




STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

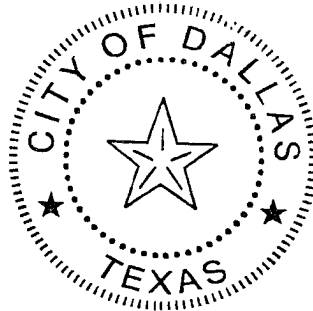
I, **BILIERAE JOHNSON**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 29741

Which was passed by the Dallas City Council on **May 13, 2015**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **15th** day of **April, 2016**.


BILIERAE JOHNSON
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS



Prepared By: AG

04-17-15

ORDINANCE NO. 29741

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 11602, 11616, 11634, 11642, and 11650 Harry Hines Boulevard, 11613, 11621, 11625, 11637, 11661, and 11663 Denton Drive, and 2536 Forest Lane and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

- (1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;
- (2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;
- (3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying

drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned Voluntary Cleanup Program (“VCP”) No. 2443 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than May 13, 2017.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than May 13, 2017. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

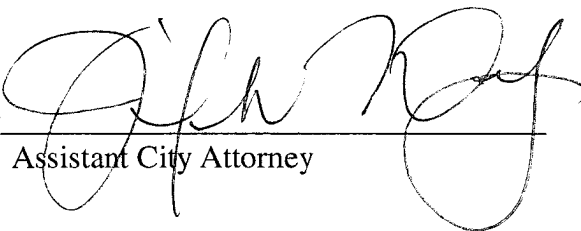
SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

Passed MAY 13 2015

EXHIBIT A

Page 1 of 3

22.797 Acres
J. B. Shade Survey, Abstract No. 1390
Wm. Sprowls Survey, Abstract No. 1289
City Block No. 6568
City of Dallas
Dallas County, Texas

BEING 22.797 acres of land situated in the City of Dallas, in the J. B. Shade Survey, Abstract No. 1390 and the Wm. Sprowls Survey, Abstract No. 1289 of Dallas County, Texas and being: all of Lots 44, 45, 46, 47, 48, 49, 53, 54 and 55, Block 6568 of DENTON ROAD ESTATES, an addition to the City of Dallas, according to the plat thereof recorded in Volume 6, Page 173, Map Records, Dallas County, Texas (M.R.D.C.T.), as described in a deed to Gas Equipment Company, recorded in Volume 87029, Page 863, Deed Records, Dallas County, Texas (D.R.D.C.T.); all of Lot 52 and part of Lot 51, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to GAS Equipment Company, recorded in Volume 89185, Page 3209, D.R.D.C.T.; all of lot 50, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to Precise C Corp., recorded in Volume 97209, Page 1750, D.R.D.C.T. and all of Lots 57, 58, 59, 60, 61, 62 and 63, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to An Luxury Imports, Ltd., recorded in Instrument No. 200409200102, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and said 22.796 acres of land being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod, topped with a plastic cap, stamped "Precise", found on the East right-of-way line of Harry Hines Boulevard (164' wide R.O.W. at this point) for the Northwest corner of the above described Lot 44, Block 6568 and same being the Southwest corner of Lot 43, Block 6568 as described in a deed to Howard E. Carr, Jr., recorded in Instrument No. 201200039426, O.P.R.D.C.T.;

THENCE: North 89 deg. 47 min. 59 sec. East, along the common line of said Lots 43 and 44, a distance of 396.11 feet to the Northeast corner of said Lot 44 and same being the common corner of said Lots 43, 57 and 58, Block 6568;

THENCE: North 14 deg. 32 min. 00 sec. West, along the West line of the above described Lots 58, 59, 60, 61, 62 and 63 and the East line of Lots 43, 42, 41, 40, 39 and 38 of Block 6568, at 585.00 feet, passing the Northwest corner of said Lot 63 and the South right-of-way line of Forest Lane (variable width R.O.W. at this point) and continuing on across said Forest Lane for a total distance of 651.55 feet to a point for corner on the North right-of-way line of said Forest Lane, the South right-of-way line of L.B.J. Freeway (I-635) and same being the original South line of City Block 6572;

THENCE: North 89 deg. 47 min. 34 sec. East, along the common line of said Forest Lane and L.B.J. Freeway, at 396.10 feet, passing the original Southeast corner of said Block 6572 at the West right-of-way line of Denton Drive (80' wide R.O.W. at this point) and continuing on across said Denton Drive for a total distance of 478.67 feet to a point for the original Southwest corner of City Block 6569, on the East right-of-way line of said Denton Drive and same being the West right-of-way line of the Dallas Area Rapid Transit (DART) Railway as described in a deed recorded in Volume 90177, Page 4219, D.R.D.C.T.;

THENCE: South 14 deg. 32 min. 00 sec. East (Reference Bearing), across said Forest Lane with the West line of said DART Railway, at 51.60 feet, crossing the South right-of-way line of said Forest Lane and continuing along the common line of said Denton Drive and DART Railway for a total distance of 751.62 feet to a point for corner;

THENCE: South 89 deg. 47 min. 59 sec. West, departing from the common line of said Denton Drive and DART Railway, across said Denton Drive, at 82.57 feet, passing the West right-of-way line of said Denton Drive at the Southeast corner of the above described Lot 57, Block 6568 and same being the Northeast corner of Lot 56, Block 6568 as described in a deed to Larry Keith Chatham, recorded in Volume 98230, Page 3198, D.R.D.C.T. and continuing on along the common line of said Lot 56 and Lot 57, for a total distance of 478.68 feet to the common corner of said Lots 57, 56, 44 and 45, Block 6568;

THENCE: South 14 deg. 32 min. 00 sec. East, along the common line of said Lot 45 and Lot 56, a distance of 100.00 feet to the common corner of said Lots 45, 46, 55 and 56, Block 6568;

THENCE: North 89 deg. 47 min. 59 sec. East, along the common line of said Lot 55 and Lot 56, at 396.11 feet passing the Northeast corner of said Lot 55 and the Southeast corner of said Lot 56 on the West right-of-way line of said Denton Drive and continuing on across said Denton Drive for a total distance of 478.68 feet to a point for corner on the East right-of-way line of said Denton Drive and the West right-of-way line of said DART Railway;

THENCE: South 14 deg. 32 min. 00 sec. East, along the common line of said Denton Drive and DART Railway, a distance of 400.00 feet to a point for corner;

THENCE: South 89 deg. 47 min. 59 sec. West, departing from the common line of said Denton Drive and DART Railway, across said Denton Drive, at 82.57 feet, passing the West right-of-way line of said Denton Drive at the Southeast corner of the above described Lot 52, Block 6568 and same being the Northeast corner of Lot 51, Block 6568 as described in a deed to REZ Enterprises, Inc., recorded in Instrument No. 200900123110, O.P.R.D.C.T. and continuing along the common line of said Lot 52 and Lot 51 for a total distance of 308.35 feet to the Northwest corner of said REZ Enterprises tract and same being an inside ell corner for the above described tract of land conveyed by deed to Gas Equipment Company, recorded in Volume 89185, Page 3209, D.R.D.C.T.;

THENCE: South 14 deg. 21 min. 35 sec. East, along the common line of said Gas Equipment Company and REZ Enterprises tracts, at 158.29 feet, passing the Southerly Southeast corner of said Gas Equipment Company tract and the Southwest corner of said REZ Enterprises tract, on the North line of a 25' wide Reservation for Road as per the above described plat recorded in Volume 6, Page 173, M.R.D.C.T. and continuing across said road reservation for a total distance of 184.10 feet to a point for corner on the South line of said 25' road reservation;

THENCE: North 89 deg. 59 min. 00 sec. West, along the South line of said 25' road reservation, at 566.42 feet, passing the East right-of-way line of the above described Harry Hines Boulevard and continuing across said Harry Hines Boulevard for a total distance of 735.85 feet to a point for corner on the West right-of-way line of said Harry Hines Boulevard and the East line of City Block 6567;

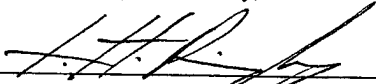
THENCE: North 14 deg. 32 min. 00 sec. West, along the common line of said Harry Hines Boulevard and Block 6567, a distance of 781.37 feet to a point for corner;

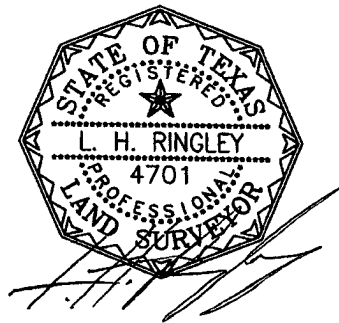
THENCE: North 89 deg. 47 min. 59 sec. East, across said Harry Hines Boulevard, a distance of 169.27 feet to the POINT OF BEGINNING and containing 993,014 square feet or 22.797 acres of land.

Note:

1. The Reference Bearing for the above prepared metes & bounds description is South 14 deg. 32 min. 00 sec. East along the West right-of-way line of Denton Drive as described in the Dedication of the Plat, Denton Road Estates, recorded in Volume 6, Page 173, Map Records of Dallas County, Texas.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
3. A drawing exhibit of equal date, accompanies this metes & bounds description

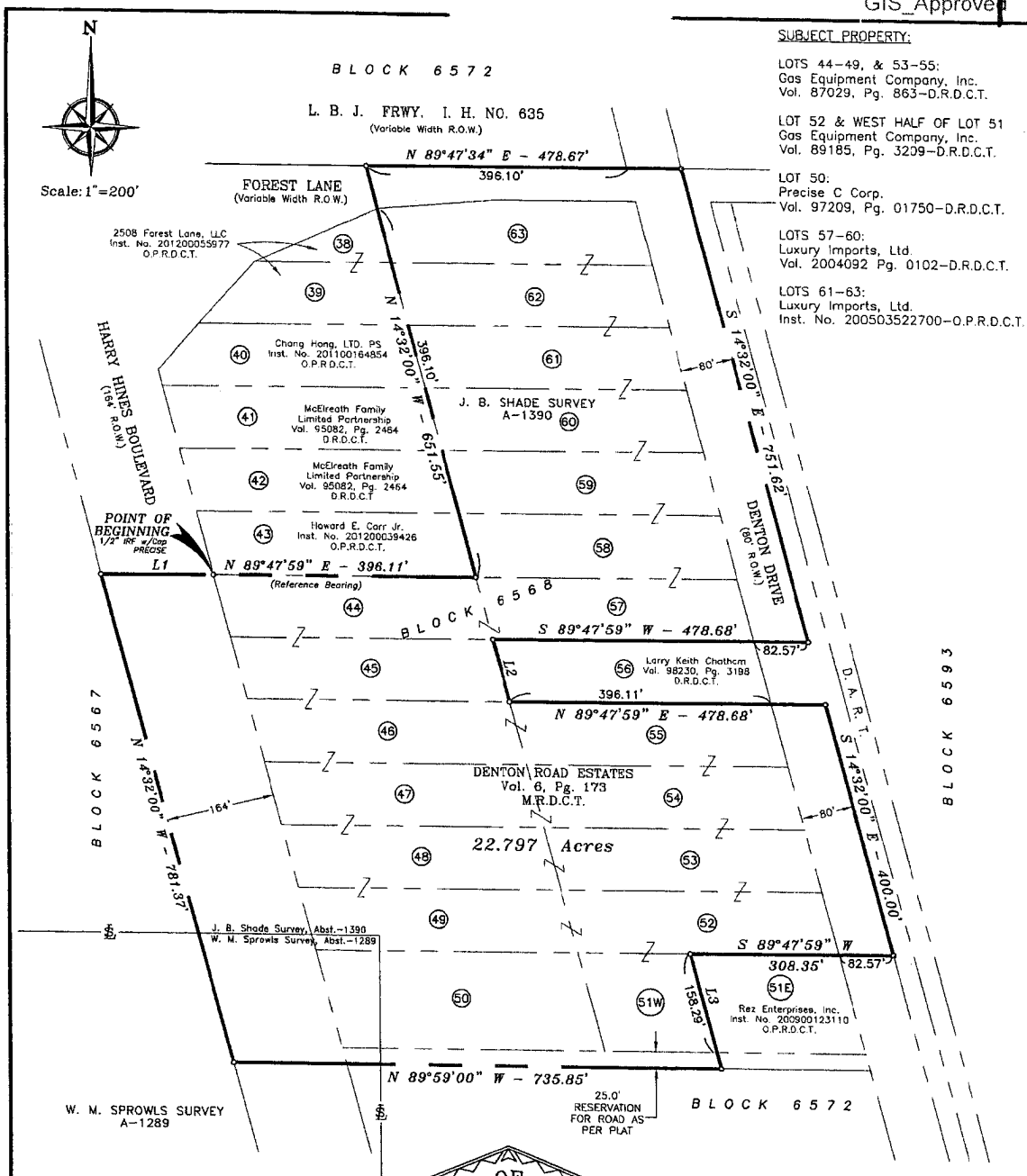
Prepared Under My Hand and Seal,
This 20th Day of February, 2013.


Lawrence H. Ringley, R.P.L.S.
State of Texas, No. 4701



Prepared By:

RINGLEY & ASSOCIATES, INC.
701 S. Tennessee Street
McKinney, Texas 75069
972-542-1266

**SUBJECT PROPERTY:**

LOTS 44-49, & 53-55:
Gas Equipment Company, Inc.
Vol. 87029, Pg. 863-D.R.D.C.T.

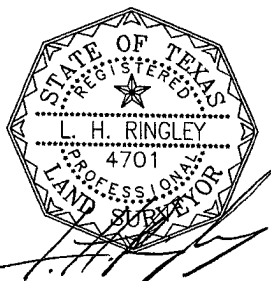
LOT 52 & WEST HALF OF LOT 51
Gas Equipment Company, Inc.
Vol. 89185, Pg. 3209-D.R.D.C.T.

LOT 50:
Precise C Corp.
Vol. 97209, Pg. 01750-D.R.D.C.T.

LOTS 57-60:
Luxury Imports, Ltd.
Vol. 2004092 Pg. 0102-D.R.D.C.T.

LOTS 61-63:
Luxury Imports, Ltd.
Inst. No. 200503522700-O.P.R.D.C.T.

A metes & bounds description of equal date accompanies this drawing exhibit.

**REFERENCE BEARING:**

The Basis of Bearings for this Exhibit is South 14 deg. 32 min. 00 sec. East, along the West right-of-way line of Denton Drive as described in the Dedication of the Plat, Denton Road Estates, recorded in Volume 6, Page 173 of the Map Records of Dallas County, Texas.

CERTIFICATION

I, Lawrence H. Ringley, Registered Professional Land Surveyor in and for the State of Texas, hereby certify that this document was prepared under 22 TAC 663.21, does not necessarily reflect all the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared this 20th Day of February, 2013.

LAWRENCE H. RINGLEY, R.P.L.S. No. 4701

LINE	BEARING	DISTANCE
L1	N 00°15'02" W	169.27'
L2	S 14°32'00" E	100.00'
L3	S 14°21'35" E	184.10'

EXHIBIT A

PAGE 3 OF 3

22.797 ACRES
Part of Block 6568
DENTON ROAD ESTATES
J.B. Shade Survey, A-1390
Wm. Sprowls Survey, A-1289
City of Dallas
Dallas County, Texas

RINGLEY & ASSOCIATES, INC. SURVEYING - MAPPING - PLANNING 701 S. Tarrant - McKinney, Texas 75069 (972) 542-1266		
Drawn by	Date	Scale
Mark Stolt	02/20/13	1"=200'
Job	Title	Sheet
13009	13009-EX DWG	3 of 3



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 13 2015

ORDINANCE NUMBER 29741

DATE PUBLISHED MAY 16 2015

ATTESTED BY: