



April 30, 2026

Attn: Ms. Mindi Parks, TRMC, City Secretary
City of Everman
100 N. Race Street
Everman, Texas 76140

Re: Request for Resolution of Support of Municipal Setting Designation
BAIR Holdings, LLC
5921 and 5933 South Freeway
Fort Worth, Tarrant County, Texas 76134

Dear Ms. Parks:

Whitehead E. S., LLC (Whitehead E. S.) is pleased to present this letter to the City of Everman requesting a Resolution of Support of a Municipal Setting Designation (MSD) for the property located at 5921 and 5933 South Freeway in Fort Worth, Tarrant County, Texas (Site). Currently, the Site is mostly undeveloped land zoned for industrial use with a gas well pad in the southeastern corner. The anticipated future use of the Site is to remain industrial. Whitehead E. S. is sending this letter on behalf of the MSD Applicant, BAIR Holdings, LLC.

The shallow groundwater under the Site has been affected by arsenic, lead, and manganese. These compounds exceed drinking water standards. The on-Site source of the metals in the groundwater is historical waste deposition of iron slag, foundry sand, and baghouse dust. Please note that this MSD will only be in effect for shallow groundwater underlying 5921 and 5933 South Freeway and does not affect the use of groundwater from wells owned by the City of Everman.

A property is eligible for an MSD if: (1) it is within the corporate limits or extraterritorial jurisdiction of a municipality authorized by statute; and (2) 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 Site and all property within a half-mile of the Site for which the MSD is sought. The Site meets these criteria. The MSD Applicant received Ordinance No. 28315-02-2026 and Resolution No. 6258-02-2026 (copies enclosed) from the City of Fort Worth in support of the MSD on February 27, 2026, prohibiting the use of groundwater beneath the Site.

A Resolution of Support is being requested from the City of Everman because an MSD Public Water Supply Report obtained from Banks Environmental Data (Banks) identified seven public water supply wells within five miles of the Site owned by the City of Everman.

Details for the identified wells are included in the following table:

Whitehead E. S., LLC

State Well ID	Well Type	Well Status	Depth (feet)	Address	Approximate Distance to Site (miles)
G2200010A	Public Supply	Active	582	411 W. Trammell Avenue	2.49
G2200010B	Public Supply	Active	1,296	411 W. Trammell Avenue	2.49
G2200010C	Public Supply	Active	586	751 Townley Drive	3.02
G2200010G	Public Supply	Active	1,325	751 Townley Drive	3.02
G2200010D	Public Supply	Active	589	300 Southway Drive	3.26
G2200010E	Public Supply	Active	604	638 Shelby Road	3.43
G2200010F	Public Supply	Active	1,308	638 Shelby Road	3.43

Whitehead E. S. appreciates your assistance in this matter. If you have any questions or would like additional information or resources, please contact Danielle Gygi at 469-609-8080, extension 103, or Michael Whitehead at 469-609-8080, extension 100.

Sincerely,

WHITEHEAD E. S., LLC



Danielle Gygi, GIT
Project Manager

cc: Mr. Ryan Mostad, Water Superintendent, City of Everman

ORDINANCE NO. 28315-02-2026

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, BY THE AMENDMENT OF CHAPTER 12.5, "ENVIRONMENTAL PROTECTION AND COMPLIANCE," ARTICLE IV "GROUNDWATER AND SURFACE WATER QUALITY," BY AMENDING APPENDIX "A" "MUNICIPAL SETTING DESIGNATION SITES IN FORT WORTH," BY THE ADDITION OF SECTION 24 DESIGNATING CFW-MSD-0035A, PROVIDING FOR THE PROHIBITION OF THE USE OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES IN CFW-MSD-0035A; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO \$2,000.00 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BAIR Holdings, LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation (MSD) for the site located at 5921 and 5933 South Freeway, Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site); and

WHEREAS, notice to all interested parties has been provided in accordance with all applicable law, a public meeting was held on January 8, 2026 in accordance with applicable law, and a public hearing before the City Council was scheduled for the January 27, 2026, but was continued until February 10, 2026; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file a separate application with the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for certification of an MSD for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater and soil contamination investigation and response actions at the Site; and

WHEREAS, the City Council of the City of Fort Worth is of the opinion that it is in the best interest of the public to support Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Site; and

WHEREAS, in order for the TCEQ to certify the Site the city must prohibit the potable use of groundwater from beneath the Site; and

WHEREAS, a public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site, and property within one-half mile of the Site; and

WHEREAS, where public drinking water is available, 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 human health.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, AS FOLLOWS:

SECTION 1.

Chapter 12.5 "Environmental Protection and Compliance," Article IV, "Groundwater and Surface Water Quality," Appendix A, "Municipal Setting Designation Sites in Fort Worth," of the Code of the City of Fort Worth (2015) as amended, is hereby amended by the addition of Section 24 to read as follows:

APPENDIX A – MUNICIPAL SETTING DESIGNATION SITES IN FORT WORTH

24. CFW-MSD-0035A

- (a) CFW-MSD-0035A is defined and designated as follows: Being a tract of land situated in the City of Fort Worth, Tarrant County, Texas and being more particularly described by metes and bounds description (Exhibit A) and map of CFW-MSD-0035A (Exhibit B).
- (b) The designated groundwater beneath CFW-MSD-0035A is shallow, perched, discontinuous groundwater that occurs at depths from ground surface to approximately fourteen (14) feet below the ground surface. The affected shallow groundwater is underlain by the Washita Group consisting of the Grayson Marl and Main Street Limestone on the eastern portion of the site, and the Pawpaw Formation, Weno Limestone, and Denton Clay on the western portion the site. The Grayson Marl and Main Street Limestone consists of interbedded limestone and marl with a thickness of 10-60 feet. The Pawpaw Formation, Weno Limestone, and Denton Clay consist of interbedded calcareous marl and layers of alternating clay, marl, and limestone with a thickness of 6-45 feet. The Washita Group serves as a regional aquitard preventing vertical migrations of the chemical of concern to underlying potable aquifers. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater are arsenic, lead, and manganese. The chemicals of concern are attributed to historical waste deposition of iron slag, foundry sand, and baghouse dust activities on the site.
- (c) The use of the designated groundwater in CFW-MSD-0035A for potable and irrigation purposes is hereby prohibited. This prohibition is necessary because the contaminant concentrations exceed potable water standards.
- (d) City may perform additional groundwater testing for up to two years after the City issues a Grading Certificate for the Site.
- (e) The City shall require testing to be proven and reported back to Fort Worth City Council and to the community before any progress can happen on the development Site.
- (f) The City will provide advance written notice to the Texas Commission on Environmental Quality, as much as is practicable, prior to enacting an ordinance repealing or amending this section.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict

with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended in Section 1, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption summarizing the purpose of this ordinance and the penalty for violating this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

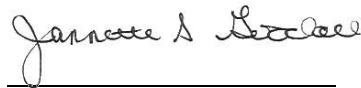
This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:



Kevin Anders
Senior Assistant City Attorney

CITY SECRETARY



Jannette S. Goodall
City Secretary

ADOPTED: February 10, 2026

EFFECTIVE: February 27, 2026

EXHIBIT A

SITE

5921 AND 5933 SOUTH FREEWAY
FORT WORTH, TEXAS

LEGAL DESCRIPTION;

Being a tract of land in the Leigh Oldham Survey, Abstract No. 1198, in the City of Fort Worth, Tarrant County, Texas, being a part of that called 57—833/1000 acre tract of land described in Special Warranty Deed to Arltel, Inc. as recorded in Volume 11852, Page 325 in the Official Records of Tarrant County, Texas (O.R.T.C.T.) (hereinafter referred to as "Arltel track"), and being more particularly described as follows:

BEGINNING at a 1-inch found iron rod for the common northeast corner of said Arltel tract and the southeast corner of that called 21—383/1000 acre tract of land described in Warranty Deed to D&KW Family, L.P. as recorded in Volume 12237, Page 1665 O.R.T.C.T., being on the common east line of the Leigh Oldham Survey, Abstract No. 1198 and the west line of the Mitchel Garrison Survey, Abstract No. 598, and being on the west line of Highland Hills Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-22, Page 87 in the Flat Records of Tarrant County, Texas (P.R.T.C.T.);

THENCE South 00 degrees 24 minutes 09 seconds East, a distance of 1,266.94 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the common southeast corner of said Arltel tract, the southeast corner of the Leigh Oldham Survey, Abstract No. 1198, and being on the north line of Lot B in Block 1 of the Alcon Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388—136, Page 33 P.R.T.C.T., and being on the north line of the Sarah J. Rhodes Survey, Abstract No. 1326;

THENCE South 89 degrees 49 minutes 50 seconds West, along the common north line of said Lot B and the south line of said Arltel tract, a distance of 2,078.06 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for the northeast corner of that called 0.402 acre tract of land described as Parcel 30 in Deed to the State of Texas as recorded in Volume 6997, Page 1788 in the Deed Records of Tarrant County, Texas and being on the east right-of—way line of Interstate Highway 35-W (variable Width right—of—way);

THENCE North 04 degrees 41 minutes 14 seconds East, departing said common line and along said east right-of—way line, a distance of 59.16 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for corner;

THENCE North 07 degrees 49 minutes 09 seconds East, continuing along said east right-of-way line, a distance of 200.79 feet to a point for corner from which the remains of a concrete monument bears North 59 degrees 03 minutes 39 seconds West, a distance of 0.50 feet;

THENCE North 03 degrees 38 minutes 09 seconds East, continuing along said east right—of—way line, a distance of 163.76 feet to an X—cut set for corner;

THENCE North 05 degrees 46 minutes 30 seconds East, continuing along said east right-of-way line, a distance of 318.55 feet to a 1/2-inch set iron rod with cap for the point of curvature of a circular curve to the right, not being tangent to the preceding course, having a radius of 1,100.92 feet, whose chord bears North 03 degrees 36 minutes 17 seconds East, a distance of 20.13 feet;

THENCE Northeasterly, continuing along said east right-of—way line and along said circular curve to the right through a central angle of 01 degree 02 minutes 52 seconds, an arc length of 20.13 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for the most southerly corner of that called 0.337 acre tract of land described as Parcel 1 in Deed to the State of Texas as recorded in Document No. D206136252 O.R.T.C.T., and being on a circular curve to the right, not being compound to the preceding course, having a radius of 1,105.92 feet, whose chord bears North 24 degrees 22 minutes 08 seconds East, a distance of 549.69 feet;

THENCE Northeasterly, continuing along said east right-of—way line and along said circular curve to the right, through a central angle of 28 degrees 46 minutes 48 seconds, an arc length of 555. 51 feet to a 1/2—inch found iron rod with cap stamped "COLE 10193871" for the common northeast corner of said called 0.337 acre tract of land and the southeast corner of that called 0.928 acre tract of land described as Parcel 2 in Agreed Judgment to the State of Texas as recorded in Document No. 0209203273 O.R.T.C.T.;

THENCE North 89 degrees 32 minutes 47 seconds East, departing said east right-of-way line and along the common north line of said Arltel tract and the south line of said called 21-383/1000 acre tract of land, a distance of 1,766.54 feet to the POINT OF BEGINNING AND CONTAINING 2,504,838 square feet or 57.50 acres of land, more or less.

EXHIBIT B

MAP

5921 and 5933 South Freeway Municipal Setting Designation
MSD 035 South Freeway



Document Path: X:\ENVIRONMENTAL\Administration\GIS\LandQuality\MunicipalSettingDesignation\MSD 035 SOUTH FREEWAY.mxd

Mayor and Council Communication

DATE: 01/27/26

M&C FILE NUMBER: M&C 26-0078

LOG NAME: 2226MSD-035A SOUTH FREEWAY

SUBJECT

(CD 8) Conduct Public Hearing and Adopt Resolution Supporting the Application of BAIR Holdings, LLC for a Municipal Setting Designation for the Site Located at 5921 and 5933 South Freeway, Fort Worth, Texas, 76134 to the Texas Commission on Environmental Quality, and Adopt Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site Pursuant to Chapter 12.5, Article IV, Division 2 Municipal Setting Designation, if Approved (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Staff Available for Questions: Daniel Miracle; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that City Council:

1. Conduct a public hearing to allow the public the opportunity to give testimony on the application of BAIR Holdings, LLC for approval of a Municipal Setting Designation for the site located at 5921 and 5933 South Freeway, an approximately 57.5-acre tract of land located in the Leigh Oldham Survey, Fort Worth, Tarrant County, Texas;
2. Adopt the attached resolution supporting BAIR Holdings, LLC application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the 5921 and 5933 South Freeway Site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site, if approved.

DISCUSSION:

On December 8, 2025, BAIR Holdings, LLC filed a City of Fort Worth Municipal Setting Designation (MSD) application requesting support to apply for a Texas Commission on Environmental Quality (TCEQ) MSD for the Site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. This application to the City satisfies the resubmission criteria of City Code Section 12.5-420, as it has been 12 months since an initial application was submitted for this property.

The application was reviewed by the FWLab, Transportation and Public Works, Development Services, Water, and Environmental Services Departments. On December 14, 2025, the City published notice in the *Fort Worth Star-Telegram* for a public meeting to be held on Thursday, January 8, 2026, at the Highland Hills Community Center, located at 1600 Glasgow Rd. (Public Meeting). The City mailed notices of the Public Meeting beginning on December 16, 2025. On December 21, 2025, staff published its second notice of the Public Meeting in the *Fort Worth Star-Telegram*. By ordinance, notice was issued, and staff conducted a public meeting held at the Highland Hills Community Center, 1600 Glasgow Rd., on Thursday, January 8, 2026.

The groundwater that is sought to be restricted is shallow, perched, discontinuous groundwater that occurs at depths from the ground surface to approximately fourteen (14) feet below the ground surface. The affected shallow groundwater is underlain by the Washita Group consisting of the Grayson Marl and Main Street Limestone on the eastern portion of the site, and the Pawpaw Formation, Weno Limestone, and Denton Clay on the western portion of the site. The Grayson Marl and Main Street Limestone consist of interbedded limestone and marl with a thickness of 10-60 feet. The Pawpaw Formation, Weno Limestone, and Denton Clay consist of interbedded calcareous marl and layers of alternating clay, marl, and limestone with a thickness of 6-45 feet. The Washita Group serves as a regional aquitard preventing vertical migrations of chemicals of concern to underlying potable aquifers. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater are arsenic, lead, and manganese. The chemicals of concern are attributed to historical waste deposition of iron slag, foundry sand, and baghouse dust activities on the site.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties located in the project area and within a half mile of the proposed MSD boundary. All undeveloped properties within a half mile of the site are eligible to receive water service from the Fort Worth Water Department.

In 2003, Texas state law created the concept of an MSD. TCEQ may limit the scope of investigations and response actions for groundwater contamination at a site, so long as the groundwater is prohibited for use as a potable water source. Potable water means water used for drinking, showering, bathing, cooking, or irrigating crops intended for human consumption. A person, typically a developer, must apply to TCEQ in order to designate an impacted property. If granted, the developer will not be required to clean up designated groundwater at the site to drinking water standards. However, other cleanup standards, such as inhalation and contact, must still be met. The TCEQ requires that the municipality where the site is located provide a resolution that supports any application and pass an ordinance prohibiting potable use of groundwater at the subject property.

In January 2005, the City Council adopted an ordinance creating a procedure for persons applying to the TCEQ for a MSD which includes filing an application with the City. If approved, this MSD designation is the 35th within the Fort Worth city limit. Approval of the TCEQ MSD application by the TCEQ will support the use of the subject property consistent with the current zoning.

On June 3, 2024, BAIR Holdings, LLC filed an original application with the City seeking support for a MSD for the site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. On November 12, 2024, the City Council considered Mayor and Council Communication (M&C) 24-0971. The City Council denied the application at that time, citing no site plan. A site plan has been developed as a part of the December 8, 2025 resubmittal.

The location is in COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

Submitted for City Manager's Office by: Valerie Washington 6199

Originating Business Unit Head: Cody Whittenburg 5455

Additional Information Contact: Wyndie Turpen 6982
Juli Ragland 7251

A Resolution
IN SUPPORT OF THE APPLICATION OF
SOUTH FREEWAY PROPERTY
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
FOR A MUNICIPAL SETTING DESIGNATION (MSD 0035A) LOCATED AT:
5921 and 5933 SOUTH FREEWAY,
FORT WORTH, TEXAS

NO. 6258-02-2026

WHEREAS, the BAIR Holdings, LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation for the site located at 5921 and 5933 South Freeway (South Freeway Property), Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit “A” (Site) to the Texas Commission on Environmental Quality; and

WHEREAS, a public meeting on the application for support was held in Fort Worth on January 8, 2026, and a public hearing was held in Fort Worth on January 27, 2026, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

WHEREAS, Applicant has filed documentation with the city stating that a contaminant identified within the designated groundwater, associated with historical uses of the Site, that has been detected in concentrations exceeding residential assessment levels for potable use is arsenic; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, shall, upon adoption of this ordinance, prohibit the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of this supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

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

WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.

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

That the City of Fort Worth City Council supports Applicant's request to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site described in Exhibit A.

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.

Adopted this 10th day of February 2026.

ATTEST:

Jannette S. Goodall

By: _____

Jannette S. Goodall, City Secretary



EXHIBIT A

SITE

5921 AND 5933 SOUTH FREEWAY

FORT WORTH, TEXAS

LEGAL DESCRIPTION;

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BEGINNING at a 1-inch found iron rod for the common northeast corner of said Arltel tract and the southeast corner of that called 21—383/1000 acre tract of land described in Warranty Deed to D&KW Family, L.P. as recorded in Volume 12237, Page 1665 O.R.T.C.T., being on the common east line of the Leigh Oldham Survey, Abstract No. 1198 and the west line of the Mitchel Garrison Survey, Abstract No. 598, and being on the west line of Highland Hills Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388-22, Page 87 in the Flat Records of Tarrant County, Texas (P.R.T.C.T.);

THENCE South 00 degrees 24 minutes 09 seconds East, a distance of 1,266.94 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the common southeast corner of said Arltel tract, the southeast corner of the Leigh Oldham Survey, Abstract No. 1198, and being on the north line of Lot B in Block 1 of the Alcon Addition, an addition to the City of Fort Worth, Tarrant County, Texas as recorded in Volume 388—136, Page 33 P.R.T.C.T., and being on the north line of the Sarah J. Rhodes Survey, Abstract No. 1326;

THENCE South 89 degrees 49 minutes 50 seconds West, along the common north line of said Lot B and the south line of said Arltel tract, a distance of 2,078.06 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for the northeast corner of that called 0.402 acre tract of land described as Parcel 30 in Deed to the State of Texas as recorded in Volume 6997, Page 1788 in the Deed Records of Tarrant County, Texas and being on the east right-of—way line of Interstate Highway 35-W (variable Width right—of—way);

THENCE North 04 degrees 41 minutes 14 seconds East, departing said common line and along said east right-of—way line, a distance of 59.16 feet to a brass "TEXAS DEPARTMENT OF TRANSPORTATION" monument in concrete found for corner;

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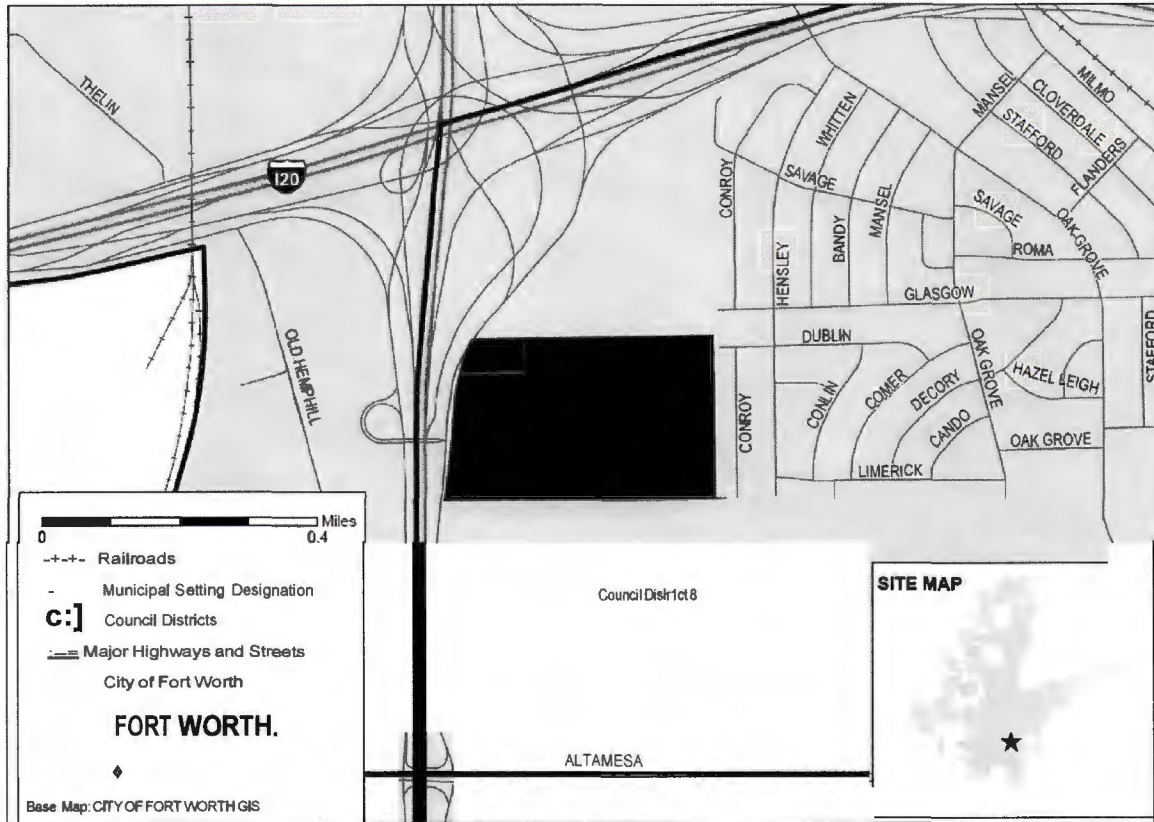
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THENCE Northeasterly, continuing along said east right-of-way line and along said circular curve to the right, through a central angle of 28 degrees 46 minutes 48 seconds, an arc length of 555.51 feet to a 1/2—inch found iron rod with cap stamped "COLE 10193871" for the common northeast corner of said called 0.337 acre tract of land and the southeast corner of that called 0.928 acre tract of land described as Parcel 2 in Agreed Judgment to the State of Texas as recorded in Document No. 0209203273 O.R.T.C.T.;

THENCE North 89 degrees 32 minutes 47 seconds East, departing said east right-of-way line and along the common north line of said Arltel tract and the south line of said called 21-383/1000 acre tract of land, a distance of 1,766.54 feet to the POINT OF BEGINNING AND CONTAINING 2,504,838 square feet or 57.50 acres of land, more or less.

EXHIBIT B MAP

5921 and 5933 South Freeway Municipal Setting Designation MSD 035 South Freeway



Document Path: X:\ENVIRONMENTAL\Administration\GIS\Land Quality\MunicipalSettingDesignation\MSD 035 SOUTH FREEWAY.mxd

Mayor and Council Communication

DATE: 01/27/26

M&C FILE NUMBER: M&C 26-0078

LOG NAME: 2226MSD-035A SOUTH FREEWAY

SUBJECT

(CD 8) Conduct Public Hearing and Adopt Resolution Supporting the Application of BAIR Holdings, LLC for a Municipal Setting Designation for the Site Located at 5921 and 5933 South Freeway, Fort Worth, Texas, 76134 to the Texas Commission on Environmental Quality, and Adopt Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site Pursuant to Chapter 12.5, Article IV, Division 2 Municipal Setting Designation, if Approved (Continued from a Previous Meeting)

(PUBLIC HEARING - a. Staff Available for Questions: Daniel Miracle; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that City Council:

1. Conduct a public hearing to allow the public the opportunity to give testimony on the application of BAIR Holdings, LLC for approval of a Municipal Setting Designation for the site located at 5921 and 5933 South Freeway, an approximately 57.5-acre tract of land located in the Leigh Oldham Survey, Fort Worth, Tarrant County, Texas;
2. Adopt the attached resolution supporting BAIR Holdings, LLC application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the 5921 and 5933 South Freeway Site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site, if approved.

DISCUSSION:

On December 8, 2025, BAIR Holdings, LLC filed a City of Fort Worth Municipal Setting Designation (MSD) application requesting support to apply for a Texas Commission on Environmental Quality (TCEQ) MSD for the Site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. This application to the City satisfies the resubmission criteria of City Code Section 12.5-420, as it has been 12 months since an initial application was submitted for this property.

The application was reviewed by the FWLab, Transportation and Public Works, Development Services, Water, and Environmental Services Departments. On December 14, 2025, the City published notice in the *Fort Worth Star-Telegram* for a public meeting to be held on Thursday, January 8, 2026, at the Highland Hills Community Center, located at 1600 Glasgow Rd. (Public Meeting). The City mailed notices of the Public Meeting beginning on December 16, 2025. On December 21, 2025, staff published its second notice of the Public Meeting in the *Fort Worth Star-Telegram*. By ordinance, notice was issued, and staff conducted a public meeting held at the Highland Hills Community Center, 1600 Glasgow Rd., on Thursday, January 8, 2026.

The groundwater that is sought to be restricted is shallow, perched, discontinuous groundwater that occurs at depths from the ground surface to approximately fourteen (14) feet below the ground surface. The affected shallow groundwater is underlain by the Washita Group consisting of the Grayson Marl and Main Street Limestone on the eastern portion of the site, and the Pawpaw Formation, Weno Limestone, and Denton Clay on the western portion of the site. The Grayson Marl and Main Street Limestone consist of interbedded limestone and marl with a thickness of 10-60 feet. The Pawpaw Formation, Weno Limestone, and Denton Clay consist of interbedded calcareous marl and layers of alternating clay, marl, and limestone with a thickness of 6-45 feet. The Washita Group serves as a regional aquitard preventing vertical migrations of chemicals of concern to underlying potable aquifers. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater are arsenic, lead, and manganese. The chemicals of concern are attributed to historical waste deposition of iron slag, foundry sand, and baghouse dust activities on the site.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties located in the project area and within a half mile of the proposed MSD boundary. All undeveloped properties within a half mile of the site are eligible to receive water service from the Fort Worth Water Department.

In 2003, Texas state law created the concept of an MSD. TCEQ may limit the scope of investigations and response actions for groundwater contamination at a site, so long as the groundwater is prohibited for use as a potable water source. Potable water means water used for drinking, showering, bathing, cooking, or irrigating crops intended for human consumption. A person, typically a developer, must apply to TCEQ in order to designate an impacted property. If granted, the developer will not be required to clean up designated groundwater at the site to drinking water standards. However, other cleanup standards, such as inhalation and contact, must still be met. The TCEQ requires that the municipality where the site is located provide a resolution that supports any application and pass an ordinance prohibiting potable use of groundwater at the subject property.

In January 2005, the City Council adopted an ordinance creating a procedure for persons applying to the TCEQ for a MSD which includes filing an application with the City. If approved, this MSD designation is the 35th within the Fort Worth city limit. Approval of the TCEQ MSD application by the TCEQ will support the use of the subject property consistent with the current zoning.

On June 3, 2024, BAIR Holdings, LLC filed an original application with the City seeking support for a MSD for the site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. On November 12, 2024, the City Council considered Mayor and Council Communication (M&C) 24-0971. The City Council denied the application at that time, citing no site plan. A site plan has been developed as a part of the December 8, 2025 resubmittal.

The location is in COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

Submitted for City Manager's Office by: Valerie Washington 6199

Originating Business Unit Head: Cody Whittenburg 5455

Additional Information Contact: Wyndie Turpen 6982
Juli Ragland 7251