



**DATE** April 17, 2015

**PROJECT** 14214

**ATTN** **Ms. Cindy Mendez**  
City of Grand Prairie  
Environmental Services Manager  
206 W Church Street, 2<sup>nd</sup> Floor  
Grand Prairie, Texas 75050

**SUBJECT** **Support Resolution Request – Municipal Setting Designation**  
City of Irving – Shops at North O'Connor  
Irving, Texas

Dear Ms. Mendez:

Modern Geosciences, LLC (Modern) is providing technical assistance concerning a Municipal Setting Designation (MSD) for the Shops at North O'Connor within the City of Irving. The City of Irving passed a resolution supporting the MSD on April 2, 2015. As part of the MSD process, we are requesting a resolution in support of the MSD from Grand Prairie. Below are the specific items required by the City with this resolution request.

### **REQUESTED INFORMATION:**

*1) A letter requesting support of a resolution and the reason for which the City's support is needed, including, if applicable, the number and address of City wells within five miles of the subject property. The letter must include who the applicant is, the address of the subject property, and the reason why a MSD is being sought.*

Please accept this letter as a formal request for support and passage of a resolution in support. The City's support is needed because you operate a registered water well associated with CCN No. 10105 within 5 miles of the proposed MSD. Specific information on the well and distance from the identified release is provided below.

Well ID	Depth	Aquifer	Distance from Release	Impact Suspected
G0570048G	2,000 feet	Trinity	> 4 miles	No



**MSD Applicant:** North O'Connor, Ltd. (Property Owner)

**MSD Property Address:** 2800 North O'Connor Boulevard, Irving, Texas 75062

**Reason for MSD:** During recent due diligence activities, a release from a historic dry cleaning tenant was identified at this shopping center. The release has been reported to the Texas Commission on Environmental Quality (TCEQ) and an application to complete closure within the Voluntary Cleanup Program (VCP) is into the TCEQ. The Site does not overlay usable shallow groundwater and the MSD Applicant intends to establish an MSD to prohibit potable use of groundwater at the Site and thus remove the corresponding pathways under the Texas Risk Reduction Program (TRRP).

*2) A legal description of the property to include a survey plat of the property.*

Please see Attachment A.

*3) An aerial photograph depicting the property and the surrounding land uses.*

Please see Attachment B.

*4) A narrative description of the plume, its delineation, and concentrations found in soils or groundwater and the applicable protective concentration levels without a MSD. Include a map, if available, of the plume to the extent it has been delineated.*

Soil has not been identified above TRRP Residential Assessment Levels (RAL). The following table provides a summary of the specific chemicals of concern (COCs) noted above TRRP RALs in groundwater. The dissolved phase plume appears relatively limited in size and appears primarily to remain on site.

Groundwater COC	Maximum Concentration	Ingestion PCL ( <sup>GW</sup> GW <sub>Ing</sub> ) Without MSD	Non-Ingestion PCL ( <sup>Air</sup> GW <sub>Inh-v</sub> ) With MSD
Tetrachloroethene	<b>0.0371</b>	<b>0.005</b>	64
Trichloroethene	<b>0.0197</b>	<b>0.005</b>	3.1
cis-1,2-Dichloroethene	<b>0.0765</b>	<b>0.07</b>	160
Vinyl Chloride	<b>0.0088</b>	<b>0.002</b>	0.49

All concentrations reported in mg/L;

Utilizes November 2014 TRRP Tier 1 Residential PCLs (30-acre source assumed)



A map of the estimated groundwater PCLE Zone is included as Attachment C.

*5) A copy of the ordinance or resolutions, including any second or third readings, from the City in which the MSD is sought.*

Please see Attachment D.

*6) If the plume, if applicable, is under residential, state whether a soil vapor intrusion study has been completed and its results.*

Prior monitoring at the Site confirmed groundwater flow to be to the south. Based on this and data collected from the temporary monitor wells completed during recent due diligence (wells B1 through B4), the chlorinated solvent plume appears to be primarily on site and expected to migrate toward West Rochelle Boulevard and commercial property across West Rochelle Boulevard. A formal evaluation of vapor intrusion evaluation at the Site has not been performed, but will be completed if required by the TCEQ as part of the closure process.

Based on Modern's discussions with the TCEQ VI Task Group, the TCEQ generally requests an evaluation of VI when chlorinated compounds are noted within soil or groundwater at concentrations "in excess of 1 ppm and in close proximity to an enclosed structure." The data available is not suggestive of elevated chlorinated compound concentrations of this nature. If during the course of further regulatory closure efforts elevated impact is identified, this will be addressed pursuant to TCEQ requirements at that time.



## CLOSING

Based on the distance to the nearest water well used by the City (in excess of four miles from the identified release) and determination that the impacted groundwater is confined to a shallow perched unit, the identified release in the MSD area does not pose a threat to the City's closest well.

Please feel free to contact the undersigned if you have any comments or questions concerning this letter or the attachments. An example resolution is provided for reference.

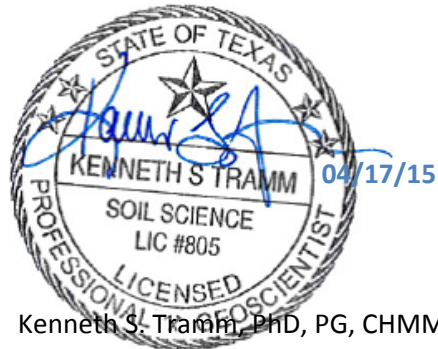
Respectfully submitted,

### MODERN GEOSCIENCES

Texas Registered Geoscience Firm No. 50411

Texas Registered Engineering Firm F-16201

Catherine Seaton  
Project Manager

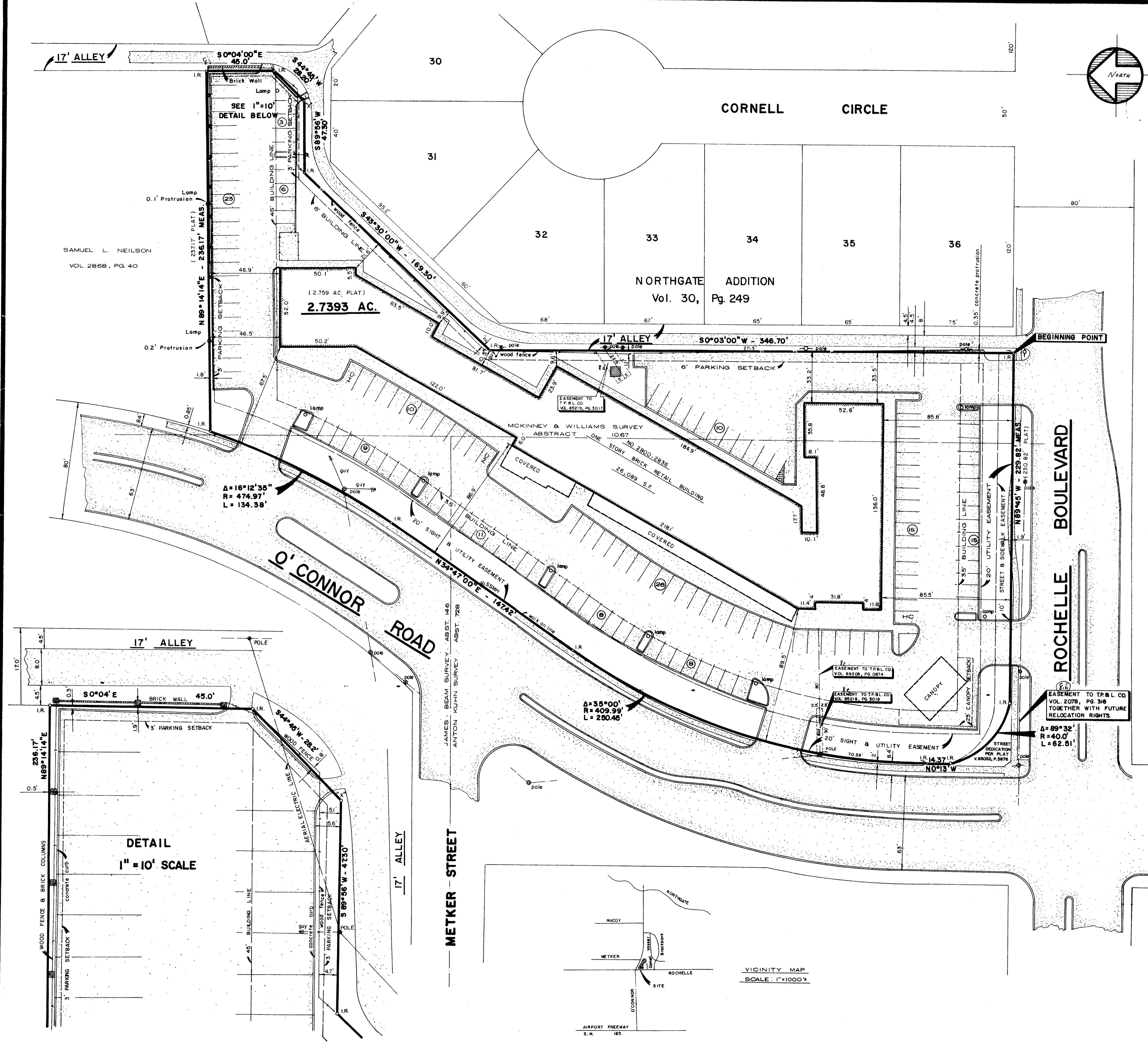


Kenneth S. Tramm, PhD, PG, CHMM  
Senior Program Manager



## **ATTACHMENT A**

### **Legal Description & Survey**



SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property described as follows:

BEING all that certain lot, tract or parcel of land situated in the City of Irving, Dallas County, Texas, and being part of the Jane Bean Survey, Abstract No. 146, the McKinney & Williams Survey, Abstract No. 1067, and the A. Kuhn Survey, Abstract No. 728, and being the lot as shown on the plat of O'Connor Square, an addition to the City of Irving, Dallas County, Texas recorded at Volume 85032, Page 3876, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at an iron rod in the West line of a 17.0 foot alley of Northgate Addition as recorded by plat in Volume 30, Page 249 of the Deed Records of Dallas County, Texas, at its intersection with the North right of way line of Rochelle Boulevard an 80.0 foot right of way as recorded in Volume 68113, Page 1080, of the Deed Records of Dallas County, Texas; said point being North 89° 45' West a distance of 17.0 feet from the Southwest corner of Lot 36, Block 2 of said Northgate Addition;

THENCE North 89° 45' West along the North right of way line of Rochelle Boulevard a distance of 229.82 feet (plat 230.82) to the beginning of a curve to the right having a central angle of 89° 32' 00" and a radius of 40.0 feet, and following a street dedication line for O'Connor Road;

THENCE along said curve to the right a distance of 62.51 feet to an iron rod for corner in the East right of way line of O'Connor Road (variable width right of way as recorded in Volume 686, Page 1674 of the Deed Records of Dallas County, Texas);

THENCE along the East right of way line of O'Connor Road the following;

North 0° 13' 00" West a distance of 14.37 feet to the beginning of a curve to the right having a central angle of 35° 00' 00" and a radius of 409.99 feet;

Northeasterly along said curve to the right a distance of 250.45 feet to an iron rod for corner;

North 34° 47' 00" East a distance of 147.42 feet to an iron rod for corner and the beginning of a curve to the left having a central angle of 16° 12' 35" and a radius of 474.97 feet;

Northwesterly along said curve to the left a distance of 134.38 feet to an iron rod for corner;

THENCE North 89° 14' 18" East, and leaving the East right of way line of O'Connor Road a distance of 236.17 feet (plat 230.17) to an iron rod for corner in the West line of a 17.0 foot alley of said Northgate Addition;

THENCE along the West line of said Northgate Addition the following;

South 00° 04' 00" East, a distance of 45.00 feet to an iron rod for corner;

South 44° 45' 00" West, a distance of 28.20 feet to an "x" in concrete for corner;

South 89° 56' 00" West, a distance of 47.30 feet to an iron rod for corner;

South 43° 30' 00" West, a distance of 169.30 feet to an iron rod for corner;

South 0° 03' 00" West, a distance of 346.70 feet to the PLACE OF BEGINNING and CONTAINING 2.7393 ACRES OF LAND more or less.

CERTIFICATION OF COMPLETION SURVEY

I, the undersigned, being a duly licensed and qualified surveyor in and for the State of Texas, do hereby certify that I made an on the ground survey of the above described land and improvements on the 8 day of April, 1992, and that this survey fully and correctly represents the property located at No. 2800-2836 O'Connor Road, including all buildings, structures and improvements thereon; I have shown all recorded easements and rights of way as described in copies of recorded instruments furnished to me the title insurance company (with reference to recording data) and, unless otherwise shown, the physical evidence and improvements, including locations and dimensions, are correctly depicted and are fully completed, except as shown hereon. I further certify there are no (i) visible encroachments, (ii) rights-of-way across said property, (iii) party walls, (iv) visible encroachments on adjoining properties or street by any of said building, structures, or improvements, or (v) visible encroachments on said property by buildings, structures or other improvements situated on adjoining property, except as shown hereon; there are no streams, rivers, ponds, or lakes located on or bordering on or running through the subject premises, except as shown; there are no gaps, gores, or overlaps between parcels or roads, highways, streets, or alleys and all parcels which comprise the whole subject premises are contiguous. Except as shown, the subject property does not lie within a special flood hazard area for a 100 year flood as established by the Federal Emergency Management Agency Flood Insurance Rate Map, which map covers all of the subject property. (see note on survey) The Subject Property has access to and from a dedicated public roadway, and all public roads, highways, streets and alleys running adjacent to or upon the subject premises are as shown; all physical evidence of boundary lines and lines of possession or occupancy have been shown and proper notation made where in conflict with the legal description; there are no boundary line discrepancies and no deficiencies in the quantity of the land described in the legal description, also, this certifies that there are 147 parking spaces in said property.

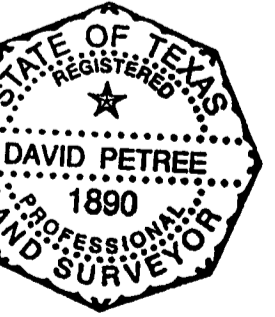
This survey is made in accordance and conforms with the Texas Surveyors Association Standards and Specifications for category 1A, Condition II Survey.

NOTE: EASEMENT TO T.P.&L. CO. RECORDED IN VOLUME 68204, PAGE 0316 LIES IN THE STREET DEDICATION PORTION OF ROCHELLE BOULEVARD AND NO LONGER AFFECTS SUBJECT PROPERTY.

NOTE: PARKING COUNT = 144  
HANDICAP SPACES = 3  
TOTAL PARKING = 147

NOTE: THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.I.R.M. COMMUNITY PANEL NO. 480180-0035B, DATED 2-5-1986

David Petree  
DAVID PETREE REGISTERED PROFESSIONAL LAND SURVEYOR



IMPROVEMENT SURVEY  
O'CONNOR SQUARE  
2.751 ACRE TRACT  
CITY OF IRVING, DALLAS COUNTY, TEXAS

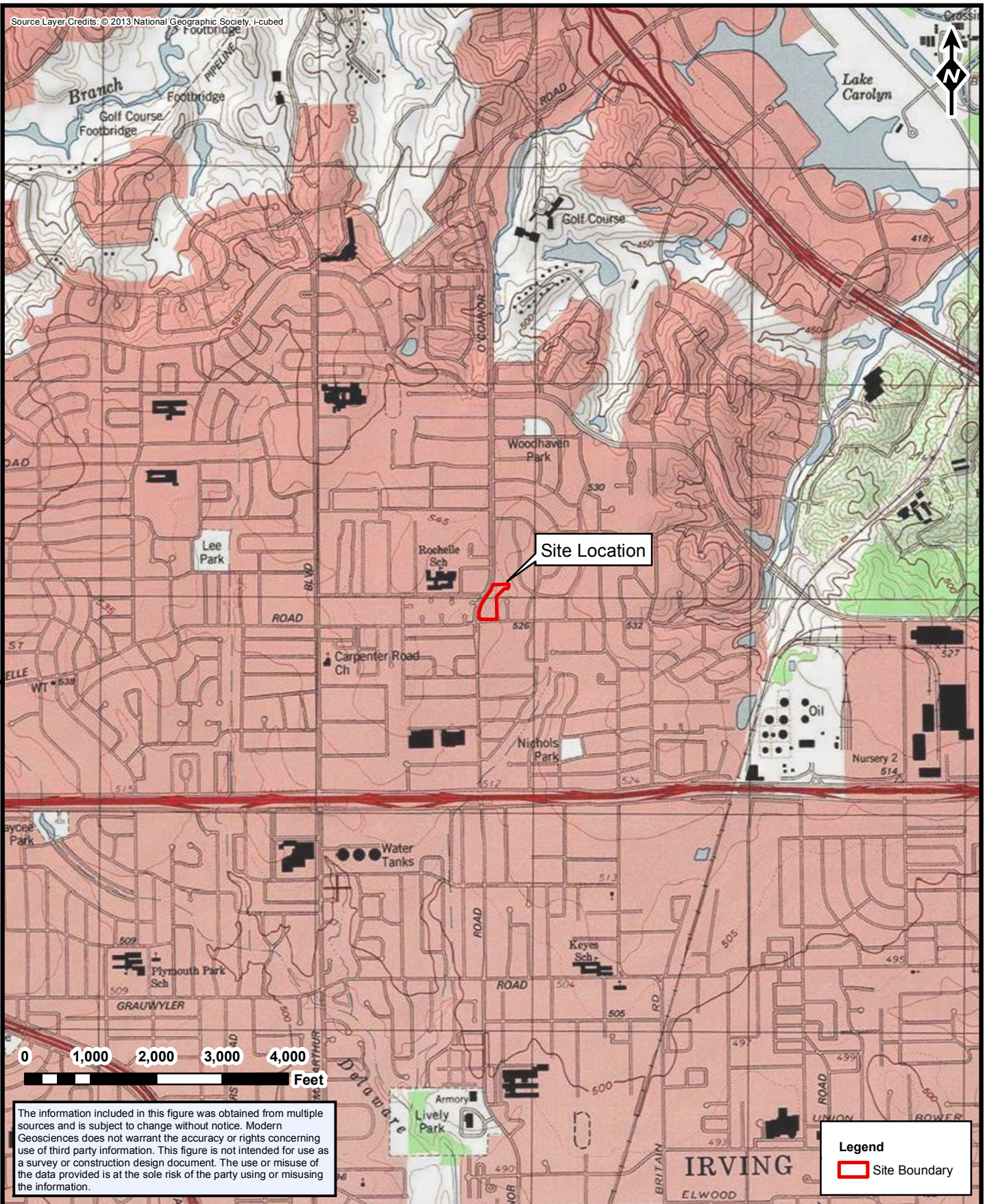
BY: DAVID PETREE  
REGISTERED PUBLIC SURVEYOR  
5429 GURLEY AVENUE  
DALLAS, TEXAS 75223  
PHONE: 214 / 826-8151

DATE: APRIL 8, 1992  
SCALE: 1" = 30'  
W.O. 0586-242



## **ATTACHMENT B**

### **Site Maps**



The information included in this figure was obtained from multiple sources and is subject to change without notice. Modern Geosciences does not warrant the accuracy or rights concerning use of third party information. This figure is not intended for use as a survey or construction design document. The use or misuse of the data provided is at the sole risk of the party using or misusing the information.

**Legend**

Site Boundary



**MODERN GEOSCIENCES**

PROJECT NO.	14214
DRAWN:	11.19.14
DRAWN BY:	CS
CHECKED BY:	KT
FILE NAME:	ShopsOConnor_Topo_141119.mxd

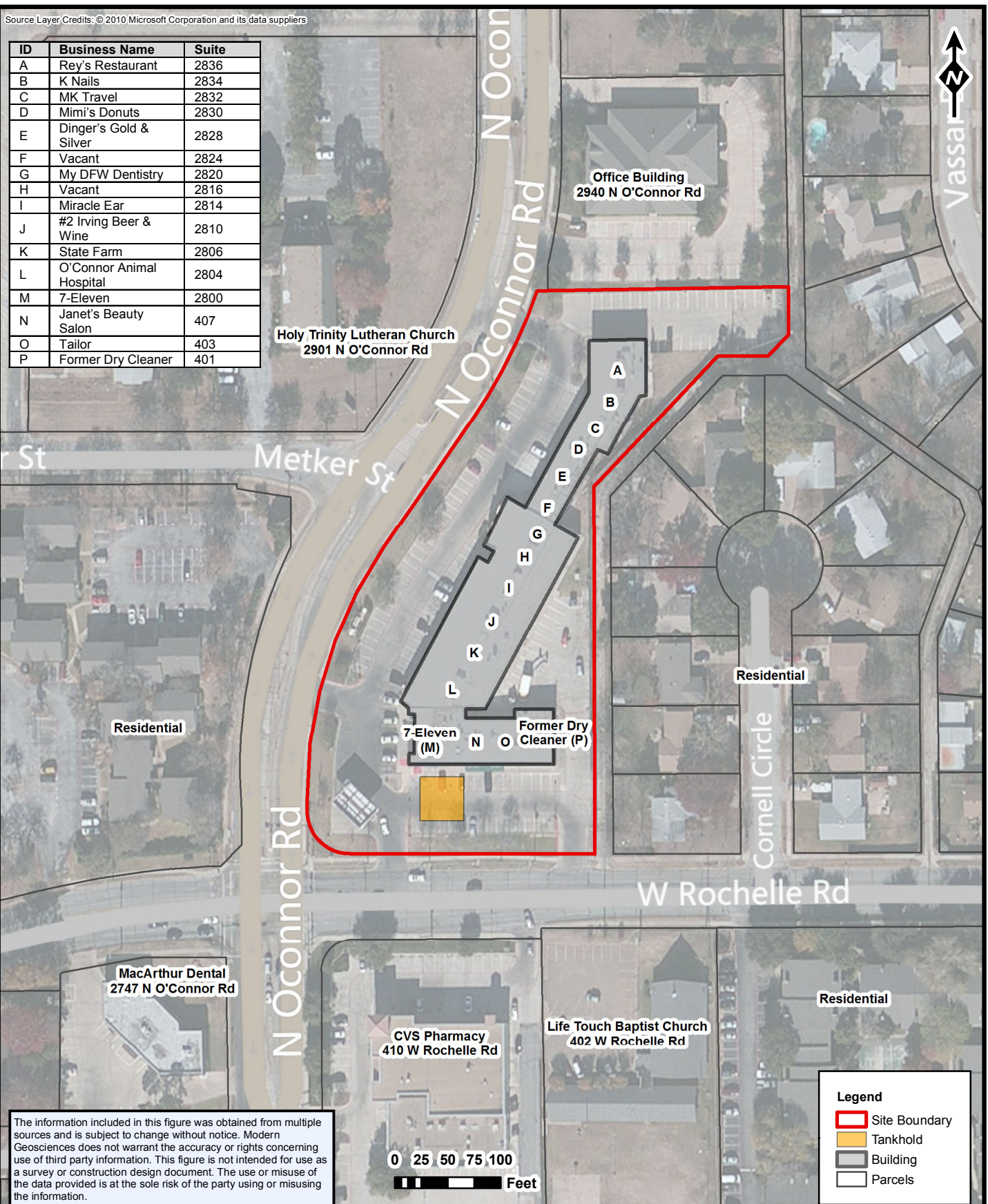
**TOPOGRAPHIC MAP**

Shops at North O'Connor  
401 W. Rochelle Blvd  
Irving, Texas

FIGURE

**1**

ID	Business Name	Suite
A	Rey's Restaurant	2836
B	K Nails	2834
C	MK Travel	2832
D	Mimi's Donuts	2830
E	Dinger's Gold & Silver	2828
F	Vacant	2824
G	My DFW Dentistry	2820
H	Vacant	2816
I	Miracle Ear	2814
J	#2 Irving Beer & Wine	2810
K	State Farm	2806
L	O'Connor Animal Hospital	2804
M	7-Eleven	2800
N	Janet's Beauty Salon	407
O	Tailor	403
P	Former Dry Cleaner	401



**MODERN GEOSCIENCES**

PROJECT NO. 14214  
 DRAWN: 12.12.14  
 DRAWN BY: CS  
 CHECKED BY: KT  
 FILE NAME:  
 ShopsOConnor\_SiteMap\_141212.mxd

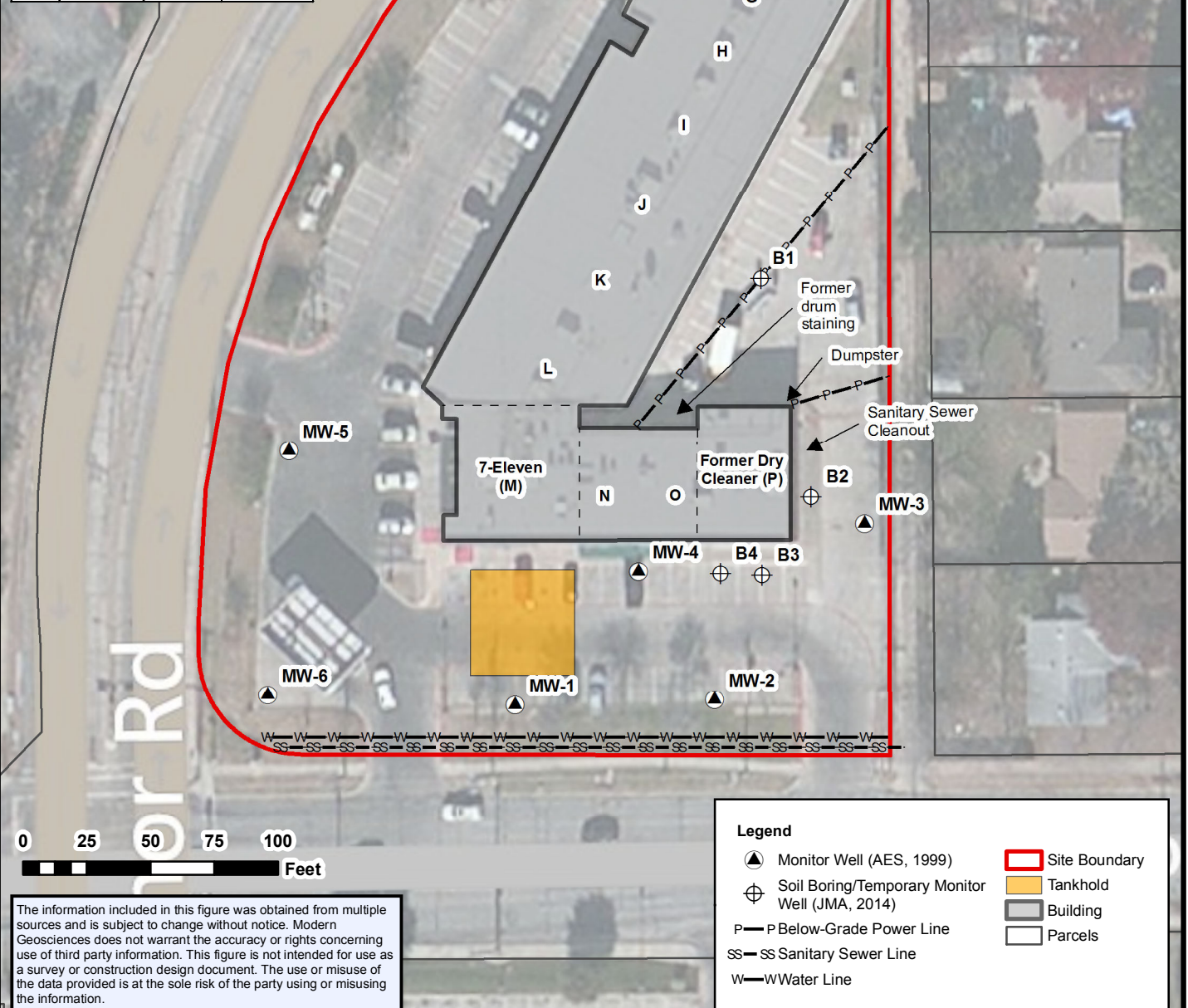
## SITE MAP

Shops at North O'Connor  
 401 W. Rochelle Blvd  
 Irving, Texas

FIGURE

**2**

ID	Business Name	Suite
A	Rey's Restaurant	2836
B	K Nails	2834
C	MK Travel	2832
D	Mimi's Donuts	2830
E	Dinger's Gold & Silver	2828
F	Vacant	2824
G	My DFW Dentistry	2820
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J	#2 Irving Beer & Wine	2810
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L	O'Connor Animal Hospital	2804
M	7-Eleven	2800
N	Janet's Beauty Salon	407
O	Tailor	403
P	Former Dry Cleaner	401



**MODERN GEOSCIENCES**

PROJECT NO. 14214  
 DRAWN: 12.12.14  
 DRAWN BY: CS  
 CHECKED BY: KT  
 FILE NAME:  
 ShopsOConnor\_SiteDetail\_141212.mxd

### SITE PLAN DETAIL

Shops at North O'Connor  
 401 W. Rochelle Blvd  
 Irving, Texas

FIGURE

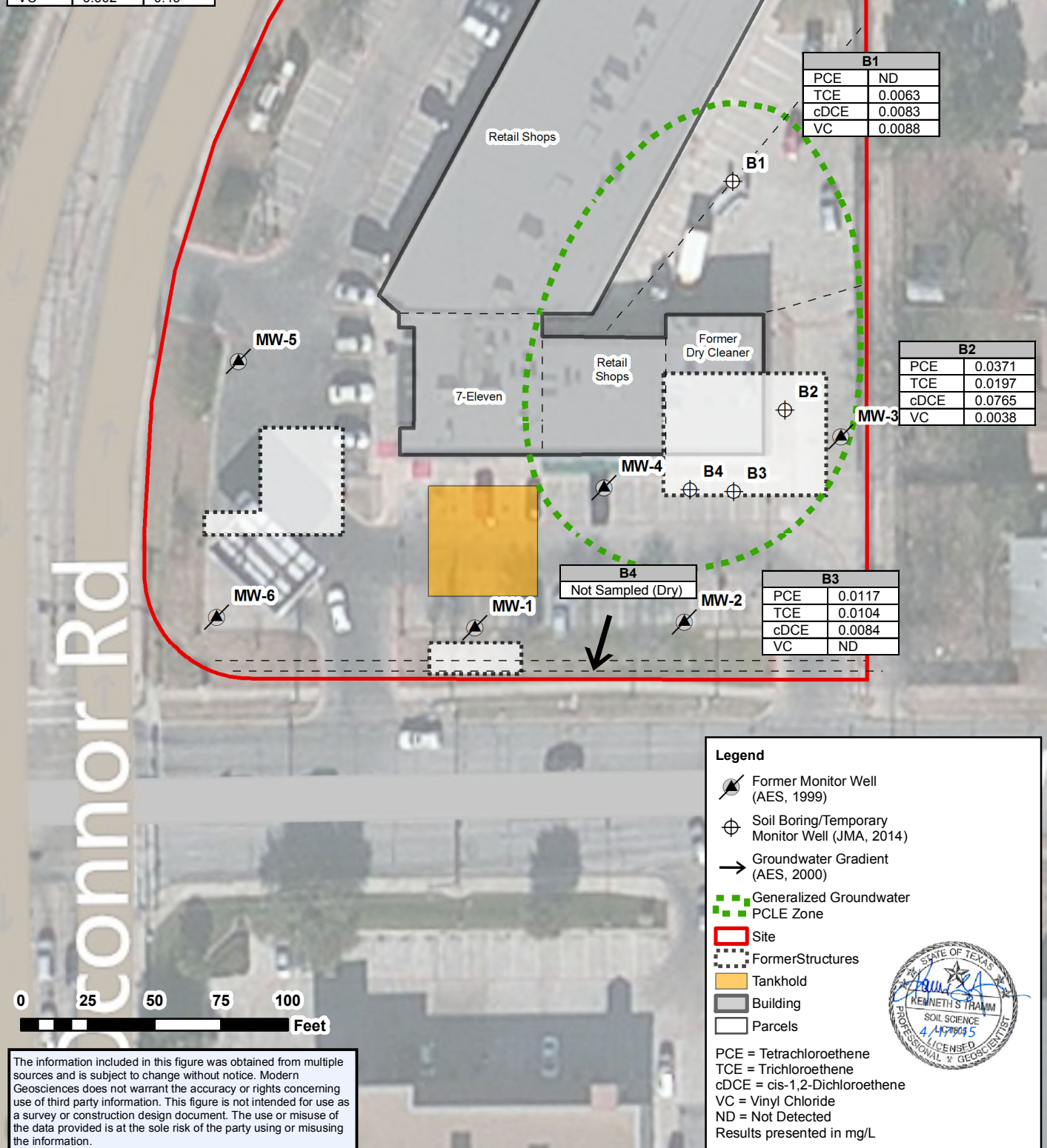
**3**



## **ATTACHMENT C**

### **Estimated Groundwater PCLE Zone**

COC	RAL	MSD RAL
PCE	0.005	64
TCE	0.005	3.1
cDCE	0.07	160
VC	0.002	0.49



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**MODERN GEOSCIENCES**

PROJECT NO. 14214  
DRAWN: 04.17.15  
DRAWN BY: CS/LM  
CHECKED BY: KT  
FILE NAME:  
ShopsOConnor\_PCLEZones\_150417.mxd

## PCLE ZONE MAP

Shops at North O'Connor  
401 W. Rochelle Blvd  
Irving, Texas

FIGURE

**4**



## **ATTACHMENT D**

### **Irving MSD Resolution**



201500094784

RESTRICT 1/6

STATE OF TEXAS       §  
                             §  
COUNTY OF DALLAS   §

### RESTRICTIVE COVENANTS PROHIBITING USE OF GROUNDWATER

These Restrictive Covenants are filed to provide certain environmental and use limitations pursuant to the Texas Solid Waste Disposal Act ("TSWDA") Chapter 361, Subchapter W, and affects the real property known as the Shops at North O'Connor, located at 2800, 2804, 2806, 2810, 2814, 2816, 2820, 2824, 2828, 2830, 2832, 2834, and 2836 N. O'Connor Boulevard and 401, 403, and 407 W. Rochelle Road in Irving, Dallas County, Texas, as more fully described in Exhibit A attached hereto and incorporated herein by reference (the "MSD Property").

Shallow groundwater (less than 50 feet below ground surface) underlying the MSD Property (the "Designated Groundwater") contains chemicals of concern at concentrations above applicable Tier 1 groundwater ingestion protective concentration levels established under the Texas Risk Reduction Program ("TRRP"), Title 30 Texas Administrative Code ("30 TAC") Chapter 350. The MSD Property is currently enrolled in the Texas Voluntary Cleanup Program ("VCP") administered by the Texas Commission on Environmental Quality ("TCEQ") for the purpose of addressing these environmental conditions, in accordance with the requirements of TRRP, and obtaining a VCP Certificate of Completion from the TCEQ.

Prohibiting the use of the Designated Groundwater for potable purposes is a precondition for certification by TCEQ of an MSD for the MSD Property pursuant to TSWDA Chapter 361, Subchapter W. These Restrictive Covenants satisfy that precondition.

These Restrictive Covenants are required as a precondition for certification by TCEQ of a Municipal Setting Designation covering the MSD Property pursuant to TSWDA Chapter 361, Subchapter W. As of the date of these Restrictive Covenants, the record owner of fee title to the MSD Property is North O'Connor, Ltd., a Texas limited partnership ("Owner").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner has agreed to place the following restrictions on its respective parcels in the MSD Property in favor of the City of Irving, the TCEQ, and the State of Texas:

1. The drilling/installation or suffering, allowing, or permitting of any kind of well within the MSD Property for the purpose of collecting the Designated Groundwater and the use of the Designated Groundwater for any potable purpose is prohibited, excepting only:
  - a. the installation of monitor wells or borings used for the collection of groundwater samples for chemical or biological laboratory analysis; and
  - b. the installation of wells or borings used for the purpose of remediation of soil or groundwater contamination.

2. Designated Groundwater shall not be:

- a. removed from the MSD Property (except for groundwater encountered in the course of development, redevelopment or other construction activity, sewer line installation or repair, installation of geotechnical borings or borings in connection with mineral extraction, testing or analysis, or other such activities);
- b. brought to the surface (except for groundwater encountered in the course of development, redevelopment or other construction activity, sewer line installation or repair, installation of geotechnical borings or borings in connection with mineral extraction, testing or analysis, or other such activities);
- c. used for irrigation, watering of landscapes, or potable purposes. The term "potable purposes" is defined as any use for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking;
- d. exposed to the air; or
- e. introduced into any building or structure.

The restrictions of this Section 2 shall not apply to the collection of groundwater samples for chemical or biological laboratory analysis, and shall not apply to any uses or response actions that are permitted in writing by both the TCEQ and the Director of the City of Irving Water Utilities Department or their successors, provided that the permitted uses or response actions are carried out in a manner that complies with any conditions specified by the TCEQ or the City of Irving Water Utilities Department.

- 3. Restrictions shall run with the land and be binding on and enforceable as to any and all subsequent owners of the MSD Property (and any subdivided tract thereof). These subsequent owners shall include, but not be limited to, the heirs, successors, and assigns of the Owners as well as the agents or trustees of such owners, heirs, successors, or assigns.
- 4. The restrictions shall be enforceable by the City of Irving and the State of Texas and any future owner of a subdivided tract of the MSD Property against any owner of another subdivided tract of the MSD Property that violates the terms of the restrictions. The City of Irving, the State of Texas, and every non-violating owner of a subdivided tract of the MSD Property may proceed at law and in equity to enforce compliance with these restrictions upon ten (10) days' written notice to the current owner of the property, as shown on the most recent tax roll, where the violation is occurring or has occurred said ten (10) days beginning upon mailing or upon actual delivery, and if such party prevails, such party shall be entitled to reasonable attorney's fees. In addition, in the event of failure to comply with the restrictions, and after the notice specified in this Section 4, the City of Irving, the State of Texas, and any non-violating owner of a subdivided tract of the MSD Property shall each

have the option to take any and all reasonable steps to plug any wells existing or drilled on the MSD Property, and take any other reasonable steps to prevent the use of, or human exposure to, the Designated Groundwater. Any expense incurred in remedying a violation of these covenants, as well as any expense of litigation or claim, and any obligation to pay attorneys' fees based on these restrictions shall be the liability of the then present owner or owners of the MSD Property that are in violation of these restrictions, and shall also be a charge against the MSD Property, or a subdivided tract of the MSD Property, as applicable, for which a lien may be filed or foreclosed upon the property where the violation is occurring or has occurred.

5. These Restrictive Covenants may be amended or rendered of no further force or effect only by a release executed by the City of Irving, after at least 60 days' prior written notice to the TCEQ of any pending termination, and filed in the same Real Property Records as those in which these Restrictive Covenants are filed. If these Restrictive Covenants are rendered of no further force or effect, the then current owners of the MSD Property must comply with any requirements of the TCEQ that, as a result of such action by the City of Irving, become applicable to the MSD Property.
6. Owners of the MSD Property agree that the purpose of these covenants and restrictions is to protect and ensure the health, safety, and welfare of any occupants of the MSD Property and the public at large, and that it is reasonable for these covenants and restrictions to continue in perpetuity, or at least until such time as Owners or any future owners demonstrate to the satisfaction of the TCEQ and the City of Irving that the chemicals of concern have degraded to concentration levels below the protective concentration levels established by the TCEQ that would be applicable to the MSD Property in the absence of these Restrictive Covenants.
7. The invalidation of any word, phrase, sentence, paragraph, covenant, or restriction by a court judgment or otherwise shall not affect the validity of the other covenants and restrictions contained herein.
8. All obligations and liabilities created by these Restrictive Covenants shall run with the ownership of the MSD Property and may be enforced only against the person or entity owning the MSD Property at the time a violation of the Restrictive Covenants is discovered by the City of Irving, the State of Texas, or any future owner of a subdivided tract of the MSD Property.
9. Nothing in these Restrictive Covenants shall be construed in any way as limiting the statutory authority of the TCEQ and/or the City of Irving.

Executed this 16<sup>th</sup> day of April, 2015.

By: 

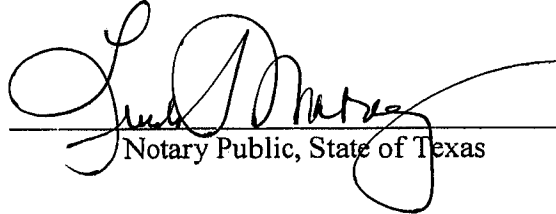
STATE OF TEXAS

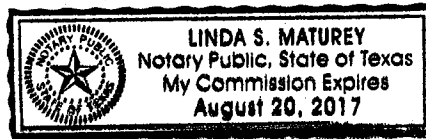
COUNTY OF Dallas

§  
§  
§

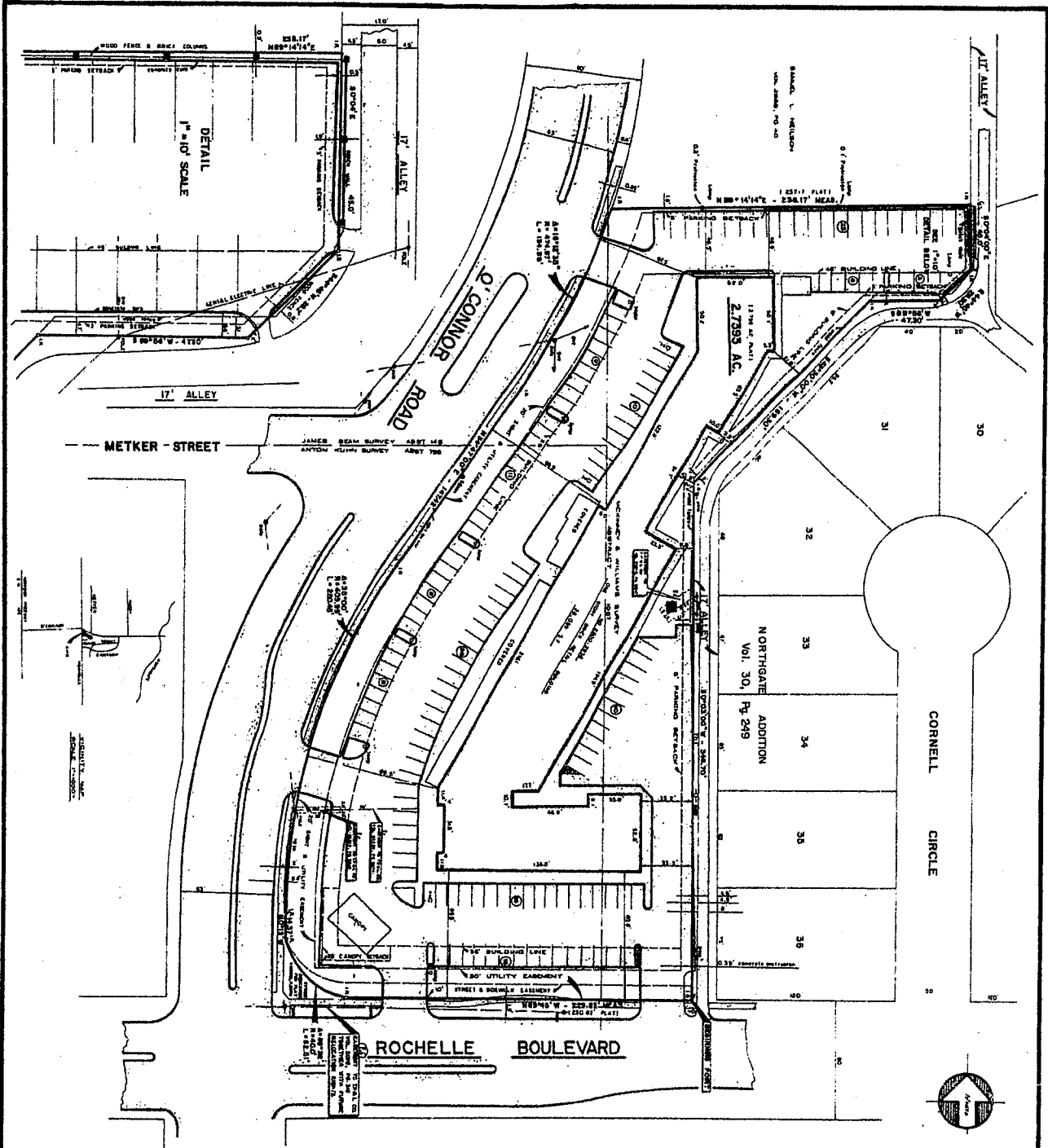
This instrument was acknowledged before me on the 16<sup>th</sup> day of April, 2015, by DAVID E. WHITEN, who executed this agreement in the capacity and for the purposes therein stated.

[NOTARY SEAL]

  
\_\_\_\_\_  
Notary Public, State of Texas



# Exhibit A



## SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I, David P. Smith, Surveyor, have made a careful and accurate survey of the ground of the premises described in the plat.

BEFORE ME, the undersigned authority, on this day personally appeared David P. Smith, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 15th day of April, 1992, at Dallas, Texas.

Notary Public in and for the State of Texas, My Commission Expires 15th day of April, 1995.

THESE ARE THE TRUE AND CORRECT PLATS OF THE SURVEY HEREIN DESCRIBED, AND THE SAME ARE TRUE AND CORRECT PLATS OF THE SURVEY HEREIN DESCRIBED, AND THE SAME ARE TRUE AND CORRECT PLATS OF THE SURVEY HEREIN DESCRIBED.

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IMPROVEMENT SURVEY  
O'CONNOR SQUARE  
2.751 ACRE TRACT  
CITY OF IRVING, DALLAS COUNTY, TEXAS  
BY DAVID P. SMITH  
REGISTERED PUBLIC SURVEYOR  
DALLAS TEXAS 75225  
PHONE: 361-7334-9101  
DATE: APRIL 9, 1992  
SCALE: 1" = 30'  
N.E. CORNER 248

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
04/16/2015 01:24:12 PM  
\$42.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

201500094784

CITY OF IRVING

COUNCIL RESOLUTION NO. RES-2015-99

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WHEREAS, Chapter 361, Subchapter W, of 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 a Municipal Setting Designation, the applicant is required to provide documentation that the application is supported by a resolution adopted by the city council of the municipality in which the property for which the designation is sought is located; and

WHEREAS, as a part of the application to TCEQ for a Municipal Setting Designation, the applicant is required to provide documentation that the property for which designation is sought is subject to appropriate restrictions on the use of and contact with designated groundwater from beneath the property, and such restrictions may be imposed by an ordinance or a restrictive covenant enforceable by the municipality and supported by a city council resolution; and

WHEREAS, North O'Connor, Ltd. (Applicant), has filed an application with the City of Irving for the City's adoption of a resolution supporting: (a) the Applicant's application to the TCEQ for certification of a Municipal Setting Designation for the property located at 2800, 2804, 2806, 2810, 2814, 2816, 2820, 2824, 2828, 2830, 2832, 2834, and 2836 North O'Connor Boulevard and 401, 403, and 407 West Rochelle Road in Irving, Texas, more fully described in the attached Exhibit A (Site); and (b) filing of a restrictive covenant enforceable by the City of Irving that prohibits the use of designated groundwater from beneath the Site as potable water and appropriately restricts other uses of and contact with that groundwater;

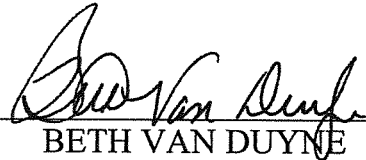
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby supports Applicant's application to the TCEQ for certification of a Municipal Setting Designation for the Site.

SECTION II. THAT the City Council hereby supports the filing of the Restrictive Covenant in the Deed Records of Dallas County, Texas.

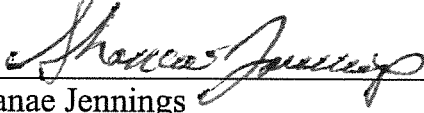
SECTION III. THAT this resolution shall take effect upon submission to the City Secretary of proof of filing of the Restrictive Covenant in the Deed Records of Dallas County, Texas, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,  
on April 2, 2015.



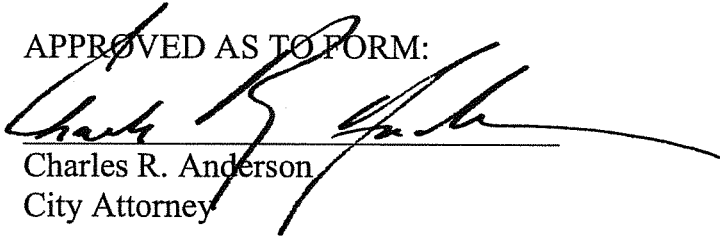
BETH VAN DUYNE  
MAYOR

ATTEST:



Shanae Jennings  
City Secretary

APPROVED AS TO FORM:



Charles R. Anderson  
City Attorney

