

A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 17.9467 ACRES COMMONLY KNOWN AS RIVIANA FOODS, INC. AT 1702 TAYLOR STREET AND TURKISH PRODUCTS, INC. AT 1606 HENDERSON STREET, AS WELL AS ADJACENT RAILROAD RIGHTS-OF-WAY AND ADJACENT PUBLIC RIGHTS-OF-WAY OF CROCKETT, SUMMER, SAWYER, TAYLOR, HEMPHILL, HENDERSON, AND WHITE STREETS, HOUSTON, HARRIS COUNTY, TEXAS, SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; CONTAINING OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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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

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 amended that process on July 14, 2010, by Ordinance No. 2010-556; 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, in June 2014, **Riviana Foods, Inc. and Turkish Products, Inc.** ("Applicant") applied to the Director of the Public Works and Engineering Department, requesting that the City Council support a municipal setting designation ordinance for

properties that are located generally at 1702 Taylor Street and 1606 Henderson Street, as well as adjacent railroad rights-of-way and adjacent public rights-of-way of Crockett, Summer, Sawyer, Taylor, Hemphill, Henderson, and White Streets in Houston, Texas 77007; and

WHEREAS, on March 17, 2015, the Director of the Public Works and Engineering Department conducted a public meeting at the Houston Permit Center, 1002 Washington Avenue, Houston, TX 77002 as required by section 47-764 of the Code of Ordinances, and notified the community when the City Council public hearing would occur; and

WHEREAS, the Transportation, Technology, and Infrastructure City Council committee, designated by the Mayor, conducted a public hearing on April 14, 2015; and

WHEREAS, the City Council finds that:

(1) the application meets the eligibility criteria of Section 361.803 of the Texas Health and Safety Code;

(2) the municipal setting designation will not have an adverse effect on the current or future water resource needs or obligations of the City of Houston;

(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 designated property; and

(4) this Municipal Setting Designation Ordinance is necessary because the concentration of contaminants of concern exceeds human ingestion protective

concentration levels, and the establishment of a municipal setting designation will allow the property to be brought back into productive use; and

WHEREAS, City Council finds that the Director of the Public Works and Engineering Department on behalf of City Council, 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 Technology, Transportation and Infrastructure Committee of City Council has held the required public hearing regarding this Municipal Setting Designation Ordinance and all procedural requirements have been satisfied; **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 tracts totaling 17.9467 acres as 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 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 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 5. 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 and the EPA, as agencies charged to protect human health and the environment, are 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 6. 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 7. 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 8. 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 the designated groundwater 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 9. 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, to TCEQ and to EPA.

Section 10. 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 11. 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 12. 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 application 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.

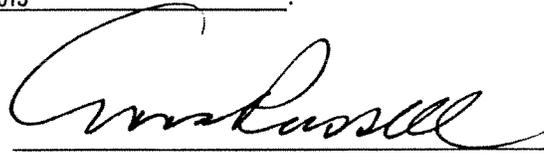
Section 13. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the 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 27th day of May, 2015.

APPROVED this _____ day of _____, 2015.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUN 02 2015.



City Secretary

(Prepared by Legal Department Phil Collins ^{PMG})

(PMG/ng/04/20/2015

Assistant City Attorney)

(Requested by Dale A. Rudick, P.E., Director, Public Works and Engineering Department)

(L.D. File No. 066-1400007-001)

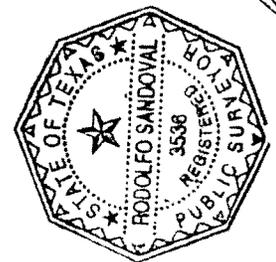
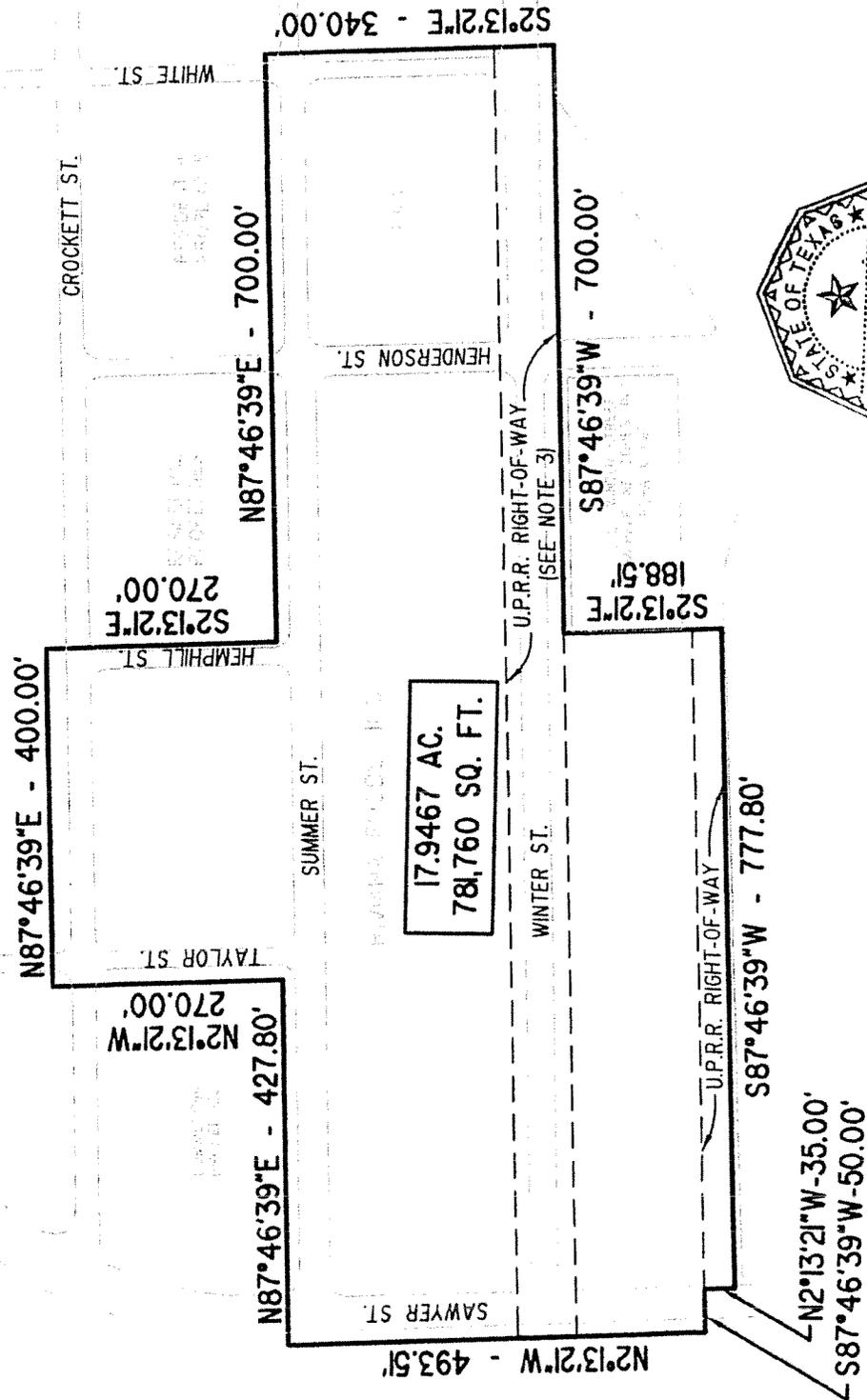
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AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
	ABSENT	DAVIS
✓		COHEN
	ABSENT	BOYKINS
	ABSENT	MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGO
✓		LASTER
✓		GREEN
✓		COSTELLO
	ABSENT	ROBINSON
	ABSENT	KUBOSH
✓		BRADFORD
	ABSENT	CHRISTIE
CAPTION	ADOPTED	

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

EXHIBIT



Rodolfo Sandoval

NOTES:

1. This exhibit was prepared in conjunction with a written metes and bounds description.
2. Bearings shown on this exhibit are referenced to the Texas State Grid Coordinate System.
3. Winter Street appears to be a 70' wide public right-of-way, however, there are railroad tracks through the street that indicate Winter Street being used as a railroad right-of-way.

METES AND BOUNDS
17.9467 ACRES

Being a tract of land containing 17.9467 (781,760 square feet) of land, more or less, and being all of Lots 1 - 12 in Block 337 of the Shearn Addition, an unrecorded subdivision, and Lots 1 - 12 and tracts 13 and 14 in Block 338, Lots 1 - 12 and tract 13 in Block 345 of the Shearn Addition, Tract 5 in the John Austin Survey, Abstract 5, and Reserve "A" in Block 1 of Riviana Foods Section 1 as recorded in File Number W355376 of the Harris County Map Records, and Lots 1 - 12 in Block 322 of the Shearn Addition, and Lots 1 - 12 in Block 344, Lots 1 - 13 in Block 339 of the Shearn Addition, and Tracts 7A and 8 in the John Austin Survey, Abstract 1, a 95' x 35' tract recorded under Volume 3062, Page 213 of the Harris County Deed Records, and a called 23,844 square foot tract recorded under Volume 2993, Page 134 of the Harris County Deed Records, said 17.9467 acres also including the right-of-way of Crockett Street (70 feet wide) from the west right-of-way of Taylor Street to the east right-of-way of Hemphill Street, the right-of-way of Summer Street (70 feet wide) from the west right-of-way of Sawyer Street to the east right of White Street, the right-of-way of Winter Street (70 feet wide) from the west right-of-way of Sawyer Street to the east right-of-way of White Street, the right-of-way of Sawyer Street (50 feet wide) from the north right-of-way of Summer Street to the intersection of the west right-of-way of Sawyer Street and the projection of the south line of Block 344 of the Shearn Addition, the right-of-way of Taylor Street (50 feet wide) from the north right-of-way of Crockett Street to the south right-of-way of Summer Street, the right-of-way of Hemphill Street from the north right-of-way of Crockett Street to the south right-of-way of Summer Street and also from the north right-of-way of Winter Street to the projection of the south lines of Blocks 339 and 328 of the Shearn Addition, the right-of-way of Henderson Street (60 feet wide) from the north right-of-way of Summer Street to the south right-of-way of Winter Street, and the right-of-way of White Street from the north right-of-way of Summer Street to the south right-of-way of Winter Street, said 17.9467 acre tract being described more particularly by metes and bounds as follows;

BEGINNING at a point marking the intersection of the north right-of-way of Crockett Street and the west right-of-way of Taylor Street;

THENCE N 87 degrees 46 minutes 39 seconds E a distance of 400.00 feet along the north right-of-way of Crockett Street to a point marking the intersection of the north right-of-way of Crockett Street and the east right-of-way of Hemphill Street;

THENCE S 2 degrees 13 minutes 21 seconds E a distance of 270.00 feet along the east right-of-way of Hemphill Street to a point marking the intersection of the east right-of-way of Hemphill Street and the north right-of-way of Summer Street;

THENCE N 87 degrees 46 minutes 39 seconds E a distance of 700.00 feet along the north right-of-way of Summer Street to a point marking the intersection of the north right-of-way of Summer Street and the east right-of-way of White Street;

THENCE S 2 degrees 13 minutes 21 seconds E a distance of 340.00 feet along the east right-of-way of White Street to a point marking the intersection of the east right-of-way of White Street and the south right-of-way of Winter Street;

THENCE S 87 degrees 46 minutes 39 seconds W a distance of 700.00 feet along the south right-of-way of Winter Street to a point marking the intersection of the south right-of-way of Winter Street and the east right-of-way of Hemphill Street;

THENCE S 2 degrees 13 minutes 21 seconds E a distance of 188.51 feet along the east right-of-way of Hemphill Street to a point;

THENCE S 87 degrees 46 minutes 39 seconds W a distance of 777.80 feet along the south line of said called 23,844 square foot tract and the south line of the said 95' x 35' tract to a point on the east right-of-way of Sawyer Street;

THENCE N 2 degrees 13 minutes 21 seconds W a distance of 35.00 feet along the east right-of-way of Sawyer Street to a point;

THENCE S 87 degrees 46 minutes 39 seconds E a distance of 50.00 feet to a point on the west right-of-way of Sawyer Street;

THENCE N 2 degrees 13 minutes 21 seconds W a distance of 493.51 feet along the west right-of-way of Sawyer Street to a point marking the intersection of the west right-of-way of Sawyer Street and the north right-of-way of Summer Street;

THENCE N 87 degrees 46 minutes 39 seconds E a distance of 427.80 feet along the north right-of-way of Summer Street to a point marking the intersection of the north right-of-way of Summer Street and the west right-of-way of Taylor Street;

THENCE N 2 degrees 13 minutes 21 seconds W a distance of 270.00 feet along the west right-of-way of Taylor Street to the POINT OF BEGINNING of the herein described tract containing 17.9467 (781,760 square feet) of land, more or less.

NOTES:

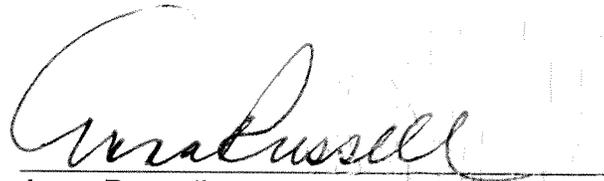
1. This metes and bounds description was prepared in conjunction with a drawing exhibit.
2. Bearings shown on this written description are referenced to the Texas State Grid Coordinate System.



Rodolfo Sandoval

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2015-457 passed and adopted by the City Council of said City on the 27th day of May, 2015, as the same appears in the records in my office

WITNESS my hand and the Seal of said City this 8th day of June, 2015.

A handwritten signature in cursive script, appearing to read "Anna Russell", written over a horizontal line.

Anna Russell
City Secretary of the City of Houston