

RESOLUTION NO. 2026-08-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, SUPPORTING THE APPLICATION OF BAIR HOLDINGS, LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR PROPERTY LOCATED AT 5921 AND 5933 SOUTH FREEWAY, FORT WORTH, TARRANT COUNTY, TEXAS; PROVIDING FINDINGS; PROVIDING A DISCLAIMER OF LIABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BAIR Holdings, LLC, hereinafter referred to as the “Applicant,” is seeking certification from the Texas Commission on Environmental Quality (“TCEQ”) of a Municipal Setting Designation (“MSD”) for approximately 57.50 acres of property located at 5921 and 5933 South Freeway in Fort Worth, Tarrant County, Texas, more particularly described in **Exhibit “A”**, attached hereto and incorporated herein for all purposes, hereinafter referred to as the “Site”; and

WHEREAS, the Site is located within the corporate limits of the City of Fort Worth and is presently composed primarily of undeveloped property zoned for industrial use, with its anticipated future use remaining industrial; and

WHEREAS, the Applicant has represented that shallow groundwater beneath the Site has been affected by arsenic, lead, and manganese at concentrations exceeding applicable drinking water standards as a result of historical deposits of iron slag, foundry sand, and baghouse dust; and

WHEREAS, the affected groundwater is described as shallow, perched, and discontinuous groundwater occurring from the ground surface to approximately fourteen feet below the ground surface and is not identified as a designated or recognized major or minor aquifer; and

WHEREAS, the Applicant has further represented that geological formations beneath the affected shallow groundwater serve as a regional aquitard that prevents the vertical migration of the identified constituents into underlying potable aquifers; and

WHEREAS, the City Council of the City of Fort Worth adopted Resolution No. 6258-02-2026 supporting the Applicant’s MSD application and Ordinance No. 28315-02-2026 prohibiting the use of designated groundwater beneath the Site for potable and irrigation purposes; and

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

WHEREAS, the Applicant has requested a resolution of support from the City of Everman because an MSD Public Water Supply Report identified seven active public water supply wells owned by the City of Everman within approximately five miles of the Site; and

WHEREAS, the seven City of Everman public water supply wells identified in the report range in depth from approximately 582 feet to 1,325 feet and are located approximately 2.49 to 3.43 miles from the Site; and

WHEREAS, the proposed MSD applies only to the shallow groundwater underlying the Site and, according to the Applicant's submitted documentation, will not affect the use or operation of groundwater wells owned by the City of Everman;

WHEREAS, certification of an MSD does not eliminate the Applicant's continuing responsibility to satisfy all applicable statutory and regulatory requirements concerning the investigation, management, remediation, and response to groundwater or soil contamination at the Site; and

WHEREAS, the City Council finds that supporting the Applicant's request for certification of an MSD by the TCEQ, subject to all applicable state and local requirements, is consistent with the protection of public health and the continued availability of public drinking water.

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

SECTION 1. FINDINGS

The findings and recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. SUPPORT OF MUNICIPAL SETTING DESIGNATION

The City Council of the City of Everman hereby supports the application of BAIR Holdings, LLC to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the property located at 5921 and 5933 South Freeway, Fort Worth, Tarrant County, Texas, as more particularly described in Exhibit "A."

SECTION 3. CONDITIONS AND LIMITATIONS

The City's support is expressly based upon the representations and documentation submitted by the Applicant and is subject to the following:

- A. The MSD shall apply only to the designated shallow groundwater beneath the Site;
- B. The designated groundwater beneath the Site shall not be used for potable or irrigation purposes;
- C. The Applicant shall remain responsible for complying with all applicable federal, state, and local laws, regulations, orders, permits, and requirements concerning environmental investigation, remediation, monitoring, reporting, and response actions;
- D. The MSD shall not authorize or permit any action that adversely affects the quality, availability, operation, or regulatory compliance of any public water supply well or water system owned or operated by the City of Everman; and

E. Nothing in this Resolution shall be interpreted as a representation or warranty by the City regarding the environmental condition of the Site, the accuracy or completeness of the Applicant's technical information, or the likelihood that the TCEQ will approve the application.

SECTION 4. NO ASSUMPTION OF LIABILITY

By adopting this Resolution, the City of Everman does not assume any liability or responsibility for existing or future contamination at or beneath the Site, any required investigation or remediation, any migration of contaminants, or any damages arising from the ownership, operation, development, or environmental condition of the Site.

SECTION 5. AUTHORIZATION

The Mayor, City Manager, City Secretary, and other appropriate City officials are authorized to execute and provide such documents as may be reasonably necessary to evidence the City Council's adoption of this Resolution, provided that no such document materially expands the City's obligations or liability.

SECTION 6. EFFECTIVE DATE

This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Everman, Texas, on this 11th day of August, 2026.

APPROVED:

Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

Mindi Parks, City Secretary

Victoria Thomas, City Attorney