



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12-17-13		
Department:		Engineering		
Department Head:		Jack Carr		
Agenda Coordinator (include phone #): Kathleen Schonne (7198)				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas supporting the application of BC Station Partners, LP to the Texas Commission on Environmental Quality for a Municipal Setting Designation at the northeast quadrant of Central Expressway and Renner Road in Richardson, Texas and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): N/A				
COMMENTS: This item has no financial impact.				
STRATEGIC PLAN GOAL: Supporting the ordinances of neighboring cities when they improve the quality of life in Plano relates to the City's Goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
<p>This resolution supports the application BC Station Partners, LP to the Texas Commission on Environmental Quality for a Municipal Setting Designation at the northeast quadrant of Central Expressway and Renner Road in Richardson, Texas. The Texas Commission on Environmental Quality requires property owners to get approval from any municipality within one-half mile of a requested Municipal Setting Designation site. The City of Plano is within one-half mile of the site and the property owner is requesting approval even though the site is located in Richardson. The City of Richardson approved the Municipal Setting Designation at their November 25th City Council meeting.</p> <p>https://maps.google.com/maps?q=Renner+Road+%40+Plano+Road,+richardson,+texas&hl=en&ll=33.002113,-96.705608&spn=0.00853,0.013711&sll=32.946254,-96.688708&sspn=0.136564,0.219383&t=h&hq=Renner+Road+%40+Plano+Road,&hnear=Richardson,+Dallas,+Texas&z=16</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	
Resolution				
City of Richardson Ordinance				



PLANO PKWY

CENTRAL EXPY

F AVE

TAYLOR DR

K AVE

N AVE

EAST PLANO PKWY

City of Plano

PRESIDENT GEORGE BUSH TPKE

City of Richardson

Proposed Municipal Setting Designation

Plano Rd

Renner

City of Richardson
Proposed Municipal Setting Designation

A Resolution of the City Council of the City of Plano, Texas supporting the application of BC Station Partners, LP to the Texas Commission on Environmental Quality for a Municipal Setting Designation at the northeast quadrant of Central Expressway and Renner Road in Richardson, Texas and providing an effective date.

WHEREAS Chapter 361, Subchapter W, of the Texas Health and Safety Code, the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, as a part of the application to TCEQ for Municipal Setting Designation for a site, the applicant is required to provide documentation that the application is supported by: (1) the city council of the municipality in which the site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the site, and (4) the governing body of each municipal or retail public utility, as defined by Section 13.002 Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the site; and

WHEREAS, pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W, the property owner will file an application with the TCEQ for the issuance of a Municipal Setting Designation for the property located at the northeast quadrant of Central Expressway and Renner Road in Richardson, Texas, shown on the attached Exhibit "A" (the "MSD Site"); and

WHEREAS, the MSD Site is within a one-half mile radius of the City limits of Plano, Texas; and

WHEREAS, the City Council of the City of Richardson approved the MSD Site by ordinance approved on November 25, 2013, attached hereto as Exhibit "B", and authorization has been requested by the property owner for each additional municipality and retail public utility for which approval is required; and

WHEREAS, the City Council of the City of Plano finds it in the best interest of the City to support the application for the Municipal Setting Designation for the MSD site.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I. The City of Plano supports the application of BC Station Partners, LP, to TCEQ for certification of a Municipal Setting Designation for the MSD Site as shown on the attached Exhibit "A".

Section II. This Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND APPROVED the 17th day of December, 2013.

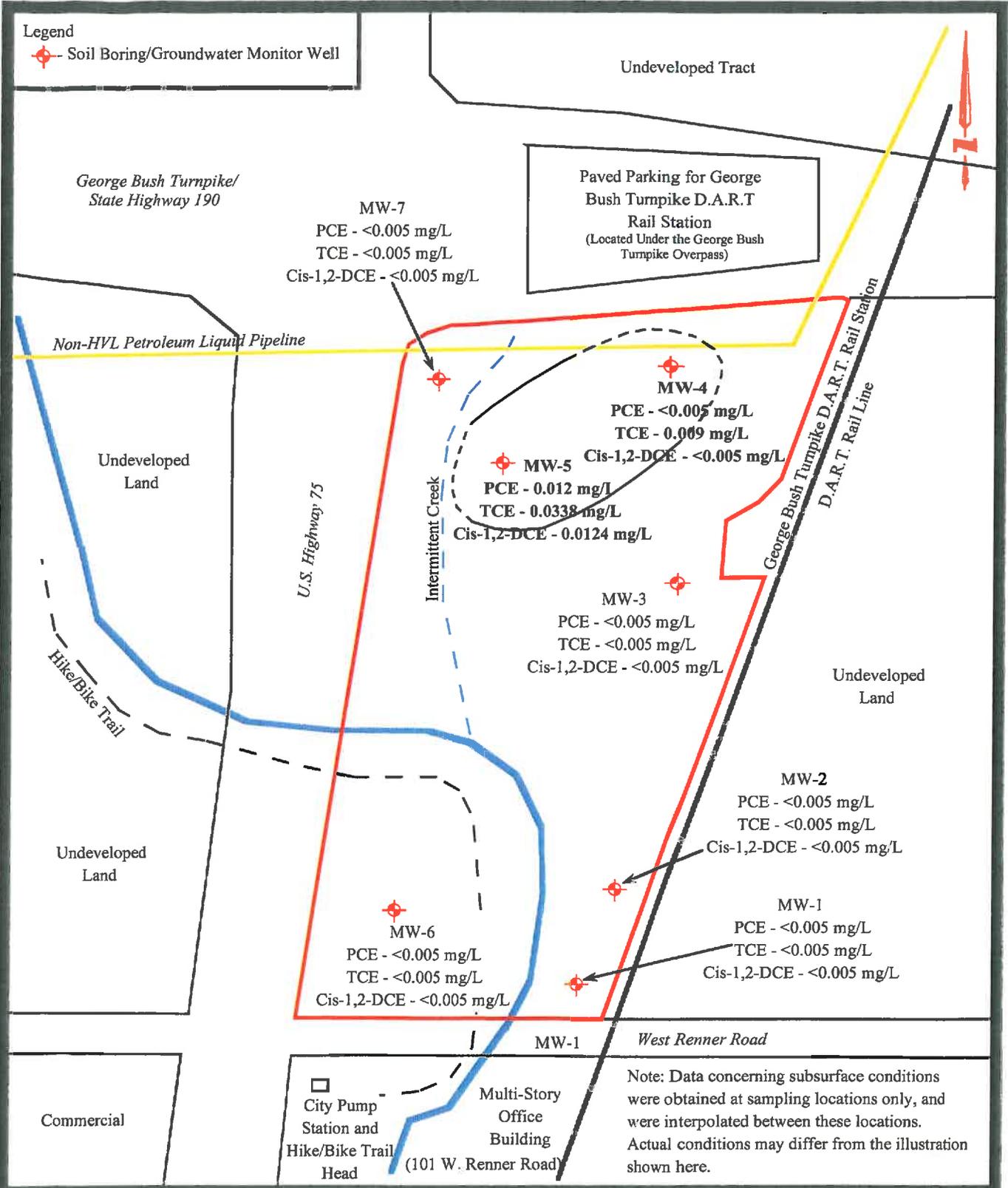
Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



Environmental Site Investigation
 Caruth Property
 SEC of U.S. 75 & S.H. 190
 Richardson, Texas
 ALPHA Project No. E121936-2



Figure 1 (Draft)
 Estimated Extent of VOC
 Impacted Groundwater
 Not to Scale

ORDINANCE NO. 4034

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, PROHIBITING THE USE OF DESIGNED GROUNDWATER FROM BENEATH CERTAIN PROPERTY LOCATED IN AND AROUND THE NORTHEAST QUADRANT OF CENTRAL EXPRESSWAY AND RENNER ROAD IN RICHARDSON, TEXAS, AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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 to create municipal setting designations; and

WHEREAS, pursuant to Section 401.005(a) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality may regulate the pumping, extraction, or use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, to prevent the use of or contact with groundwater that presents an actual or potential threat to human health; and

WHEREAS, pursuant to Section 401.005(b) of the Texas Local Government Code, for the purpose of establishing and enforcing a municipal setting designation, the governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances; and

WHEREAS, the city council finds that:

(1) The eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) This municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the City of Richardson;

(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 the designated property; and

(4) This municipal setting designation ordinance is necessary because the concentration of chemicals of concern exceed concentrations considered safe for human ingestion; and

WHEREAS, passing this municipal setting designation ordinance will encourage the redevelopment of the designated property consistent with the goals of the City; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit “A” attached hereto and made a part hereof for all purposes, the same as if fully copied herein.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 150 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water, as defined in Section 361.801(2) of the Texas Health and Safety Code, and the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 4. That the City Council supports the application to the Texas Commission on Environmental Quality for certification of a municipal setting designation for the designated property.

SECTION 5. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal, state, and local statutes, ordinances, rules, and regulations relating to environmental protection and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 6. That approval of this municipal setting designation ordinance shall not be construed to subject the City of Richardson to any responsibility or liability for any injury to persons or damages to property caused by any chemical of concern.

SECTION 7. That within 60 days after adoption of this municipal setting designation ordinance, the City Manager shall cause to be filed a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 8. That the City Manager shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 9. That all provisions of the ordinances of the City of Richardson 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 Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 10. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Richardson as heretofore amended and upon conviction 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 and constitute a separate offense.

SECTION 11. That 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 Code of Ordinances as a whole.

SECTION 12. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 25th day of November, 2013.

APPROVED:


MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY
(PGS:10-15-13 TM 63010)

CORRECTLY ENROLLED:

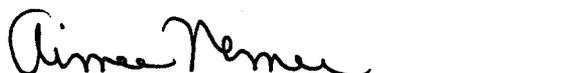

CITY SECRETARY



EXHIBIT "A"

(to be attached)



CENTRAL EXPRESSWAY (FUTURE HIGHWAY 75)

150' T. P. & L. R.-O-W
(VOL. 576, PG. 383)

28,6590 ACRES

AREA TO BE RECLAIMED
8,2944 ACRES

PROPOSED 100
YEAR FLOOD AREA
10,8139 ACRES

6,7300 ACRES

RAHER ROAD

H. F. & C.

RENNER ROAD

Being a tract or parcel of land situated in the City of Richardson, Collin County, Texas, being part of the John C. Voss Survey, Abstract 838 and being part of a 108.527 acre tract of land conveyed to W. H. Curtis, Jr., as recorded in Volume 462, Page 121 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

Beginning at an iron rod for corner at the intersection of the northerly line of Renner Road (as indicated by plat to the City of Richardson, Texas in Volume 1853, Page 127, of the Deed Records of Collin County, Texas), and the westerly right-of-way line of the H. F. & C. Railroad (57 feet from centerline);

THENCE North 82°51'07" West along said northerly line of Renner Road a distance of 216.48 feet along said northerly line of Renner Road a distance of 216.48 feet to an iron rod for angle point;

THENCE North 85°22'18" West continuing along said northerly line of Renner Road a distance of 2.78 feet to an iron rod for angle point;

THENCE North 78°19'00" West continuing along the northerly line of Renner Road a distance of 36.15 feet to an iron rod for angle point;

THENCE North 82°15'00" West continuing along the northerly line of Renner Road (40 feet from centerline) a distance of 57.58 feet to a point for corner in the centerline of Spring Creek;

THENCE North 37°41'00" East along the centerline of said Spring Creek a distance of 4.35 feet to a point for corner in the northerly line of Renner Road;

THENCE North 86°47'27" West along the northerly line of said Renner Road a distance of 247.17 feet to a point for corner;

THENCE North 02°12'07" East along the northerly line of said Renner Road a distance of 17.00 feet to a point for corner;

THENCE North 04°47'27" West along the northerly line of said Renner Road a distance of 359.83 feet to a point for corner in the northerly cut-off line between the northerly line of said Renner Road and the westerly line of U.S. Highway No. 75;

THENCE North 42°52'18" West along said cut-off line a distance of 3.32 feet to a point in the westerly line of U.S. Highway No. 75;

THENCE westerly along said westerly line of U.S. Highway No. 75 the following described courses:

North 06°07'00" East a distance of 220.72 feet to an angle point;

North 12°07'18" East a distance of 316.33 feet to an angle point;

North 23°12'06" East a distance of 151.88 feet to an angle point;

North 13°07'18" East a distance of 285.07 feet to an angle point;

North 06°14'24" West a distance of 183.23 feet to an angle point;

North 02°12'48" East a distance of 816.00 feet to an angle point;

North 48°22'00" East a distance of 98.00 feet to an angle point;

North 67°16'00" East a distance of 561.8 feet to a point on a counterclock curve to the left;

THENCE westerly along said curve to the left being a radius of 1462.00 feet, a central angle of 149°14'15" feet, a tangent length of 1282.6 feet, a chord bearing of North 03°47'27" East, and a chord length of 354.41 feet, for an arc distance of 354.29 feet to a point for corner;

THENCE North 03°01'00" East a distance of 122.00 feet to a point for corner in the westerly line of Texas Power and Light Company right-of-way (150 feet wide as recorded in Volume 576, Page 312);

THENCE North 87°40'04" East along said westerly line of Texas Power and Light Company right-of-way a distance of 779.53 feet to an iron rod for corner in the westerly line of H. F. & C. Railroad right-of-way (100 feet wide);

THENCE South 21°12'00" West along said westerly line of the H. F. & C. Railroad right-of-way a distance of 223.00 feet to the POINT OF BEGINNING containing 28,6590 acres, more or less.



RAYMOND L. GOODSON JR., INC.
CONSULTING ENGINEERS

RECLAMATION
TRACTS
OF
CARTHY
PROPERTY
IN THE
CITY OF RICHARDSON, COLLIN COUNTY, TEXAS

STATE JOB NO. 848 SA 8080-0106
DALLAS REG. PLAN 25618-0106

SCALE: 1" = 100'
JOB NO. 4846
DATE: 6-11-97
SHEET NO. 21,294 W.