

STATE OF TEXAS §

§ **RESTRICTIVE COVENANT**

COUNTY OF COLLIN §

This Restrictive Covenant is filed to provide information concerning certain environmental and use limitations pursuant to the Texas Health & Safety Code, Chapter 361, Subchapter W, and affects the real property whose address is 4550 Eldorado Parkway, containing approximately 1.895 acres of land in McKinney, Texas, as more fully described in Exhibit A attached hereto and incorporated herein by reference (the "MSD Property").

Shallow groundwater (less than 100 feet below ground surface) underlying the MSD Property (the "Designated Groundwater") contains chemicals of concern at concentrations above applicable Tier 1 groundwater ingestion protective concentration levels established under the Texas Risk Reduction Program, 30 Texas Administrative Code, Chapter 350.

This Restrictive Covenant is required as a precondition for certification by the Texas Commission on Environmental Quality ("TCEQ") of a Municipal Setting Designation covering the MSD Property pursuant to Texas Health & Safety Code, Chapter 361, Subchapter W.

As of the date of this Restrictive Covenant, the record owner of fee title to the Property is NOKHI Investments, LLC ("Owner"), with a principal place of business address of 2508 Cross Bend Road, Plano, Texas 75023.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner does hereby place the following restrictions on the MSD Property in favor of the City of McKinney, the TCEQ, and the State of Texas, to wit:

1. The drilling of wells within the MSD Property and the use of the groundwater beneath the MSD Property for any purpose, including but not limited to any potable purpose, is prohibited, excepting only (a) the installation of monitor wells used for the collection of groundwater samples for chemical or biological laboratory analysis, and (b) the installation of wells used for the purpose of remediation of soil or groundwater contamination.
2. These restrictions shall run with the land and be binding on and enforceable as to any and all subsequent owners of the MSD Property.

This Restrictive Covenant shall be enforceable by the City of McKinney and may be amended or rendered of no further force or effect only by a release executed by the City of McKinney, after at least 30 days prior written notice to TCEQ of any pending amendment or termination, and filed in the same Real Property Records as those in which this Restrictive Covenant is filed.

Executed this ____ day of _____, 2020

NOKHI Investments, LLC

By: _____
Shanti Shah
Managing Director

STATE OF TEXAS §

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COUNTY OF _____ §

This instrument was acknowledged before me on this ____ day of _____, 2020, by Shanti Shah, to me personally known, who, being by me duly sworn, did say that he is the Managing Director of NOKHI Investments, LLC, and Shanti Shah acknowledged the execution of said instrument to the voluntary act and deed of said corporation by it voluntarily executed.

Notary Public

My Commission Expires _____

EXHIBIT A

BEING 1.895 ACRES OF LAND LOCATED IN THE GRAFTON WILLIAMS SURVEY, ABSTRACT NO. 976, LOT 4R1, BLOCK A, OF THE PARKWAY ADDITION, MCKINNEY, COLLIN COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME O, PAGE 273 OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS.

**LEGAL DESCRIPTION
MUNICIPAL SETTINGS DESIGNATION SURVEY
CITY OF MCKINNEY, COLLIN COUNTY, TEXAS
1.895 ACRE TRACT**

BEING, a 1.895 acre tract of land situated in the Grafton Williams Survey, Abstract No. 976; said tract being all of Lot 4R1, Block A, Parkway Addition, an addition to the City of McKinney, Texas according to the plat recorded in Volume O, Page 273, Official Public Records, Collin County, Texas; said 1.895 acre tract being more particularly described as follows:

BEGINNING, at an x-cut found in the northeast right-of-way line of Eldorado Parkway (120' right-of-way) at the westernmost corner of said Lot 4R1, Block A; said point also being the southernmost corner of Lot 6R, Block A, Parkway Addition, an addition to the City of McKinney, Texas according to the plat recorded in Volume 2006, Page 544, of said Official Public Records;

THENCE, North 26 degree 16 minutes 56 seconds East, along the common line between said Lot 4R1, Block A and said Lot 6R, Block A, a distance of 270.32 feet to a 1/2" capped iron rod found at the northernmost corner of said Lot 4R1, Block A, the easternmost corner of said Lot 6R, Block A and a west corner of Lot 2, Block A, Parkway Addition, an addition to the City of McKinney, Texas according to the plat recorded in Cabinet K, Slide 534, of said Official Public Records; said point also being the beginning of a non-tangent curve to the right;

THENCE, along the common line between said Lot 4R1, Block A and said Lot 2, Block A and said curve to the right, having a radius of 3070.32 feet, arc length of 319.40 feet, a central angle of 05 degrees 57 minutes 38 seconds and a chord bearing and distance of South 60 degrees 44 minutes 15 seconds East, 319.26 feet to a point for corner; said point also being the northernmost corner of Lot 5R, Block A of Parkway Addition, an addition to the City of McKinney, Texas according to the plat recorded in Cabinet Q, Slide 224, of said Official Public Records;

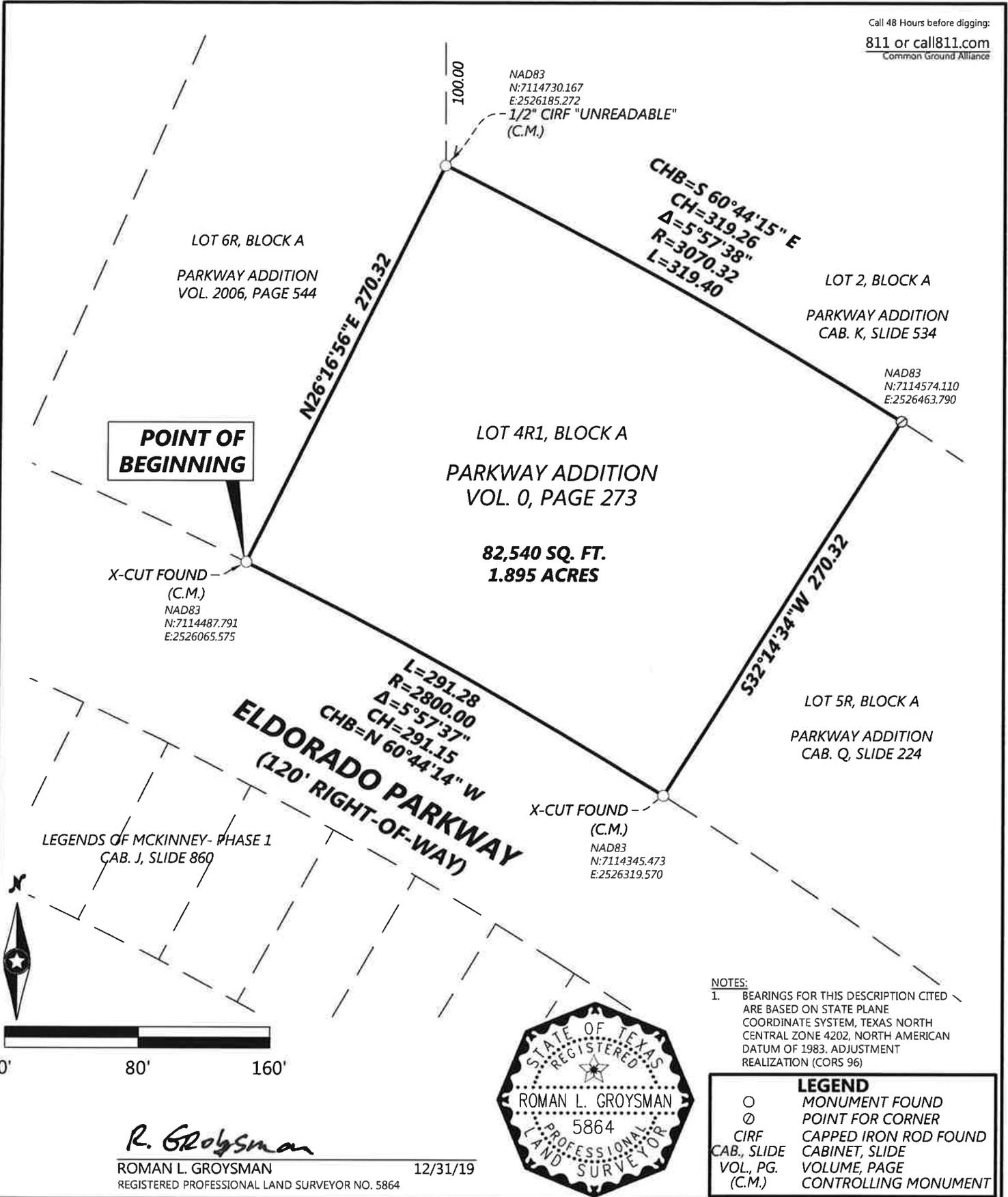
THENCE, South 32 degrees 14 minutes 34 seconds West, departing said common line between Lot 4R1, Block A and Lot 2, Block A and along the common line between said Lot 4R1, Block A and said Lot 5R, Block A, a distance of 270.32 feet to an x-cut found for corner in the said northeast right-of-way line of Eldorado Parkway; said point also being the westernmost corner of said Lot 5R, Block A and in a non-tangent curve to the left;

THENCE, in a northwesterly direction, along said northeast right-of-way line of Eldorado Parkway and said curve to left, having a central angle of 05 degrees 57 minutes 37 seconds, a radius of 2,800.00 feet, a chord bearing and distance of North 60 degrees 44 minutes 14 seconds West, 291.15 feet, an arc distance of 291.28 feet the **POINT-OF-BEGINNING**, containing **82,540 square feet** or **1.895 acres** of land.

Bearings for this description cited are based on State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization (CORS 96) An exhibit of even date accompanies this description. Date: 12/31/19

R. Groysman
Roman L. Groysman
Registered Professional Land Surveyor
No. 5864





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ENVIROPHASE- MSD SURVEY EXHIBIT

LEGRAND RETAIL CENTER
 4550 ELDORADO PARKWAY,
 MCKINNEY, TEXAS

Westwood

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 westwoodps.com
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 TBPE FIRM REGISTRATION NO. F-11756
 TBPLS FIRM REGISTRATION NO. 10074301

MSD SURVEY EXHIBIT
 LOT 4R1, BLOCK A
 PARKWOOD ADDITION

PROJECT NUMBER: 0026118

SHEET NUMBER:
2 OF **2**
 DATE: 12/31/2019