A Resolution

IN SUPPORT OF THE APPLICATION OF DTX ASSOCIATES TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 6612 BRENTWOOD STAIR ROAD, FORT WORTH, TEXAS

NO. 3279-11-2005

WHEREAS, Michael J. Katos, in trust of DTX Associates (Applicant) has filed an application with the City of Fort Worth, Texas, for the city's support of a Municipal Setting Designation for the property located at 6612 Brentwood Stair Road, Fort Worth, Texas, more fully described as Lot 3-R, McClellan Subdivision, Fort Worth, Tarrant County, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site); and

WHEREAS, a public meeting on the application for support was held in Fort Worth on November 15, 2005, and a public hearing was held in Fort Worth on November 29, 2005, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, the City of Fort Worth is a municipality with a population of 20,000 or greater; 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 contaminants identified within the designated groundwater, associated with historical uses of the Site, that have been detected in concentrations exceeding residential assessment levels for potable use include petroleum hydrocarbons and chlorinated solvents; 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, has prohibited the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of a 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:

Supports Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site.

Adopted this 29th day of November 2005.

ATTEST:

By: Marty Hendrix

Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL
NOV 28 2005
Marty Hendrix
City Secretary of the
City of Fort Worth, Texas

CITY OF FORT WORTH

EXHIBIT A

Being 40,010 square feet or 0.9185 acre tract of land being all of Lot 3-R of McClellan Subdivision, an addition to the City of Fort Worth, Tarrant County, Texas according to the plat thereof recorded in volume 388-45, Page 59, Plat Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a found 60d nail for a corner in the west line of Handley Drive (a 60 foot right of way), said point being S 00°03'00'' E, a distance of 133.30 feet from a found 60d nail at the intersection of the west line of Handley Drive with the south line of Brentwood Stair Road (an 80 foot right of way), said point being common east corner of said Lot 3-R and Lot 4-R of the said McClellan Subdivision, said point the beginning of a tangent curve to the right with a central angle of 13°41'14'', a radius of 447.40, a chord bearing of S 06°47' 37''W and a chord distance of 106.62 feet;

THENCE, Southwesterly, with the west line of Handley Drive and along said curve, an arc distance of 106.88 feet to a found 5/8 inch iron rod for a corner at the common east corner of said Lot 3-R and Lot 5-R of the said McClellan subdivision;

THENCE, N 89°22'00'' W, departing the west line of Handley Drive and with the common line of said Lots 3-R and 5-R, a distance of 230.44 feet to a found 5/8 inch rod for a corner, said point being the common west corner of said Lots 3-R and 5-R and on the east line of Lot 1-R of the said McClellan Subdivision;

THENCE, N 00°45'00'' E, with the common line of said Lots 1-R and 3-R, passing at a distance of 35.52 feet the common east corner of said Lot 1-R and Lot 2-R of the said McClellan Subdivision, continuing in all a distance of 239.30 feet to a found 5/8 inch iron rod for a corner in the south line of Brentwood Stair Road, said point being the common north corner of said Lots 2-R and 3-R;

THENCE, S 89°22'00'' E, with the south line of Brentwood Stair Road, a distance of 109.80 feet to a set PK nail for a corner, said point being the common north corner of said Lot 3-R and said Lot 4-R;

THENCE, S 00°03'00'' E, departing the south line of Brentwood Stair Road, a distance of 133.3 feet to a set ½ inch iron rod for a corner, said point being the southwest corner of said Lot 4-R;

THENCE, S 89°22'00'' E, continuing with the said common line, a distance of 130 feet to the point of Beginning.