

9-12-18

ORDINANCE NO. 30975

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2025 and 2121 Irving Boulevard, and 133 Manufacturing Street 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.

30975

- (3) The portion of the designated property assigned VCP No. 2895 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than September 12, 2020.

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 September 12, 2020. 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.

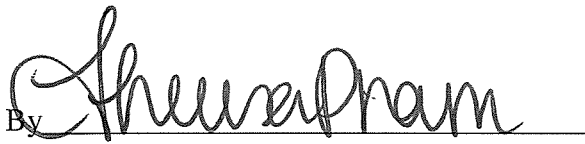
SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

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:

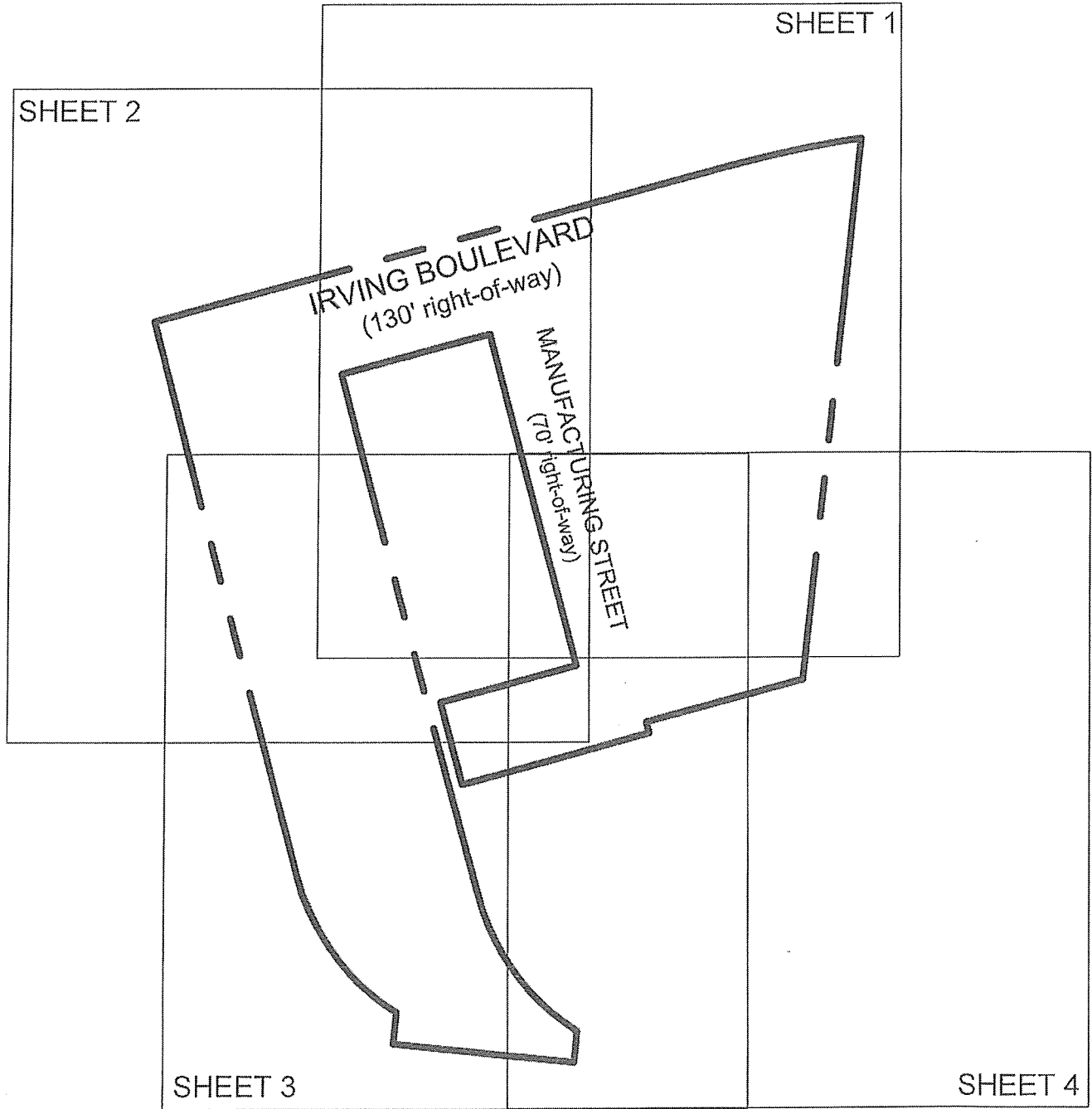
CHRISTOPHER J. CASO, Interim City Attorney

By   
Assistant City Attorney

Passed SEP 12 2018

"Exhibit A"

GIS\_Approved



**Winkelmann & Associates, Inc.**

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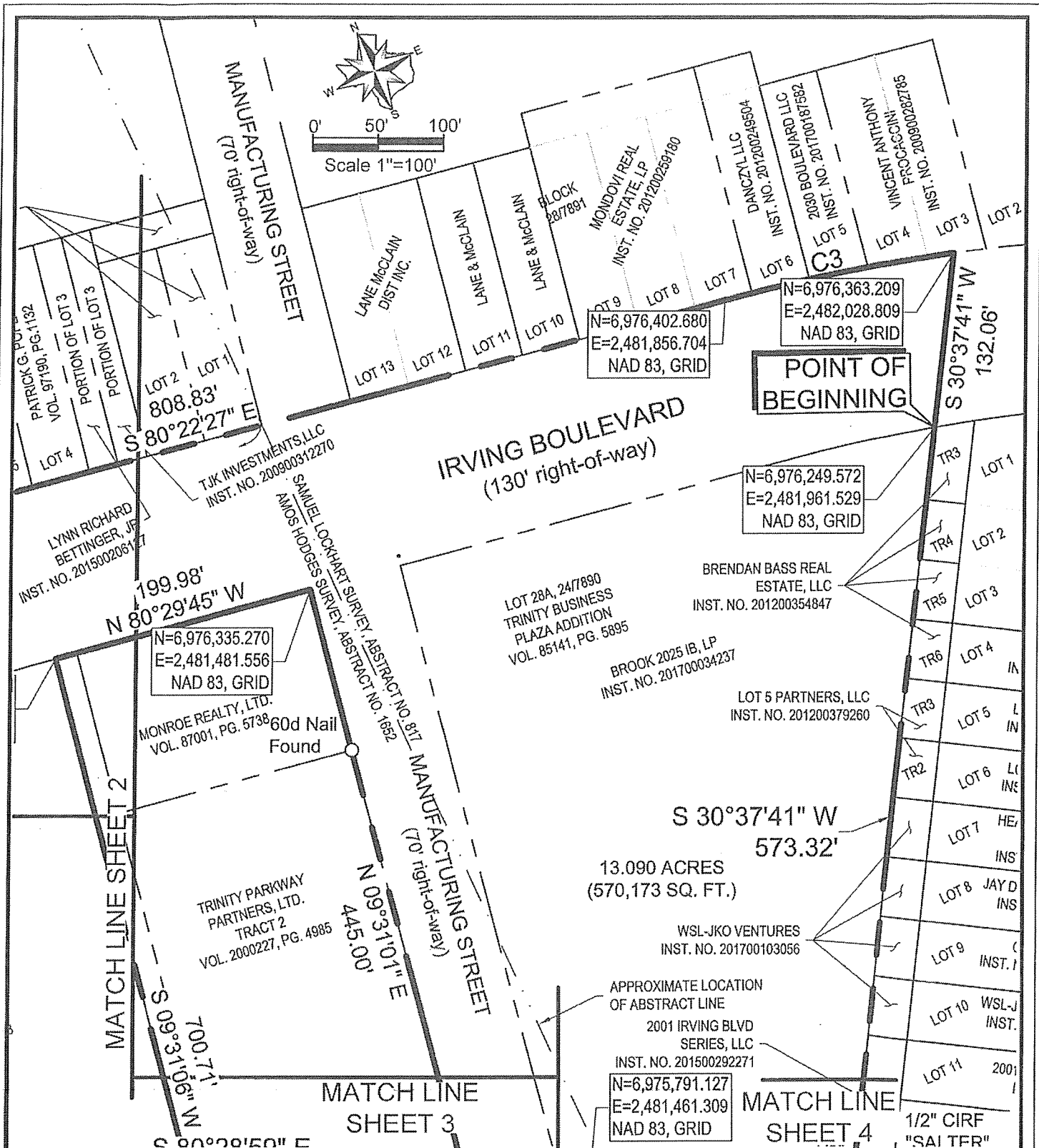
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Scale: 1" = 200'
Date: 02.02.18
Dwg. File: 47714-MSD
Project No.: 47714.00

MSD SURVEY  
13.090 ACRES  
(570,173 SQ. FT.)

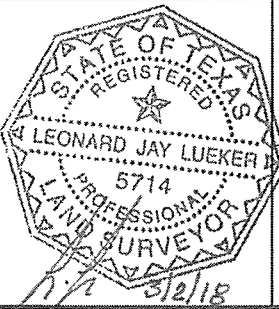
MSD DESIGNATED PROPERTIES  
2121 AND 2025 IRVING BLVD. &  
133 MANUFACTURING ST.  
DALLAS, TX

**KEY  
MAP**



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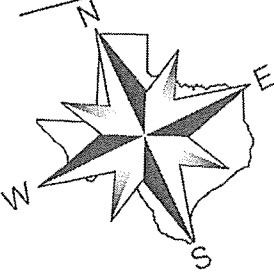
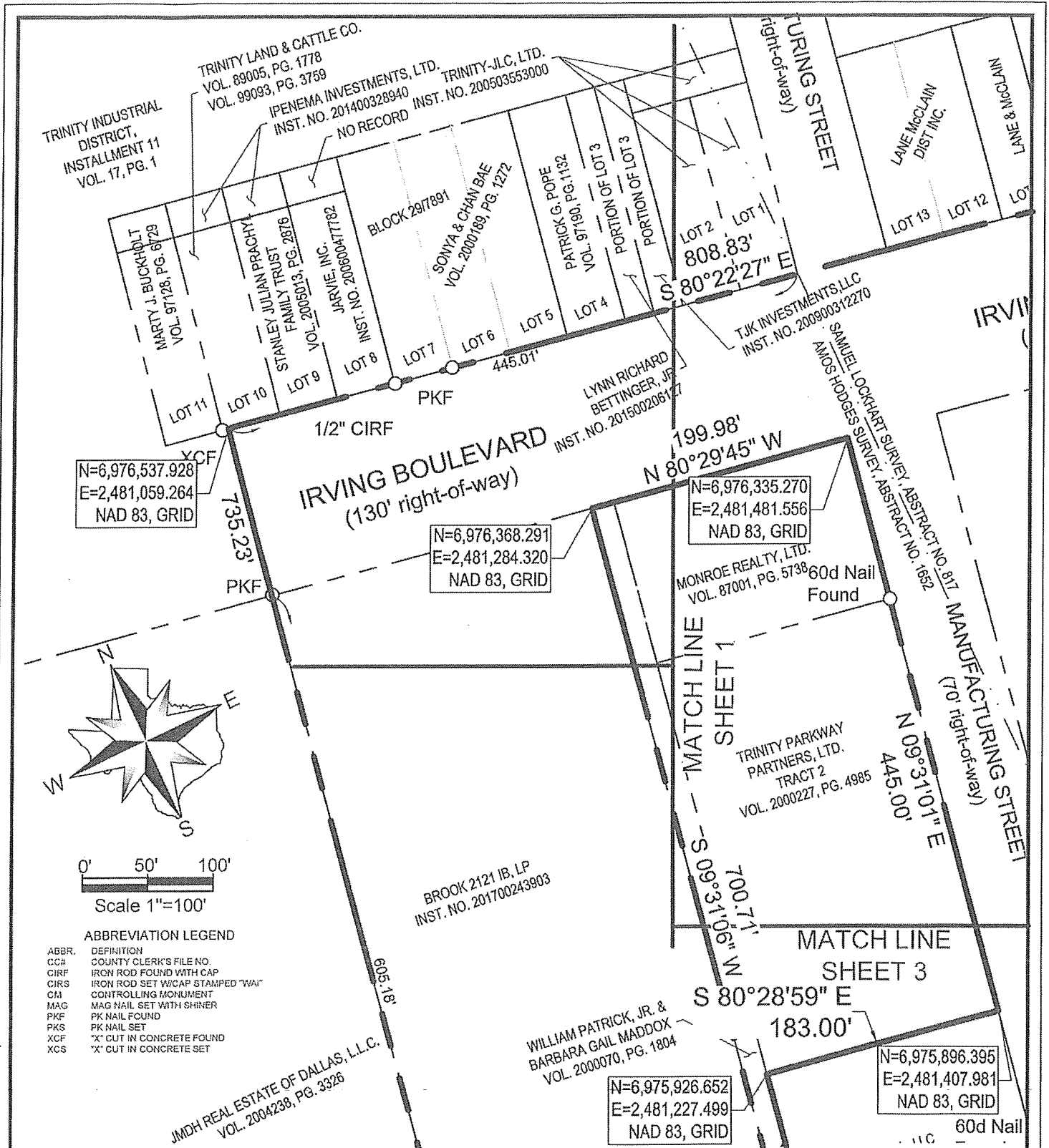


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 (570,173 SQ. FT.)

**MSD DESIGNATED PROPERTIES**  
 2121 AND 2025 IRVING BLVD. &  
 133 MANUFACTURING ST.  
 DALLAS, TX

**SHEET**  
**1**  
**OF**  
**7**



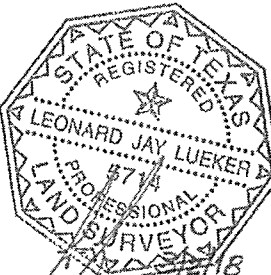


0' 50' 100'  
Scale 1"=100'

- ABBREVIATION LEGEND**
- ABBR. DEFINITION
  - CCA COUNTY CLERK'S FILE NO.
  - CIRF IRON ROD FOUND WITH CAP
  - CIRS IRON ROD SET W/ CAP STAMPED "W"
  - CM CONTROLLING MONUMENT
  - MAG MAG NAIL SET WITH SHINER
  - PKF PK NAIL FOUND
  - PKS PK NAIL SET
  - XCF "X" CUT IN CONCRETE FOUND
  - XCS "X" CUT IN CONCRETE SET

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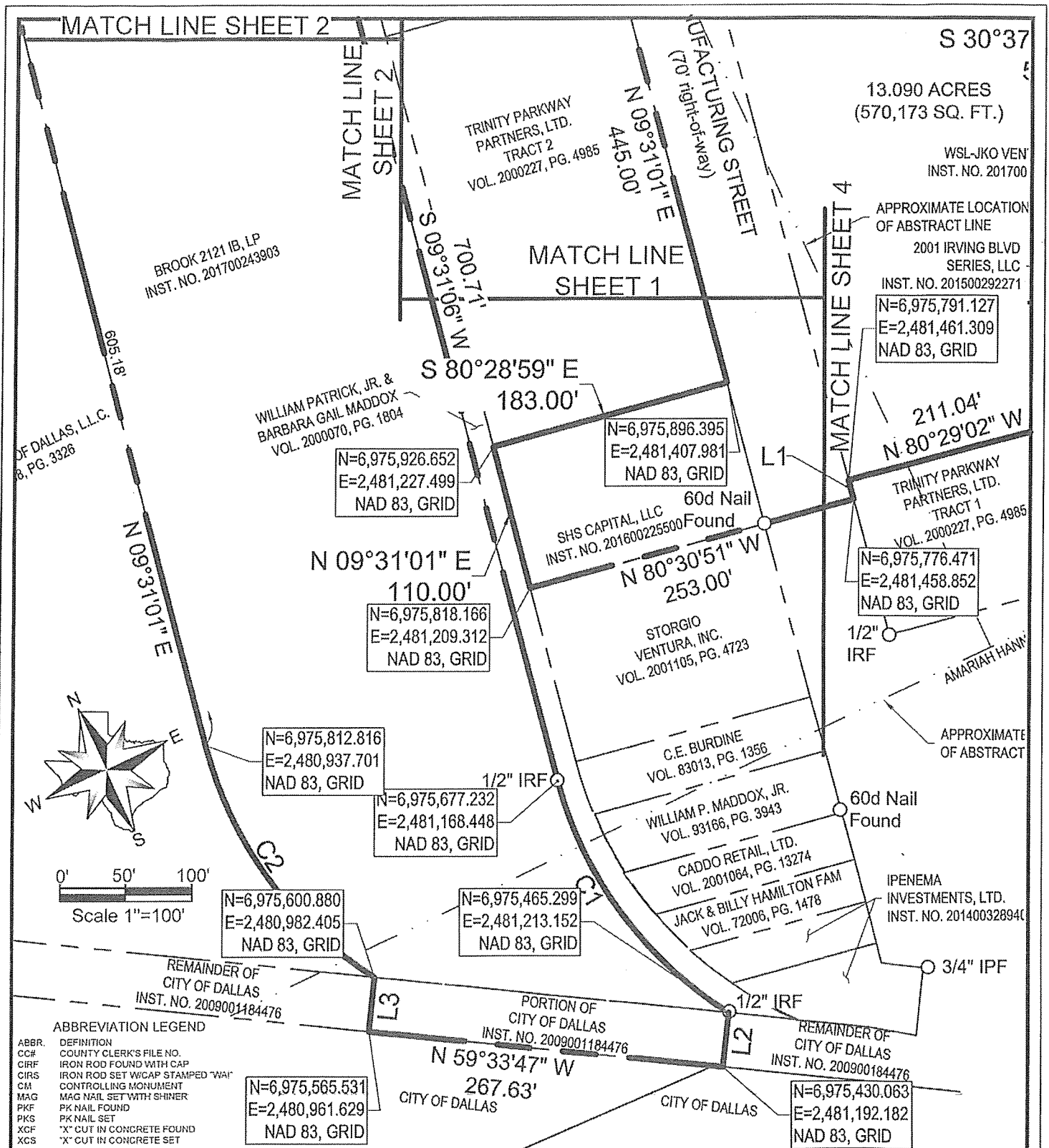
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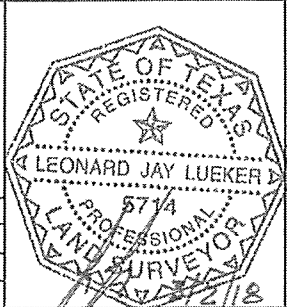
**MSD DESIGNATED PROPERTIES**  
2121 AND 2025 IRVING BLVD. & 133  
MANUFACTURING ST.  
DALLAS, TX

**SHEET**  
**2**  
**OF**  
**7**



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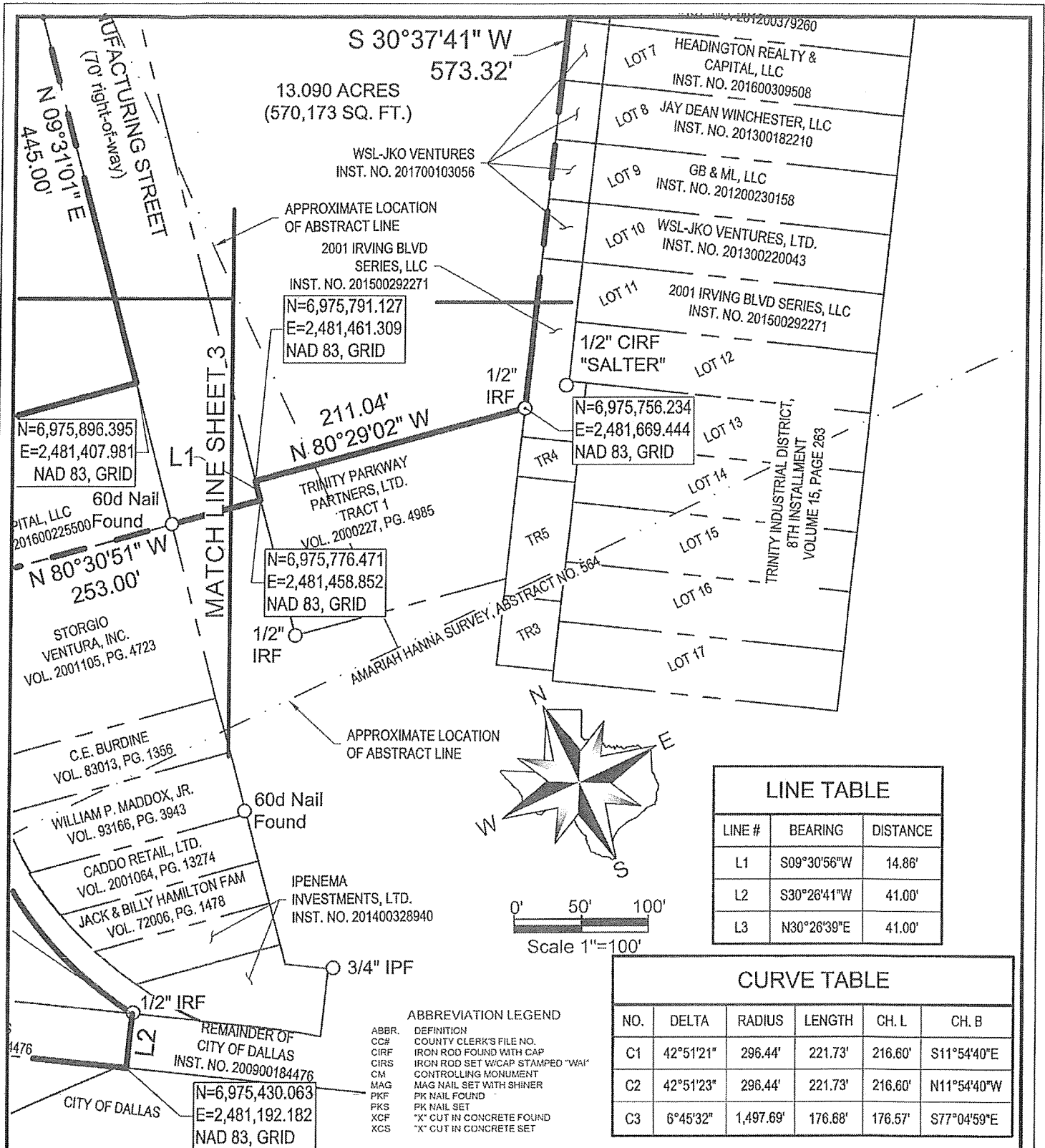
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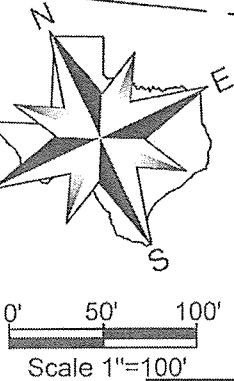
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13.090 ACRES (570,173 SQ. FT.)

**MSD DESIGNATED PROPERTIES**  
2121 AND 2025 IRVING BLVD. & 133 MANUFACTURING ST.  
DALLAS, TX

**SHEET 3 OF 7**



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S09°30'56\"W	14.86'
L2	S30°26'41\"W	41.00'
L3	N30°26'39\"E	41.00'



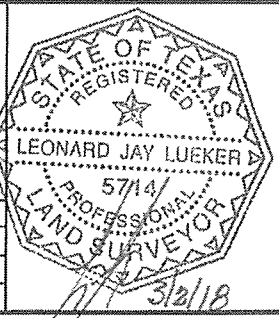
CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	42°51'21\"	296.44'	221.73'	216.60'	S11°54'40\"E
C2	42°51'23\"	296.44'	221.73'	216.60'	N11°54'40\"W
C3	6°45'32\"	1,497.69'	176.88'	176.57'	S77°04'59\"E

**ABBREVIATION LEGEND**

ABBR. DEFINITION  
 CC# COUNTY CLERK'S FILE NO.  
 CIRF IRON ROD FOUND WITH CAP  
 CIRS IRON ROD SET W/CAP STAMPED \"WAI\"  
 CM CONTROLLING MONUMENT  
 MAG MAG NAIL SET WITH SHINER  
 PKF PK NAIL FOUND  
 PKS PK NAIL SET  
 XCF \"X\" CUT IN CONCRETE FOUND  
 XCS \"X\" CUT IN CONCRETE SET

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**MSD SURVEY**  
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 (570,173 SQ. FT.)

**MSD DESIGNATED PROPERTIES**  
 2121 AND 2025 IRVING BLVD. & 133  
 MANUFACTURING ST.  
 DALLAS, TX

**SHEET**  
**4**  
**OF**  
**7**

MSD SURVEY DESCRIPTION

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEING a tract of land situated in the SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, AMOS HODGES SURVEY, ABSTRACT NO. 1652 and the AMARIAH HANNA SURVEY, ABSTRACT NO. 564, City of Dallas, Dallas County, Texas and being a portion of the right-of-way of Irving Boulevard (130' right-of-way), a portion of the right-of-way of Manufacturing Street (70' right-of-way), all of the same tract of land as described in deed to Brook 2025 IB, LP, recorded in Instrument No. 201700034237, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), all of a tract of land as described in deed to SHS Capital, recorded in Instrument No. 201600225500, O.P.R.D.C.T., a tract of land as described in deed to Brook 2121 IB, LP, as recorded in County Clerk's Instrument No. 201700243903, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and a portion of a tract of land as described in deed to City of Dallas, recorded in Instrument No. 200900184476, O.P.R.D.C.T., and being more particularly described as follows:

BEGINNING at a point for corner (N=6,976,249.572, E=2,481,961.529, NAD 83, GRID), said point being situated in the southerly right-of-way line of Irving Boulevard (130' right-of-way) and being the northeasterly corner of Lot 28A, Block 24/7890, Trinity Business Plaza Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 85141, Page 5895, D.R.D.C.T.;

THENCE South 30 deg 37 min 41 sec West, departing the southerly right-of-way line of said Irving Boulevard and along the northwesterly line of Trinity Industrial District, 8th Installment, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 15, Page 263, Map Records, Dallas County, Texas (M.R.D.C.T.), a distance of 573.32 feet to a 1/2-inch iron rod found for corner (N=6,975,756.234, E=2,481,669.444, NAD 83, GRID), said iron rod being the southeasterly corner of said Lot 28A, Block 24/7890 and the northeasterly corner of a tract of land (Tract 1) as described in deed to Trinity Parkway Partners, Ltd., recorded in Volume 2000227, Page 4985, D.R.D.C.T.;

THENCE North 80 deg 29 min 02 sec West, departing the northwesterly line of said Trinity Industrial District, 8th Installment and along the southerly line of said Lot 28A, Block 24/7890 and the northerly line of said Trinity Parkway Partners tract, a distance of 211.04 feet to a point for corner (N=6,975,791.127, E=2,481,461.309, NAD 83, GRID), said point being situated in the easterly right-of-way line of said Manufacturing Street;

THENCE South 09 deg 30 min 56 sec West, departing said common line and along the westerly line of said Trinity Parkway Partners tract and the easterly right-of-way line of said Manufacturing Street, a distance of 14.86 feet to a point for corner (N=6,975,776.471, E=2,481,458.852, NAD 83, GRID);

THENCE North 80 deg 30 min 51 sec West, departing said common line and over and across the right-of-way of said Manufacturing Street and along the southerly line of said SHS Capital, LLC, a distance of 253.00 feet to a point for corner (N=6,975,818.166, E=2,481,209.312, NAD 83, GRID), said point being the southwesterly corner of said SHS Capital tract and the northwesterly corner of a tract of land as described in deed to Storgio Ventura, Inc., recorded in Volume 20001105, Page 4723, D.R.D.C.T., said point also being situated in the easterly line of a tract of land as described in deed to William Patrick, Jr. and Barbara Gail Maddox, recorded in Volume 2000070, Page 1804, D.R.D.C.T.;

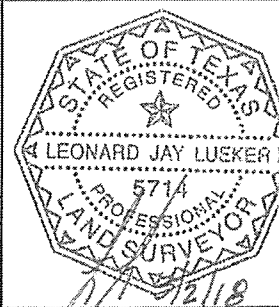
THENCE North 09 deg 31 min 01 sec East, departing said northwesterly line and along the westerly line of said SHS Capital tract and the easterly line of said William Patrick, Jr. and Barbara Gail Maddox tract, a distance of 110.00 feet to a point for corner (N=6,975,926.652, E=2,481,227.499, NAD 83, GRID), said point being the northwesterly corner of said SHS Capital tract and the southwesterly corner of a tract of land (Tract 2) as described in deed to said Trinity Parkway Partners, Ltd.;

THENCE South 80 deg 28 min 59 sec East, departing said easterly line and along the northerly line of said SHS Capital tract and the southerly line of said Trinity Parkway Partners, Ltd. (Tract 2), a distance of 183.00 feet to a point for corner (N=6,975,896.395, E=2,481,407.981, NAD 83, GRID), said point being situated in the westerly right-of-way line of said Manufacturing Street;

(CONTINUED ON SHEET 6)

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 Project No. : 47714.00



MSD SURVEY  
 13.090 ACRES  
 (570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES  
 2121 AND 2025 IRVING BLVD. & 133  
 MANUFACTURING ST.  
 DALLAS, TX

SHEET  
**5**  
 OF  
**7**

MSD SURVEY DESCRIPTION (continued)

THENCE North 09 deg 31 min 01 sec East, departing the northerly line of said SHS Capital tract and along said westerly right-of-way line and the easterly line of said Trinity Parkway Partners (Tract 2) and the easterly line of a tract of land as described in deed to Monroe Realty, Ltd., recorded in Volume 87001, Page 5738, D.R.D.C.T., a distance of 445.00 feet to a point for corner (N=6,976,335.270, E=2,481,481.556, NAD 83, GRID), said point being the northeasterly corner of said Monroe Realty tract and being situated in the southerly right-of-way line of said Industrial Boulevard;

THENCE North 80 deg 29 min 45 sec West, departing said westerly right-of-way line and the easterly line of said Monroe Realty tract and along the northerly line of said Monroe Realty tract and the southerly right-of-way line of said Irving Boulevard, a distance of 199.98 feet to a point for corner (N=6,976,368.291, E=2,481,284.320, NAD 83, GRID), said point being the northwesterly corner of said William Patrick, Jr. and Barbara Gail Maddox tract, said point also being the northwest corner of said Brook 2121 IB, LP tract;

THENCE South 09 deg 31 min 06 sec West, departing the southerly right-of-way line of said Irving Boulevard, and along the westerly line of said William Patrick, Jr. and Barbara Gail Maddox tract, a distance of 700.71 feet to a 1/2-inch iron rod found for corner (N=6,975,677.232, E=2,481,168.448, NAD 83, GRID) and the beginning of a curve to the left having a radius of 296.44 feet, a central angle of 42 deg 51 min 21 sec, a chord bearing of South 11 deg 54 min 40 sec East and a chord length of 216.60 feet;

THENCE continuing along said westerly line and said curve to the left, an arc distance of 221.73 feet to a 1/2-inch iron rod found for corner (N=6,975,465.299, E=2,481,213.152, NAD 83, GRID) situated in the northerly line of a tract of land as described in deed to T. & P. Railroad Company, recorded in Volume 4517, Page 333, D.R.D.C.T.;

THENCE South 30 deg 26 min 41 sec West, along the easterly line of said City of Dallas tract, a distance of 41.00 feet to a point for corner (N=6,975,430.063, E=2,481,192.182, NAD 83, GRID) situated in the southerly line of said T. & P. Railroad Company tract;

THENCE North 59 deg 33 min 47 sec West, along the southerly line of said City of Dallas tract, a distance of 267.63 feet to a point for corner (N=6,975,565.531, E=2,480,961.629, NAD 83, GRID);

THENCE North 30 deg 26 min 39 sec East, over and across said City of Dallas tract, a distance of 41.00 feet to a point for corner (N=6,975,600.880, E=2,480,982.405, NAD 83, GRID) situated in the northerly line of said T. & P. Railroad Company tract and being the southwest corner said Brook 2121 IB, LP tract, said point also being the beginning of a non-tangent curve to the right having a radius of 296.44 feet, a central angle of 42 deg 51 min 23 sec, a chord bearing of North 11 deg 54 min 40 sec West and a chord length of 216.60 feet;

THENCE departing the northerly line of said T. & P. Railroad Company tract and along the westerly line of said Brook 2121 IB, LP tract and said non-tangent curve to the right, an arc distance of 221.73 feet to a point for corner (N=6,975,812.816, E=2,480,937.701, NAD 83, GRID);

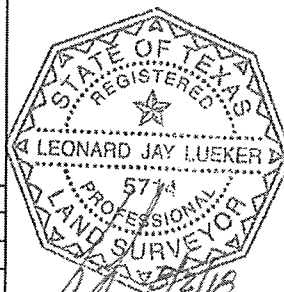
THENCE North 09 deg 31 min 01 sec East, along the westerly line of said Brook 2121 IB, LP tract, at a distance of 605.18 feet, passing the southerly right-of-way line of said Irving Boulevard, in all a total distance of 735.23 feet to a point for corner (N=6,976,537.928, E=2,481,059.264, NAD 83, GRID) situated in the southerly line Lot 10, Block 29/7891, Trinity Industrial District, Installment 11, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 17, Page 1, M.R.D.C.T. and being situated in the northerly right-of-way line of said Irving Boulevard;

THENCE South 80 deg 22 min 27 sec East, along the southerly line of said Trinity Industrial District, Installment 11 and the northerly right-of-way line of said Irving Boulevard, at a distance of 445.01 feet, passing the westerly right-of-way line of said Manufacturing Street, in all a total distance of 808.83 feet to a point for corner (N=6,976,402.680, E=2,481,856.704, NAD 83, GRID) said point being situated in the southerly line of Lot 7, Block 28/7891, of said Trinity Industrial District, Installment 11 and being the beginning of a curve to the right having a radius of 1,497.69 feet, a central angle of 06 deg 45 min 32 sec, a chord bearing of South 77 deg 04 min 59 sec East and a chord length of 176.57 feet;

(CONTINUED ON SHEET 7)

**Winkelmann & Associates, Inc.**  
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MSD DESIGNATED PROPERTIES  
 2121 AND 2025 IRVING BLVD. & 133  
 MANUFACTURING ST.  
 DALLAS, TX

SHEET  
**6**  
 OF  
**7**

MSD SURVEY DESCRIPTION (continued)

THENCE continuing along said common line and along said curve to the right, an arc distance of 176.68 feet to a point for corner (N=6,976,363.209, E=2,482,028.809, NAD 83, GRID) situated in the southerly line of Lot 3, Block 28/7891 of said Trinity Industrial District, Installment 11;

THENCE South 30 deg 37 min 41 sec West, departing said common line and over and across the said right-of-way line of Irving Boulevard, a distance of 132.06 feet to the POINT OF BEGINNING.

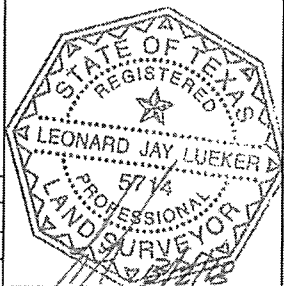
CONTAINING within these metes and bounds 13.090 acres or 570,173 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 30th day of January, 2018, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values from the GeoShack VRS Network.



**Winkelmann & Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
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Texas Engineers Registration No. 89  
Texas Surveyors No. 10986600 Expires 12-31-18  
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MSD SURVEY  
13.090 ACRES  
(570,173 SQ. FT.)

MSD DESIGNATED PROPERTIES  
2121 AND 2025 IRVING BLVD. & 133  
MANUFACTURING ST.  
DALLAS, TX

SHEET  
**7**  
OF  
**7**

Scale: N/A  
Date: 02.02.18  
Dwg. File: 47714-MSD  
Project No.: 47714.00



## 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 SEP 12 2018

ORDINANCE NUMBER 30975

DATE PUBLISHED SEP 15 2018

ATTESTED BY: