

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (2015), 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-0035A, PROVIDING FOR THE PROHIBITION OF THE USE OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES IN CFW-MSD-0035A; 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, the BAIR Holdings, LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation (MSD) for the site known located at 5921 and 5933 South Freeway, Fort Worth, Texas, 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 January 27, 2026; 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 (2015) 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-0035A

- (a) CFW-MSD-0035A 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-0035A (Exhibit B).
- (b) The designated groundwater beneath CFW-MSD-0035A is shallow, perched, discontinuous groundwater that occurs at depths from ground surface to approximately fourteen (14) feet below the ground surface. The affected shallow groundwater is underlain by the Washita Group consisting of the Grayson Marl and Main Street Limestone on the eastern portion of the site, and the Pawpaw Formation, Weno Limestone, and Denton Clay on the western portion the site. The Grayson Marl and Main Street Limestone consists of interbedded limestone and marl with a thickness of 10-60 feet. The Pawpaw Formation, Weno Limestone, and Denton Clay consist of interbedded calcareous marl and layers of alternating clay, marl, and limestone with a thickness of 6-45 feet. The Washita Group serves as a regional aquitard preventing vertical migrations of the chemical of concern to underlying potable aquifers. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater are arsenic, lead, and manganese. The chemicals of concern are attributed to historical waste deposition of iron slag, foundry sand, and baghouse dust activities on the site.
- (c) The use of the designated groundwater in CFW-MSD-0035A 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 (2015), 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 V.T.C.A. Local Government Code Subsection 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:
LEEANN GUZMAN, CITY ATTORNEY

By KEVIN ANDERS
ASSISTANT CITY ATTORNEY

ADOPTED: _____

EFFECTIVE: _____

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 track"), 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

