

A Resolution
IN SUPPORT OF THE APPLICATION OF
SOUTH FREEWAY PROPERTY
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FOR A MUNICIPAL SETTING LOCATED AT:
5921 and 5933 SOUTH FREEWAY,
FORT WORTH, TEXAS

NO. _____

WHEREAS, the BAIR Holdings, LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation for the site located at 5921 and 5933 South Freeway (South Freeway Property), Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit “A” (Site) to the Texas Commission on Environmental Quality; and

WHEREAS, a public meeting on the application for support was held in Fort Worth on July 24, 2024, and a public hearing was held in Fort Worth on August 13, 2024, and the affected community was duly notified of same and allowed the opportunity to comment; and

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

WHEREAS, Applicant has filed documentation with the city stating that a contaminant identified within the designated groundwater, associated with historical uses of the Site, that has been detected in concentrations exceeding residential assessment levels for potable use is arsenic; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, shall, upon adoption of this ordinance, prohibit the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of this supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation 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 certification of a Municipal Setting Designation for the Site is in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

That the City of Fort Worth City Council supports Applicant’s request to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site described in Exhibit A.

The property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater.

Adopted this _____ day of _____ 2024.

ATTEST:

By: _____

Jannette Goodall, City Secretary



EXHIBIT A

SITE

5921 AND 5933 SOUTH FREEWAY

FORT WORTH, TEXAS

LEGAL DESCRIPTION;

Being a tract of land in the Leigh Oldham Survey, Abstract No. 1198, in the City of Fort Worth, Tarrant County, Texas, being a part of that called 57—833/1000 acre tract of land described in Special Warranty Deed to Arltel, Inc. as recorded in Volume 11852, Page 325 in the Official Records of Tarrant County, Texas (O.R.T.C.T.) (hereinafter referred to as "Arltel tract"), and being more particularly described as follows:

BEGINNING at a 1-inch found iron rod for the common northeast corner of said Arltel tract and the southeast corner of that called 21—383/1000 acre tract of land described in Warranty Deed to D&KW Family, L.P. as recorded in Volume 12237, Page 1665 O.R.T.C.T., being on the common east line of the Leigh Oldham Survey, Abstract No. 1198 and the west line of the Mitchel Garrison Survey, Abstract No. 598, and being on the west line of Highland Hills Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-22, Page 87 in the Flat Records of Tarrant County, Texas (P.R.T.C.T.);

THENCE South 00 degrees 24 minutes 09 seconds East, a distance of 1,266.94 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the common southeast corner of said Arltel tract, the southeast corner of the Leigh Oldham Survey, Abstract No. 1198, and being on the north line of Lot B in Block 1 of the Alcon Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388—136, Page 33 P.R.T.C.T., and being on the north line of the Sarah J. Rhodes Survey, Abstract No. 1326;

THENCE South 89 degrees 49 minutes 50 seconds West, along the common north line of said Lot B and the south line of said Arltel tract, a distance of 2,078.06 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for the northeast corner of that called 0.402 acre tract of land described as Parcel 30 in Deed to the State of Texas as recorded in Volume 6997, Page 1788 in the Deed Records of Tarrant County, Texas and being on the east right-of—way line of Interstate Highway 35-W (variable Width right—of—way);

THENCE North 04 degrees 41 minutes 14 seconds East, departing said common line and along said east right-of—way line, a distance of 59.16 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for corner;

THENCE North 07 degrees 49 minutes 09 seconds East, continuing along said east right-of-way line, a distance of 200.79 feet to a point for corner from which the remains of a concrete monument bears North 59 degrees 03 minutes 39 seconds West, a distance of 0.50 feet;



THENCE North 03 degrees 38 minutes 09 seconds East, continuing along said east right-of-way line, a distance of 163.76 feet to an X—cut set for corner;

THENCE North 05 degrees 46 minutes 30 seconds East, continuing along said east right-of-way line, a distance of 318.55 feet to a 1/2-inch set iron rod with cap for the point of curvature of a circular curve to the right, not being tangent to the preceding course, having a radius of 1,100.92 feet, whose chord bears North 03 degrees 36 minutes 17 seconds East, a distance of 20.13 feet;

THENCE Northeasterly, continuing along said east right-of-way line and along said circular curve to the right through a central angle of 01 degree 02 minutes 52 seconds, an arc length of 20.13 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for the most southerly corner of that called 0.337 acre tract of land described as Parcel 1 in Deed to the State of Texas as recorded in Document No. D206136252 O.R.T.C.T., and being on a circular curve to the right, not being compound to the preceding course, having a radius of 1,105.92 feet, whose chord bears North 24 degrees 22 minutes 08 seconds East, a distance of 549.69 feet;

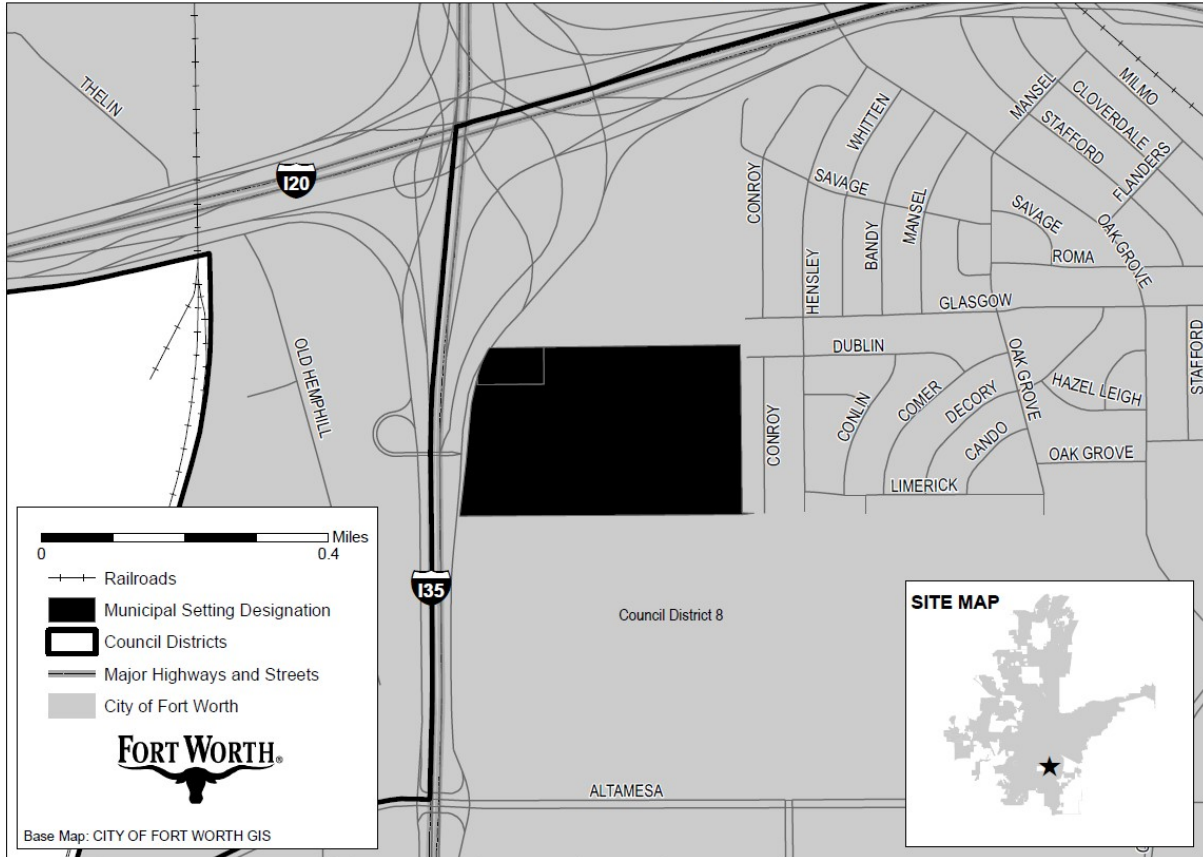
THENCE Northeasterly, continuing along said east right-of-way line and along said circular curve to the right, through a central angle of 28 degrees 46 minutes 48 seconds, an arc length of 555. 51 feet to a 1/2—inch found iron rod with cap stamped "COLE 10193871" for the common northeast corner of said called 0.337 acre tract of land and the southeast corner of that called 0.928 acre tract of land described as Parcel 2 in Agreed Judgment to the State of Texas as recorded in Document No. 0209203273 O.R.T.C.T.;

THENCE North 89 degrees 32 minutes 47 seconds East, departing said east right-of-way line and along the common north line of said Arltel tract and the south line of said called 21-383/1000 acre tract of land, a distance of 1,766.54 feet to the POINT OF BEGINNING AND CONTAINING 2,504,838 square feet or 57.50 acres of land, more or less.



EXHIBIT B MAP

5921 and 5933 South Freeway Municipal Setting Designation
MSD 035 South Freeway



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