

**A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 0.412 ACRES COMMONLY KNOWN AS 1733 WIRT ROAD, HOUSTON, HARRIS COUNTY, TEXAS; SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AT THE REQUEST OF COBB INTERESTS, INC., 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 March 21, 2023, **Cobb Interests, Inc.** ("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 1733 Wirt Road (0.412 acres), Houston, Harris County, Texas 77055; and

**WHEREAS**, on August 5, 2024, the Director of Houston Public Works conducted a public meeting on the Microsoft Teams Platform, 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 City Council Committee on Quality of Life, designated by the Mayor, conducted a public hearing on September 9, 2024; and

**WHEREAS**, the City Council finds that:

(1) the application meets the eligibility criteria of Section 361.83 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 City Council Committee on Quality of Life 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 30<sup>th</sup> day of October, 2024.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is NOV 05 2024.

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

Signed by:



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Prepared by Legal Dept.  
MLG/gb 10/18/24

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

Requested by Randall V. Macchi  
Chief Operating Officer-Houston Public Works Department  
L.D. File No. LD-RE-0000003149

Meeting 10/30/2024

Aye	No	
✓		<b>Mayor Whitmire</b>
....	....	<b>Council Members</b>
✓		Peck
✓		Jackson
✓		Kamin
Absent on personal business		Evans-Shabazz
✓		Flickinger
Absent on personal business		Thomas
✓		Huffman
✓		Castillo
✓		Martinez
✓		Pollard
✓		Castex-Tatum
Absent on personal business		Ramirez
✓		Davis
Absent on personal business		Carter
✓		Plummer
✓		Alcorn
Caption	Adopted	

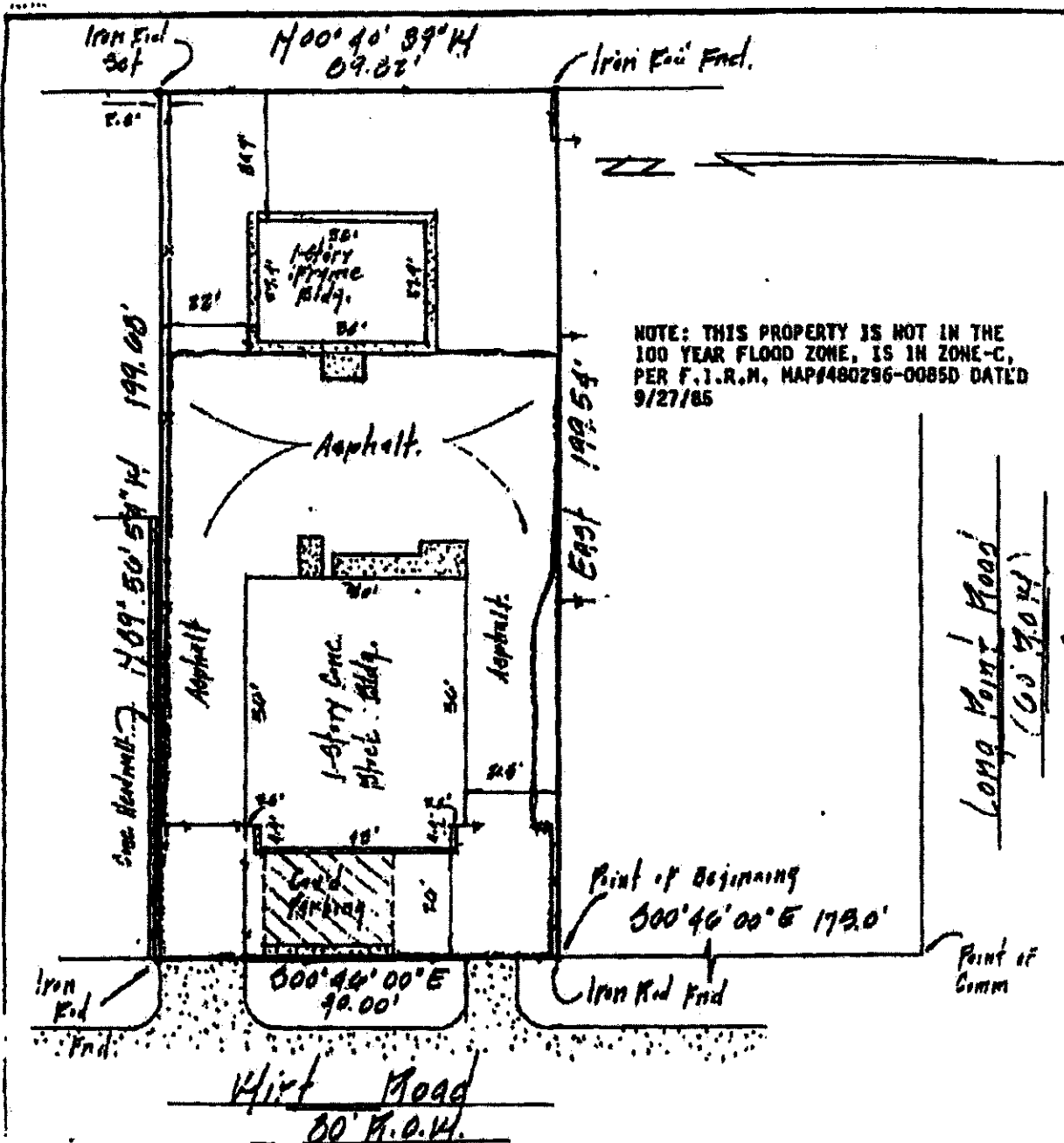
Captions Published in DAILY COURT REVIEW

Date: 11/5/2024

## **EXHIBIT "A"**

### **Survey of Designated Property**





A TRACT OR PARCEL OF LAND CONTAINING 17,947 SQUARE FEET OF LAND OR 0.41200 ACRES OF LAND OUT OF THE ORIGINAL WILLIAM BEUTEL 43.9 ACRE TRACT OUT OF THE WILLIAM TROTT SURVEY, ABSTRACT NO. 766. \*\*SEE ATTACHED SHEET 2 OF 2\*\*

ACCORDING TO THE PLAT RECORDED IN VOL. \*\* PAGE \*\* OF THE RECORDS OF HARRIS COUNTY, TEXAS KNOWN AS 1735 WIRT ROAD LENDER PROPERTY OF

I hereby certify that this survey was made on the ground and that this plat correctly represents the facts found at the time of survey showing the improvements. There are no encroachments apparent on the

# LEGAL DESCRIPTION

## LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND CONTAINING 17,947 SQUARE FEET OF LAND OR 0.41200 ACRES OF LAND, OUT OF THE ORIGINAL WILLIAM STEUDEL 43.9 ACRE TRACT, OUT OF THE WILLIAM TADDT SURVEY, ABSTRACT 786, HARRIS COUNTY, TEXAS, SAID 17,947 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED BY REFS AND BOUNDS, AS FOLLOWS, TO-WIT:

Commencing at reference at the intersection of the South line of Long Point Road (50 feet in width) and with the West right-of-way line of Mirt Road (50 feet in width):

Thence South 88 deg. 46 min. 00 sec. East, with the Westerly right-of-way line of said Mirt Road, a distance of 175.00 feet to a 5/8 inch iron rod at the North West corner and the PLACE OF BEGINNING of the herein described tract, which also marks the North Westerly corner of a certain 10.00 foot wide right-of-way strip conveyed to the city of Houston as described in file No. D-738430 and also said public records of Real Property Harris County, Texas;

THENCE South 00 deg. 46 min. 00 sec. East, with the Westerly right-of-way line of said Mirt Road, a distance of 90.00 feet to a 5/8 inch iron rod at the South East corner;

THENCE North 89 deg. 55 min. 54 sec. West, a distance of 187.42 feet to a 5/8 inch iron rod at the South West corner of the herein described tract;

THENCE North 00 deg. 46 min. 39 sec. West, with a 2 foot chain-link fence, a distance of 89.82 feet to a 5/8 inch iron rod at the North West corner;

THENCE East, a distance of 187.54 feet to the PLACE OF BEGINNING and containing 17,947 square feet or 0.41200 acres of land more or less.

AUGUST 3, 1989  
JWB/2306-48  
SHEET 2 OF 2

FRED W. LAWTON, REGISTERED PUBLIC SURVEYOR #2321

