

**RESOLUTION NO. 2010-44  
CITY OF SHOREACRES**

A RESOLUTION BY THE CITY OF SHOREACRES, TEXAS, SUPPORTING THE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION OUTSIDE THE BOUNDARY OF THE CITY OF SHOREACRES AT NASA JOHNSON SPACE CENTER, TEXAS; DETERMINING THAT THE MEETING COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND, DECLARING AN EFFECTIVE DATE.

\* \* \* \*

**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 ("TCEQ") to create municipal setting designations and to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application; and

**WHEREAS**, as part of the application to TCEQ for a Municipal Setting Designation for a site, an applicant is required to provide documentation that the application is supported by: (1) each municipality with a boundary located within one-half mile from the site, (2) each municipality that owns or operates a groundwater supply well within five miles from the site, (3) each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well within five miles from the site, as well as (4) the municipality in which the site is located; and

**WHEREAS**, NASA Johnson Space Center ("Applicant") will file an application with TCEQ for certification of a Municipal Setting Designation for the property located at 2101 NASA Parkway, Mail Code JE, Houston, Texas 77058 more particularly described in Exhibit A hereto [the "Energy Systems Testing Area (ESTA)"]; and

**WHEREAS**, the ESTA Site is located within five miles of a state registered groundwater supply well owned and operated by the City of Shoreacres ("City"); and

**WHEREAS**, the City is a municipality, as defined by Section 14.002 Texas Water Code; and

**WHEREAS**, following the issuance of a Municipal Setting Designation ordinance by the City of Houston, and a resolution of support from each of the additional municipality and retail public utility from which such a resolution is required, each of which has so resolved, Applicant will submit to TCEQ an application for certification of a

Municipal Setting Designation for the ESTA Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:**

**Section 1.** That it supports, in its capacity as a retail public utility that owns and operates a groundwater supply well within five miles of the ESTA Site, Applicant's application to TCEQ for a Municipal Setting Designation for the ESTA Site.

**Section 2.** That this Resolution shall take effect immediately upon its passage.

**PASSED AND APPROVED** this 25<sup>TH</sup> day of OCTOBER 2010.



*Richard Adams*

Richard Adams, Mayor pro tem

*David K. Stall*  
David K. Stall, City Secretary