

City of Houston, Texas, Ordinance No. 2019- 146

**A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 0.4316 ACRES COMMONLY KNOWN AS 1808 JACQUELYN DRIVE, HOUSTON, HARRIS COUNTY, TEXAS; SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AT THE REQUEST OF GSCP REALTY, LLC; 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(c) 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 September 19, 2017, **GSCP Realty, LLC** ("Applicant") applied to the Director of Houston Public Works, requesting that the City Council support a municipal setting designation ordinance for property that is located generally at 1808 Jacquelyn Drive (0.4316 acres), Houston, Harris County, Texas 77055; and

**WHEREAS**, on December 19, 2018, the Director of Houston Public Works conducted a public meeting at the Trini Mendenhall Center, 1414 Wirt Rd, Houston, TX 77055, 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 Regulation and Neighborhood Affairs City Council Committee, designated by the Mayor, conducted a public hearing on January 17, 2019; 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 concentrations of contaminants of concern exceed 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 Houston Public Works 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 Regulation and Neighborhood Affairs City Council Committee 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 property 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:

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 Houston Public Works 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 Houston Public Works shall send a certified copy of this ordinance to the Applicant, the TCEQ, and the EPA.

**Section 10.** That the Applicant shall provide the Director of Houston Public Works 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 Houston Public Works 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 20<sup>th</sup> day of March, 2019.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is MAR 26 2019.

*[Signature]*  
\_\_\_\_\_  
City Secretary                      Assistant

(Prepared by Legal Department *[Signature]*)  
(WC/gd 2/6/2019                      Senior Assistant City Attorney )  
(Requested by Carol Ellinger Haddock, P.E., Director, Houston Public Works)  
(L.D. File No. 063-1900046-001)

CAPTION PUBLISHED IN DAILY COURT  
REVIEW **MAR 26 2019**  
DATE:

| AYE     | NO      |                 |
|---------|---------|-----------------|
| ✓       |         | MAYOR TURNER    |
| ....    | ....    | COUNCIL MEMBERS |
| ✓       |         | STARDIG         |
| ✓       |         | DAVIS           |
| ABSENT  |         | COHEN           |
| ABSENT  |         | BOYKINS         |
| ✓       |         | MARTIN          |
| ✓       |         | LE              |
| ✓       |         | TRAVIS          |
| ✓       |         | CISNEROS        |
| ✓       |         | GALLEGOS        |
| ✓       |         | LASTER          |
| ✓       |         | CASTEX-TATUM    |
| ✓       |         | KNOX            |
| ✓       |         | ROBINSON        |
| ABSENT  |         | KUBOSH          |
| ✓       |         | EDWARDS         |
| ✓       |         | CHRISTIE        |
| CAPTION | ADOPTED |                 |

**EXHIBIT "A"**

**Survey of Designated Property**  
(2 pages)

**EXHIBIT A**

**Legal Description**

A PORTION OF LOTS SEVEN (7) AND EIGHT (8), IN BLOCK FIVE (5), OF HILLENDAHL ACRES, IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN VOLUME 18, PAGE 17 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND SAID PORTION OF LOTS SEVEN (7) AND EIGHT (8) BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS MADE A PART HEREOF FOR DESCRIPTION OF AN 18,798 SQUARE FOOT (0.4316 ACRE) TRACT OF LAND OUT OF LOTS 7 AND 8, BLOCK 5 OF HILLENDAHL ACRES AS RECORDED IN VOL. 18, PAGE 17, HARRIS COUNTY MAP RECORDS, HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF LONG POINT ROAD (60' R/W) AND THE EAST RIGHT OF WAY OF JACQUELYN DRIVE (60' R/W), THENCE, N 00° 17' 00" E, ALONG THE EAST RIGHT OF WAY OF JACQUELYN DRIVE, A DISTANCE OF 125.00 FEET TO A FOUND 5/8" IRON ROD FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED AND THE POINT OF BEGINNING, THENCE, N 00° 17' 00" E, CONTINUING ALONG THE EAST RIGHT OF WAY OF JACQUELYN DRIVE, A DISTANCE OF 131.00 FEET TO A 5/8" IRON ROD SET FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, THENCE, S 89° 21' 00" E, A DISTANCE OF 143.50 FEET TO A 5/8" IRON ROD SET FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, THENCE, S 00° 17' 00" W, A DISTANCE OF 131.00 FEET TO A FOUND 5/8" IRON ROD AND THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, THENCE, N 89° 21' 00" W, A DISTANCE OF 143.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.4316 ACRE.



ADDRESS : 1000 JACQUELYN DRIVE  
HOUSTON, TEXAS 77055

CLIENT : STINSON LEONARD STREET LLP

BUYER : GSCP REALTY, LLC

A STANDARD LAND SURVEY OF

TRACT 2 (0.4315 ACRES= 18,798 SQUARE FEET) BEING A PORTION OF LOT 7 AND LOT 8, IN BLOCKS OF HILLENDAHL ACRES, IN HARRIS COUNTY, TEXAS, ACCORDING TO THE PLAT OR MAP THEREOF RECORDED IN VOLUME 10, PAGE 17, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS SHOWN HEREON

(MEASUREMENTS BASED ON METES AND BOUNDS)



SCALE: 1"=30'

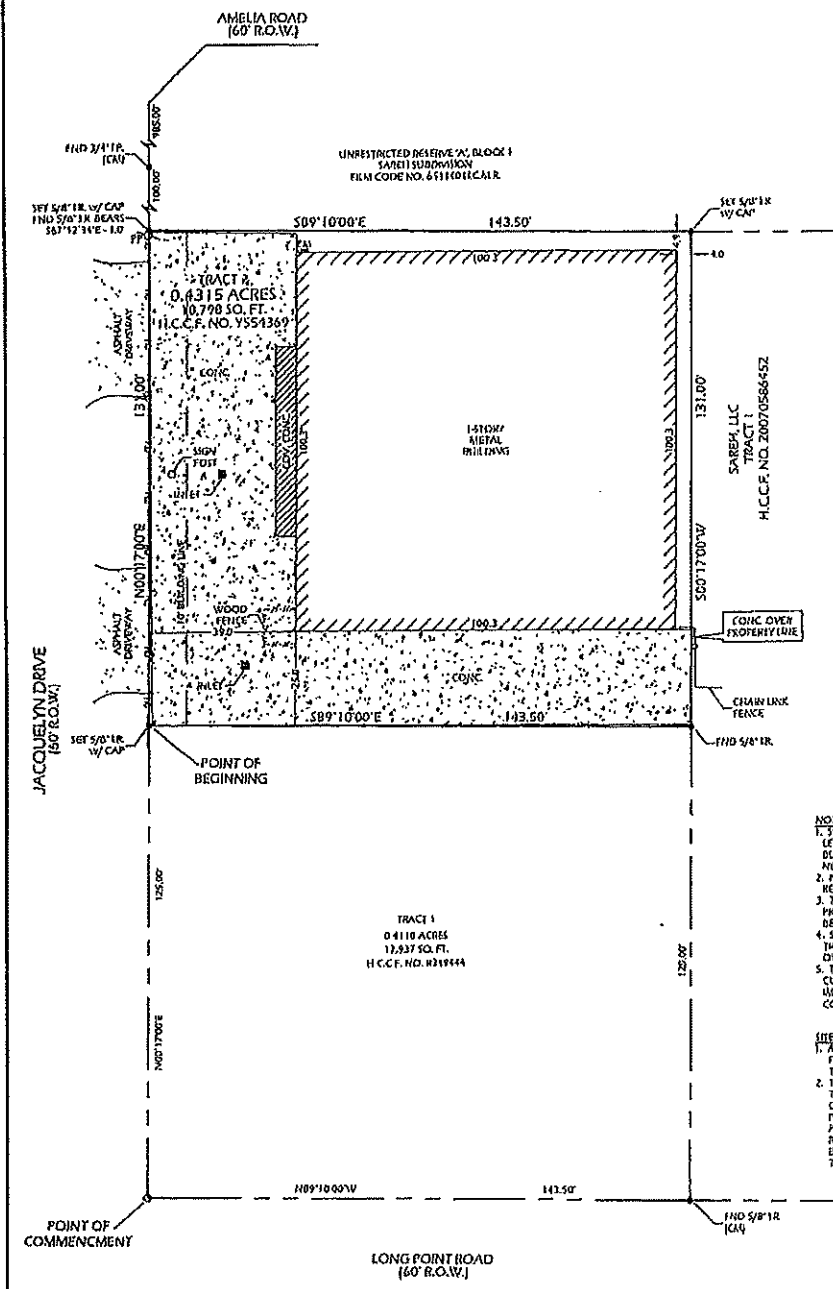


EXHIBIT 'A'

DESCRIPTION OF AN 18,798 SQUARE FOOT (0.4316 ACRE) TRACT OF LAND OUT OF LOTS 7 AND 8, BLOCK 5 OF HILLENDAHL ACRES AS RECORDED IN VOL. 10, PAGE 17, HARRIS COUNTY MAP RECORDS, HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,

COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF LONG POINT ROAD (60' FT/W) AND THE EAST RIGHT OF WAY OF JACQUELYN DRIVE (60' FT/W),

THENCE, N 00° 17' 00" E, ALONG THE EAST RIGHT OF WAY OF JACQUELYN DRIVE, A DISTANCE OF 125.00 FEET TO A SET 5/8" IRON ROD WITH CAP FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED AND THE POINT OF BEGINNING,

THENCE, N 00° 17' 00" E, CONTINUING ALONG THE EAST RIGHT OF WAY OF JACQUELYN DRIVE, A DISTANCE OF 131.00 FEET TO A 5/8" IRON ROD SET FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED,

THENCE, S09° 21' 00" E, A DISTANCE OF 143.50 FEET TO A 5/8" IRON ROD SET FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED,

THENCE, S00° 17' 00" W, A DISTANCE OF 131.00 FEET TO A FOUND 5/8" IRON ROD AND THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED,

THENCE, N 09° 21' 00" W, A DISTANCE OF 143.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.4316 ACRE.

- NOTES:
1. SURVEYOR HAS NOT ABSTRACTED PROPERTY. SURVEY IS BASED ON LEGAL DESCRIPTIONS SUPPLIED BY THE COMPANY, EASEMENTS, EDDING LINES, ETC. SHOWN HEREON AS IDENTIFIED BY G.C. NO. 111,237 OF FIRST AMERICAN TITLE INSURANCE COMPANY.
  2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
  3. THE SURVEYOR CERTIFIES AND WARRANTS TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
  4. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IF IS NOT TRANSFERABLE TO ANY OTHER TRANSACTION OR SUBSEQUENT OWNERS.
  5. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND NO LIABILITY HAS BEEN CREATED, EXPRESSED OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONNECTION WITH THE ORIGINAL TRANSACTION.

- THE SUBJECT TO:
1. A 10' FOOT BUILDING SETBACK LINE ALONG THE FRONT (AS TO LOT 1) PROPERTY LINES SET FORTH ON THE RECORDED PLAT AND USUALLY
  2. THE PROPERTY COVERED HEREIN IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND EASEMENTS OF ORDINANCE #1992-22, OF THE CITY OF HOUSTON, PASSED MARCH 24, 1992, AND AMENDMENTS, PERTAINING TO THE PLATTING AND REGULATING OF REAL PROPERTY AND THE ESTABLISHMENT OF BUILDING SET BACK LINES ALONG FRONT THOROUGHFARES WITHIN SUCH BOUNDARIES.

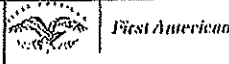
DATE: 12-30-2015  
REVISION: 01-06-2016 (TITLE)  
DRAWN BY: DYWG  
APPROVED BY: DYWG  
PROJECT NO. GL2630

LEGEND:  
REC'D R. - HARRIS COUNTY MAP RECORD  
H.C.D.R. - HARRIS COUNTY DEED RECORD  
H.C.C.F. - HARRIS COUNTY CLERK FILE  
R.O.W. - RIGHT OF WAY  
CM - CONTROL MONUMENT  
I.R. I.R. - IRON ROD/IRON PIPE  
P.U. - POWER POLE  
OH - OVERHEAD UTILITY LINES

*Daniel W. Coddale*  
I HEREBY CERTIFY TO FIRST AMERICAN TITLE INSURANCE COMPANY AND GSCP REALTY, LLC THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY. THERE WERE NO ENCUMBRANCES APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.



FLOOD INFORMATION  
PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE. THE PROPERTY LIES IN ZONE 'X' ACCORDING TO FIRM MAP NO. 18010C0663A DATED 08-09-2014.



BY CHAIN SURVEYING ONLY, WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATIONS.

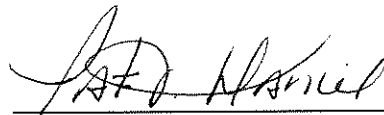
GREENLEAF LAND SURVEYS, LLC  
10900 NORTHWEST FWY  
SUITE # 129  
HOUSTON, TEXAS 77092



DIR: 832-668-5003 FAX: 832-553-7210  
FIRM # 10193977  
orders@glls.com  
www.greenleafandsurveys.com

I, PAT J. DANIEL, Assistant City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2019-146 passed and adopted by the City Council of said City on the 20th day of March, 2019, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 4th day of April, 2018.

A handwritten signature in cursive script, appearing to read "Pat J. Daniel", written over a horizontal line.

Pat J. Daniel  
Assistant City Secretary