

City of Houston, Texas, Ordinance No. 2023- 869

A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 15.174 ACRES COMMONLY KNOWN AS 1501 SEAMIST DRIVE, HOUSTON, HARRIS COUNTY, TEXAS; SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AT THE REQUEST OF DAIKIN COMFORT TECHNOLOGIES MANUFACTURING, L.P. (FORMERLY GOODMAN MANUFACTURING COMPANY, L.P.); 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 December 17, 2021, **Daikin Comfort Technologies Manufacturing, L.P. (formerly Goodman Manufacturing Company, L.P.)** ("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 1501 Seamist Drive (15.174 acres), Houston, Harris County, Texas 77008; and

WHEREAS, on November 15, 2022, the Director of Houston Public Works conducted a public meeting at 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 Regulatory and Neighborhood Affairs Council Committee, designated by the Mayor, conducted a public hearing on December 13, 2022; 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 Regulatory and Neighborhood Affairs 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 18th day of October, 2023.

APPROVED this _____ day of _____, 2023.

Mayor of the City of Houston

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



City Secretary

(Prepared by Legal Dept. Alfred J. Colbert)
(WTC:jb 09-27-2023) Sr. Assistant City Attorney
(Requested by Carol Ellinger Haddock, Director, Houston Public Works)
LD-RE-0000001944

Meeting 10/18/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
Absent		Martin
Absent		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
Absent on personal business		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 10/24/2023

EXHIBIT "A"

Survey of Designated Property

EXHIBIT A TO SPECIAL WARRANTY DEED

LEGAL DESCRIPTION

A tract or parcel of land containing 15.174 acres (660,992 square feet), more or less, situated in the John Reilnerman Survey, Abstract Number 842, HARRIS County, Texas. The said 15.174 acre tract being all of a called 15.174 acre tract as conveyed to Goodman Manufacturing Company, L.P., by deed recorded in Clerk's File Number R-617771 (Film Code No. 505-69-1837 through 505-69-1847) of the Official Public Records of Real Property of HARRIS County, Texas, also being Block "1" of the Highland Industrial Park North as recorded in Volume 142, Page 4 of the Map Records of HARRIS County, Texas, and being further described by metes and bounds as follows, with the basis of bearings being the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD 83) (2001 adj.), all coordinates shown hereon are Grid Coordinates and may be converted to surface by multiplying by the combined scale factor of 1.000103355, all distances are surface distances:

BEGINNING (N = 13,854,769.76 and E = 3,096,821.53) at a 5/8-inch Iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northwest corner of said tract herein described as located in the east right-of-way line of Greengrass Drive (60 foot r.o.w.) and the south line of a 60 foot Harris County Flood Control Drainage Channel recorded in Volume 51, Page 52 of the Map Records of HARRIS County, Texas;

THENCE North 88 deg. 02 min. 06 sec. East, with the south line of said 60-foot Harris County Flood Control Drainage Channel, with the north line of said tract herein described, with the north line of said 15.174 acre tract and the north line of said Block "1", a distance of 1,184.43 feet to a 5/8-inch Iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for the northeast corner of said tract herein described, located in the west right-of-way line of Seamist Drive (60 foot r.o.w.);

THENCE South 02 deg. 07 min. 54 sec. East, with the west line of said Seamist Drive, with the east line of said tract herein described, with the east line of said 15.174 acre tract and the east line of said Block "1", a distance of 587.01 feet to a 2-1/2-inch "X" in concrete found for a southeast corner of said tract herein described, located at the beginning of a northwest right-of-way culback line of Overmeyer Street (60 foot r.o.w.);

THENCE South 42 deg. 57 min. 06 sec. West, with the northwest right-of-way culback line of said Overmeyer Street, with a south line of said tract herein described, with the south line of said 15.174 acre tract and the south line of said Block "1", a distance of 14.12 feet to a 5/8-inch Iron rod found for a southeast corner of the said tract herein described, located at the end of said right-of-way outback line;

THENCE South 88 deg. 02 min. 06 sec. West, with the north line of said Overmeyer Street, with a south line of said tract herein described, with a south line of said 15.174 acre tract, with a south line of said Block "1", a distance of 39.91 feet to a 2-1/2-inch "X" in concrete found for the beginning of a curve to the right;

THENCE In a northwesterly direction, with the north right-of-way line of said Overmeyer Street, with a south line of said tract herein described, with a south line of said 15.174 acre tract, with a south line of the said Block "1", and with the arc of the said curve to the right, having a radius of 270 feet, a central angle of 22 deg. 19 min. 57 sec., a chord bearing of North 80 deg. 47 min. 56 sec. West, a chord distance of 104.88 feet and an arc length of 105.24 feet to a 2-1/2-inch "X" in concrete found for a point of reverse curvature of a curve to the left;

THENCE In a northwesterly direction, with the north right-of-way line of said Overmeyer Street, with a south line of said tract herein described, with a south line of said 15.174 acre tract, with a south line of the said Block "1", and with the arc of the said curve to the left, having a radius of 330 feet, a central angle of 22 deg. 20 min. 00 sec., a chord bearing of North 80 deg. 47 min. 56 sec. West, a chord distance of 127.82 feet and an arc length of 128.63 feet to a 5/8-inch Iron rod stamped "EIG Surveying" for the end of said curve;

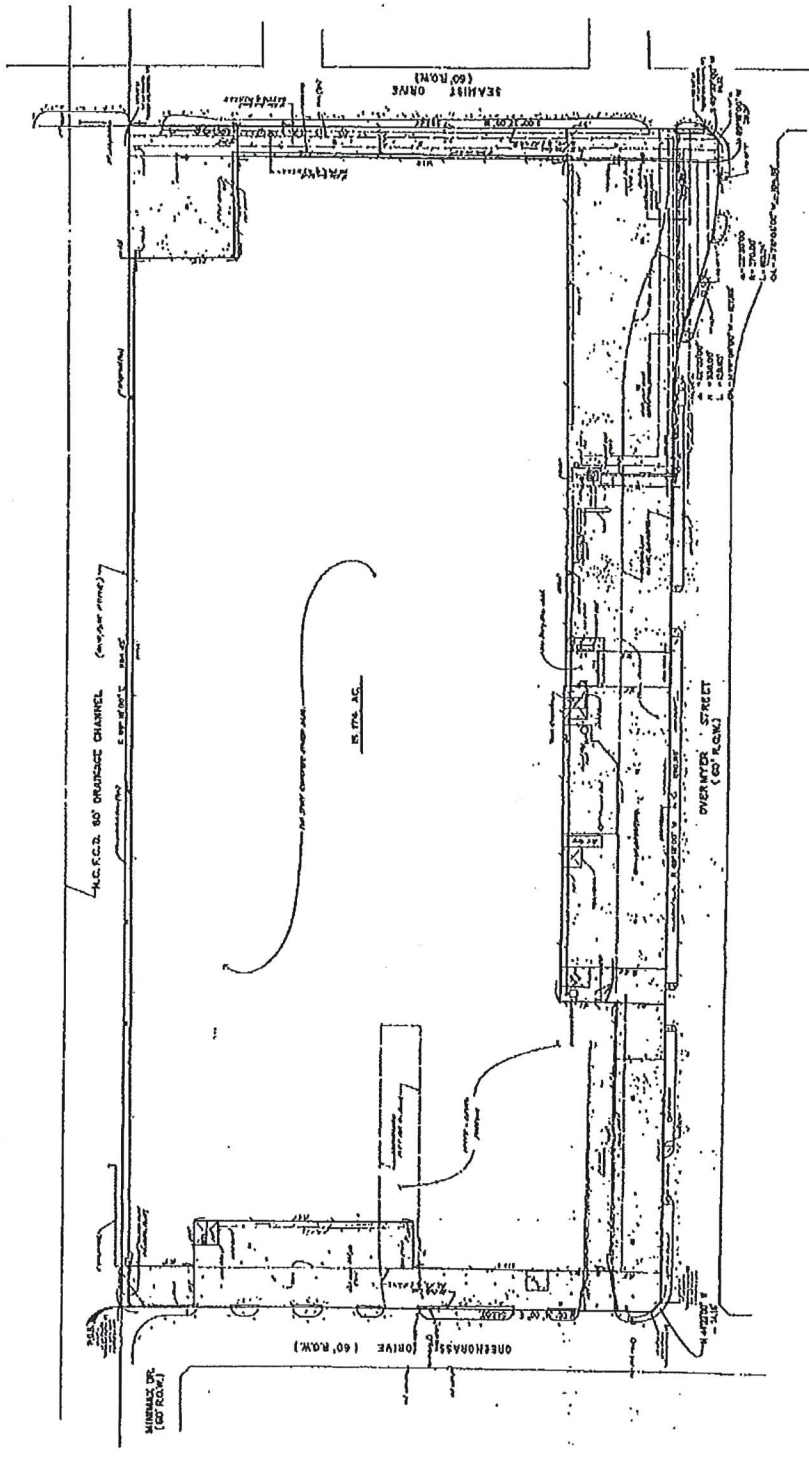
THENCE South 88 deg. 02 min. 06 sec. West, with the north right-of-way line of said Overmeyer Street, with a south line of said tract herein described, with a south line of said Block 1 and with a south line of said 15.174 acre tract, a distance of 896.98 feet to a 5/8-inch Iron rod with cap stamped "WEISSER ENG HOUSTON, TX" set for a southwest corner of said tract herein described located at the beginning of a northwest right-of-way culback line of said Greengrass Drive;

THENCE North 47 deg. 01 min. 54 sec. West, with the northwest right-of-way outback line of said Greengrass Drive, with a south line of said tract herein described and with a south line of said Block 1 and with a south line of said 15.174 acre tract, a distance of 14.16 feet to a 5/8-inch Iron rod with cap stamped "WEISSER ENG HOUSTON, TX" found for a southwest corner of said tract herein described located at the end of the northwest right-of-way culback corner of said

Greengrass Drive;

THENCE North 02 deg. 05 min. 54 sec. West, with the west line of said tract herein described with the east line of said Greengrass Drive, with the west line of said Block 1 and with a west line of said 15.174 acre tract a distance of 542.00 feet to the POINT OF BEGINNING and containing 15.174 acres (800,982 square feet) of land, more or less.

PLANNING THE CONCRETE OF THE STRUCTURE



THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT.

ALL RIGHTS RESERVED.



ENGINEER OF A SURVEY (REG. NO. 123)
 ARCHITECT OF A SURVEY (REG. NO. 456)
 ARCHITECT OF A SURVEY (REG. NO. 789)
 ARCHITECT OF A SURVEY (REG. NO. 101)
 ARCHITECT OF A SURVEY (REG. NO. 112)
 ARCHITECT OF A SURVEY (REG. NO. 134)
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 ARCHITECT OF A SURVEY (REG. NO. 590)
 ARCHITECT OF A SURVEY (REG. NO. 612)
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ARCHITECT OF A SURVEY (REG. NO. 123)

ARCHITECT OF A SURVEY (REG. NO. 456)

ARCHITECT OF A SURVEY (REG. NO. 789)

ARCHITECT OF A SURVEY (REG. NO. 101)

SCALE 1" = 30'

I, PATRICIA JEFFERSON-DANIEL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance 2023-869 passed and adopted by the City Council of said City on the 18th day of October, 2023, as the same appears in the records in my office

WITNESS my hand and the Seal of said City this 18th day of December, 2023.



Patricia Jefferson-Daniel
City Secretary of the City of Houston