



October 9, 2012

Ms. Cindy Mendez
Environmental Services Manager
City of Grand Prairie
201 NW 2nd Street, Suite 100
Grand Prairie, Texas 75050

Telephone: (972) 237-8225
Fax: (972) 237-8228

RE: Resolution of Support for Municipal Setting Designation
Wilkerson's 1 and 2
401 E. Division Street and 305 N. East Street
Arlington, Tarrant County, Texas

Dear Ms. Mendez,

Terracon Consultants, Inc. (Terracon) on behalf of Wilkerson, Inc. is currently pursuing a Municipal Setting Designation (MSD) with the City of Arlington and the Texas Commission on Environmental Quality (TCEQ) for the Wilkerson's 1 and 2 property (hereinafter the "site") located at 401 East Division Street and 305 North East Street in Arlington, Texas. A Boundary Survey including a legal description is included as Attachment 1. An aerial photograph depicting the site and surrounding land uses is included as Attachment 2.

The purpose of this MSD is to restrict access to and the use of shallow groundwater beneath the site to protect public health and welfare where the quality of groundwater may present an actual or potential threat to human health.

A property is eligible for an MSD if a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half mile of the property for which the MSD is sought. The site meets these criteria.

The most recent groundwater assessment activities conducted on the site in June 2011 indicated detected concentrations of chemicals of concern (COCs) including benzene, ethylbenzene, 1,2,4-trimethylbenzene, arsenic, and lead exceeding their respective TCEQ Texas Risk Reduction Program (TRRP) Critical Protective Concentration Levels (PCLs) and/or Petroleum Storage Tank (PST) Action Levels published in RG-411.

Groundwater Concentration Maps depicting the detected concentrations of COCs exceeding their respective PCLs or Action Levels, are included in Attachment 3.

The impacted groundwater plume consists of shallow perched groundwater encountered at depths of approximately nine to 13 feet below ground surface (bgs) and flowing in an east to northeastern direction. Groundwater assessment activities have not been conducted beyond the site boundaries. The plume is not located under land utilized for residential purposes; therefore, a soil vapor intrusion study is not applicable and has not been completed for the site.



Terracon Consultants, Inc. 2501 East Loop 820 North Fort Worth, Texas 76118
P [817] 268 8600 F [817] 268 8602 terracon.com

Geotechnical



Environmental



Construction Materials



Facilities

As part of the MSD application, the applicant is required to obtain support from the governing body of each 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. A copy of the City of Arlington MSD Ordinance is included as Attachment 4.

A database survey conducted by GeoSearch, *Water Utility Database (WUD) Report of Groundwater Wells (dated October 21, 2011)*, of registered water wells and retail public utilities within a five mile radius of the site identified two groundwater supply wells operated by the City of Grand Prairie (CCN No. 10105) located within the five mile search radius. A WUD Site Map with the depicted water well locations is included as Attachment 5. The water wells were identified as follows:

Map ID	Well ID	Well Owner Name	Distance/Direction from Site	Water Usage	Well Address
5	G0570048I	City Of Grand Prairie	4.07 mi/Southeast	Active-Demand	201 NW 2nd Street Suite 100, Grand Prairie, TX
7	G0570048A	City Of Grand Prairie	4.76 mi/East	Active-Demand	201 NW 2nd Street Suite 100, Grand Prairie, TX

Based on review of the well logs, the identified City of Grand Prairie water wells produce from the Twin Mountains Formation, part of the Trinity Group. In the site area, the Trinity Group is separated from the shallow perched groundwater in which the COCs were detected by several consecutive limestone, shale, and clay formations which form regional aquitards as described below.

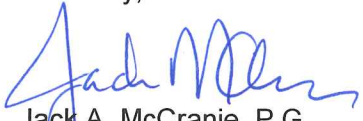
The site is located on the outcrop of the Woodbine Group Formation which extends to a depth of approximately 225 feet bgs. The Woodbine Group Formation primarily consists of sandstone with minor interbeds of clay and shale and supplies water in the area and region for a mixture of irrigation, domestic, and industrial purposes. The Woodbine Group Formation is underlain by the Duck Creek, Fort Worth Limestone, Denton Clay, Weno Limestone, and Pawpaw Formation (collectively known as the Washita Group). In the site area, the Washita Group extends approximately 350 feet beneath the Woodbine Group Formation. The Washita Group is underlain by the Edwards Limestone, Comanche Peak Limestone, Goodland Limestone, and Walnut Shell Conglomerate (collectively known as the Fredericksburg Group), which extend approximately 100 feet beneath the Washita Group and also act as a regional aquitard. The Fredericksburg Group is underlain by the Paluxy Formation, which is a major aquifer in Texas. The Paluxy Formation extends approximately 200 feet beneath the Fredericksburg Group. The Paluxy Formation is then underlain by the Glen Rose Formation which extends approximately 400 feet beneath the Paluxy Formation. The Glen Rose Formation also acts as a regional aquitard. The Glen Rose Formation is then underlain by the Twin Mountains Formation, which is encountered at an approximate depth of 1,275 feet bgs at the site area.

Based on the lateral distance between the site and the identified City of Grand Prairie water wells and the presence of regional aquitards between the shallow perched groundwater and potable aquifers, it is unlikely that the presence of COCs in the shallow perched groundwater at the site will affect the water quality of the City of Grand Prairie public supply wells identified within five miles of the site boundary.


Please note that as an identified retail public utility you may provide written comments on any information relevant to the TCEQ executive director's consideration of the MSD. Following the submittal of the MSD application, the responsible executive director at the TCEQ will certify or deny the MSD application or request additional information from the applicant not later than 90 days after receiving the application.

In summary, Wilkerson, Inc. is requesting a Resolution of Support from the City of Grand Prairie for the Wilkerson's 1 and 2 TCEQ MSD application. Please contact either of the undersigned should you have any questions or require additional information.

Sincerely,



Jack A. McCranie, P.G.
Environmental Dept. Manager



John B. Sallman, P.G.
Senior Principal

cc: Mr. Douglas McDonald, City of Arlington

Attachments:

Attachment 1 – Boundary Survey

Attachment 2 – Aerial Photograph

Attachment 3 – Groundwater Concentration Maps: Benzene, Ethylbenzene, 1,2,4-Trimethybenzene, Arsenic and Lead

Attachment 4 – City of Arlington MSD Ordinance

Attachment 5 – WUD Site Map

ATTACHMENT 1
BOUNDARY SURVEY

BOUNDARY SURVEY
LOTS 1-R & 3-R, BLOCK 60
ORIGINAL TOWN OF ARLINGTON
S. DAVIS SURVEY, ABSTRACT NO. 425
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

BEING A 0.425 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE S. DAVIS SURVEY, ABSTRACT NUMBER 425, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, SAME BEING ALL OF LOT 1-R, BLOCK 60 OF REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND ALL OF LOT 3-R, BLOCK 60 OF THE REVISED PLAT OF LOT 3-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-71, PAGE 44, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CHISELED 'X' IN CONCRETE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1-R, SAME BEING AT THE INTERSECTION OF THE NORTH LINE OF EAST DIVISION STREET, A 60 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND THE EAST LINE OF NORTH EAST STREET, A 70 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, FROM WHICH A CHISELED 'X' FOUND FOR THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS LOT 1, BLOCK 26 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS BEARS NORTH 88 DEGREES 20 MINUTES 26 SECONDS WEST A DISTANCE OF 80.00 FEET;

THENCE ALONG THE EAST LINE OF SAID NORTH EAST STREET AND THE WEST LINES OF SAID LOT 1-R AND SAID LOT 3-R THE FOLLOWING TWO COURSES:

1. NORTH 43 DEGREES 12 MINUTES 40 SECONDS WEST A DISTANCE OF 14.14 FEET TO A 'PK' NAIL FOUND;
2. NORTH 01 DEGREES 47 MINUTES 50 SECONDS EAST, PARALLEL TO AND 70 FEET FROM THE WEST RIGHT OF WAY LINE OF SAID NORTH EAST STREET, PASSING AT A DISTANCE OF 79.75 FEET THE COMMON WEST CORNER OF SAID LOTS 1-R AND 3-R AND CONTINUING FOR A TOTAL DISTANCE OF 143.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 3-R FROM WHICH A 'PK' NAIL FOUND BEARS NORTH 45 DEGREES 01 MINUTES 27 SECONDS WEST A DISTANCE OF 0.84 FEET;

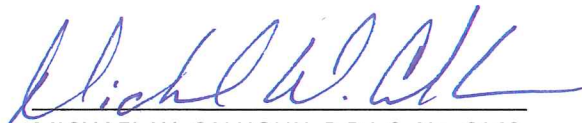
THENCE ALONG THE NORTH LINE OF SAID LOT 3-R SOUTH 88 DEGREES 14 MINUTES 00 SECONDS EAST A DISTANCE OF 118.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 3-R;

THENCE ALONG THE EAST LINES OF SAID LOT 3-R AND LOT 1-R SOUTH 00 DEGREES 01 MINUTES 48 SECONDS WEST PASSING AT A DISTANCE OF 63.53 FEET THE COMMON EAST CORNER OF SAID LOTS 3-R AND 1-R AND CONTINUING FOR A TOTAL DISTANCE OF 153.36 FEET TO A ½" REBAR FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 1-R, SAME BEING ON THE NORTH RIGHT OF WAY LINE OF SAID EAST DIVISION STREET;

BOUNDARY SURVEY
LOTS 1-R & 3-R, BLOCK 60
ORIGINAL TOWN OF ARLINGTON
S. DAVIS SURVEY, ABSTRACT NO. 425
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

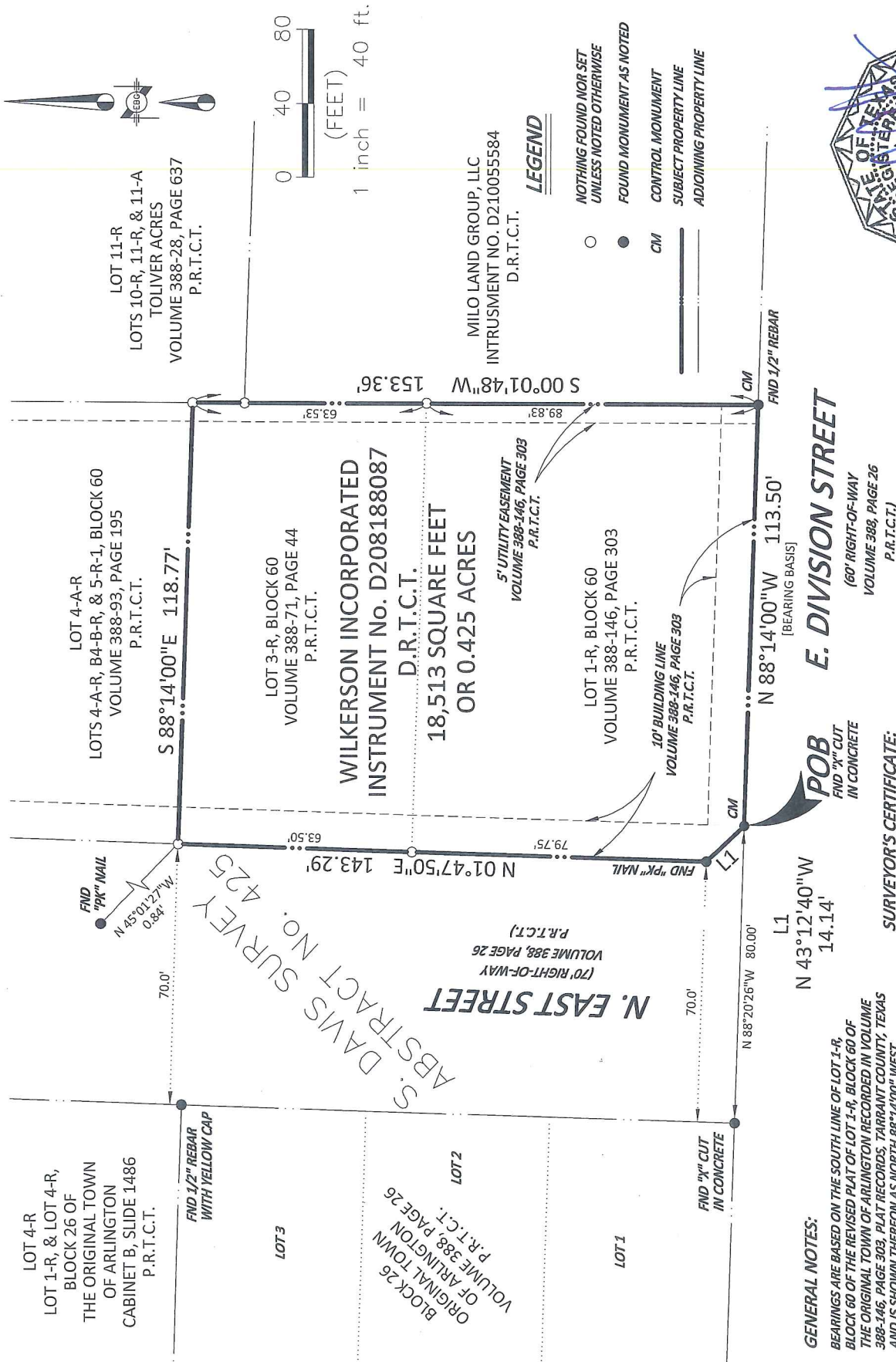
THENCE ALONG THE COMMON LINE OF SAID LOT 1-R AND SAID EAST DIVISION STREET NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST A DISTANCE OF 113.50 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 18,513 SQUARE FEET OR 0.425 ACRE OF LAND MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1-R, BLOCK 60 IF THE REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS SHOWN AS NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST THEREON.



MICHAEL W. CALHOUN, R.P.L.S. No. 6143
MARCH 28, 2012





SURVEYOR'S CERTIFICATE:
I, MICHAEL W. CALHOUN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS
HEREBY CERTIFY THAT AN ACTUAL ON THE GROUND SURVEY WAS PERFORMED FOR THE SUBJECT
TRACT SHOWN HEREON AND UNDER MY DIRECT SUPERVISION AND THAT THIS SURVEY CONFORMS
WITH THE ACT AND RULES SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.
P.R. T.C.T.)

W. W. J. J. J.

MICHAEL W. CALHOUN, RPLS #6143

MARCH 28, 2012

GENERAL NOTES:
BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1-R,
BLOCK 60 OF THE REVISED PLAT OF LOT 1-R, BLOCK 60 OF
THE ORIGINAL TOWN OF ARLINGTON RECORDED IN VOLUME
388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS
AND IS SHOWN THEREON AS NORTH 88°14'00" WEST.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND/OR OTHER ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

OWNERSHIP FOR THE SUBJECT AND ADJOINING PARCELS WAS
OBTAINED FROM THE TARRANT COUNTY APPRAISAL
DISTRICT'S WEBSITE. (WWW.TAD.ORG)

**A LEGAL DESCRIPTION OF EVEN DATE COMPANIES AND
DESCRIBES THE SUBJECT TRACT SHOWN HEREON.**

ATTACHMENT 2
AERIAL PHOTOGRAPH



Project No. 94107641.2G
 Scale: 1" = 120'
 Source: NCTCOG
 Date: 2009

Terracon
 Consulting Engineers & Scientists

8901 Carpenter Freeway, Suite 100 Dallas, Texas 75247
 PH. (214) 630-1010 FAX. (214) 630-7070

AERIAL PHOTOGRAPH

Wilkerson's 1 & 2
 401 East Division Street and 305 North East Street
 Arlington, Tarrant County, Texas



ATTACHMENT 3

GROUNDWATER CONCENTRATION MAPS:
BENZENE AND MTBE

N:\Projects\2010\94107641\94107641-2gcp.dwg Layout: GW conc Current Layer: -gw benzene F5
Date: 03/09/12



NORTH EAST STREET

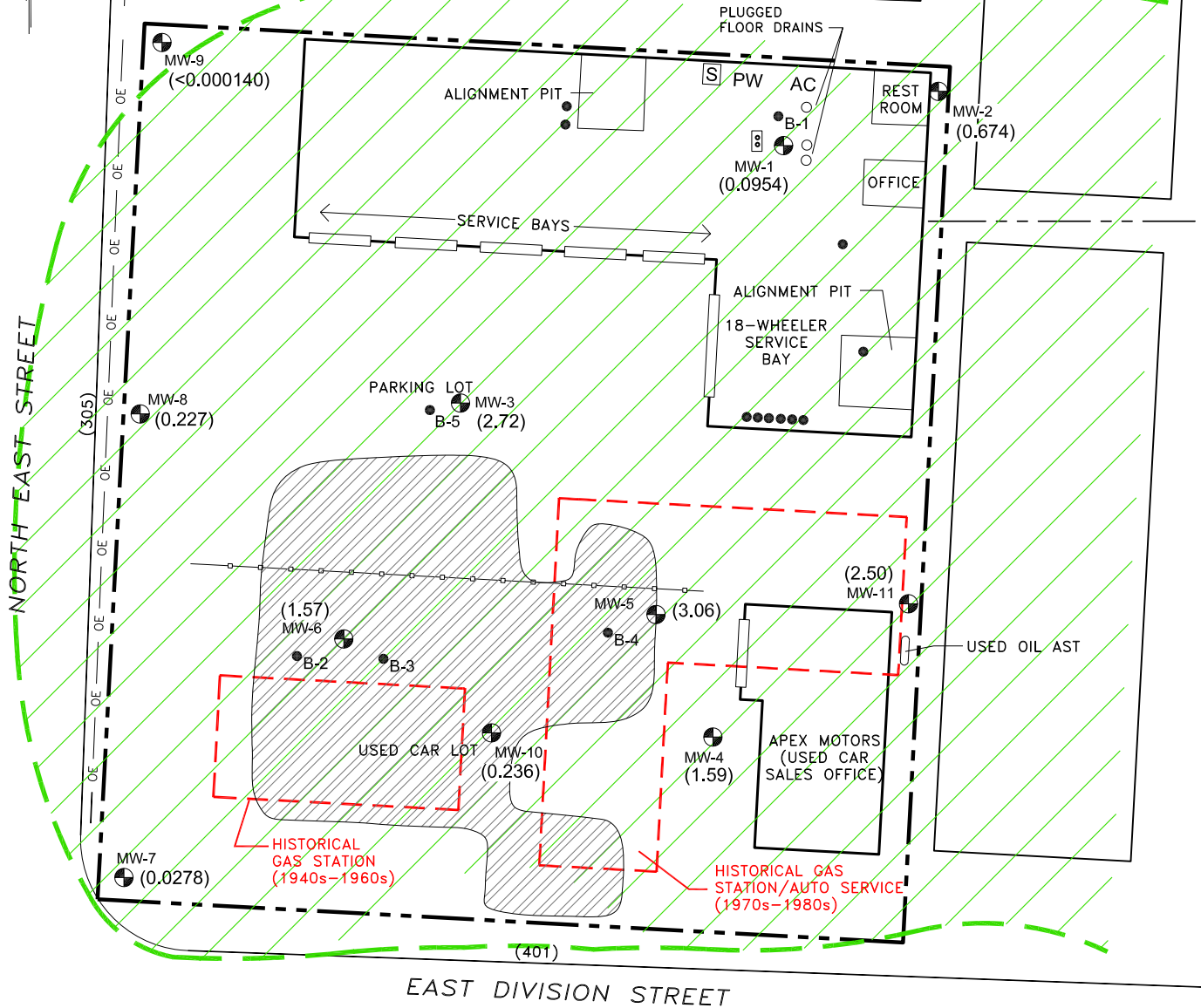
0 15 30 FEET
APPROXIMATE SCALE

THIS DRAWING SHOULD
NOT BE USED SEPARATELY
FROM ORIGINAL REPORT.

- LEGEND:**
- S HAND SINK
 - PW PARTS WASHER
 - AC AIR COMPRESSOR
 - B-1 AES SOIL BORING LOCATION (2001)
 - Oil/Water Separator
 - RED HISTORICAL CONCERN
 - 25-55 GAL. DRUMS
 - MW-1 MONITORING WELL

- OE — OVERHEAD ELECTRIC LINE
- — METAL PIPE FENCE
- ASPHALT PATCH
- BAY DOOR
- GENERAL BENZENE EXCEEDANCE ZONE

Benzene TRRP/PST Action Level = 0.005 mg/L
All Concentrations in mg/L



Project Mgr: RRS
Drawn By: JJD
Checked By: RRS
Approved By: RRS

Project No. 94107641.2GCP
Scale: AS SHOWN
Date: 03/09/12

Terracon
Consulting Engineers and Scientists
(Registration No.: F-3272)
8901 CARPENTER FREEWAY DALLAS, TEXAS 75247
PH. (214) 630-1010 FAX. (214) 630-7070

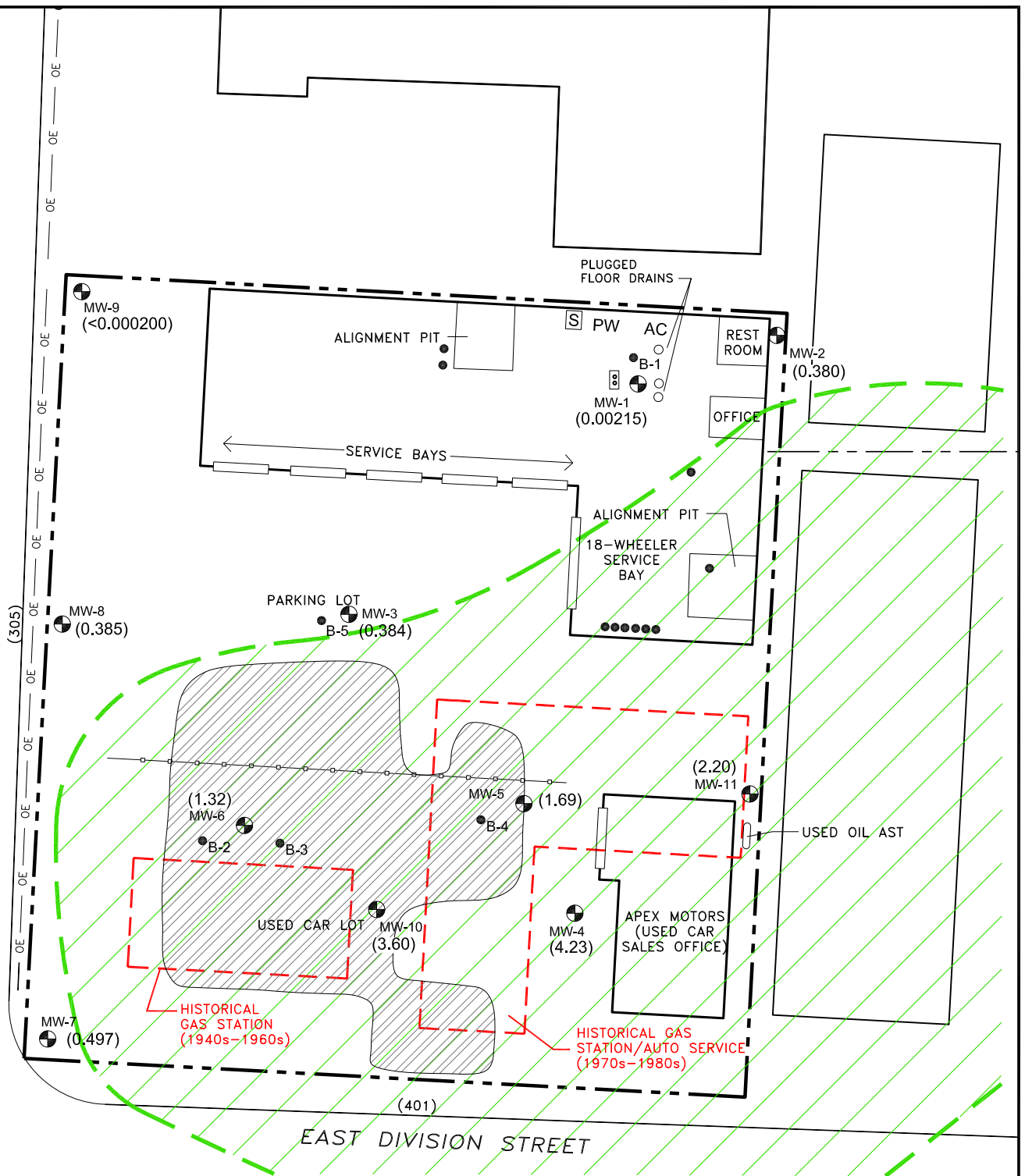
GROUNDWATER CONCENTRATION MAP - BENZENE

WILKERSON'S 1 & 2
305 NORTH EAST STREET AND 401 EAST DIVISION STREET
ARLINGTON, TARRANT COUNTY, TEXAS

FIGURE
5

Date: 03/09/12 N:\Projects\2010\94107641\94107641-2gcp.dwg Layout: GW conc Current Layer: -gw ethylbenzene F6

NORTH EAST STREET



LEGEND:

- S HAND SINK
- PW PARTS WASHER
- AC AIR COMPRESSOR
- B-1 AES SOIL BORING LOCATION (2001)
- Oil/Water Separator
- RED HISTORICAL CONCERN
- 25-55 GAL. DRUMS
- MW-1 MONITORING WELL

- OE — OVERHEAD ELECTRIC LINE
- — — METAL PIPE FENCE
- ASPHALT PATCH
- BAY DOOR
- GENERAL ETHYLBENZENE EXCEEDANCE ZONE

Ethylbenzene TRRP/PST
Action Level = 0.7 mg/L
All Concentrations in
mg/L

0 15 30 FEET
APPROXIMATE SCALE

THIS DRAWING SHOULD
NOT BE USED SEPARATELY
FROM ORIGINAL REPORT.

Project Mng:	RRS
Drawn By:	JJD
Checked By:	RRS
Approved By:	RRS

Project No:	94107641.2GCP
Scale:	AS SHOWN
Date:	03/09/12

Terracon
Consulting Engineers and Scientists
(Registration No.: F-3272)
8901 CARPENTER FREEWAY DALLAS, TEXAS 75247
PH. (214) 630-1010 FAX. (214) 630-7070

**GROUNDWATER CONCENTRATION
MAP - ETHYLBENZENE**
WILKERSON'S 1 & 2
305 NORTH EAST STREET AND 401 EAST DIVISION STREET
ARLINGTON, TARRANT COUNTY, TEXAS

FIGURE
6

Date: 02/14/12 N:\Projects\2010\94107641-2gcp.dwg Layout: GW conc Current Layer: -gw 124 trimeth F7

NORTH EAST STREET

(305)

MW-8
(0.0161)

MW-7
(0.365)

MW-9
(ND)

ALIGNMENT PIT

SERVICE BAYS

PARKING LOT
B-5
MW-3
(ND)

(0.00328)
MW-6
B-2

B-3

USED CAR LOT
MW-10
(1.61)

HISTORICAL GAS STATION
(1940s-1960s)

MW-5
(0.934)
B-4

MW-4
(1.67)

HISTORICAL GAS STATION/AUTO SERVICE
(1970s-1980s)

(1.10)
MW-11

USED OIL AST

APEX MOTORS
(USED CAR
SALES OFFICE)

PLUGGED
FLOOR DRAINS

S PW AC

B-1

MW-1
(ND)

REST
ROOM

OFFICE

MW-2
(ND)

ALIGNMENT PIT
18-WHEELER
SERVICE
BAY

(401)

EAST DIVISION STREET

LEGEND:

- S HAND SINK
PW PARTS WASHER
AC AIR COMPRESSOR
● B-1 AES SOIL BORING LOCATION (2001)
[] OIL/WATER SEPARATOR
RED HISTORICAL CONCERN
● 25-55 GAL. DRUMS
MW-1 MONITORING WELL

- OE — OVERHEAD ELECTRIC LINE
— — — METAL PIPE FENCE
[] ASPHALT PATCH
[] BAY DOOR
[] GENERAL 1,2,4-TRIMETHYLBENZENE EXCEEDANCE ZONE

1,2,4-Trimethylbenzene
TRRP/PST Action
Level = 1.2 mg/L.
All Concentration in
mg/L.

0 15 30 FEET
APPROXIMATE SCALE

THIS DRAWING SHOULD
NOT BE USED SEPARATELY
FROM ORIGINAL REPORT.

Project Mng: RRS
Drawn By: JJD
Checked By: RRS
Approved By: RRS

Project No. 94107641.2GCP
Scale: AS SHOWN
Date: 02/14/12

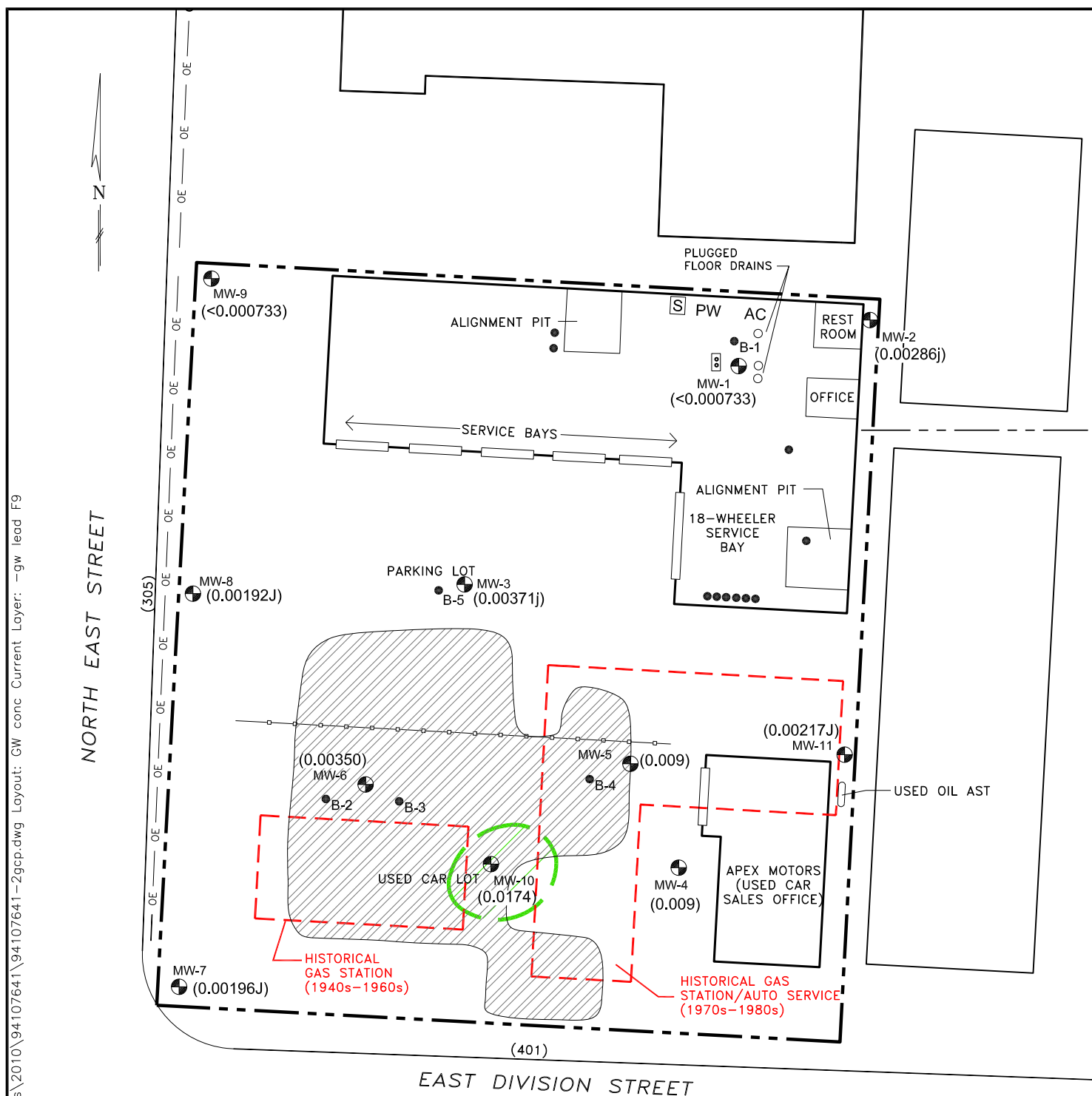
Terracon
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(Registration No.: F-3272)
8901 CARPENTER FREEWAY DALLAS, TEXAS 75247
PH. (214) 630-1010 FAX. (214) 630-7070

**GROUNDWATER CONCENTRATION
MAP - 1,2,4-TRIMETHYLBENZENE**

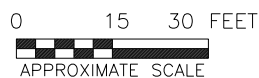
WILKERSON'S 1 & 2
305 NORTH EAST STREET AND 401 EAST DIVISION STREET
ARLINGTON, TARRANT COUNTY, TEXAS

FIGURE

7



THIS DRAWING SHOULD
NOT BE USED SEPARATELY
FROM ORIGINAL REPORT.



C

ATTACHMENT 4

CITY OF ARLINGTON
MSD ORDINANCE

8/10/2012

8/13/2012

Ordinance Number 12-041

An ordinance prohibiting the use of and contact with designated groundwater from beneath certain property known as 305 N. East Street and 401 E. Division Street within the City of Arlington, Texas, and adjacent right-of-way, to facilitate certification of a Municipal Setting Designation of the property by the Texas Commission on Environmental Quality pursuant to the Texas Health and Safety Code; providing for a fine of up to \$2,000 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date.

WHEREAS, Texas Health and Safety Code Chapter 361, Subchapter W (the "MSD Legislation") 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, the Texas Legislature, in enacting the MSD Legislation, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a Municipal Setting Designation (MSD) advances a substantial and legitimate state interest where the quality of the groundwater subject to the designation is an actual or potential threat to human health; and

WHEREAS, as a part of the application process for an MSD, the applicant is required to provide documentation that the property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, as a part of the application process for an MSD, the applicant is required to provide documentation that the property for which designation is sought is supported by an ordinance adopted by this City Council; and

WHEREAS, Wilkerson, Inc. will submit an application to TCEQ for certification of an MSD for property within the city limits of the City, commonly known as 305 N. East Street and 401 E. Division Street, the legal description of which is set forth in Exhibit "A" attached hereto and made a part hereof, together with the full 305 N. East Street and 401 E. Division Street right-of-way fronting on the property set forth in Exhibit "A" (together, the "MSD Property"), provided that the ordinance being considered herein is passed; and

WHEREAS, the Applicant has certified that:

- 1) the purpose of its application is to conduct environmental investigation, cleanup and restoration activities in a more efficient and cost-effective manner;

- 2) it will seek to obtain a determination from TCEQ that regulatory closure is attained at the MSD Property;
- 3) as part of such application, the Applicant has submitted a statement to TCEQ regarding the type of known contamination in the groundwater beneath the MSD Property; and
- 4) notice of the application for the certification of MSD Property has been provided to each owner of a registered private water well that is located not more than five miles from the boundary of 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 staff have reviewed and evaluated the subject MSD application; and

WHEREAS, after public hearing, the City Council believes that it is in the best interest of the public and the City to facilitate the efforts to secure an MSD and TCEQ closure documentation from the TCEQ by passage of this Ordinance; Now therefore

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

1.

That all of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

2.

That the City Council finds that it is in the best interest and welfare of the public to facilitate TCEQ's certification of an MSD for the MSD Property, as well as TCEQ closure documentation.

3.

That, upon and after the effective date of this Ordinance, the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable 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.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

9.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.


10.

This ordinance shall become effective immediately upon second publication.

PRESENTED AND GIVEN FIRST READING on the 26th day of June, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of August, 2012, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


ROBERT N. CLUCK, Mayor

ATTEST:


MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

MSD12-1

EXHIBIT "A"

BEING A 0.425 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE S. DAVIS SURVEY, ABSTRACT NUMBER 425, IN THE CITY OF ARLINGTON, TARRANT COUNTY, TEXAS, SAME BEING ALL OF LOT 1-R, BLOCK 60 OF REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND ALL OF LOT 3-R, BLOCK 60 OF THE REVISED PLAT OF LOT 3-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-71, PAGE 44, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CHISELED 'X' IN CONCRETE FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 1-R, SAME BEING AT THE INTERSECTION OF THE NORTH LINE OF EAST DIVISION STREET, A 60 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, AND THE EAST LINE OF NORTH EAST STREET, A 70 FOOT RIGHT-OF-WAY AS DESCRIBED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS, FROM WHICH A CHISELED 'X' FOUND FOR THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS LOT 1, BLOCK 26 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388, PAGE 26, PLAT RECORDS, TARRANT COUNTY, TEXAS BEARS NORTH 88 DEGREES 20 MINUTES 26 SECONDS WEST A DISTANCE OF 80.00 FEET;

THENCE ALONG THE EAST LINE OF SAID NORTH EAST STREET AND THE WEST LINES OF SAID LOT 1-R AND SAID LOT 3-R THE FOLLOWING TWO COURSES:

1. NORTH 43 DEGREES 12 MINUTES 40 SECONDS WEST A DISTANCE OF 14.14 FEET TO A 'PK' NAIL FOUND;
2. NORTH 01 DEGREES 47 MINUTES 50 SECONDS EAST, PARALLEL TO AND 70 FEET FROM THE WEST RIGHT OF WAY LINE OF SAID NORTH EAST STREET, PASSING AT A DISTANCE OF 79.75 FEET THE COMMON WEST CORNER OF SAID LOTS 1-R AND 3-R AND CONTINUING FOR A TOTAL DISTANCE OF 143.29 FEET TO THE NORTHWEST CORNER OF SAID LOT 3-R FROM WHICH A 'PK' NAIL FOUND BEARS NORTH 45 DEGREES 01 MINUTES 27 SECONDS WEST A DISTANCE OF 0.84 FEET;

THENCE ALONG THE NORTH LINE OF SAID LOT 3-R SOUTH 88 DEGREES 14 MINUTES 00 SECONDS EAST A DISTANCE OF 118.77 FEET TO THE NORTHEAST CORNER OF SAID LOT 3-R;

THENCE ALONG THE EAST LINES OF SAID LOT 3-R AND LOT 1-R SOUTH 00 DEGREES 01 MINUTES 48 SECONDS WEST PASSING AT A DISTANCE OF 63.53

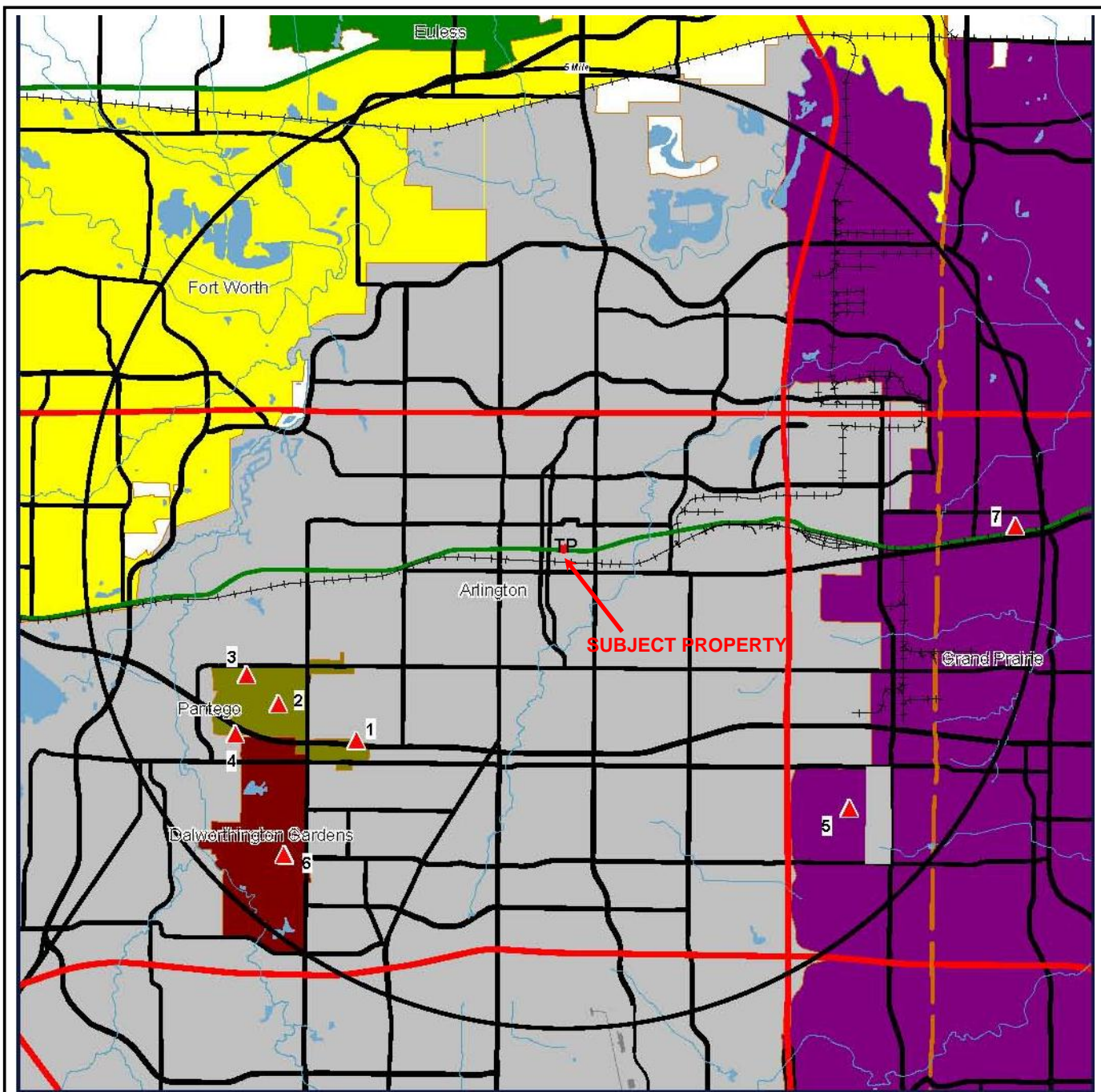
FEET THE COMMON EAST CORNER OF SAID LOTS 3-R AND 1-R AND CONTINUING FOR A TOTAL DISTANCE OF 153.36 FEET TO A ½" REBAR FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 1-R, SAME BEING ON THE NORTH RIGHT OF WAY LINE OF SAID EAST DIVISION STREET;

THENCE ALONG THE COMMON LINE OF SAID LOT 1-R AND SAID EAST DIVISION STREET NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST A DISTANCE OF 113.50 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 18,513 SQUARE FEET OR 0.425 ACRE OF LAND MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 1-R, BLOCK 60 IF THE REVISED PLAT OF LOT 1-R, BLOCK 60 OF THE ORIGINAL TOWN OF ARLINGTON, RECORDED IN VOLUME 388-146, PAGE 303, PLAT RECORDS, TARRANT COUNTY, TEXAS AND IS SHOWN AS NORTH 88 DEGREES 14 MINUTES 00 SECONDS WEST THEREON.

ATTACHMENT 5

WUD SITE MAP



 Target Property (TP)
 WUD

Wilkerson's 1 & 2
305 N EAST ST & 401 East
Division Street
ARLINGTON, Texas
76011



0' 4250' 8500' 12750'
 SCALE: 1" = 8500'

GeoSearch

www.geo-search.net - phone: 866-396-0042 - fax: 512-472-9967

Project No. 95127039.2A
 Source: GeoSearch
 Date: 2011

Terracon
 Consulting Engineers & Scientists

8901 Carpenter Freeway, Suite 100 Dallas, Texas 75247
 PH. (214) 630-1010 FAX. (214) 630-7070

WUD MAP

Wilkerson's 1 & 2
 305 North East Street and
 401 East Division Street
 Arlington, Tarrant County, Texas

Item No.

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