



ORDINANCE NO. 4006

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, PROHIBITING THE USE OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH THE PROPERTY DESCRIBED IN EXHIBIT “A” HERETO, TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION (“MSD”) OF SAID PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; AUTHORIZING THE CITY MANAGER TO SUBMIT APPROPRIATE APPLICATIONS FOR PERMIT DESIGNATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 361, Subchapter W, of the Texas Health & Safety Code (“MSD Statute”) authorizes the Texas Commission on Environmental Quality (“TCEQ”) to certify Municipal Setting Designations (“MSDs”) for properties upon receipt and approval of a proper application to the TCEQ; and

WHEREAS, the Texas legislature, in enacting the MSD Statute, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate an MSD advances a substantial and legitimate State interest; and

WHEREAS, as part of the application process for an MSD, an applicant is required to provide the TCEQ with documentation of a resolution or ordinance of support from the municipality in which the MSD is being sought, which ordinance prohibits the use of and contact with groundwater from beneath the designated property for potable purposes; and

WHEREAS, due to limited quantity and low quality, there are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not valuable as potable water sources and therefore are not utilized for potable water; and

WHEREAS, some property within the City formerly used for certain commercial and industrial purposes is underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources; and

WHEREAS, 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 public health; and

WHEREAS, the use of an MSD allows for a State-evaluated corrective action process for groundwater that is directed towards the protection of human health and the

environment; and

WHEREAS, the City Council of the City of Farmers Branch, Texas (the “City”), finds it in public interest to submit an application to the TCEQ for certification of an MSD for 22.929± acres of land owned by the City and located within the City’s corporate limits generally described by metes and bounds and depicted in Exhibit “A” attached hereto and made a part hereof (the “MSD Property”); and

WHEREAS, the City has certified that the type of known contaminants that have been documented within the uppermost groundwater beneath the MSD Property at concentrations above potable standards are as set forth in Exhibit “B” attached hereto and made a part hereof; and

WHEREAS, the City has certified that:

1. The purpose of the application is to assist the City in obtaining from the TCEQ closure documentation demonstrating the TCEQ's determination, after completion of any remediation requirements and appropriate review by the TCEQ, that no further environmental cleanup or restoration is required by the TCEQ with respect to the MSD Property; and
2. As a part of the application, the City has or will submit to the TCEQ a statement regarding the type of known contamination in the groundwater beneath the MSD Property and has identified that shallow groundwater contains chemicals of concern above Tier 1 groundwater ingestion protective concentration levels, as set forth in 30 Texas Administrative Code, Chapter 350, the Texas Risk Reduction Program; and

WHEREAS, the City has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the MSD Property; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 for the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, further finds it to be in the best interest of the public and the City to authorize the City Manager to file an application for an MSD on the MSD Property and to facilitate the City's efforts to secure approval of such MSD and TCEQ closure documentation by passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City Council finds the declarations and findings set forth in the

preamble of this Ordinance are true and correct and are incorporated herein.

SECTION 2. The City Council finds this Ordinance is necessary for the protection of the public health and welfare because contaminant concentrations exceed TCEQ potable water standards.

SECTION 3. The City Council supports the designation of the MSD Property as an MSD and hereby authorizes the City Manager, acting on behalf of the City, to prepare and submit, or cause to be prepared and submitted, to the TCEQ an application and all necessary supporting documentation and take such other action as may be reasonable and necessary to obtain an MSD for the MSD Property.

SECTION 4. The City Council finds it is in the best interest of the public and for the protection of the public health and welfare to facilitate TCEQ's certification of an MSD for the MSD Property as well as the TCEQ closure documentation.

SECTION 5. Upon and after the effective date of this Ordinance, the drilling of wells and the use of designated groundwater from beneath the MSD Property for any purpose, including, but not limited to, as potable water or for any purpose, excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD Property. All other uses of and contact with the groundwater beneath the MSD Property is prohibited except as otherwise expressly allowed herein

SECTION 6. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This Ordinance shall take effect from and after its passage and the

publication of the caption of said Ordinance as the law and the City Charter in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, ON THE 7TH DAY OF JULY 2026.**

APPROVED:

Terry Lynne, Mayor

ATTEST:

Stacy Henderson, Interim City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney
(DB 6.1.26)

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Exhibit "A" – Boundary Description and Survey of the MSD Property

Legal Description of 1349 Valley View Lane:

BEING A 22.929 ACRE TRACT OF LAND OUT OF THE JAMES F. CHENOAETH SURVEY NO. 121C, ABSTRACT NO. 267, SITUATED IN DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THE CALLED 76.37 ACRE TRACT OF LAND CONVEYED TO THE CITY OF FARMERS BRANCH PER DEED OF RECORD AS VOLUME 76108, PAGE 372 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T), AND ALL OF A CALLED 3.00 ACRE TRACT OF LAND CONVEYED TO THE CITY OF FARMERS BRANCH BY DEED OF RECORD AS VOLUME 78232, PAGE 1849, D.R.D.C.T., SAID 22.929 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A ½-IRON ROD WITH "CEC BOUNDARY" CAP SET ON THE NORTHERLY RIGHT-OF-WAY LINE OF VALLEY VIEW LANE (RIGHT-OF-WAY WIDTH VARIES), BEING A CALLED 23.8688 ACRE TRACT OF LAND CONVEYED TO THE NORTH TEXAS TOLLWAY AUTHORITY PER DEED OF RECORD AS VOLUME 2003085, PAGE 1942, D.R.D.C.T, BEING SOUTHERLY COMMON CORNER OF SAID 3.00 ACRE TRACT AND OF A CALLED 1.1877 ACRE TRACT OF LAND CONVEYED TO CUAUHEMOC RORIGUES AND WIFE, HO SUN RODRIGUES, PER DEED OF RECORD AS VOLUME 2003265, PAGE 10748, D.R.D.C.T., BEING A PORTION OF BLOCK 1, VALLEY VIEW WEST BUSINESS PARK, A SUBDIVISION OF RECORD PER VOLUME 79173, PAGE 107 OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS (P.R.D.C.T) FOR THE POINT OF BEGINNING, AND SOUTHEASTERLY CORNER HEREOF;

THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF VALLEY VIEW LANE, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

1. N88°54'51"W, A DISTANCE OF 252.80 FEET TO A 5/8-INCH IRON ROD FOUND;
2. N87°54'15"W, A DISTANCE OF 61.22 FEET TO A 5/8-INCH IRON ROD WITH "M.S.I. R.P.L.S. 4224" CAP FOUND;
3. N89°25'40"W, A DISTANCE OF 20.63 FEET TO A ½-IRON ROD WITH "CEC BOUNDARY" CAP SET AT THE BEGINNING OF A NON-TANGENT 1004.63 RADIUS CURVE TO THE LEFT;
4. ALONG THE ARC OF SAID 1004.63 FOOT RADIUS CURVE A DISTANCE OF 121.13 FEET THROUGH A CENTRAL ANGLE OF 06°54'30", AND HAVING A CHORD BEARING S86°19'38"W, A DISTANCE OF 121.06 FEET TO A 5/8-INCH IRON ROD FOUND AT THE BEGINNING OF A NON-TANGENT 260.00 FOOT RADIUS CURVE TO THE LEFT;
5. ALONG THE ARC OF SAID 260.00 FOOT RADIUS CURVE A DISTANCE OF 91.47 FEET THROUGH A CENTRAL ANGLE OF 20°09'29", AND HAVING A CHORD BEARING S88°19'55", A DISTANCE OF 91.00 FEET TO A 5/8-INCH IRON ROD WITH "M.S.I. R.P.L.S. 4224" CAP FOUND AT THE BEGINNING OF A NON-TANGENT 1246.00 FOOT RADIUS CURVE TO THE LEFT;
6. ALONG THE ARC OF SAID 1246.00 FOOT RADIUS CURVE A DISTANCE OF 89.45 FEET THROUGH A CENTRAL ANGLE OF 04°06'47" AND HAVING A CHORD BEARING S76°50'16"W, A DISTANCE OF 89.43 FEET TO A ½-IRON ROD WITH "CEC BOUNDARY" CAP SET FOR THE INTERSECTION POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF VALLEY VIEW LANE AND THE EASTERLY RIGHT-OF-WAY LINE OF PRESIDENT GEORGE BUSH TURNPIKE (RIGHT-OF-WAY WIDTH VARIES), ALSO BEING SAID 23.8688 ACRE TRACT, FROM WHICH A ½-IRON ROD WITH "RLS 5664" CAP FOUND AT THE RETURN OF THE SOUTHERLY RIGHT-OF-WAY LINE OF VALLEY VIEW LANE AND THE EASTERLY RIGHT-OF-WAY LINE OF PRESIDENT GEORGE BUSH TURNPIKE, BEING A POINT ON THE NORTHERLY LINE OF BLOCK B, WESTSIDE ADDITION SECTION 1, A SUBDIVISION OF RECORD PER

DOCUMENT NO. 200600172708, O.P.R.D.C.T., BEARS S1517'48"E, A DISTANCE OF 153.27 FEET;

THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PRESIDENT GEORGE BUSH TURNPIKE, THE FOLLOWING NINE (9) COURSES AND DISTANCES:

1. N10°59'54"W, A DISTANCE OF 80.57 FEET TO A 5/8-INCH IRON ROD FOUND;
2. N26°54'31"W, A DISTANCE OF 113.46 FEET TO A 5/8-INCH IRON ROD FOUND;
3. N37°15'51"W, A DISTANCE OF 276.92 FEET TO A 5/8-INCH IRON ROD FOUND;
4. N19°17'52"W, A DISTANCE OF 147.19 FEET TO A 5/8-INCH IRON ROD FOUND;
5. N45°34'48"W, A DISTANCE OF 33.97 FEET TO A ½-INCH IRON ROD FOUND AT THE BEGINNING OF A NON-TANGENT 819.84 FOOT RADIUS CURVE TO THE RIGHT;
6. ALONG THE ARC OF SAID 819.84 FEET FOOT RADIUS CURVE A DISTANCE OF 264.00 FEET THROUGH A CENTRAL ANGLE OF 18°27'01", AND HAVING A CHORD BEARING N01°29'29"E, A DISTANCE OF 262.86 FEET TO A 5/8-INCH IRON ROD FOUND AT THE BEGINNING OF A NON-TANGENT 2834.37 FOOT RADIUS CURVE TO THE RIGHT;
7. ALONG THE ARC OF SAID 2834.37 FEET FOOT RADIUS CURVE A DISTANCE OF 101.73 FEET THROUGH A CENTRAL ANGLE OF 02°03'23", AND HAVING A CHORD BEARING N11°53'38"E, A DISTANCE OF 101.72 FEET TO A ½-INCH IRON ROD WITH "A.Z.B." CAP FOUND;
8. N12°47'49"E, A DISTANCE OF 297.57 FEET TO A ½-INCH IRON ROD WITH "A.Z.B." CAP FOUND FOR THE NORTHWESTERLY CORNER HEREOF;
9. N89°21'28"E, A DISTANCE OF 13.15 FEET TO A ½-IRON ROD WITH "CEC BOUNDARY" CAP SET AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, LOTS 1 AND 2, BLOCK 1, VALLEY VIEW WEST BUSINESS PARK, A SUBDIVISION OF RECORD PER VOLUME 87150, PAGE 3351, D.R.D.C.T., BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF PRESIDENT GEORGE BUSH TURNPIKE;

THENCE, ALONG THE SOUTHERLY LINE OF SAID LOT 1, THEN OF LOT 2 OF SAID VALLEY VIEW WEST BUSINESS PARK, THE OF A CALLED 1.933 ACRE TRACT OF LAND CONVEYED TO PSP GANESH, LLC BY DEED OF RECORD AS DOCUMENT NO. 2015005335128 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), THEN OF A CALLED 2.021 ACRE TRACT OF LAND CONVEYED TO 2405 MCIVER, LLC BY DEED OF RECORD AS DOCUMENT NO. 20120026319, O.P.R.D.C.T., BOTH BEIN A PORTION OF SAID BLOCK 1, VALLEY VIEW WEST BUSINESS PARK, N89°21'28"E, A DISTANCE OF 795.70 FEET TO A ½-IRON ROD FOUND FOR A POINT IN THE SOUTHERLY LINE OF SAID 2.021 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF A CALLED 2.00 ACRE TRACT OF LAND CONVEYED TO DALLAS LIGHT INDUSTRIAL, LLC BY DEED OF RECORD AS DOCUMENT 202100361570, O.P.R.D.C.T., FOR THE NORTHEASTERLY CORNER HEREOF; THENCE, ALONG THE WESTERLY LINE OF SAID BLOCK 1, VALLEY VIEW BUSINESS PARK, SAME BEING THE WEST LINE OF SAID 2.00 ACRE TRACT, THEN OF A CALLED 1.00 ACRE TRACT OF LAND CONVEYED TO MCIVER PROPERTIES, LLC BY DEED OF RECORD AS DOCUMENT NO. 201600326707, O.P.R.D.C.T, THEN OF A CALLED 1.367 ACRE TRACT OF LAND CONVEYED TO M CROWD RESTAURANT GROUP, LTD BY DEED OF RECORD AS DOCUMENT NO. 202300041228, O.P.R.D.C.T., THEN OF SAID 1.1877 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. S01°45'42"E, A DISTANCE OF 435.23 FEET TO A ½-INCH IRON ROD WITH "PROBECK 5187" CAP FOUND FOR THE COMMON WESTERLY CORNER OF SAID 2.00 ACRE TRACT AND OF SAID 1.00 ACRE TRACT;
2. S01°51'22"E, A DISTANCE OF 767.58 FEET TO A POINT THE BEGINNING, AND CONTAINING 22.929 ACRES (998,780 SQUARE FEET) OF LAND, MORE OR LESS.

Global Positioning Satellite Coordinates:

Latitude	Longitude
32.918189	-96.929472
32.918237	-96.9306
32.918227	-96.930973
32.918222	-96.931273
32.91815	-96.931556
32.918392	-96.931607
32.919294	-96.932296
32.919678	-96.932441
32.919744	-96.932519
32.920248	-96.932518
32.920579	-96.932447
32.920786	-96.932386
32.92153	-96.932163
32.921516	-96.929534
32.918189	-96.929472

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Exhibit “B” Summary of Known Contaminants

Contaminants in groundwater that currently exceed, or have historically exceeded, the groundwater ingestion PCL:

2,6-Dinitrotoluene
Perfluorooctane sulfonic acid (PFOS)
Perfluorooctanoic acid (PFOA)
Perfluorohexane sulfonic acid (PFHxS)
Perfluorononanoic acid (PFNA)
Perfluorooctane sulfonamide (PFOSA)
Arsenic