

City of Houston, Texas, Ordinance No. 2011-554

**A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF GROUNDWATER IN THE UPPER GROUNDWATER BEARING UNIT LOCATED BENEATH A 22.5 ACRE SITE LOCATED AT 5436 CLAY AVENUE, HOUSTON, TEXAS AND PORTIONS OF CLAY STREET, HUGHES STREET AND POLK AVENUE RIGHTS OF WAY, CITY OF HOUSTON, HARRIS COUNTY, TEXAS; AND SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR SEVERABILITY; CONTAINING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \*

**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 ("TCEQ") to create municipal setting designations and to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application; and

**WHEREAS**, on August 22, 2007, by Ordinance No. 2007-959, the City Council adopted Article XIII, of Chapter 47, Code of Ordinances, Houston, Texas, to provide a process for establishing municipal setting designation ordinances; and

**WHEREAS**, Sections 47-765(f) and 47-767(a) of the Code of Ordinances, Houston, Texas, authorize municipal setting designation ordinances that prohibit the use of designated groundwater as potable water and thereby enable the TCEQ to certify a municipal setting designation for designated property; and

**WHEREAS**, on July 15, 2008, 5610 Company, LLC applied to the Director of the Public Works and Engineering Department, requesting that the City Council support a municipal setting designation ordinance for its property that is generally located at 5610 Polk, Houston, Texas 77023 (the "5610 MSD"); and

**WHEREAS**, the City Council passed and approved Ordinance No. 2009-0479 supporting the 5610 MSD on June 3, 2009 (the "5610 MSD Ordinance"); and

**WHEREAS**, the groundwater restricted by the 5610 MSD Ordinance consists of two water-bearing units, but the 5610 Company LLC applied for a restriction of just the lower water-bearing unit; and

**WHEREAS**, on November 15, 2010, 5436, LLC ("Applicant") applied to the Director of Public Works and Engineering Department, requesting that the City Council support a municipal setting designation for the upper groundwater bearing unit located at 5436 Clay Street, Houston, Texas ("5436 Clay Street MSD"); and

**WHEREAS**, on March 1, 2011, the Director of the Public Works and Engineering Department conducted a public meeting as required by section 47-764 of the Code of Ordinances, Houston, Texas, at the E.B. Cape Center, 4501 Leeland, Houston, Texas 77023, and notified the community when the public hearing would occur; and

**WHEREAS**, a City Council committee, designated by the Mayor, conducted a public hearing on April 21, 2011; and

**WHEREAS**, the real estate of the 5436 Clay Street MSD is already included within the geographical extent of the 5610 MSD Ordinance and this Ordinance is necessary to provide a three-dimensional geological clarification to enable the TCEQ to certify a municipal setting designation; and

**WHEREAS**, the City Council finds that the Director of the Public Works and Engineering Department, in accordance with the Charter of the City of Houston, state law, and the ordinances of the City of Houston, has given the required notices, the Development and Regulatory Affairs Committee of the City Council has held the

required public hearing regarding this Municipal Setting Designation Ordinance, and all procedural requirements have been satisfied; and **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That for purposes of this Municipal Setting Designation Ordinance, the "designated property" means the six tracts described in Exhibit A, attached to this Ordinance and incorporated by reference herein.

**Section 2.** That for purposes of this Municipal Setting Designation Ordinance, "designated groundwater" means all groundwater beneath the designated property to a depth not to exceed 200 feet that is prohibited from use as potable water by this Ordinance.

**Section 3.** That use of the designated groundwater from beneath the designated property as potable water, as that term is defined in section 47-761 of the Code of Ordinances, Houston, Texas, is prohibited.

**Section 4.** That the use of the designated groundwater from beneath public rights-of-way immediately adjacent to the designated property as potable water, as that term is defined in section 47-761 of the Code of Ordinances, Houston, Texas, is prohibited.

**Section 5.** That the designated property must receive a certificate of completion or other analogous documentation issued by the TCEQ or the United States Environmental Protection Agency ("EPA") 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 TCEQ or EPA within the time period required by them.

**Section 6.** That the City Council supports the application to the TCEQ for a municipal setting designation on the designated property, with the following comment:

(1) The TCEQ, as an agency charged to protect human health and the environment, is requested to thoroughly review the conditions on 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 7.** That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations and all ordinances, rules, and regulations of the City of Houston. The City Council's approval of a municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

**Section 8.** That approval of this Municipal Setting Designation Ordinance shall not be construed to subject the City of Houston to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

**Section 9.** That within 30 days after adoption of this Municipal Setting Designation Ordinance, the Applicant shall provide the Director of the Public Works and Engineering Department with an electronic file showing the location of the designated property and all of the designated groundwater units in a format compatible with the City's geographic information system and its integrated land management system, and shall provide an electronic file showing the location of the designated property and the

designated groundwater to the Harris County Appraisal District in a format compatible with its system.

**Section 10.** That within 30 days after adoption of this Municipal Setting Designation Ordinance, the Director of the Public Works and Engineering Department shall send a certified copy of this ordinance to the Applicant, TCEQ and EPA.

**Section 11.** That the Applicant shall provide the Director of the Public Works and Engineering Department with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

**Section 12.** That within 30 days after receipt of the municipal setting designation certificate from the TCEQ, the Director of the Public Works and Engineering Department shall file a certified copy of this Municipal Setting Designation Ordinance in the deed records of Harris County.

**Section 13.** That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 14.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this 29th day of June, 2011.

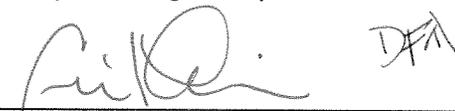
**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUL 05 2011.

  
\_\_\_\_\_  
City Secretary

Prepared by the Legal Department

  
\_\_\_\_\_  
June 6, 2011, Ceil Price, Senior Assistant City Attorney

Requested by Daniel Krueger, P.E., Director,  
Public Works and Engineering Department  
L.D. File No. 0631100064001

**CAPTION PUBLISHED IN DAILY COURT**

**REVIEW**

**DATE: JUL 05 2011**

AYE	NO	
✓		<b>MAYOR PARKER</b>
••••	••••	<b>COUNCIL MEMBERS</b>
✓		STARDIG
✓	ABSENT-ON PERSONAL BUSINESS	JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	

## EXHIBIT A

### DESCRIPTION OF A 22.5 ACRE TRACT OF LAND SITUATED IN THE DISSEN HEIGHTS, CITY OF HOUSTON, HARRIS COUNTY, TEXAS

#### *Properties owned by 5436, LLC*

#### **TRACT 1:**

Being 1.681 acres (73,244 square feet) of land out of the Luke Moore Survey, Abstract 51, Harris County, Texas, being part of Lots Ten (10), Eleven (11), Twenty (20), Twenty-One (21) and all of Lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), of Block One (1), being a part of Lots Seven (7), Eight (8), Nineteen (19), and Twenty (20), and all of Lots Nine (9), Ten (10), Sixteen (16), Seventeen (17), Eighteen (18) of Block Four (4) of DISSEN HEIGHTS, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 3 at Page 21 of the Map Records of Harris County, Texas and being an abandoned part of Clay Avenue (60 feet wide) lying between said Blocks One (1) and Four (4), said 1.681 acre tract being more particularly described by metes and bounds as follows:

Being 1.681 acres (72,244 square feet) of land out of the Luke Moore Survey, A-51, Harris County, Texas, being a part of Lots 10, 11, 20, 21, and all of Lots 12, 13, 14, 15, 16, 17, 18, and 19 of Block 4 of Dissen Heights according to the map or plat recorded in Volume 3, Page 21 of the Harris County Map Records, and being an abandoned part of Clay Avenue (60 feet wide) lying between said Blocks 1 and 4. Said 1.681-acre track being more particularly described by metes and bounds as follows:

BEGINNING at 5/8-inch rod set for the point-of-intersection of the southerly right-of-way line of Polk Avenue (60 feet wide), for the northeasterly corner of said Block 1, and for the northeasterly corner of said track herein described;

THENCE South 34 deg. 30 min. 00 sec. west with the westerly right-of-way line of said Hughes Street, and with the easterly line of said Block 1, a distance of 206.58 feet to a 5/8-inch rod set for the point-of-intersection of the westerly line of said Hughes Street northerly right-of-way line of Clay Avenue, for the southeasterly corner of said Block 1, for the most easterly southeasterly corner of said tract herein described;

THENCE North 70 deg. 00 min. 00 sec. West with the northerly right-of-way line of said Clay Avenue, and with the southerly line of said Block 1, a distance of 138.82 feet to a 5/8-inch rod set for the southwesterly corner of said Block Lot 19, for the southeasterly corner of Lot 20 of said Block 1, and for an interior corner of said tract herein described;

THENCE South 20 deg. 00 min. 00 sec. West with a westerly right-of-way line of the residue of said Clay Avenue, at a distance of 60.00 feet pass the southerly right-of-way line of said Clay Avenue, same being the northerly line of Block 4, continuing with the common line of said Lots 10, and 11 of said Block 4, at a distance of 160.00 feet pass the common corner of said Lots 10, 11, 15, and 16 of said Block 4, and continuing with the common line of Lots 15, and 16 for a total distance of 260.00 feet to a 1-inch iron pipe found in the northerly right-of-way line of Bell Avenue (60 feet wide), same being the southerly line of said Block 4 for the most southerly southeasterly corner of said tract herein described.

THENCE North 70 deg. 00 min. 00 sec. West with the northerly right-of-way line of said Bell Avenue, and with the southerly line of said Block 4, a distance of 180.60 feet to a 5/8-inch rod set in the southeasterly line of the Houston Belt & Terminal Railway Company Right-of-Way (width varies) 25.60 feet perpendicularly from the centerline of the H. B. & T. R. R. Co. main line track for the most southwesterly corner of said tract herein described;

THENCE North 41 deg. 54 min. 00 sec. East with the southeasterly line of the Houston Belt & Terminal Railway Company Right-of-Way (width varies) parallel to and 25.60 feet southeasterly and measured perpendicularly from the centerline of the H. B. & T. R. R. Co. main line track, a distance of 215.56 feet to a 5/8-inch rod set in the northerly line of said Block 4 for a northwesterly corner of said tract herein described;

THENCE South 70 deg. 00 min. 00 sec. East with the northerly line of said Block 4, and with the southerly line of a 587.7-square foot track of land quitclaimed from Houston Belt & Terminal Railway Company to Westinghouse Electric Company as recorded under Harris County Clerk's File No. J-575627, Film Code No. 086-93-0056, a distance of 20.20 feet to a point inside a 1-story metal building for an interior corner of said track herein described;

THENCE North 22 deg. 55 min. 00 sec. East with the easterly line of said 587.7-square foot tract, a distance of 60.08 feet to a 5/8-inch rod set in the southerly line of Block 1 for an interior corner of said tract described herein;

THENCE South 70 deg. 00 min. 00 sec. West with the southerly line of said Block 1, a distance of 0.86 feet to a 5/8-inch rod set in the southeasterly line of said Houston Belt & Terminal Railway Company Right-Of-Way 24.00 feet perpendicularly from the centerline of the H. B. & T. R. R. Co. main line track for a northwesterly corner of said tract herein described;

THENCE North 41 deg. 54 min. 00 sec. East with the southeasterly line of the Houston Belt & Terminal Railway Company Right-of-Way parallel to and 24.00 feet southeasterly and measured perpendicularly from the centerline of the H. B. & T. R. R. Co. main line track, a distance of 215.56 feet to a 5/8-inch rod set in the northerly line of said Block 1, same being the southerly right-of-way of said Polk Avenue for a northwesterly corner of said tract herein described;

THENCE South 70 deg. 00 min. 00 sec. East with the northerly line of said Block 1, same being the southerly right-of-way line of Polk Avenue, a distance of 187.94 feet to the POINT OF BEGINNING, and containing 1.681 acres (73,244 square feet) of land.

**TRACT 2:**

All of Lots Eight (8) and Nine (9), in Block Five (5), of DISSEN HEIGHTS, an addition in Harris County, Texas, according to map or plat thereof recorded in Volume 3, Page 21 of the Map Records of Harris County, Texas.

***Properties Owned by 5610 Company, LLC***

Lots 1 and 2, and Lots 14, 15, 16, 17, and 18 in Block 1 of SWOPE ADDITION, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 536, Page 98, of the map records of Harris County, Texas.

***Properties Owned by Estate of E.R. Schumacher***

Lots Three (3), Four (4) and Five (5), in Block 1 of SWOPE ADDITION, an addition in the City of Houston, Harris County, Texas, according to the map or plat thereof recorded in Volume 536, Page 98 and 99, of the Deed Records of Harris County, Texas.

***Properties Owned by Schumacher Company, Inc.***

Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Lot Twelve (12) and the adjoining Easterly Forty Eight (48) Feet of Lot Thirteen (13), in Block One (1) SWOPE ADDITION in the City of Houston; and Lot Ten (10) and Eleven (11) of Block 2 of SWOPE ADDITION, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 536, Page 98 and 99, of the Deed Records of Harris County, Texas.

***Properties Owned by Metropolitan Transit Authority***

Metro Bus Operating Facility at Polk Street, a subdivision of 18.5138 acres of land out of the W.M. Williams Survey, Abstract 87 and the Luke Moore League, Abstract 51, as recorded under Harris County Clerk File No. U088804, in Volume 430, Page 101 of the Map Records of Harris County, Texas, and including the following tracts:

**TRACT 1:**

All of that certain tract or parcel of land containing 10.0439 acres of land, more or less, being a portion of Lot Two in the East One-half of the Luke Moore League, Abstract 51, located in the City of Houston, Harris County, Texas, and being all of the land described in that certain deed dated September 25, 1973, from Polk Avenue Enterprises to George W. Lollis, recorded under Harris County Clerk's file No. D-987676, film code 168-29-1811 in the Harris County Deed Records, and being more particularly described by metes and bounds as follows:

COMMENCING at the City of Houston Reference Monument Number 622 at the intersection of Hughes Street and Polk Avenue;

THENCE S 67° 10' 00" E, 526.32 feet to an "X" cut in the pavement;

THENCE S 27° 00' 00" W, 20.05 feet to the Point of Beginning and Northwest corner of the herein described tract;

THENCE S 67° 10' 00" E, along the South Line of Polk Avenue 660.63 feet to a point for an interior corner of the tract herein described;

THENCE the following courses and distances to the Point of Beginning established and shown on a survey map by K. T. Edminster, dated 7-22-44 and revised 8-17-53;

N 07° 32' 00" E, 67.65 feet to the centerline of Slaughter Pen Bayou;

THENCE along the centerline of Slaughter Pen Bayou the following courses and distances;

S 15° 15' 21" E, 128.03 feet;

S 25° 13' 44" E, 77.15 feet;

S 89° 34' 04" E, 64.97 feet;

THENCE S 72° 38' 42" E, 56.77 feet to a point for the northeast corner of the herein described tract;

THENCE S 09° 35' 00" W, 286.21 feet to a point for the southeast corner of the herein described tract;

THENCE along the meanders of Micheaux Gully as established by K. T. Edminster on a survey map dated 7-22-44 and revised 8-17-53 and corrected for closure, the following courses and distances;

N 66° 55' 37" W, 64.97 feet;  
N 82° 28' 00" W, 31.20 feet;  
N 23° 49' 00" W, 60.00 feet;  
N 85° 39' 00" W, 85.00 feet;  
N 39° 07' 00" W, 48.00 feet;  
N 80° 59' 00" W, 105.30 feet;  
S 06° 70' 00" W, 61.16 feet;  
S 82° 38' 00" W, 155.00 feet;  
N 40° 42' 00" W, 53.00 feet;  
S 89° 50' 00" W, 72.34 feet;  
N 35° 04' 00" W, 124.00 feet;  
S 28° 17' 00" W, 48.00 feet;  
S 81° 37' 00" W, 110.00 feet;  
N 03° 44' 00" W, 56.00 feet;  
N 36° 42' 00" W, 90.00 feet

THENCE N 27° 00' 00" E, 517.95 feet to the Point of Beginning.

SAVE and EXCEPT from the above described premises, there not being hereunder conveyed to Grantor, any portion of the described premise lying below the cut bank of Slaughter Pen Bayou, or Country Club Bayou and/or Micheaux Gully.

**TRACT 2:**

All of that certain 3.475 acre tract of parcel or land out of the Reserve of Supply Row Center, a 70 acre subdivision out of S. M. Williams Survey, Abstract 87, as recorded in Volume 30, page 16 of the Harris County Map Records; being more particularly described by metes and bounds as follows:

COMMENCING at a found 5/8 inch rod in the southerly dedicated right-of-way of Polk Street (80'), as recorded in Volume 30 page 16 of the Harris County Map Records; said 5/8 inch rod being the point of curvature of a curve to the left and also being the PLACE OF BEGINNING for the tract herein described;

THENCE along the arc of a curve to the left, having a chord of North 75° 31' 13" East, 153.47 feet, a radius of 787.34 feet, a central angle of 11° 11' 10", a distance of 153.71 feet to a 5/8 inch iron rod for a corner in the southerly right-of-way of Polk Street;

THENCE South 31° 32' 36" East, passing a 5/8 inch iron rod at 242.20 feet, a total distance of 324.27 feet to a point for a corner in the centerline of Country Club Bayou;

THENCE in a westerly direction with the meanders of the centerline of Country Club Bayou as follows:

South 65° 58' 49" West, 52.77 feet;  
North 85° 32' 43" West, 50.00 feet;  
South 68° 45' 08" West, 55.04 feet;  
North 75° 14' 07" West, 50.99 feet;  
North 59° 58' 49" West, 55.90 feet;  
North 75° 14' 07" West, 55.99 feet;  
North 87° 24' 15" West, 200.02 feet;  
South 71° 39' 12" West, 53.85 feet;  
South 84° 21' 52" West, 50.64 feet;  
North 81° 24' 09" West, 100.40 feet;  
South 68° 45' 08" West, 35.81 feet;

THENCE North 19° 18' 04" West, passing a 5/8 inch iron rod at 119.80 feet, a total distance of 198.04 feet to a 5/8 inch iron rod for a corner in the south right-of-way of Polk Street;

THENCE North 89° 11' 40" East, with said right-of-way, 98.36 feet to a 5/8 inch iron rod for a corner;

THENCE along the arc of a curve to the left having a chord of North 86° 37' 34" East, 167.88 feet, a radius of 994.93 feet, a central angle of 09° 40' 45", a distance of 168.08 feet to a 5/8 inch iron rod for a corner;

THENCE North 80° 35' 46" East, 214.59 feet to a 5/8 inch iron rod for a corner and being the PLACE OF BEGINNING; containing 3.475 acres of land, more or less.

### **TRACT 3:**

All of that certain tract or parcel of land containing 0.3070 acres (13,375 square feet) in the east one-half of the Luke Moore Survey, A-51, City of Houston, Harris County, Texas, and being portions of Swope Street (50 feet wide) and Bell Avenue (50 feet wide) and shown on plat of Swope Addition as recorded in volume 536, page 98 and 99 of the Deed Records of Harris County, said 0.3070 acre tract is more particularly described, with bearings and coordinates referred to the Texas Plane Coordinate System, South Central Zone, by metes and bounds as follows:

COMMENCING at City of Houston Survey Marker No. 5566-0609 having a coordinate value of  $x=3,169,363.69$  and  $y=708,898.91$ ;

THENCE, North 76° 52' 25" West, a distance of 120.52 feet to an "x" in concrete at the intersection of the southerly line of Polk Avenue (80 feet wide) and the easterly line of Swope Street;

THENCE, North 70° 34' 56" West, a distance of 25.00 feet to a nail in concrete at the intersection of the southerly line of Polk Avenue (projected) and the centerline of Swope Street, said nail being the northeast corner and PLACE OF BEGINNING of the herein described tract;

THENCE, South 19° 25' 04" West, along the centerline of Swope Street, a distance of 485.00 feet to a point at its intersection with the centerline of Bell Avenue;

THENCE, North 70° 34' 56" West, along the centerline of Bell Avenue, a distance of 75.00 feet to a point;

THENCE, North 19° 25' 04" East, a distance of 25.00 feet to the northerly line of Bell Avenue, at the southwest corner of Lot 11, Block 2 of Swope Addition;

THENCE, South 70° 34' 56" East, along the common line of Bell Avenue and said Lot 11, a distance of 50.00 feet to a nail in the concrete at its intersection with the westerly line of Swope Street, said nail being the southeast corner of said Lot 11;

THENCE, North 19° 25' 04" East, along the common line of Swope Street and Lots 11 and 10, Block 2 and Lots 10 and 9, Block 1 of Swope Addition, a distance of 460.00 feet to a 5/8-inch rod at its intersection with the southerly line of Polk Avenue, same being the northeast corner of said Lot 9;

THENCE, South 70° 34' 56" East, along the southerly line of Polk Avenue (projected), a distance of 25.00 feet to the PLACE OF BEGINNING and containing 0.3070 acre (13,375 square feet).

**TRACT 4:**

ALL that certain tract or parcel of land containing 0.0574 acre (2,500 square feet) in the east one-half of the Luke Moore Survey, A-51, City of Houston, Harris County, Texas, being a portion of SWOPE ADDITION (50 feet wide) as shown on the plat of SWOPE ADDITION recorded in volume 536, page 98 and 99 of the Deed Records of Harris County, said 0.0574 acre is more particularly described, with bearing and coordinates referred to the Texas Platte Coordinate System, South Central Zone, by metes and bounds as follows:

COMMENCING at City of Houston Survey Marker No. 5556-0609 having a coordinate value of X=3,169,363.69 and Y=708,898.91;

THENCE, North 76° 52' 25" West, a distance of 120.52 feet to an "X" in concrete at the intersection of the southerly line of Polk Avenue (80 feet wide) and the easterly line of Swope Street;

THENCE, North 70° 34' 56" West, a distance of 25.00 feet to a nail in concrete at the intersection of southerly line of Polk Avenue (projected) and the centerline of Swope Street, said nail being the north-east corner and PLACE OF BEGINNING of the herein described tract;

THENCE, South 19° 25' 04" West, along the centerline of Swope Street a distance of 100.00 feet to a point;

THENCE, North 70° 34' 56" West, a distance of 25.00 feet to the westerly line of Swope Street, at the southeast corner of Lot 9, Block 1 SWOPE ADDITION;

THENCE, North 19° 25' 04" East, along the common line of Swope Street and said Lot 9, a distance of 100.00 feet to a 5/8" iron rod in the southerly line of Polk Avenue, said iron rod being the northeast corner of said Lot 9;

THENCE, South, 70° 34' 56 East, along the southerly line of Polk Avenue (projected), a distance of 25.00 feet to the PLACE OF BEGINNING and containing 0.0574 acre (2,500 square feet).

***Properties owned by the City of Houston, Texas***

Portions of the dedicated streets known as Clay Street, Hughes Street and Polk Avenue, located within or between the foregoing described tracts.