

**A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 13.2435 ACRES COMMONLY KNOWN AS BAKER HUGHES INCORPORATED, AT 7135 ARDMORE STREET, HOUSTON, HARRIS COUNTY, TEXAS, AND 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.**

\* \* \* \* \*

**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 January 17, 2014, **Baker Hughes Incorporated** ("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 7135 Ardmore Street, in Houston, Texas 77054; and

**WHEREAS**, on July 30, 2015, the Director of the Public Works and Engineering Department conducted a public meeting at the Judson Robinson, Jr. Community Center, at 2020 Hermann Drive in Houston, Texas 77004 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 August 18, 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 13.2435 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

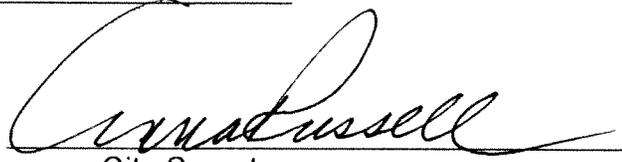
immediately upon its passage and approval by the mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 16<sup>th</sup> day of September, 2015.

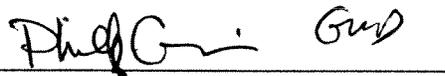
APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 22 2015.

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

(Prepared by Legal Department  
(PMG/ng/08/26/2015

  
\_\_\_\_\_  
Assistant City Attorney )

(Requested by Dale A. Rudick, P.E., Director, Public Works and Engineering Department)  
(L.D. File No. 066-1400007-001)

G:\REAL ESTATE\PHILLIP GOODWIN\MSD\MSDBakerHughes

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

CAPTION PUBLISHED IN DAILY COURT  
REVIEW DATE: **SEP 22 2015**

**EXHIBIT "A"**

**METES AND BOUNDS DESCRIPTION**

Being a parcel containing 13.2435 acres (576,886 square feet) of land, located in the D. W. C. Harris Survey, Abstract No. 325, Harris County, Texas, being all of the remainder of that certain called 14.473 acre tract (Parcel No. 2) conveyed from Vetco Gray Inc. to Combustion Engineering, Inc. and Baker Hughes Incorporated (in equal undivided interests) by deed dated June 24<sup>th</sup>, 1988 and recorded under Harris County Clerk's File (HCCF) No. L969161 of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCT), said remainder tract being further conveyed from Combustion Engineering, Inc. to ABB Prospects Inc. (as to a fifty percent interest) by deed dated November 11<sup>th</sup>, 1999 and recorded under HCCF No. U324474 of said OPRRPHCT; said remainder tract being more particularly described by metes and bounds as follows (the coordinates (and or bearings) shown hereon were derived from redundant RTK GPS observations and are based on the Texas Coordinate System, South Central Zone (4204) NAD 83 CORS adjustment. The distances shown hereon are grid datum. A combined project adjustment factor for this project has not been determined):

BEGINNING at a five-eighths inch iron rod found for the southeast corner of said called 14.473 acre tract and the herein described parcel, being the intersection of the westerly right-of-way line of State Highway (SH) 288 (width varies) and the northerly right-of-way line of Corder Street (also known as Nichols Road) (60 feet wide), and having coordinates of N= 13,816,532.47, E= 3,118,093.85;

THENCE, North 72° 01' 07" West, along said northerly right-of-way line of Corder Street, a distance of 516.34 feet to a five-eighths inch iron rod with E.H.R.&A. cap found for the southwest corner of said called 14.473 acre tract and the herein described parcel, and being the intersection of said northerly right-of-way line of Corder Street and the easterly right-of-way line of Ardmore Street (80 feet wide);

THENCE, North 14° 41' 41" East, along said easterly right-of-way line of Ardmore Street, a distance of 316.85 feet to the southwest corner of a called 1.2215 acre tract conveyed from Baker Hughes Incorporated and ABB Prospects, Inc. to Ardmore Professional Center, LLC by deed dated December 3rd, 2002 and recorded under HCCF No. W286138 of said OPRRPHCT;

THENCE, South 72° 09' 44" East, departing said easterly right-of-way line of Ardmore Street and along the southerly line of said called 1.2215 acre tract, a distance of 95.87 feet to the southeast corner of said called 1.2215 acre tract, and from which a found five-eighths inch iron rod with Russ & Pape cap bears North 02° 08' West, a distance of 0.32 feet;

THENCE, along the easterly lines of said called 1.2215 acre tract, the following seven (7) courses and distances:

North 17° 54' 49" East, a distance of 105.22 feet to an "X" set on concrete for an angle point;

South 72° 05' 26" East, a distance of 36.60 feet to an "X" set on concrete for an angle point;

North 18° 21' 31" East, a distance of 125.84 feet to an angle point;

North 71° 38' 29" West, a distance of 26.00 feet to an "X" set on concrete for an angle point;

North 18° 21' 31" East, a distance of 20.00 feet to an "X" set on concrete for an angle point;

North 71° 38' 29" West, a distance of 11.21 feet to an "X" set on concrete for an angle point;

North 18° 01' 19" East, a distance of 193.16 feet to an "X" set on concrete for the northeast corner of said called 1.2215 acre tract;

THENCE, North 72° 12' 24" West, along the northerly line of said called 1.2215 acre tract, a distance of 121.75 feet to a PK nail found for the northwest corner of said called 1.2215 acre tract, and lying on said easterly right-of-way line of Ardmore Street;

THENCE, North 14° 41' 41" East, along said easterly right-of-way line of Ardmore Street, a distance of 532.33 feet to the northwest corner of said called 14.473 acre tract and the herein described parcel, and being the intersection of said easterly right-of-way line of Ardmore Street and the southerly right-of-way line of Alice Street (also known as Graves Road) (80 feet wide), and from which a found three-quarter inch iron pipe bears South 06° 38' East, a distance of 2.06 feet;

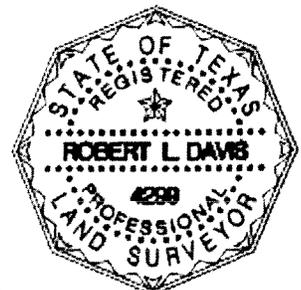
THENCE, South 72° 01' 47" East, along said southerly right-of-way line of Alice Street, a distance of 430.74 feet to a five-eighths inch iron rod found for the northeast corner of said called 14.473 acre tract and the herein described parcel, and being the intersection of said southerly right-of-way line of Alice Street and said westerly right-of-way line of SH 288;

THENCE, South 05° 25' 39" West, along said westerly right-of-way line of SH 288, a distance of 291.44 feet to an angle point in said westerly right-of-way line of SH 288, and from which a found five-eighths inch iron rod bears South 39° 48' West, a distance of 1.12 feet;

THENCE, South 12° 30' 49" West, continuing along said westerly right-of-way line of SH 288, a distance of 1,012.34 feet to the POINT OF BEGINNING, containing 13.2435 acres (576,886 square feet) of land.

This description is based upon an Exhibit Survey performed by Robert L. Davis, Registered Professional Land Surveyor, Texas Registration Number 4299, completed May 31st, 2013, and is on file in the office of Baseline Corporation, Houston, Texas, Job No. 13.039.

May 31<sup>st</sup>, 2013  
RLD  
Job No. 13.039  
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*Robert L. Davis*  
6/4/2013

Being a parcel containing 0.4292 of one acre (18,697 square feet) of land, located in the P. W. Rose Survey, Abstract No. 645, Harris County, Texas, being all of the remainder of that certain called 6.4938 acre tract (Parcel No. 3) conveyed from Vetco Gray Inc. to Combustion Engineering, Inc. and Baker Hughes Incorporated (in equal undivided interests) by deed dated June 24<sup>th</sup>, 1988 and recorded under Harris County Clerk's File (HCCF) No. L969161 of the Official Public Records of Real Property of Harris County, Texas (OPRRPHCT), said remainder tract being further conveyed from Combustion Engineering, Inc. to ABB Prospects Inc. (as to a fifty percent interest) by deed dated November 11<sup>th</sup>, 1999 and recorded under HCCF No. U324474 of said OPRRPHCT; said remainder tract being more particularly described by metes and bounds as follows (the coordinates (and or bearings) shown hereon were derived from redundant RTK GPS observations and are based on the Texas Coordinate System, South Central Zone (4204) NAD 83 CORS adjustment. The distances shown hereon are grid datum. A combined project adjustment factor for this project has not been determined):

BEGINNING at the northeast corner of said called 6.4938 acre tract and the herein described parcel, being the intersection of the westerly right-of-way line of State Highway (SH) 288 (width varies) and the southerly right-of-way line of Corder Street (also known as Nichols Road) (60 feet wide), and having coordinates of N= 13,816,486.67, E= 3,118,040.62, from which a found five-eighths inch iron rod bears South 48° 55' East, a distance of 2.45 feet, a found five-eighths inch iron rod bears South 71° 17' East, a distance of 1.61 feet, and a found five-eighths inch iron rod with Russ & Pape cap bears South 82° 49' East, a distance of 1.22 feet;

THENCE, S 13° 56' 53" W, along said westerly right-of-way line of SH 288, a distance of 149.94 feet to the easterly common corner of the herein described parcel and Unrestricted Reserve "A", Alexan at 288, according to the map or plat recorded at Film Code No. 578280 of the Map Records of Harris County, and from which a found five-eighths inch iron rod with Russ & Pape cap bears South 75° 57' East, a distance of 1.44 feet;

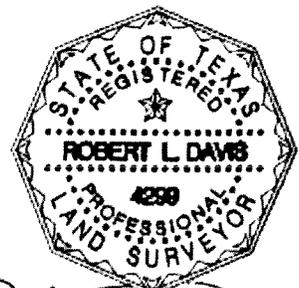
THENCE, N 42° 09' 34" W, departing said westerly right-of-way line of SH 288 and along the northeasterly line of said Unrestricted Reserve "A", a distance of 300.43 feet to the westerly common corner of the herein described parcel and Unrestricted Reserve "A", being on said southerly right-of-way line of Corder Street, and from which a found five-eighths inch iron rod bears South 40° 40' East, a distance of 13.06 feet;

THENCE, S 72° 01' 07" E, along said southerly right-of-way line of Corder Street, a distance of 250.00 feet to the POINT OF BEGINNING, containing 0.4292 of one acre (18,697 square feet) of land.

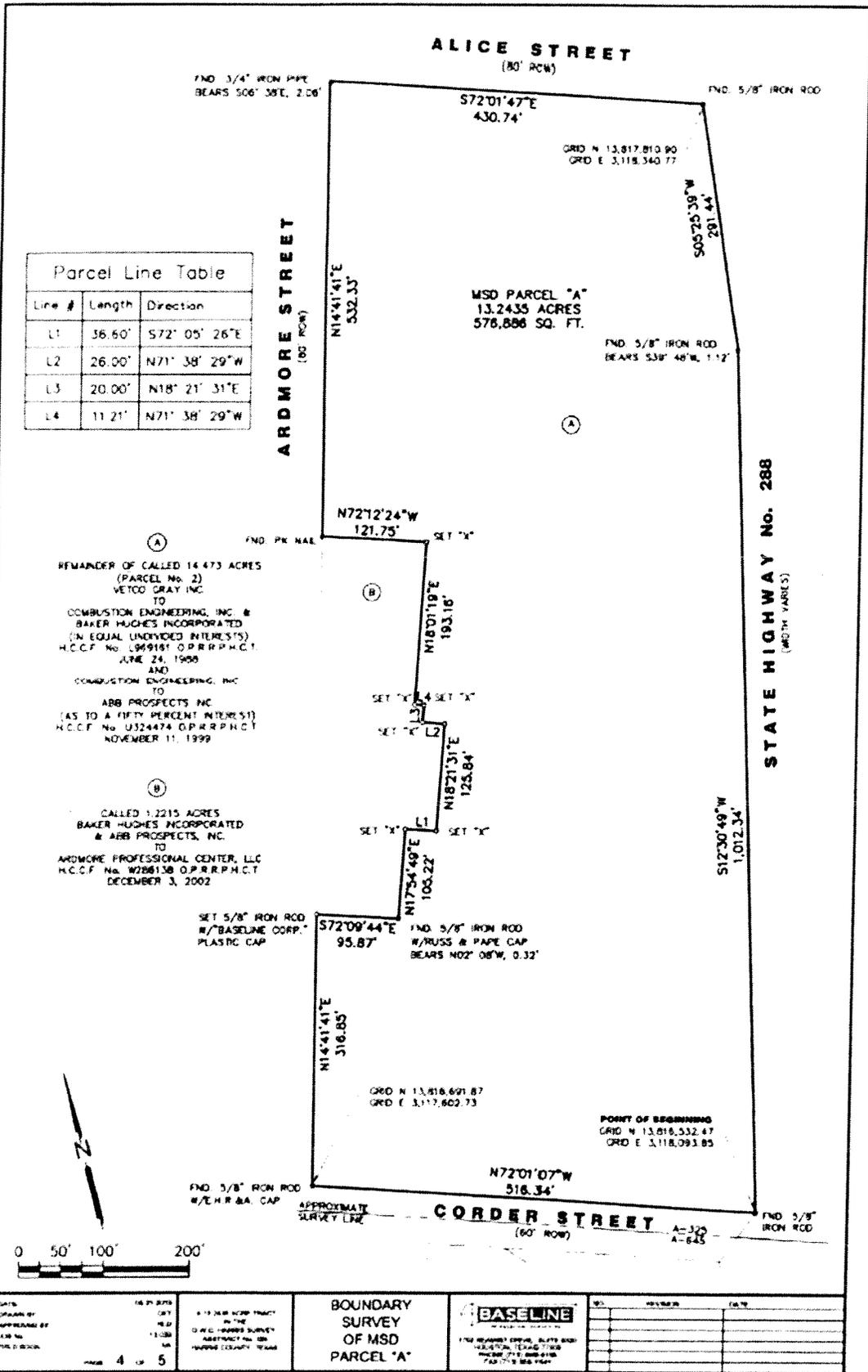
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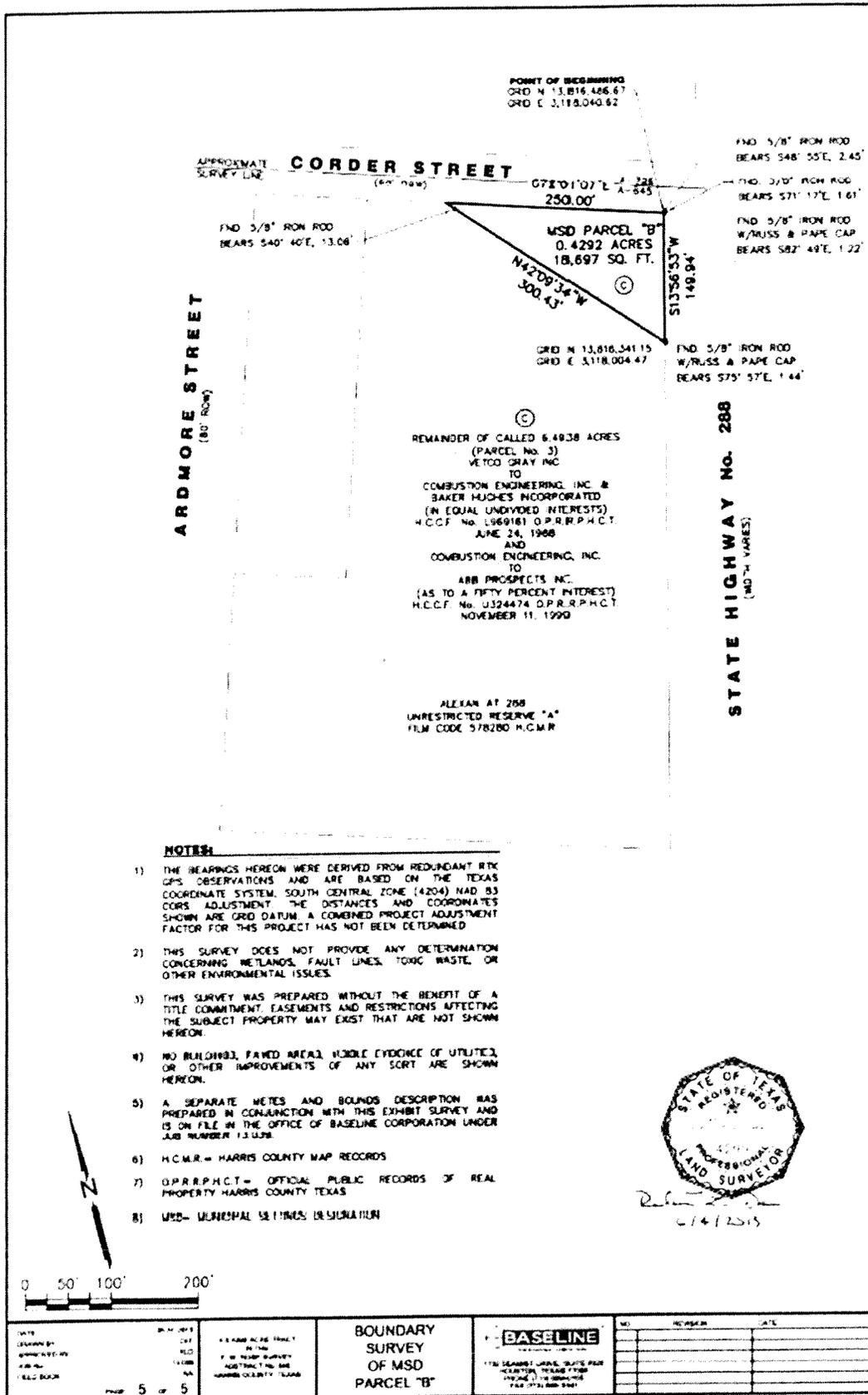
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Job No. 13.039

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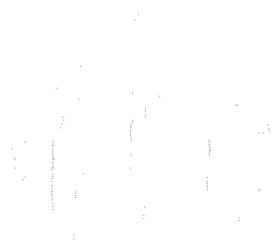
*Robert L. Davis*  
6/4/2013





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 2015-874 passed and adopted by the City Council of said City on the 16th day of September, 2015, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 5th day of October, 2015.



A handwritten signature in cursive script, reading "Anna Russell", is written over a horizontal line.

Anna Russell  
City Secretary of the City of Houston