

ORDINANCE 2022-12-15-0996

**PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH A TRACT OF LAND CONTAINING 2.692 ACRES LOCATED IN AND AROUND 420 BROADWAY IN SAN ANTONIO, TEXAS AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; ESTABLISHING A PENALTY AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE**

\* \* \* \* \*

**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 certify municipal setting designations; and

**WHEREAS**, pursuant to Section 551.005(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**, 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 San Antonio;
- (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 concentrations of chemicals of concern in the groundwater beneath the designated property 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 SAN ANTONIO:**

**SECTION 1.** That for purposes of this municipal setting designation ordinance, the "designated property" means a tract of land containing 2.692 acres located in and around 420 Broadway and adjacent portions of the public right-of-way in San Antonio, Texas and within the corporate limits of the City of San Antonio that is described in **Exhibit A** attached hereto.

**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 100 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 San Antonio to any responsibility or liability for any injury to persons or damages to property caused by any chemical of concern.

**SECTION 7.** That after adoption of this municipal setting designation ordinance, the City Manager, or designee, or the Director, Public Works Department, or designee, 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, or designee, or the Director, Public Works Department, or designee, 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 a violation of Section 3 of this municipal setting designation ordinance is punishable by a fine not to exceed \$2,000.00, and that the Texas Commission on Environmental Quality shall be notified of any violations.

**SECTION 10.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or



ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

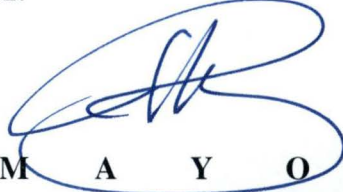
**SECTION 11.** The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the Charter of the City of San Antonio. The penalty, fine or forfeiture provisions in this ordinance shall apply five days after publication.

**SECTION 12.** There is no fiscal impact associated with the approval of this Ordinance.

**SECTION 13.** The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

**SECTION 14.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise it shall be effective on the tenth day after passage hereof.

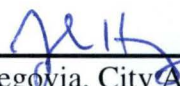
**PASSED and APPROVED** this 15<sup>th</sup> day of December, 2022.

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Debbie Racca-Sittre, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Andrew Segovia, City Attorney



## City of San Antonio

### City Council Meeting December 15, 2022

56.

2022-12-15-0996

Ordinance approving a Municipal Setting Designation prohibiting the use of designated groundwater beneath a tract of land containing 2.692-acres described in the application as the former SA Light Building located in and around 420 Broadway in San Antonio, Texas; and supporting certification of a Municipal Setting Designation by the Texas Commission on Environmental at the request of Gray Street Light, LP; establishing a penalty and publishing notice. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Rocha Garcia moved to Approve on the Consent Agenda. Councilmember Castillo seconded the motion. The motion carried by the following vote:

**Aye:** Nirenberg, Bravo, McKee-Rodriguez, Viagran, Rocha Garcia, Castillo, Cabello Havrda, Sandoval, Pelaez, Courage, Gallagher

**EXHIBIT A** to Municipal Setting Designation Ordinance

**DESCRIPTION OF "DESIGNATED PROPERTY"**

A tract of land containing 2.692 acres located in and around 420 Broadway and adjacent portions of the public right-of-way in San Antonio, Texas and within the corporate limits of the City of San Antonio, as more fully described by the attached plats and metes and bounds descriptions.





METES AND BOUNDS DESCRIPTION  
FOR A  
2.692 ACRE TRACT OF LAND  
"ZONING"

BEING a 2.692 acre, or 117,261 square feet, tract of land situated in the City of San Antonio, Bexar County, Texas, being comprised of the following tracts of land: Lot 14, Block 16, New City Block (N.C.B) 432, San Antonio Light Subdivision, a subdivision situated in the City of San Antonio, Bexar County, Texas, according to the plat thereof recorded in Volume 9708, Page 121, of the Deed and Plat Records of Bexar County, Texas, and a portion of the Right-of-Way (R.O.W.) of Broadway Street (a 78' wide R.O.W.), as depicted on said San Antonio Light Subdivision plat, and said 2.692 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron pin found at the intersection of the Southwesterly R.O.W. line of McCullough Avenue (an 80' wide R.O.W.) and the Northwesterly R.O.W. line of North Alamo Street (a 72' wide R.O.W.), and being the most Easterly corner of said Lot 14 and the Easterly corner of this herein described tract of land;

THENCE with the Northwesterly R.O.W. line of said North Alamo Street, and with the Southeasterly line of said Lot 14, S 44° 57' 40" W, a distance of 288.07 feet to a point at the Easterly end of a cutback line between the Northwesterly R.O.W. line of said North Alamo Street and the Northeasterly R.O.W. line of 4<sup>th</sup> Street (an 80' wide R.O.W.), being at the beginning of a curve to the right, and being a Southerly corner of said Lot 14 and this herein described tract of land;

THENCE with the cutback line between the Northwesterly R.O.W. line of said North Alamo Street and the Northeasterly R.O.W. line of said 4<sup>th</sup> Street, with the Southerly line of said Lot 14, and with said curve to the right, having an arc length of 23.50 feet, a radius of 15.00 feet, a delta angle of 89° 45' 00", a tangent length of 14.93 feet, and a chord bearing and distance of S 89° 50' 10" W, 21.17 feet to a point at the Westerly end of said cutback line, and being the most Southerly corner of said Lot 14 and this herein described tract of land;

THENCE with the Northeasterly R.O.W. line of said 4<sup>th</sup> Street, and with the Southwesterly line of said Lot 14, N 45° 17' 20" W, at a distance of 279.16 feet passing the Southerly end of a cutback line between the Northeasterly R.O.W. line of said 4<sup>th</sup> Street and the Southeasterly R.O.W. line of said Broadway Street, and a corner of lot 14, and continuing across and through the R.O.W. of said Broadway Street, for a total distance of 372.23 feet to a point at the intersection of the Northeasterly R.O.W. line of said 4<sup>th</sup> Street and the Northwesterly R.O.W. line of said Broadway Street, being the most Southerly corner of a called 0.9433 of an acre tract of land, as conveyed to Broadway 405, LLC, and recorded in Document No. 20200065386, of the Official Public Records of Bexar County, Texas, and being the most Westerly corner of this herein described tract of land;

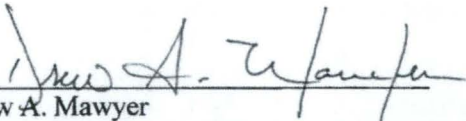
THENCE with the Northwesterly R.O.W. line of said Broadway Street, and with the Southeasterly line of said 0.9433 of an acre tract of land, N 44° 57' 40" E, at a distance of 126.83 feet passing the Easterly corner of said 0.9433 of an acre tract of land, same being the Southerly corner of called Lots 1 through 3, the North one-half of Lot 4, and all of Lot 22, Block 17, N.C.B. 431, City of San Antonio, Bexar County, Texas, as conveyed to First Baptist Church of San Antonio ("First Baptist"), and recorded in Volume 3256, Page 1426, of the Official Public Records of Bexar County, Texas, and continuing with the Southeasterly line of said First Baptist tract of land, for a total distance of 303.00 feet to a point for the Easterly corner of said First Baptist tract of land, being at the intersection of the Southwesterly R.O.W. line of said McCullough Avenue and the Northwesterly R.O.W. line of said Broadway Street, and being the most Northerly corner of this herein described tract of land;

THENCE departing said intersection, and across and through the R.O.W. of Broadway Street, S 45° 17' 20" E, passing at a distance of 78.03 feet to a point at the intersection of the Southwesterly R.O.W. line of said McCullough Avenue and the Southeasterly R.O.W. line of said Broadway Street, being the most Northerly corner of said Lot 14, and continuing with the Southwesterly R.O.W. line of said McCullough Avenue, and with the Northeasterly line of said Lot 14, for a total distance of 387.16 feet to the POINT OF BEGINNING, and containing 2.692 acres of land.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

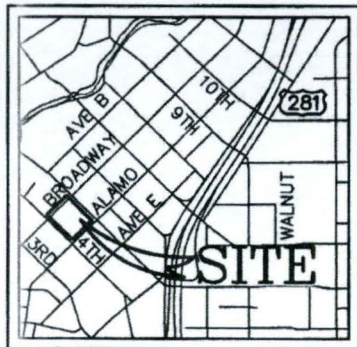
Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 1<sup>st</sup> day of September, 2022.

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
BRD485- SA LIGHT ZONING-FINAL





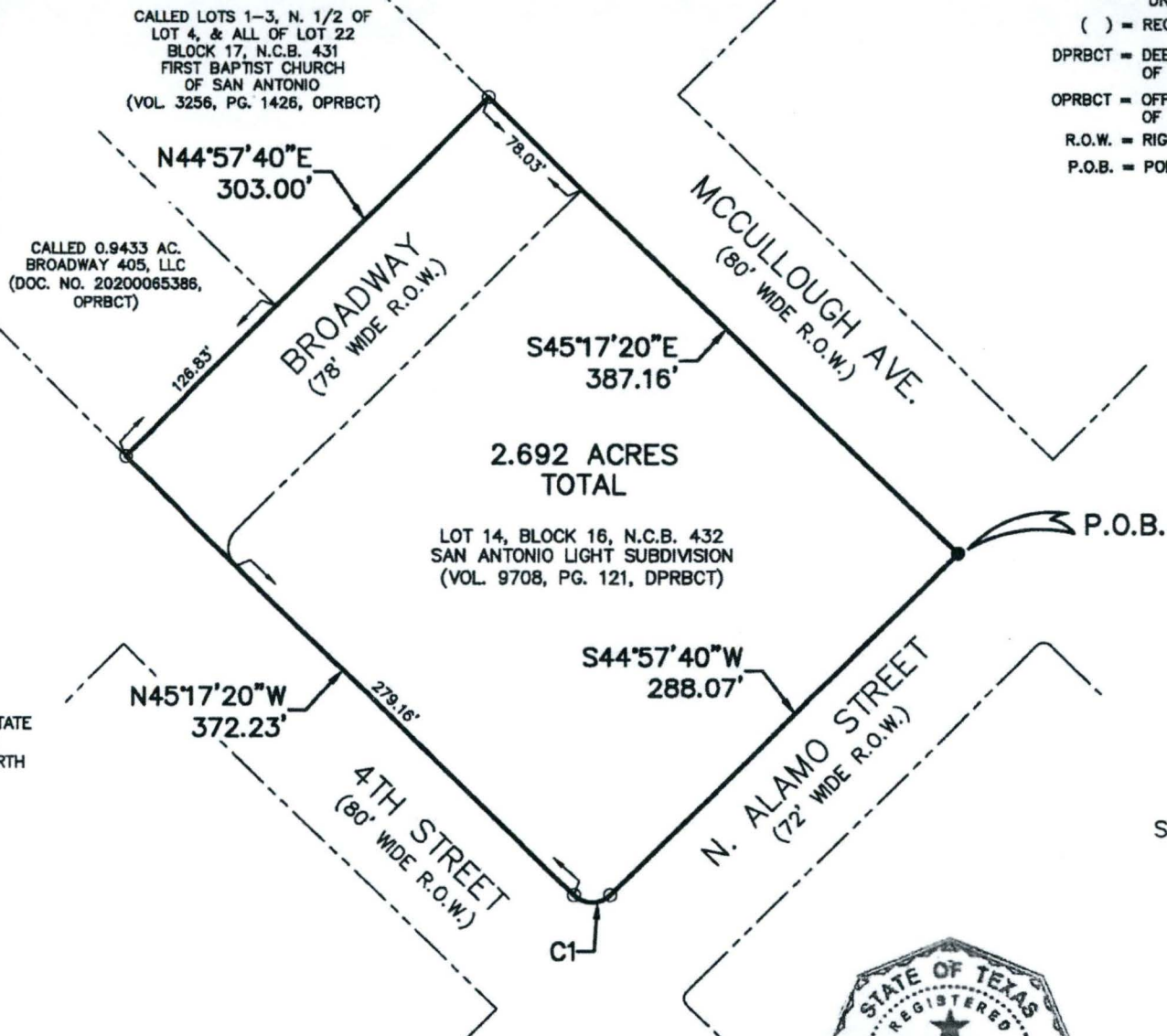


LOCATION MAP  
N.T.S.

# ZONING EXHIBIT

## LEGEND:

- = (IPF) FOUND 1/2" IRON PIN UNLESS OTHERWISE NOTED
- ( ) = RECORD INFORMATION
- DPRBCT = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- OPRBCT = OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
- R.O.W. = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING



## NOTES:

- BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983.
- THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.



5151 W. SH 46  
NEW BRAUNFELS, TX 78132  
PH: 830.730.4449  
DREW@DAM-TX.COM  
FRM #10191500

DATE: AUGUST 2022 JOB: BRD485

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	23.50'	15.00'	89°45'00"	14.93'	21.17'	S89°50'10"W



ADDRESS:  
420 BROADWAY  
SAN ANTONIO, TX 78205