

City of Houston, Texas, Ordinance No. 2020- 771

A MUNICIPAL SETTING DESIGNATION ORDINANCE PROHIBITING THE USE OF DESIGNATED GROUNDWATER BENEATH A TRACT OF LAND CONTAINING 10.82 ACRES COMMONLY KNOWN AS 4910, 4912, 4918, 4922, 4924 GRIGGS ROAD AND 0 GRACE LANE, HOUSTON, HARRIS COUNTY, TEXAS; SUPPORTING ISSUANCE OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AT THE REQUEST OF 4922 HOLDINGS, LLC; 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 July 10, 2019, **4922 Holdings, LLC** ("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 4910, 4912, 4918,

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 9th day of SEPTEMBER, 2020.

APPROVED this _____ day of _____, 2020.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 15 2020.

Art J. Hanil

City Secretary

(Prepared by Legal Department) *Elizabeth George*
(EG/tm 8/21/20 Assistant City Attorney)
(Requested by Carol Ellinger Haddock, P.E., Director, Houston
(L.D. File No. 080-2000210-001)

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

EXHIBIT "A"

SURVEY OF DESIGNATED PROPERTY



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METES AND BOUNDS
10.82 ACRE PARCEL
LOCATED IN THE
WCRR SURVEY,
ABSTRACT 936,
HARRIS COUNTY, TEXAS

Being a 10.82 acre parcel of land situated in the WCRR Survey, Abstract 936, Harris County, Texas, and consisting of the called 9.7341 acres as recorded in Harris County Clerk's File 20140025749, the called 0.803 acres being Lots 1-7 in Block 2 of Griggs Terrace (unrecorded) as recorded in H.C.C.F. Y933586, with the basis of bearings being said deeds, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the southwestern right of way of Griggs Road (R.O.W. Varies) for the northwest corner of the called Lot 1F as recorded in H.C.C.F. U686409, the northeast corner of the original called 9.7341 acres, and marking the northeast corner of the herein described parcel;

THENCE, South 20° 00' 00" West, a distance of 1694.71 feet along the northwestern line of Lot 1F and various other tracts to a 5/8" iron rod set with plastic cap in the western line of the called 1.2490 acres as recorded in H.C.C.F. 20110357788, and in the northeastern line of the called 8.8268 acres being the Hatsfield Elementary Tract as recorded in H.C.C.F. Y9010179, for the southeast corner of the original called 9.7341 acres, and marking the southeast corner of the herein described parcel;

THENCE, North 70° 00' 00" West, a distance of 499.87 feet along the northeastern line of the called 8.8268 acres to a 5/8" iron rod set with plastic cap in the southeastern line of Southern Village, Section 2 as recorded in Volume 21, Page 23 of the Map Records of Harris County for the northwest corner of the called 8.8268 acres, the southwest corner of the original called 10.00 acres, and marking the southwest corner of the herein described parcel;

THENCE, North 20° 00' 00" East, a distance of 50.00 feet along the southeastern line of Southern Village, Section 2 to a 5/8" iron rod set with plastic cap marking an angle point in the northwestern line of the herein described parcel;

THENCE, South 70° 00' 00" East, a distance of 250.00 feet over and across the original called 10.00 acres to a 5/8" iron found marking an angle point in the northwestern line of the herein described parcel;

THENCE, North 20° 00' 00" East, a distance of 1299.19 feet along the southeastern line of the remainder of the called 10.00 acres to a 5/8" iron rod set with plastic cap for the southeast corner of the original called 0.803 acres, and marking an angle point in the northwestern line of the herein described parcel;

THENCE, North 70° 00' 00" West, a distance of 100.00 feet over and across the original called 10.00 acres to a 5/8" iron rod set with plastic cap in the southeastern right of way of Grace Lane (50' R.O.W.) for the southwest corner of the original called 0.803n acres, and marking an angle point in the northwestern line of the herein described parcel;

THENCE, North 20° 00' 00" East, a distance of 350.00 feet along over and across the original called 10.00 acres and the eastern right of way of Grace Lane to a 5/8" iron rod set with plastic cap marking the northwest corner of the herein described parcel;

THENCE, South 69° 59' 56" East, a distance of 100.00 feet along the southwestern right of way of Griggs Road to a 5/8" iron rod found marking an angle point in the northeastern line of the herein described parcel;

THENCE, South 68° 58' 24" East, a distance of 249.91 feet along the southwestern right of way of Griggs Road back to the POINT OF BEGINNING and containing 10.82 acres of land.

This metes and bounds description was made in conjunction with a survey plat.

David E. King

David E. King, Sr.
King's Land Surveying Solutions, LLC
January 24, 2019
Job Number 1808192
Firm Number 10152100



