

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY THE AMENDMENT OF CHAPTER 12.5, “ENVIRONMENTAL PROTECTION AND COMPLIANCE,” ARTICLE IV “GROUNDWATER AND SURFACE WATER QUALITY,” BY AMENDING APPENDIX “A” “MUNICIPAL SETTING DESIGNATION SITES IN FORT WORTH,” BY THE ADDITION OF SECTION 24 DESIGNATING CFW-MSD-0030, PROVIDING FOR THE PROHIBITION OF THE USE OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES IN CFW-MSD-0030; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sylvania Industrial Park, LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation (MSD) for the site known as Sylvania Industrial Park, located at 3201 North Sylvania, Fort Worth, Texas, 76111 the metes and bounds description being attached hereto as Exhibit “A” (Site); and

WHEREAS, notice to all interested parties has been provided in accordance with all applicable law and a public hearing has been held on the matter on June 14, 2022; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file a separate application with the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for certification of an MSD for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the City Council of the City of Fort Worth is of the opinion that it is in the best interest of the public to support Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Site; and

WHEREAS, in order for the TCEQ to certify the Site the City must prohibit the potable use of groundwater from beneath the Site; and

WHEREAS, a public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and property within one-half mile of the Site; and

WHEREAS, where public drinking water is available, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to human health;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Chapter 12.5 "Environmental Protection and Compliance," Article IV, "Groundwater and Surface Water Quality," Appendix A, "Municipal Setting Designation Sites in Fort Worth," of the Code of the City of Fort Worth (1986) as amended, is hereby amended by the addition of Section 24 to read as follows:

APPENDIX A – MUNICIPAL SETTING DESIGNATION SITES IN FORT WORTH

24. CFW-MSD-0030

- (a) CFW-MSD-0030 is defined and designated as follows:
Being a tract of land situated in the City of Fort Worth, Tarrant County, Texas and being more particularly described by metes and bounds description (Exhibit A) and map of CFW-MSD-00030 (Exhibit B).
- (b) The designated groundwater beneath CFW-MSD-0030 is a shallow, perched aquifer from depths of approximately fourteen (14) feet to twenty (20) feet below the ground surface. The affected shallow groundwater is underlain by a confining layer of approximately 200 to 450 feet in thickness and is underlain by confining limestone formations that serve as a regional aquitard that prevents the vertical migrations of the chemical of concern to underlying potable aquifers. The chemicals of concern identified in groundwater beneath the site exceeding applicable Tier 1 Texas Risk Reduction Program (TRRP) Residential Protection Concentration Levels (PCLs) are chlorinated solvents (tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1-,2- dichloroethene, 1,1-dichloroethene), benzene and petroleum hydrocarbons.
- (c) The use of the designated groundwater in CFW-MSD-0030 for potable and irrigation purposes is hereby prohibited. This prohibition is necessary because the contaminant concentrations exceed potable water standards.
- (d) The City will provide advance written notice to the Texas Commission on Environmental Quality, as much as is practicable, prior to enacting an ordinance repealing or amending this section.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph,

or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended in Section 1, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption summarizing the purpose of this ordinance and the penalty for violating this ordinance for two (2)

days in the official newspaper of the City of Fort Worth, Texas, as authorized by Local Government Code section 52.013

SECTION 7.

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

By: Matthew A. Murray
Assistant City Attorney

ADOPTED: _____

EFFECTIVE: _____

Exhibit A

SYLVANIA INDUSTRIAL PARK, 3201 NORTH SYLVANIA, FORT WORTH, TEXAS

BEING approximately 70.686 acres of land located in the S. GILMORE SURVEY, Abstract No. 590, the JOHN C. McCOMMAS SURVEY NORTH, Abstract No. 1047, and the JOHN C. McCOMMAS SURVEY SOUTH, Abstract No. 1039, City of Fort Worth, Tarrant County, Texas.

Said 70.686 acres of land also being comprised of all of Lot 1, Block 1, American Manufacturing Company of Texas Plant Site, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-140, Page 61, of the Plat Records of Tarrant County, Texas, and all the tracts indicated as Plant Site, East Parking Lot Site, and lots West of Plant Site in the deed to PRR, Inc., a Texas corporation, recorded in Volume 11125, Page 2048, of the Deed Records of Tarrant County, Texas, and also including all of Lots 1 through 14, Block 7, Highcrest Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 1964, Page 209, of the Deed Records of Tarrant County, Texas, and all of Lots 8, 9, 10 and 11, Block 5, Diamond Heights Industrial Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-Y, Page 1, of the Deed Records of Tarrant County, Texas, and all of Lots 12-R, 13-R, 14-R, 15-R and 16-R, Block 5, Diamond Heights Industrial Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-99, Page 51, of the Deed Records of Tarrant County, Texas, and also incorporating a portion of the right-of-way area of Sylvania Avenue. Said 70.686 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Southwest corner of the aforesaid Lot 14, Block 7, Highcrest Addition;

THENCE N 00° 16' 23" W 832.38 feet, along the West boundary line of said Lots 1 through 14, Block 7, Highcrest Addition and the East right-of-way line of Crabtree Street (a 50 foot wide public right-of-way), to a point at the Northwest corner of said Lot 1, Block 7, Highcrest Addition;

THENCE N 89° 43' 34" E 5.00 feet, along the North boundary line of said Lot 1, to a point in the East right-of-way line of Crabtree Street (a 60 foot wide public right-of-way) and the Southwest corner of aforesaid Lot 16-R, Block 5, Diamond Heights Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-99, Page 51, of the Plat Records of Tarrant County, Texas,

THENCE along the Northeast right-of-way line of said Crabtree Street (a 60 foot wide public right-of-way) and the West boundary line of aforesaid Lots 12-R through 16-R, Block 5, Diamond Heights Industrial Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-99, Page 51, of the Plat Records of Tarrant County, Texas, as follows:

1. NORTHWESTERLY 213.26 feet, along a curve to the left, having a radius of 226.09 feet, and a chord bearing N 27° 06' 33" W 205.44 feet, to a point at the end of said curve;
2. N 54° 19' 33" W 51.11 feet, to a point at the beginning of a curve to the right;

3. NORTHWESTERLY 219.29 feet, along said curve to the right, having a radius of 724.35 feet, and a chord bearing N 45° 37' 22" W 218.45 feet, to a point at the end of said curve;
4. N 36° 59' 52" W 409.70 feet, continuing along the Southwest boundary line of said Block 5 and also the Southwest boundary line of aforesaid Lots 9, 10 and 11, of the aforesaid Diamond Heights Industrial Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-Y, Page 1, of the Plat Records of Tarrant County, Texas, to a point;
5. NORTHWESTERLY 131.24 feet, along the West boundary line of said Lots 8 and 9, Block 5, with a curve to the left, having a radius of 281.34 feet, and a chord bearing N 50° 22' 52" W 130.05 feet, to a point at the Southwest corner of said Lot 8;

THENCE along the Northwest boundary line of said Lot 8, Block 5, Diamond Heights Industrial Addition, as follows:

1. N 27° 52' 08" E 120.88 feet, to a point;
2. N 53° 00' 08" E 120.46 feet, to a point at the Northeast corner of said Lot 8, lying in the Southwest right-of-way line of the Fort Worth and Denver Railway Company Railroad;

THENCE N 36° 58' 22" W 594.67 feet, along the Southwest right-of-way line of said Fort Worth and Denver Railway Company Railroad and along the Northeast boundary line of Lots 2-R through 4-R, Diamond Heights Industrial Addition, to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-42, Page 40, of the Plat Records of Tarrant County, Texas, to a point in the South right-of-way line of 33rd Street (a 60 foot wide public right-of-way);

THENCE along the South right-of-way line of said 33rd Street, as follows:

1. S 76° 34' 03" E 140.87 feet, to a point at the Northwest corner of aforesaid Lot 1, Block 1, American Manufacturing Company of Texas Plant Site;
2. S 76° 34' 03" E 1,926.65 feet, along the North boundary line of said Lot 1, Block 1, American Manufacturing Company of Texas Plant Site, to a point;
3. S 13° 25' 58" W 5.30 feet, to a point;
4. S 76° 34' 02" E 93.97 feet, to a point;
5. S 41° 47' 06" E 27.13 feet, to a point at the most Easterly Northeast corner of said Lot 1;

THENCE S 61° 09' 25" E 146.50 feet, crossing the right-of-way area of said Sylvania Avenue, to a point in the East right-of-way line of said Sylvania Avenue, being the most Easterly Northwest corner of the aforesaid tract of land designated as Parking Lot Tract, in the deed to PRR, Inc., recorded in Volume 11125, Page 2048, of the Deed Records of Tarrant County, Texas;

THENCE S 58° 29' 13" E 501.23 feet, along the Northeast boundary line of said Parking Lot Tract, to a point at the beginning of a curve to the right;

THENCE SOUTHERLY 66.21 feet, along said curve to the right, having a radius of

36.49 feet, and a chord bearing S 06° 31' 59" E 57.49 feet, to a point at the end of said curve lying in the Southeast boundary line of said Parking Lot Tract;

THENCE S 45° 27' 54" W 590.88 feet, along the Southeast boundary line of said Parking Lot Tract, to a point at the most Easterly Southwest corner of said Parking Lot Tract;

THENCE S 31° 38' 23" W 250.68 feet, crossing the right-of-way line of aforesaid Sylvania Avenue again, to a point in the West right-of-way line of said Sylvania Avenue, lying at the Southeast corner of the 4.126 acre tract of land contained as a portion of the Plant Site Tract described in the deed to PRR, Inc., recorded in Volume 11125, Page 2048, of the Deed Records of Tarrant County, Texas, also lying in the Northwest right-of-way line of the Texas and Pacific Railroad Company right-of-way;

THENCE S 45° 27' 54" W 1,622.37 feet, along a line 50.0 feet Northwest of and parallel to the centerline of said Texas and Pacific Railroad Company railroad, to a point at the Southwest corner of said 4.126 acre tract lying in the East right-of-way line of the Fort Worth and Denver Railway Company right-of-way;

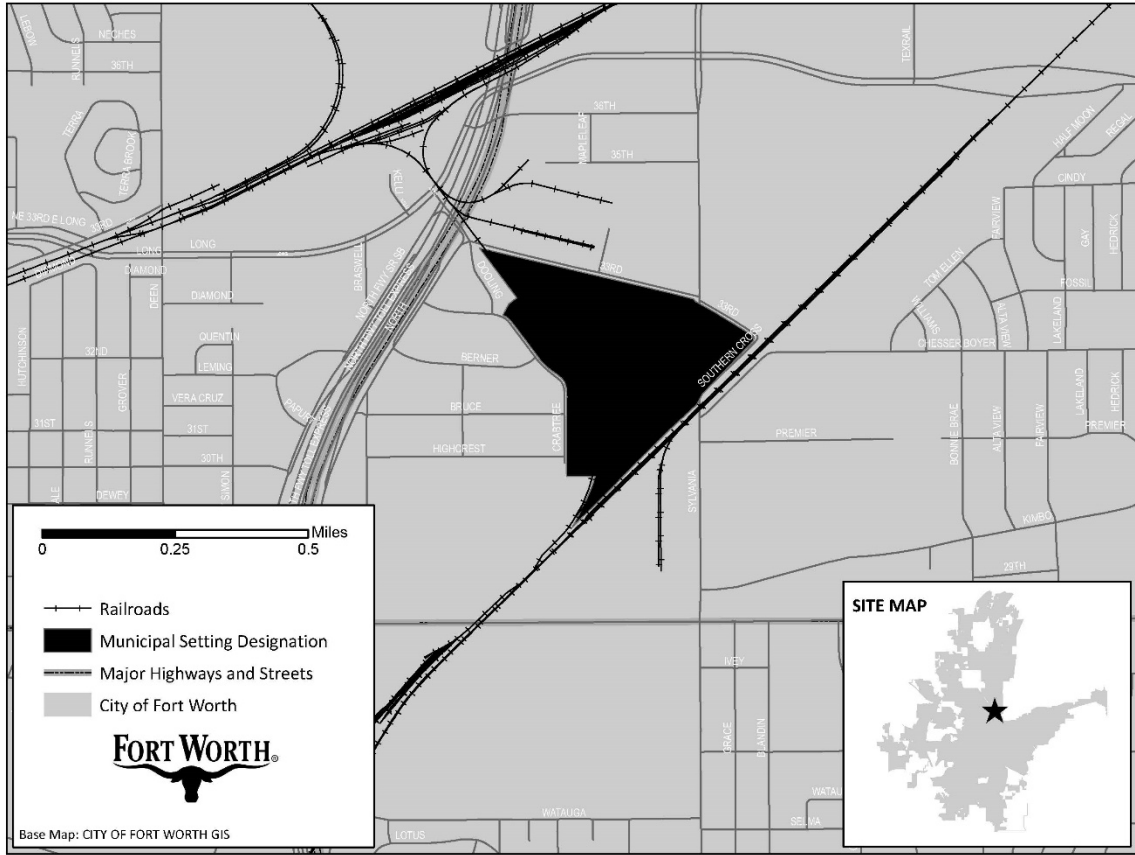
THENCE NORTHEASTERLY 354.02 feet, along the East right-of-way line of said Fort Worth and Denver Railway Company Railroad and the West boundary line of said 4.126 acre tract of land, with a curve to the left, having a radius of 1,418.39 feet, and a chord bearing N 24° 44' 55" E 353.10 feet, to a point at the South corner of aforesaid Lot 1, Block 1, American Manufacturing Company of Texas Plant Site;

THENCE NORTHEASTERLY 105.88 feet, continuing along the East right-of-way line of said Fort Worth and Denver Railway Company Railroad and the West boundary line of said Lot 1, Block 1, American Manufacturing Company of Texas Plant Site, with a curve to the left, having a radius of 1,418.39 feet, and a chord bearing N 15° 28' 20" E 105.85 feet, to a point;

THENCE S 89° 35' 35" W 306.40 feet, crossing said Fort Worth and Denver Railway Company Railroad right-of-way and running along the South boundary line of aforesaid Lot 14, Block 7, Highcrest Addition, to the POINT OF BEGINNING containing 70.686 acres of land.

Exhibit B

3201 North Sylvania - Sylvania Industrial Park, LLC MUNICIPAL SETTING DESIGNATION



Amy LaMar | April 2022 | Map Source: X:\07_ENVIRONMENTAL\GIS\MC_Reports