are paid and/or current. In all cases, a review of delinquent fees and/or penalties will occur just prior to a project being presented at agenda.

If delinquent fees and/or penalties are owed, the applicant will be given 30 days or less to make payment in accordance with specific program rules and regulations. If payment is not received in the established timeframe, the application will not be processed and will not be declared administratively complete and/or voided.

Customer Hand Delivered to Prog Area
 Received and Original Forward to Dept.
 JUL - 8 2013
 TCEQ/Revenue Section

OFFICE USE ONLY:
 PCA number: _____
 VCP Project number: 30785

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 VOLUNTARY CLEANUP PROGRAM**

Program Application

Please complete this form, a Texas Commission on Environmental Quality (TCEQ) Form 10400 and an agreement form to request assistance and review from TCEQ staff in the Voluntary Cleanup Program (VCP) pursuant to §361.604 of the Texas Solid Waste Disposal Act. You may download this document, TCEQ Form 10400 and any other VCP documents via the Internet at <http://www.tceq.state.tx.us/remediation/vcp/vcp.html>

Complete all applicable sections. The TCEQ may reject incomplete or inaccurate applications as per §361.605 of the VCP statute. To accurately complete this form, please refer to the VCP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

General Site Information

Site Name: Grand Park
 Site Size (acres): Approximately 340 Acres
 Regulated Entity Reference No. (if issued): CN-600245526

IMPORTANT - Please attach a completed CORE Data Form TCEQ-10400 for Applicant A Only

Applicant(s)

Applicant A (The person or entity seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the TCEQ. Applicant A is responsible for payment of TCEQ costs of review and oversight unless indicated otherwise on page 2 of this form).

Applicant : City of Frisco, Texas		
Contact Person: Mack Borchardt	Title: Special Assistant to City Manager	
Customer Reference No. (if issued): CN 600245526		
Organization: City of Frisco, Texas	Phone: (972)-292-5000	Fax: (972)-292-5122
Interest in Property: Property Owner		
Receive copies of TCEQ correspondence? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

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 TCEQ Remediation Division

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 JUL 08 2013
 TCEQ Remediation Division

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 JUL 08 2013
 TCEQ Remediation Division

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dm

Applicant B

Applicant : Frisco Economic Development Corporation (EDC)		
Contact Person: James L. Gandy	Title: President	
Customer Reference No. (if issued): CN		
Address: 6801 Gaylord Parkway, Suite 400		
City, State, Zip: Frisco, Texas 75034		
Organization: EDC	Phone: (972)-292-5150	Fax: (972)-292-5166
Interest in Property: Prospective Buyer		
Receive copies of TCEQ correspondence? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Applicant C

Applicant : Frisco Community Development Corporation (CDC)		
Contact Person: Mack Borchardt	Title: Special Assistant to City Manager	
Customer Reference No. (if issued): CN		
Address: 6101 Frisco Square Boulevard		
City, State, Zip: Frisco, Texas 75034		
Organization: CDC	Phone: (972)-292-5000	Fax: (972)-292-5122
Interest in Property: Prospective Buyer		
Receive copies of TCEQ correspondence? <input type="checkbox"/> Yes <input type="checkbox"/> No		

If there are more than three applicants, list others under “Additional Applicants” on page 8 of this form.

Current Site Owner (if different from an applicant)

Owner(s) :		
Contact Person:	Title:	
Customer Reference No. (if issued): CN		
Organization:	Phone: ()	Fax: ()
City	State	Zip

Other Contacts (Consultant/Attorney)

Name(s): Mr. Kerry Russell		Title: Outside Counsel for City of Frisco	
Customer Reference No. (if issued): CN			
Organization: Russell & Rodriguez LLP		Phone: (512) 930-1317	Fax: (866) 292-1641
Address: 1633 Williams Drive, Building 2, Suite 200			
City: Georgetown	State: Texas	Zip Code: 78628	

Name(s): Wade Wheatley		Title: Vice President	
Customer Reference No. (if issued): CN			
Organization: Cook-Joyce, Inc.		Phone: (512) 474-9097	Fax: (None)
Address: 812 West 11th Street			
City: Austin	State: Texas	Zip Code: 78701	

Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of TCEQ oversight costs.

Name(s):		Title:	
Customer Reference No. (if issued): CN			
Organization:		Phone: ()	Fax: ()
Address:			
City:	State:	Zip Code:	
Signature of Consent:			Date:

Current Property Use (Use percentage if site is divided into different use categories.)

Residential _____ Other (e.g., agricultural, recreational) Vacant Land
 Non-residential _____ If non-residential, **type of business** _____

Is a real estate transaction imminent for this site? Yes ___ No X
 If yes, what is the planned closing date? _____

Latitude/Longitude

Latitude (degrees, min., sec. N or decimal degrees) 33.137487 Degrees North

Longitude (degrees, min., sec. W or decimal degrees) 96.843697 Degrees West

Date of collection 6/25/2013 Organization providing collection data Google Earth

Check the method used to determine latitude and longitude:

GPS - Real Time Differentially Corrected _____

GPS - Post Processed Differentially Corrected _____

Map Interpolation - Manual _____

Map Interpolation - Digital Obtained from Google Earth.

DOQQ _____

If using GPS, please state professional unit brand name, model number and accuracy tolerances.

If using Map Interpolation, please state which USGS quad map was used for interpolation.

If using DOQQ Interpolation, please state which DOQQ was used for interpolation.

Does the latitude and longitude listed above refer to the

Center of the property?

Main entrance to the property?

Other, please describe _____

VCP Eligibility and Involvement with Other Regulatory Programs

Is the site subject to a TCEQ permit or administrative order? Yes No

Have response actions been initiated at the site on or after April 19, 1996 that were not covered by a VCP agreement? Yes No

Note: Response actions initiated by the VCP applicant on or after April 19, 1996, that were not covered by a VCP agreement may cause the applicant to become ineligible for the VCP.

Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the site? Yes No

Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this site? Yes No

If yes, please describe all prior contact with any state or federal environmental regulatory programs or agencies which relate to each of these questions. Attach additional sheets as necessary. _____

Is a request for reimbursement pre-approval currently under review by the Petroleum Storage Tank (PST) Program? Yes ___ No X

If yes, then please describe the site's status in the PST Program: _____

Please provide any and all state and federal identification numbers related to the property in question, including any solid waste registration, leaking petroleum storage tank, CERCLIS, RCRIS, UIC, etc. registration numbers which have been assigned. _____

Contaminated Media and Contaminants Present

Have contaminants been detected in on-site media? Yes X No ___

Please check the chemicals of concern within each contaminant category and the media which have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment
*VOCs				
*SVOCs				
*Heavy Metals				X
*Chlorinated Solvents				
Pesticides				
TPH				
PCBs				
Other _____				

*Please describe: Lead originating from the nearby Exide facility has impacted Stewart Creek, which crosses the subject property. Lead may have also affected surface soil through airborne deposition.

Applicant's Intended Response Action Objectives (Cleanup Levels)

___ Not known at this time. Applicant wishes to receive guidance from the VCP prior to the signing of a VCP agreement.

Texas Risk Reduction Program Rules (30 TAC Chapter 350) - Check Appropriate Standard and Tier Level:

___ Self-Implemented Cleanup to Remedy Standard A, Tier 1 Tier 2 Tier 3

X Non Self-Implemented Cleanup to Remedy Standard A, Tier 1 Tier 2 Tier 3

_____ Cleanup to Remedy Standard B, Tier 1 Tier 2 Tier 3

PST Rules (30 TAC Chapter 334) - Check Appropriate Standard:

_____ Cleanup to generic risk-based levels (following PST Plan A requirements).

_____ Cleanup to site specific risk-based levels not relying on engineering or institutional controls (following PST Plan B requirements).

_____ Cleanup to site specific risk-based levels which rely on engineering or institutional controls (following PST Plan B requirements).

_____ Other (explain) _____

Federal Brownfields Tax Deduction

Are you requesting TCEQ certification that the site is eligible for a federal tax deduction under the Taxpayer Relief Act of 1997 (HR 2014)? Yes _____ No X

If yes, please submit a Brownfields Tax Deduction Pre-Certification Form. This form may be downloaded from <http://www.tceq.state.tx.us/assets/public/remediation/vcp/taxform>

State Property Tax Abatements for Brownfields

Are you interested in signing an agreement with the local taxing authority to receive a property tax abatement after issuance of the VCP Certificate of Completion, as allowed under Section 312.211 of the Texas Tax Code? Yes _____ No X

If yes, please read the application instructions for more information about this tax abatement.

Environmental Assessment

An environmental assessment that includes the following information must be attached to this application:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant;
4. information that the applicant is aware of concerning the nature and extent of any contamination and/or release at the site and in areas contiguous to the site; and
5. relevant information the applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the site.

Intent to Participate

The undersigned requests oversight by the TCEQ of investigation and cleanup activities of possible contamination at the property described above and intends to negotiate in good faith, a written agreement

with the TCEQ to provide technical and regulatory oversight. This Intent to Participate does not constitute such an agreement and neither TCEQ nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed. Applicants should be aware that in order for the TCEQ to issue a VCP Certificate of Completion for an entire site, the applicant must provide adequate information to document that the entire site meets the applicable standards. As an alternative, the applicant may pursue a VCP Certificate of Completion for only a portion of the site, as a partial response action area. The agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the TCEQ for all of its oversight costs. By completing and signing this Intent to Participate and that excepting areal limitations with partial response actions, all environmental media which exceed the critical Protective Concentration Levels shall be addressed through appropriate response actions. The undersigned affirms the applicant's financial capability to perform the voluntary cleanup. The Executive Director may also request additional information to support this affirmation.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time. If the TCEQ rejects the application, it will notify the applicant and explain the reasons for rejection and will refund half of the application deposit, unless the applicant indicates a desire to resubmit a corrected application. An applicant can resubmit an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date.

Deposit of Oversight Costs

The applicant must submit with this application, a deposit in the amount of one thousand dollars (\$1,000), and made payable to the Texas Commission on Environmental Quality. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

Please execute this Intent to Participate in the space below and return it and all associated documents (e.g., environmental assessment reports) to:

**Attention: Cashier
Texas Commission on Environmental Quality
MC- 214
P.O. Box 13088
Austin, Texas 78711-3088**

For overnight or express mail please use the following street address:

**Attention: Cashier
Texas Commission on Environmental Quality
MC-214
12100 Park 35 Circle
Austin, Texas 78753**

*******Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.*******

If you have any questions on how to fill out this form or about the VCP, please contact us at 512/239-5894.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact the TCEQ at 512-239-3282.

Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A
By: George A. Purefoy
(signature)

Date: 7-3-13

Company: City of Frisco

Name: George A. Purefoy
(print or type)

Title: City Manager, City of Frisco

Phone: (972) 292-5000

Applicant B
By: James L. Gandy
(signature)

Date: 7-3-13

Company: Frisco EDC

Name: James L. Gandy
(print or type)

Title: President, EDC

Phone: (972) 292-5150

Applicant C
By: George A. Purefoy
(signature)

Date: 7-3-13

Company: Frisco CDC

Name: George A. Purefoy
(print or type)

Title: City Manager, City of Frisco

Phone: (972) 292-5000

Applicant D
By: _____
(signature)

Date: _____

Company: _____

Name: _____
(print or type)

Title: _____

Phone: (____) _____

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM**

Program Application - Additional Applicants Form

Applicant E

By: _____
(signature)

Name: _____
(print or type)

Date: _____

Title: _____

Company: _____

Phone: (____) _____

Applicant F

By: _____
(signature)

Name: _____
(print or type)

Date: _____

Title: _____

Company: _____

Phone: (____) _____



CORE DATA FORM





TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided)			
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other	
2. Attachments Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		VCP Application & Remediation Division Correspondence Ident. Form	
3. Customer Reference Number (if issued)		4. Regulated Entity Reference Number (if issued)	
CN 600245526		RN	

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)		7/5/2013	
6. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check only one of the following:			
<input type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input type="checkbox"/> Owner & Operator	
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party	<input checked="" type="checkbox"/> Voluntary Cleanup Applicant	<input type="checkbox"/> Other: _____
7. General Customer Information			
<input checked="" type="checkbox"/> New Customer		<input type="checkbox"/> Update to Customer Information	
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State)		<input type="checkbox"/> Change in Regulated Entity Ownership	
		<input checked="" type="checkbox"/> No Change**	
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.			
8. Type of Customer:			
<input type="checkbox"/> Corporation	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship- D.B.A	
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Other: _____
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)			End Date:
10. Mailing Address:			
City		State	ZIP
			ZIP + 4
11. Country Mailing Information (if outside USA)		12. E-Mail Address (if applicable)	
		tm@brennaninvestmentgroup.com	
13. Telephone Number		14. Extension or Code	
() - 972-292-5000			
15. Fax Number (if applicable)			
() -			
16. Federal Tax ID (9 digits)		17. TX State Franchise Tax ID (11 digits)	
18. DUNS Number (if applicable)		19. TX SOS Filing Number (if applicable)	
20. Number of Employees		21. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION III: Regulated Entity Information

22. General Regulated Entity Information (If "New Regulated Entity" is selected below this form should be accompanied by a permit application)			
<input type="checkbox"/> New Regulated Entity		<input type="checkbox"/> Update to Regulated Entity Name	
<input checked="" type="checkbox"/> Update to Regulated Entity Information		<input type="checkbox"/> No Change** (See below)	
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.			
23. Regulated Entity Name (name of the site where the regulated action is taking place)			
GRAND PARK PROPERTY			

24. Street Address of the Regulated Entity: (No P.O. Boxes)	7275 Dallas Parkway						
	City	Frisco	State	Texas	ZIP	75034	ZIP + 4
25. Mailing Address:							
	City		State		ZIP		ZIP + 4
26. E-Mail Address:	MBorchardt@friscotexas.gov						
27. Telephone Number	28. Extension or Code			29. Fax Number (if applicable)			
() -				() -			
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)			33. Secondary NAICS Code (5 or 6 digits)		
		493110					
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)							
This is vacant land.							

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	Approximate 330 acre tract of land located at 7275 Dallas Parkway, Frisco, Collin County, TX						
36. Nearest City	County		State		Nearest ZIP Code		
Frisco,	Collin		Texas		75034		
37. Latitude (N) In Decimal:	33.137487			38. Longitude (W) In Decimal:	96.843697		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review – Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input checked="" type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Wade M. Wheatley	41. Title:	Vice President
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(512) 474 - 9097	2495	() -	wade.wheatley@cook-joyce.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	City of Frisco	Job Title:	Special Assistant to City Manager, City of Frisco
Name (In Print):	Mack Borchardt	Phone:	(972) 292-5000
Signature:		Date:	7-5-2013



COPY OF CHECK FOR VCP APPLICATION FEE



City of Frisco, Frisco, TX 75034

Page Number: 1

Check Number: 00292496

Invoice Date	Invoice Number	P.O. No.	Voucher	Invoice Description	Net Invoice Amount
06/26/2013	062613			VOLUNTARY CLEANUP PROGRAM	1,000.00

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
102319	TX COMM ON ENVIRONMENTAL QUALITY	00292496	06/27/2013	1,000.00

TYLER FORM PROCESSING
U.S. Pat. no. 6,086,407



City of Frisco
 Accounts Payable
 6101 Frisco Square Blvd.
 Frisco, TX 75034
 (972) 292-5500 Fax (972) 292-5587

Vendor Number: 102319
 Check Date: 06/27/2013
 Check Number: 00292496
 55-382 412
 VOID 90 DAYS FROM DATE OF ISSUE

\$1,000.00

Pay One Thousand dollars and 00 cents *****
 To The Order Of TX COMM ON ENVIRONMENTAL QUALITY
 PO BOX 13087
 AUSTIN, TX 78711-3087

Genya Purifoy MP
 Authorized Signature
Anita Cochran MP
 Authorized Signature

WELLS FARGO BANK, N.A.

FORM # PSBLX



See Reverse Side For Easy Opening Instructions



City of Frisco
 Accounts Payable
 6101 Frisco Square Blvd.
 Frisco, TX 75034

ADDRESS SERVICE REQUESTED

00292496
 TX COMM ON ENVIRONMENTAL QUALITY
 PO BOX 13087
 AUSTIN, TX 78711-3087

APPSX21_PO_WDVERFLOW

50-3625302 • 11Z-VG

Invoice Date	Invoice Number	P.O. No.	Voucher	Invoice Description	Net Invoice Amount
06/26/2013	062613			VOLUNTARY CLEANUP PROGRAM	1,000.00

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
102319	TX COMM ON ENVIRONMENTAL QUALITY	00292496	06/27/2013	1,000.00

Received and Original
Forward to Dept.
JUL - 8 2013
TCEQ/Revenue Section

FRISCO PROGRESS IN MOTION.

City of Frisco
Accounts Payable
6101 Frisco Square Blvd.
Frisco, TX 75034
(972) 292-5500 Fax (972) 292-5587

Vendor Number: 102319
Check Date: 06/27/2013
Check Number: 00292496
VOID 90 DAYS FROM DATE OF ISSUE

\$1,000.00

Pay One Thousand dollars and 00 cents *****

To The Order Of: TX COMM ON ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN, TX 78711-3087

Authorized Signatures:

MP
MP

WELLS FARGO BANK, N.A.



AP

See Reverse Side For Easy Opening Instructions

FRISCO PROGRESS IN MOTION.

City of Frisco
Accounts Payable
6101 Frisco Square Blvd.
Frisco, TX 75034

ADDRESS SERVICE REQUESTED

RECEIVED
JUL 08 2013
TCEQ Remediation Division

00292496
TX COMM ON ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN, TX 78711-3087

HAND DELIVERED

RECEIVED
JUL 08 2013
TCEQ Remediation Division

APP021_PO_W00VERFLOW



GRAND PARK METES AND BOUNDS



LEGAL DESCRIPTION
321.597 ACRES

BEING A 321.597 ACRE TRACT OF LAND SITUATED IN THE J.G. MORRELL SURVEY, ABSTRACT NO. 864 AND THE CLAYTON ROGERS SURVEY, ABSTRACT NO. 1094, CITY OF FRISCO DENTON COUNTY, TEXAS, ALSO BEING SITUATED IN THE JAMES BOLIN SURVEY, ABSTRACT NO. 32, THE L.H. McNIEL SURVEY, ABSTRACT NO. 618 AND THE CLAYTON ROGERS SURVEY, ABSTRACT NO. 1089, CITY OF FRISCO, COLLIN COUNTY, TEXAS, AND BEING ALL OF A CALLED 20.5199 ACRE TRACT OF LAND CONVEYED AS "TRACT 1" AND ALL OF A CALLED 11.7586 ACRE TRACT OF LAND CONVEYED AS "TRACT 2" TO FRISCO ECONOMIC DEVELOPMENT CORPORATION, AS RECORDED IN DENTON COUNTY CLERK'S FILE NO. 2007-80296 OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS, ALL OF A CALLED 4.5247 ACRE TRACT OF LAND CONVEYED TO FRISCO COMMUNITY DEVELOPMENT CORPORATION, AS RECORDED IN COUNTY CLERK'S FILE NO. 2013-14866, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, ALL OF A CALLED 49.9418 ACRE TRACT OF LAND CONVEYED TO FRISCO COMMUNITY DEVELOPMENT CORPORATION, AS RECORDED IN COUNTY CLERK'S FILE NO. 2012-109057, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, ALL OF A CALLED 36.3597 ACRE TRACT CONVEYED TO FRISCO COMMUNITY DEVELOPMENT CORPORATION, AS RECORDED IN COUNTY CLERK'S FILE NO. 2005-80699, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, PART A CALLED 195.195 ACRE TRACT OF LAND CONVEYED TO THE CITY OF FRISCO, TEXAS, AS RECORDED IN COUNTY CLERK'S FILE NO. 2005-128250, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS AND ALL OF A CALLED 33.097 ACRE TRACT OF LAND CONVEYED TO FRISCO COMMUNITY DEVELOPMENT CORPORATION, AS RECORDED IN COLLIN COUNTY CLERK'S FILE NO. 2005-0093005, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID 321.597 ACRE TRACT, WITH REFERENCE BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS ON JULIAN DAY 213, 2006 CALCULATED FROM ARLINGTON RRP2 CORS ARP (PID-DF5387), SAGINAW TX CORS ARP (PID-DH7149) AND DENTON CORS ARP (PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR A NORTHEAST CORNER OF SAID 4.5257 ACRE TRACT, SAID POINT BEING AT THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF DALLAS NORTH TOLLWAY (A 300' RIGHT-OF-WAY) AND THE SOUTH RIGHT-OF-WAY LINE OF COTTON GIN ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE, ALONG THE EAST LINE OF SAID 4.5257 ACRE TRACT AND THE WEST RIGHT-OF-WAY LINE OF DALLAS NORTH TOLLWAY, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 01 DEGREES 44 MINUTES 39 SECONDS EAST, A DISTANCE OF 72.15 FEET TO A POINT FOR CORNER;

SOUTH 00 DEGREES 58 MINUTES 58 SECONDS EAST, PASSING AT A DISTANCE OF 220.92 FEET THE SOUTHEAST CORNER OF SAID 4.5257 ACRE TRACT AND A NORTHEAST CORNER OF AFORESAID TRACT 1, CONTINUING ALONG THE EAST LINE OF SAID TRACT 1 AND THE EAST LINE OF AFORESAID 36.3597 ACRE TRACT, A DISTANCE OF 607.60 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 48 DEGREES 47 MINUTES 18 SECONDS, A RADIUS OF 3014.79 FEET, AND A LONG CHORD THAT BEARS SOUTH 25 DEGREES 22 MINUTES 38 SECONDS EAST A DISTANCE OF 2490.29 FEET;

THENCE, ALONG SAID TANGENT CURVE TO THE LEFT, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID DALLAS NORTH TOLLWAY, THE EAST LINE OF SAID 36.3597 ACRE TRACT AND THE EAST LINE OF AFORESAID 33.097 ACRE TRACT, AN ARC DISTANCE OF 2567.14 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE EAST CORNER OF SAID 33.097 ACRE TRACT, SAID POINT BEING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID DALLAS NORTH TOLLWAY AND THE NORTHWEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD (A 100' RIGHT-OF-WAY);

THENCE, SOUTH 24 DEGREES 06 MINUTES 40 SECONDS WEST, ALONG THE EAST LINE OF SAID 33.097 ACRE TRACT AND THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY, PASSING AT A DISTANCE OF 2204.15 FEET A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "KHA" FOUND FOR THE SOUTH CORNER OF SAID 33.097 ACRE TRACT AND A SOUTHEAST CORNER OF AFORESAID 195.195 ACRE TRACT, CONTINUING ALONG THE BURLINGTON, NORTHERN RAILROAD RIGHT-OF-WAY AND THE EAST LINE OF SAID 195.195 ACRE TRACT IN ALL A TOTAL DISTANCE OF 2499.21 FEET TO A 5/8 INCH IRON WITH PLASTIC CAP STAMPED "KHA" FOUND FOR CORNER ON THE NORTH RIGHT-OF-WAY LINE OF STONEBROOK PARKWAY (A VARIABLE WIDTH RIGHT-OF-WAY) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 1340.00 FEET, AND A LONG CHORD THAT BEARS NORTH 65 DEGREES 32 MINUTES 43 SECONDS WEST A DISTANCE OF 496.71 FEET;

THENCE, OVER AND ACROSS SAID 195.195 ACRE TRACT AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STONEBROOK PARKWAY, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 499.60 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 54 DEGREES 51 MINUTES 52 SECONDS WEST, A DISTANCE OF 189.60 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 35 DEGREES 33 MINUTES 11 SECONDS, A RADIUS OF 1460.00 FEET, AND A LONG CHORD THAT BEARS NORTH 72 DEGREES 38 MINUTES 27 SECONDS WEST A DISTANCE OF 891.49 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 905.95 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST, A DISTANCE OF 144.12 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 40.00 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST, A DISTANCE OF 527.97 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 00 DEGREES 25 MINUTES 02 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST, A DISTANCE OF 420.75 FEET TO A 5/8 INCH IRON WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR THE SOUTHEAST CORNER OF A CALLED 2.609 ACRE TRACT OF LAND CONVEYED AS "TRACT C-2" TO THE CITY OF FRISCO, TEXAS, AS RECORDED IN VOLUME 5545, PAGE 1633, OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS, SAID POINT BEING ON THE WEST LINE OF SAID 195.195 ACRE TRACT;

THENCE, NORTH 00 DEGREES 33 MINUTES 55 SECONDS WEST, ALONG THE WEST LINE OF SAID 195.195 ACRE TRACT, THE EAST LINE OF SAID TRACT C-2 AND THE EAST LINE OF LOT 2, BLOCK A OF PLATINUM BUSINESS PARK, AN ADDITION TO THE CITY OF DENTON, AS RECORDED IN CABINET V, PAGE 797, PLAT RECORDS, DENTON COUNTY, TEXAS, A DISTANCE OF 2546.65 FEET TO A 5/8 INCH IRON ROD WITH A PLASTIC CAP STAMPED "PBS&J INC." FOUND FOR THE NORTHWEST CORNER OF SAID 195.195 ACRE TRACT AND THE SOUTHWEST CORNER OF AFORESAID 49.9418 ACRE TRACT;

THENCE, NORTH 00 DEGREES 25 MINUTES 20 SECONDS WEST, CONTINUING ALONG THE EAST LINE OF SAID LOT 2, BLOCK A AND THE WEST LINE OF SAID 49.9418 ACRE TRACT, A DISTANCE OF 169.24 FEET TO A POINT FOR CORNER ON THE EAST RIGHT-OF-WAY LINE OF LEGACY DRIVE (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PBS&J INC." FOUND BEARS SOUTH 05 DEGREES 56 MINUTES 07 SECONDS EAST, A DISTANCE OF 0.70 FEET;

THENCE, CONTINUING ALONG THE WEST LINE OF SAID 49.9418 ACRE TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID LEGACY DRIVE, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 34 MINUTES 43 SECONDS EAST, A DISTANCE OF 25.00 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "PBS&J INC." FOUND BEARS SOUTH 49 DEGREES 38 MINUTES 40 SECONDS WEST, A DISTANCE OF 0.40 FEET;

NORTH 00 DEGREES 25 MINUTES 17 SECONDS WEST, A DISTANCE OF 489.01 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "KHA" FOUND FOR CORNER ON THE EAST RIGHT-OF-WAY LINE OF LEGACY ROAD (A VARIABLE WIDTH RIGHT-OF-WAY) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 11 MINUTES 24 SECONDS, A RADIUS OF 1060.00 FEET, AND A LONG CHORD THAT BEARS NORTH 05 DEGREES 10 MINUTES 25 SECONDS EAST A DISTANCE OF 206.69 FEET;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 207.02 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 33 MINUTES 16 SECONDS WEST, A DISTANCE OF 65.22 FEET TO A 5/8 INCH IRON ROD WITH PLASTIC CAP STAMPED "KHA" FOUND FOR CORNER;

NORTH 00 DEGREES 25 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF AFORESAID TRACT 2, A DISTANCE OF 854.61 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

THENCE, CONTINUING ALONG THE WEST LINE OF AFORESAID TRACT 2 AND THE EAST RIGHT-OF-WAY LINE SAID LEGACY DRIVE, THE FOLLOWING COURSES AND DISTANCES:

NORTH 03 DEGREES 35 MINUTES 24 SECONDS EAST, A DISTANCE OF 114.69 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 00 DEGREES 25 MINUTES 17 SECONDS WEST, A DISTANCE OF 175.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AT THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF LEGACY DRIVE AND THE SOUTH RIGHT-OF-WAY LINE OF AFORESAID COTTON GIN ROAD;

THENCE, NORTH 44 DEGREES 34 MINUTES 25 SECONDS EAST, ALONG SAID CORNER CLIP, A DISTANCE OF 35.35 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

THENCE, ALONG THE NORTH LINE OF SAID TRACT 2 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID COTTON GIN ROAD, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89 DEGREES 34 MINUTES 43 SECONDS EAST, A DISTANCE OF 176.99 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 85 DEGREES 45 MINUTES 52 SECONDS EAST, A DISTANCE OF 150.33 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 34 MINUTES 45 SECONDS EAST, ALONG THE NORTH LINE OF AFORESAID 49.9418 ACRE TRACT AND THE NORTH LINE OF AFORESAID TRACT 1, A DISTANCE OF 1429.71 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 09 MINUTES 15 SECONDS, A RADIUS OF 1493.88 FEET, AND A LONG CHORD THAT BEARS SOUTH 88 DEGREES 40 MINUTES 51 SECONDS EAST A DISTANCE OF 82.23 FEET;

THENCE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT, ALONG THE NORTH LINE OF SAID TRACT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID COTTON GIN ROAD, AN ARC DISTANCE OF 82.24 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR A NORTHEAST CORNER OF SAID TRACT 1, THE NORTHWEST CORNER OF AFORESAID 4.5247 ACRE TRACT;

THENCE, ALONG THE NORTH LINE OF SAID 4.5247 ACRE TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF SAID COTTON GIN ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 85 DEGREES 58 MINUTES 39 SECONDS EAST, A DISTANCE OF 43.37 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 85 DEGREES 03 MINUTES 01 SECONDS EAST, A DISTANCE OF 19.88 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

SOUTH 86 DEGREES 25 MINUTES 28 SECONDS EAST, A DISTANCE OF 180.44 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER;

NORTH 89 DEGREES 34 MINUTES 44 SECONDS EAST, A DISTANCE OF 346.43 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET FOR CORNER AT THE NORTH END OF AFORESAID CORNER CLIP AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID COTTON GIN ROAD AND THE WEST RIGHT-OF-WAY LINE OF SAID DALLAS NORTH TOLLWAY;

THENCE, SOUTH 46 DEGREES 37 MINUTES 32 SECONDS EAST, ALONG SAID CORNER CLIP, A DISTANCE OF 36.06 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 321.597 ACRES OF LAND, MORE OR LESS.