Effective March 16, 2020, Governor Greg Abbott authorized the temporary suspension of certain statutory provisions of the Texas Open Meetings Act. This meeting of the City Council of the City of Midland is being held pursuant to such authorization and will limit face-to-face interactions for the purpose of slowing the spread of the coronavirus (COVID-19).

CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
August 25, 2020 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

Videoconference Information

Please click this URL to join.
https://zoom.us/j/95313451492?pwd=R3N6UjhrZXVPTk5ETmF1S2xmTGFGQT09
Passcode: 433815
Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 953 1345 1492
International numbers available:https://zoom.us/u/adyLHRXmgP
The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Reverend Hailey Malcomb Presbytery of Tres Rios Church

2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:

    a. REGULAR CITY COUNCIL MEETING OF AUGUST 11, 2020

4. 090-2020 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER ONE (1) WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE FISCAL YEAR 2020 RENEWAL OF THE FISCAL YEAR 2018 CITYWIDE CONCRETE PROGRAM CONTRACT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF $250,000.00 AND TO PROVIDE FOR CONCRETE VALLEY GUTTERS FOR DRAINAGE IMPROVEMENTS AND ADA-COMPLIANT RAMPS AT THE FOLLOWING LOCATIONS: TARLETON

STREET BETWEEN WADLEY AVENUE AND GOLF COURSE ROAD, SINCLAIR AVENUE BETWEEN MIDLAND DRIVE AND LOOP 250, AND WHITTLE WAY BETWEEN SUNSHINE PARKWAY AND WADLEY AVENUE. (GENERAL SERVICES)

5. 2020-139 – RESOLUTION RATIFYING THE SOLE-SOURCE PURCHASE IN THE AMOUNT OF $492,650.00 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; APPROVING THE ADDITIONAL SOLE-SOURCE PURCHASE IN THE AMOUNT OF $358,819.50 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SOLE-SOURCE PURCHASE AGREEMENT WITH CORE & MAIN, LP, FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT; SAID AMENDMENT TO PROVIDE FOR A TOTAL COST NOT TO EXCEED $2,850,701.20. (GENERAL SERVICES)

6. 091-2020 – MOTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH MW BUILDERS, INC. REGARDING THE FIRE STATION FIVE (5), FIRE STATION ELEVEN (11) AND FUELING STATION PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF $98,777.00 AND TO PROVIDE FOR UTILITY IMPROVEMENTS FOR FIRE STATION FIVE (5) FOR THE FIRE DEPARTMENT; AND APPROPRIATING $98,777.00 FROM THE ROAD/UTILITY BOND FUND (179) TO SAID PROJECT (900307-005). (GENERAL SERVICES)

7. 092-2020 – MOTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE PUBLIC EMPLOYEE BENEFITS ALLIANCE, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS GOVERNMENT CODE; SAID AGREEMENT PROVIDING FOR THE CITY OF MIDLAND'S PARTICIPATION IN THE COOPERATIVE PURCHASING OF CERTAIN EMPLOYEE BENEFITS. (ADMINISTRATIVE SERVICES)

8. 093-2020 – MOTION ACCEPTING FEDERAL GRANT #60 IN THE AMOUNT OF $5,449,883.00 AWARDED BY THE FEDERAL AVIATION ADMINISTRATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN PROJECTS AT THE MIDLAND INTERNATIONAL AIR & SPACE PORT; AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO ACCEPT SAID GRANT FUNDS. (AIRPORTS)

9. 094-2020 – MOTION RATIFYING THE ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT IN THE AMOUNT OF $69,000.00 AWARDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN ALLOWABLE EXPENDITURES AT MIDLAND AIRPARK. (AIRPORTS)

10. 2020-140 – RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $7,953,000.00 FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FISCAL YEAR 2020 CARES ACT CORONAVIRUS RELIEF FUND GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED FOR ELIGIBLE EXPENDITURES INCURRED DUE TO

THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS (CITY MANAGER'S OFFICE)

11. 2020-141 – RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH MOTRAN ALLIANCE, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

12. 2020-142 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 1,541 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

13. 095-2020 – MOTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE 2020 JUSTICE ASSISTANCE GRANT PROGRAM IN ORDER TO RECEIVE $15,811.00 FOR THE PURCHASE OF EQUIPMENT, TECHNOLOGY, AND OTHER MATERIALS DIRECTLY RELATED TO BASIC LAW ENFORCEMENT FOR THE POLICE DEPARTMENT. (POLICE)

14. 096-2020 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE BETWEEN THE CITY OF MIDLAND AND BETA CRUDE CONNECTOR, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS. (UTILITIES)

15. 097-2020 – MOTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF $78,241.00 AWARDED BY THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES; SAID GRANT FUNDS TO BE USED TO FUND THE CITY OF MIDLAND HEALTH AND SENIOR SERVICES DIVISION’S CORONAVIRUS DISEASE 2019 RESPONSE ACTIVITIES; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO ACCEPT SAID GRANT FUNDS; AND DEPOSITING THE SUM OF $78,241.00 INTO THE GENERAL FUND. (COMMUNITY SERVICES)

SECOND READINGS

16. 10098 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT ; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS

($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

17. 10099 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

18. 10100 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

19. 10101 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

20. 10102 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY

LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

21. 10103 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

22. 10104 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

23. 10105 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A

MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 11, 2020)

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

24. 10107 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 310 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A SPECIAL EVENTS CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

25. 10108 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6A, BLOCK 12, KELVIEW HEIGHTS ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND WEST PECAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

26. 10109 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.17-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MH, MANUFACTURED HOUSING DISTRICT, IN PART, RR, REGIONAL RETAIL DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK DISTRICT, IN PART, TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 714 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

27. 2020-143 – RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (DEVELOPMENT SERVICES)

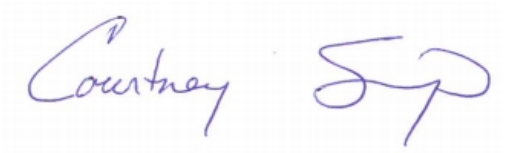
28. 10110 – GATHER PUBLIC INPUT ON THE PROPOSED 2020-2021 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION (FINANCE)

29. 10111 – TAX RATE INCREASE FOR FISCAL YEAR 2020-2021; AND CONSIDER AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021 (FINANCE)

MISCELLANEOUS

30. 098-2020 – MOTION REGARDING THE SPORTS AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE GREATER MIDLAND FOOTBALL LEAGUE (GMFL), THE USE AND OPERATION OF THE SCHARBAUER SPORTS COMPLEX AUXILIARY ATHLETIC FIELDS, AND MATTERS RELATED THERETO. (CITY ATTORNEY'S OFFICE)

Respectfully Submitted,



Courtney B. Sharp
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

MIDLAND CITY COUNCIL
MINUTES
August 11, 2020

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 11, 2020.

Council Members present:	Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong
Council Members absent:	Patrick Payton
Staff members present:	City Manager Courtney Sharp, City Attorney John Ohnemiller, Assistant City Manager Robert Patrick, Assistant City Manager Morris WIlliams

The meeting was called to order at 10:00 a.m.

OPENING ITEMS

1. Invocation – Pastor Phil Allman, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:

   a. Mayor Pro Tem Robnett presented a retirement of proclamation to Leroy Montez.

CONSENT AGENDA

Michael Trost moved to approve Consent Agenda Items 4-11 excluding 5, 6 and 7; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

DRAFT

4. MOTION APPROVING THE FOLLOWING MINUTES:

   a. REGULAR CITY COUNCIL MEETING OF JULY 28, 2020

8. 2020-137 – RESOLUTION RATIFYING AND APPROVING THE EMERGENCY REPLACEMENT OF A SEWER LINE ON ANETTA DRIVE BY RED DEER CONSTRUCTION, LLC, FOR A TOTAL COST OF $186,391.14 (GENERAL SERVICES)

9. 086-2020 – MOTION AUTHORIZING THE APPROPRIATION OF $70,000.00 FROM THE AIRPORT OPERATING FUND (500) UNAPPROPRIATED FUND BALANCE (35650) TO THE DEVELOPMENT PARK PROGRAMMATIC ENVIRONMENTAL PROJECT (900111)

10. 087-2020 – MOTION AUTHORIZING THE APPROPRIATION OF $76,250.00 FROM THE ANIMAL SERVICES DIVISION FY2020 OPERATING BUDGET TO THE ANIMAL CREMATORY PROJECT (900327) (COMMUNITY SERVICES)

11. 088-2020 – MOTION AUTHORIZING THE ACCEPTANCE OF CERTAIN FUNDS AWARDED BY THE OFFICE OF THE GOVERNOR OF TEXAS CRIMINAL JUSTICE DIVISION THROUGH THE FY2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT PROGRAM; AND AUTHORIZING THE ALLOCATION OF SAID FUNDS TO THE POLICE COVID GRANT PROJECT (700282) (POLICE)

The following items were pulled from consent agenda and considered individually.

5. 2020-134 – RESOLUTION APPROVING AND RATIFYING THE PROCUREMENT OF SERVICES FROM WILLIS ELECTRIC CO., LP OF ABILENE, TEXAS, TO FACILITATE THE EMERGENCY REPAIR OF THE TRAFFIC SIGNAL LOCATED AT THE INTERSECTION OF FLORIDA AVENUE AND LAMESA ROAD; AND AUTHORIZING PAYMENT FOR SAID SERVICES IN AN AMOUNT NOT TO EXCEED $166,026.50 (GENERAL SERVICES)

   Council Member Ladd noted this repair was due to an accident and asked if we would be reimbursed. Traffic Engineer Mike Pacelli noted that the costs have been spread out over several years and the accident was in September of 2018. Staff noted we had up to two years to seek reimbursement and that all costs should be reimbursed.

   Lori Blong moved to approve Resolution No. 2020-134; seconded by Scott Dufford.

   The motion passed by the following vote:
   AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
   NAY: None
   ABSTAIN: None
   ABSENT: Payton

6. 2020-135 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO ASSIST THE ENGINEERING SERVICES DEPARTMENT WITH THE DEVELOPMENT OF A MANUAL FOR THE PLANNING AND

DRAFT

DEVELOPMENT OF INFRASTRUCTURE; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED $318,400.00 (GENERAL SERVICES)

Council Member Dufford asked about the cost of the manual and asked how it will be used. Engineering Services Director Jose Ortiz reported that currently there are codes, policies and guidelines some of which have not been updated in a long time. This manual will put all relevant information into one document as well as cross reference other pertinent documents making the review of design standards much easier and streamline the process for staff and developers. They will engage the developers as part of this process.

Jack Ladd moved to approve Resolution No. 2020-135; seconded by John Norman.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

Council Member Blong asked that Council be notified of the progress. Mr. Ortiz agreed noting the entire process, once started, should take about 6-9 months.

7. 2020-136 – RESOLUTION AWARDING A FIVE YEAR CONTRACT FOR THE INSTALLATION AND MAINTENANCE OF A CITY OWNED FIBER OPTIC NETWORK TO HOHENBERGER, INC., DBA CSI: LUBBOCK, FOR A TOTAL COST NOT TO EXCEED $267,456.00; AND APPROVING $44,877.00 IN CONTINGENCIES (GENERAL SERVICES)

Council Member Ladd asked what was the Midland Data Center. General Services Director Regina Stephenson reported it is the first floor of the police department where they store their large servers. Council Member Ladd questioned the need for fiber at Animal Services when it is not available in other sections of the City. Chief Information Officer Jennifer Frescaz reported that currently microwave networks are used in outlying locations and they can be unreliable in storms and such. Fiber to this location will complete the ring and allow for much more reliable service and as an added bonus will allow for WiFi at Reyes Mashburn Nelms Park.

Michael Trost moved to approve Resolution No. 2020-136; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Blong
NAY: Ladd
ABSTAIN: None
ABSENT: Payton

SECOND READINGS

DRAFT

12. 10093 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,508-SQUARE FOOT PORTION OF LOT 2B, BLOCK 52, BELMONT ADDITION, SECTION 21, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF WEST LONGVIEW AVENUE, APPROXIMATELY 290 FEET EAST OF BELMONT STREET), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10093.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10093; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

13. 10094 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 AND 8, BLOCK 11A, HIGHLAND ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST PARKER AVENUE AND NORTH MAIN STREET), WHICH IS PRESENTLY ZONED SF-2, SINGLE-FAMILY DWELLING DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A CHILD CARE: DAY CARE CENTER; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10094.

Michael Trost moved to approve the second and final reading of Ordinance No. 10094; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None

DRAFT

ABSENT: Payton

14. 10095 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOT 26, BLOCK 5, NORTH PARK ADDITION, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF WHITMAN DRIVE, APPROXIMATELY 165 FEET NORTH OF WEST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10095.

Jack Ladd moved to approve the second and final reading reading of Ordinance No. 10095; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

15. 10096 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, GREENWOOD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST INDIANA AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10096.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10096; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

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16. 10097 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 10, BLOCK 23, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH CLAY STREET, APPROXIMATELY 110 FEET SOUTH OF EAST WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES) (FIRST READING HELD JULY 28, 2020)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10097.

Lori Blong moved to approve the second and final reading of Ordinance No. 10097; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

PUBLIC HEARINGS

The City Council will hold public hearings on the following items:

17. 10098 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT ; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10098.

Development Services Director Chuck Harrington provided a brief overview noting that the applicant is requesting a special exception for a reduced lot width of 63 feet of the 75 feet required. Staff sees no hardship and recommends denial.

Jaime Lopez, 404 S. Jefferson, reported he has already invested money in this property and is asking to change the zoning so he can build a duplex. The floorplan will be smaller and will still meet all of the required setbacks. It is currently vacant land and if this is not approved nothing will be built. His brother will live in one side and he will live in the

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other. Surrounding the property are other mobile homes, a mobile home park and some single family residences.

Mr. Harrington clarified that he would not have enough lot width to build a single family home either. This is an appeal from a Planning & Zoning decision and no letters of objection have been received. Council Member Norman added that a duplex would be better than vacant land and he would recommend letting them build.

Mayor Pro Tem Robnett opened the public hearing at 10:40 a.m.

Council Member Trost cautioned that if this is allowed Council would have to consider other requests but added that each item should be considered individually noting this one was unique. Mr. Lopez added that there are duplexes in the area on smaller lots.

There being no one else present wishing to speak, the public hearing was closed at 10:41 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10098; seconded by John Norman.

The motion by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

18. 10099 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10099.

Development Services Director Chuck Harrington gave brief overview of the item noting that Planning & Zoning recommended denial noting that staff was not in favor of this item noting it was just rezoned in January.

Mayor Pro Tem Robnett opened the public hearing at 10:43 a.m.

Mr. Lopez was asked to speak to the previous rezoning. Jaime Lopez reported he misunderstood the type of zoning needed to build his duplex and the previous request to rezone was in error.

There being no one else wishing to speak, the public hearing was closed at 10:44 a.m.

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Jack Ladd moved to approve the first of two readings of Ordinance No. 10099; seconded by John Norman.

The motion passed by the following vote:
AYE: Robnett, Dufford, Norman, Ladd, Blong
NAY: Trost
ABSTAIN: None
ABSENT: Payton

19. 10100 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10100.

Mayor Pro Tem Robnett opened the public hearing at 10:45 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve the first of two readings of Odinance No. 10100; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

20. 10101 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A

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CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10101.

Mayor Pro Tem Robnett opened the public hearing at 10:46 a.m.

Jorge Ramos, 4411 West Illinois, reported he comes from a family of restaurant owners. This is his first restaurant and he hopes to have many more.

There being no one else wishing to speak, the public hearing was closed at 10:47 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10101; seconded by John Norman.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

21. 10102 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10102.

Council Member Trost noted this was being rezoned in part and inquired about that. Development Services Director Chuck Harrington reported the current zoning is AE but they cannot build on that as there is not enough land available. This was previously tied into a PD to the west, but isn't really a part of that PD.

Mayor Pro Tem Robnett opened the public hearing at 10:49 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10102; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None

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ABSENT: Payton

22. 10103 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10103.

Mayor Pro Tem Robnett opened the public hearing at 10:50 a.m.

Chase Dunnam, 1702 Douglass Ave, reported they are updating the site layout for this PD with the same general use.

There being no one else wishing to speak, the public hearing was closed at 10:52 a.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10103; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

23. 10104 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10104.

Mayor Pro Tem Robnett opened the public hearing at 10:53 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

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Michael Trost moved to approve the first of two readings of Ordinance No. 10104; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: Robnett
ABSENT: Payton

24. 10105 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Deputy City Secretary SueAnn Reyes read the caption of Ordinance No. 10105.

Council Member Ladd noted the applicant was requesting alcohol sales starting at 10:00 a.m.

Mayor Pro Tem Robnett opened the public hearing at 10:55 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

City Attorney John Ohnemiller stated the alcohol service hours as written in the ordinance are Monday through Saturday from 10:00 a.m. to 10:00 p.m. and Sundays from 12:00 p.m. to 10:00 p.m.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10105 with the amendment to change alcohol service hours on Monday through Saturday to 11:00 a.m. through 10:00 p.m.; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

MISCELLANEOUS

DRAFT

25. 088-2020 – MOTION ON A REQUEST BY NEWTON ENGINEERING, TO DEFER WATER, WASTEWATER, PAVING AND SIDEWALK IMPROVEMENTS FOR SKYWAY ADDITION, AND TO WAIVE THE CORRESPONDING FINANCIAL SECURITY GUARANTEE VALUED AT $437,247.30, AN AMOUNT EQUAL TO THE ESTIMATED COST OF CONSTRUCTION. THE SUBJECT PROPERTY IS GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SH 349 (FM 1788) AND SH 191 AND IS LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF MIDLAND, BUT IS SURROUNDED ON ALL SIDES BY THE CORPORATE LIMITS OF THE CITY. (ENGINEERING SERVICES)

Engineering Services Director Jose Ortiz reported this is a deferral request by Newton on behalf of the applicant. Staff supports the deferral of wastewater, paving and sidewalks, but not water. The entire region is developed in the the City limits and there is water available in the region. The water would benefit the fire department in that area.

Coy Taylor, 3113 West Industrial Avenue, reported he reached out to the fire marshal who stated in an email that a fire hydrant would benefit the project and the area as a whole. He felt it was not applicable as his location is outside of the City limits. They are willing to do a hydrant to the end of Howard Road, but found it would be too expensive to run the line through the whole corner. They bought this property because it was in the county. He is not financially prepared to extend that line. He does not want his property annexed into the City.

Fire Chief Chuck Blumenauer reported he looked at the area this morning and confirmed they provide fire service to that area. With the current situation, they would not be able to reach their property with hoses and would have to depend on tanker trucks. In six minutes his entire structure could be gone. A hydrant would give the ability to fight fires and would make it safer for all businesses in the area.

Mr. Ortiz clarified that they have not received information on where they would like the fire hydrant placed and are unsure if it would be sufficient for the Fire Department. It may require two hydrants.

Council Member Dufford noted the need to defer this item until it is known where the hydrants will be placed.

John Norman moved to defer the item to a future meeting; seconded by Jack Ladd.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

26. 10106 – DISCUSSION AND CONSIDERATION OF ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF “CITY OF MIDLAND, TEXAS GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2020,” INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH BONDS,

DRAFT

ESTABLISHING PARAMETERS FOR THE SALE AND ISSUANCE OF SUCH BONDS AND DELEGATING CERTAIN MATTERS TO AN AUTHORIZED OFFICIAL OF THE CITY. (FINANCE)

Finance Director Mark Mason introduced George Williford the financial advsior for the refunding bonds. Essentially, Council is delegating authority for the final pricing to the City Manager and himself within certain parameters that must be met. The last time this was done was in 2009 when the market was also volitile. This way the City can take advantage of the lowest rates possible to give the City the greatest savings of approximately $160,000 per year or $2 million over the term. The authority will be for six months, but he does not expect it to take that long.

Lori Blong moved to approve the first and only reading of Ordinance No. 10106; seconded by Scott Dufford.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

27. 2020-138 – RESOLUTION APPROVING A CONTRACT WITH MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT THE SCHARBAUER SPORTS COMPLEX AT A TOTAL COST OF $844,750.00; APPROVING $84,475.00 FOR CONTINGENCIES; AND APPROPRIATING $929,225.00 FOR SAID PROJECT (GENERAL SERVICES)

Community Services Director Tina Jauz reported this is an item that can be done quickly. It is LED lighting that can be remotely controlled. When they originally installed the fields they had the conduit run knowing at some point these lights would be installed. At that time the cost was about $2 million and now due to advances in technology the cost is $900,000. It was noted that there are about 2000 kids in soccer today and the fields are also used for lacrosse and football.

Discussion ensued about availability of quality fields for use and about the best way to handle the balance of the 4B funds.

Kimberly Crisp, 3304 Douglas Avenue, noted there was opposition from citizens about the dollar amount but clarified that the money is coming out of the sports complex fund and not the general fund. She asked if people using the fields would be paying to use the fields. Ms. Jauz stated they will still rent the fields. Ms. Crisp continued about the budget for the sports complex noting that the miscellaneous category is large and suggested having a line item budget. Council Member Blong noted that the miscellaneous funds are largely used for depreciation as well as other City services such as accounting and legal.

Michael Trost moved to approve Resolution No. 2020-138; seconded by Lori Blong.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Blong

DRAFT

NAY: Ladd
ABSTAIN: None
ABSENT: Payton

28. 089-2020 – MOTION REGARDING THE SPORTS AGREEMENT BETWEEN THE CITY OF MIDLAND AND THE GREATER MIDLAND FOOTBALL LEAGUE (GMFL), THE USE AND OPERATION OF THE SCHARBAUER SPORTS COMPLEX AUXILIARY ATHLETIC FIELDS, AND MATTERS RELATED THERETO (CITY ATTORNEY'S OFFICE)

Council Member Norman noted that this item needs to be moved to a future date.

Kent Brown requested to speak. He was asked if he was okay with this item being deferred. He stated he was.

John Norman moved to defer Motion No. 089-2020 to a future meeting; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

29. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSION (CITY SECRETARY'S OFFICE)

Chris Barnhill, CEO of PermiaCare, reported that the City of Midland appoints two members to their nine-member board. Mark Dettmann who currently serves will not be returning and they need to replace him. At this time, they have a need for someone with a strong financial background and Ryan Peckham would meet that need and be a good fit for the opening. He asked Council to appoint Mr. Peckham.

Lori Blong moved to appoint Ryan Peckham to replace Mark Dettmann on the Permain Basin Community Centers for MHMR (PermiaCare) Board ; seconded by Michael Trost.

The motion passed by the following vote:
AYE: Robnett, Trost, Dufford, Norman, Ladd, Blong
NAY: None
ABSTAIN: None
ABSENT: Payton

All the business at hand having been completed, the meeting adjourned at 11:46 a.m.

PASSED AND APPROVED August 25, 2020.

Patrick Payton, Mayor

DRAFT

ATTEST:

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Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 4

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Regina Stephenson, Director

Subject: **Motion authorizing the execution of change order number one (1) with Onyx General Contractors, LLC regarding the Fiscal Year 2020 renewal of the fiscal year 2018 citywide concrete program contract; said change order to be in the amount of $250,000.00 and to provide for concrete valley gutters for drainage improvements and ADA-compliant ramps at the following locations: Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue. (GENERAL SERVICES)**

Purpose:

Approval of a motion authorizing the execution of change order number one (1) with Onyx General Contractors, LLC regarding the fiscal year 2020 renewal of the fiscal year 2018 citywide concrete program contract; said change order to be in the amount of $250,000.00 and to provide for concrete valley gutters for drainage improvements and ADA-compliant ramps at the following locations: Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue.

Recommended City Council Action:

Approve

Fiscal Impact:

$250,000.00 from the Road Bond Fund

Discussion:

Resolution 2017-365 awarded a contract for the Fiscal Year 2018 Midland Citywide Concrete

Program to Onyx General Contractors, LLC for a total cost of $1,000,000.00. Resolution 2018-155 authorized the execution of a change order for $250,000.00 to the Fiscal Year 2018 Midland Citywide Concrete Program contract to provide for vehicular and pedestrian traffic improvements associated with the Road Bond projects. Resolution 2019-175 authorized execution of a change order for $250,000.00 to the Fiscal Year 2019 renewal of the contract to provide for vehicular and pedestrian traffic improvements associated with Road Bond Projects at or near Tarleton Street between Golf Course Road and Wadley Avenue. The Fiscal Year 2018 Midland Citywide Concrete Program contract was renewed for Fiscal Year 2020 in accordance with the contract terms. Staff recommends adding $250,000.00 to the Fiscal Year 2018 Citywide Concrete Program contract renewal for Fiscal Year 2020 to provide additional improvements for concrete valley gutters for drainage improvements and ADA-compliant ramps at Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue which is also associated with the Road Bond. Please see the attached memo from Gabe McClelland, Transportation Manager, for additional information.

Therefore, please consider a motion authorizing the execution of Change Order One (1) with Onyx General Contractors, LLC or Midland, Texas regarding the Fiscal Year 2020 renewal of the Fiscal Year 2018 citywide concrete program contract; said change order to be in the amount of $250,000.00 and to provide for concrete valley gutters for drainage improvements and ADA-compliant ramps at the following locations: Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue.

Morris Williams Jr.

City Manager's Office

INTEROFFICE MEMORANDUM

TO: Regina Stephenson, Purchasing Manager

FROM: Gabe McClelland, Transportation Manager

SUBJECT: Change Order 1 to the FY 2020 Renewal of the FY 2018 Citywide Concrete Program (Contract 18000152)

DATE: August 13, 2020

CC: Jose Ortiz, Director of Engineering Services

The City of Midland's concrete needs are numerous and continue to grow. The 2018 Midland Citywide Concrete Program allows the Transportation Division to address drainage issues, pavement issues, ride quality issues, ADA compliance, and storm drain issues. The Citywide Concrete Program also allows Transportation to adjust manhole lids and water valve covers to match the adjacent pavement and to complete improvements at our draws, channels, and drainage basins.

One of the advantages of the concrete program is the ability to complete much needed concrete work on streets selected for the 2017 bond program. The Transportation Division has identified 3 roadways selected for year 4 of the bond program where the placement of concrete is needed. The recommended work includes concrete valley gutters for drainage improvements and ADA-compliant ramps. The selected roadways include Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue. The recommended work is time-sensitive as some of the work is located near an MISD school. The recommended work will also allow the Engineering Department to expedite the delivery of streets selected for year four of the bond program.

The total estimated costs to change order Onyx's current renewal (FY 2020) of the FY 2018 Citywide Concrete Program for the drainage and ADA improvements at the locations listed above is $250,000.00. The funds for Change Order 1 are available in the Road Bond Fund (178). Please see the funding breakdown below:

- Fiscal Year 2020 Renewal Amount $ 1,000,000.00
- Change Order 1 250,000.00
- **Total Adjusted Amount** **$ 1,250,000.00**

CHANGE ORDER

Order No. 1

Date: August 13, 2020
Contract Date: December 13, 2017

NAME OF PROJECT: Fiscal Year 2020 Renewal to the Fiscal Year 2018 Citywide Concrete Program Contract

PROJECT NUMBER: 18000152

OWNER: City of Midland; Engineering Services (080); Transportation Division (085)

CONTRACTOR: Onyx Contractors, LLC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification:

The City of Midland's concrete needs are numerous and continue to grow. The FY 2018 Midland Citywide Concrete Program allows the Transportation Division to address drainage issues, pavement issues, ride quality issues, ADA compliance, and storm drain issues. The Citywide Concrete Program also allows Transportation to adjust manhole lids and water valve covers to match the adjacent pavement and to complete improvements at our draws, channels, and drainage basins. The FY 2018 Project includes an option to renew, and this option was executed for FY 2020 for the amount of $1,000,000.00 to address various concrete needs.

One of the advantages of the concrete program is the ability to complete much needed concrete work on streets selected for the 2017 bond program. The Transportation Division has identified 3 roadways selected for year 4 of the bond program where the placement of concrete is needed. The recommended work includes concrete valley gutters for drainage improvements and ADA-compliant ramps. The selected roadways include Tarleton Street between Wadley Avenue and Golf Course Road, Sinclair Avenue between Midland Drive and Loop 250, and Whittle Way between Sunshine Parkway and Wadley Avenue. The recommended work is time-sensitive as some of the work is located near an MISD school. The recommended work will also allow the Engineering Department to expedite the delivery of streets selected for year four of the bond program.

The total estimated costs to change order Onyx's current renewal (FY 2020) to the FY 2018 Citywide Concrete Program for the drainage and ADA improvements at the locations listed above is $250,000.00. The funds for Change Order 3 are available in the Road Bond Fund (178). Please see the funding breakdown below:

- Fiscal Year 2020 Renewal Amount $ 1,000,000.00
- Change Order 1 250,000.00
- **Total Adjusted Amount** **$ 1,250,000.00**

Change to CONTRACT PRICE:

The UNIT PRICE CONTRACT due to this CHANGE ORDER will be:
☒ (increased) ☐(decreased) by: $ 250,000.00
The new UNIT PRICE CONTRACT including this CHANGE ORDER will be: $ 1,250,000.00

Change to CONTRACT TIME: NA
The CONTRACT TIME will be: ☐ (increased) ☐(decreased) by:

Approvals Required:

To be effective this Order must be approved by the Midland City Council if it changes the scope or objective of the PROJECT, or as may otherwise be required by the GENERAL PROVISIONS AND SUPPLEMENTAL CONDITIONS.

Requested by: Gabe McClelland, Transportation Manager

Approved by: Jose Ortiz, Director Engineering Services

Accepted by: _____

City Council Meeting

Item Number: 5

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Regina Stephenson, Director

Subject: **Resolution ratifying the sole-source purchase in the amount of $492,650.00 for Neptune water meters and associated parts from Core & Main, LP; approving the additional sole-source purchase in the amount of $358,819.50 for Neptune water meters and associated parts from Core & Main, LP; and authorizing the execution of an amendment to the sole-source purchase agreement with Core & Main, LP, for Neptune water meters and associated parts for the Customer Service Division of the Finance Department; said amendment to provide for a total cost not to exceed $2,850,701.20. (GENERAL SERVICES)**

Purpose:

Approval of a resolution ratifying the sole-source purchase in the amount of $492,650.00 for Neptune water meters and associated parts from Core & Main, LP; approving the additional sole-source purchase in the amount of $358,819.50 for Neptune water meters and associated parts from Core & Main, LP; and authorizing the execution of an amendment to the sole-source purchase agreement with Core & Main, LP, for Neptune water meters and associated parts for the Customer Service Division of the Finance Department; said amendment to provide for a total cost not to exceed $2,850,701.20.

Recommended City Council Action:

Approve

Fiscal Impact:

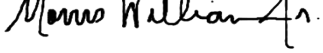
$851,469.50 from the Water and Sewer Fund

Discussion:

The Customer Service Division of the Finance Department is using automatic read water meters

utilizing Neptune water meters and associated parts. Core & Main LP is the sole authorized distributor for the Neptune Technology Group in the state of Texas. According to Texas Local Government Code 252.022 (a)(7)(A), competitive bidding requirements do not apply to items that are available from only one source due to “patents”, copyrights, secret processes, or natural monopolies. Resolution 2019-369 authorized a sole-source purchase agreement for water meters with Core & Main LP. Due to the large volume of water meters needed for Fiscal Year 2020, the purchase agreement approved by Resolution 2019-369 was exceeded by $492,650.00. Staff recommends ratifying and authorizing payment for water meters in the amount of $492,650.00. Staff also recommends approving the purchase of additional water meters in the amount of $358,819.50 from the sole source vendor Core & Main LP for a total cost of $851,469.50 to complete water meter installations for Fiscal Year 2020 for the Customer Service Division. Please see the attached memo from Tony Goyang, Customer Service Manager, for further information.

Therefore, please consider a resolution ratifying the sole-source purchase in the amount of $492,650.00 for Neptune water meters and associated parts from Core & Main, LP; approving the additional sole-source purchase in the amount of $358,819.50 for Neptune water meters and associated parts from Core & Main, LP; and authorizing the execution of an amendment to the sole-source purchase agreement with Core & Main, LP, for Neptune water meters and associated parts for the Customer Service Division of the Finance Department; said amendment to provide for a total cost not to exceed $2,850,701.20.



City Manager’s Office

INTEROFFICE MEMORANDUM

TO: Regina Stephenson, General Service Director, Erika Martinez, Purchasing Manager

FROM: Tony Goyang, Customer Service Manager

SUBJECT: Consider a Resolution approving the purchase of additional meters from Core & Main, Contractor for Neptune water meters and other Neptune parts.

DATE: August 11, 2020

The Customer Service Division is requesting approval of a resolution to purchase additional AMI meters as a sole source purchase for Neptune products and also pay $492,650 unpaid invoices from Core & Main for a Total Amount of $851,469.50.

Only Core & Main can sell Neptune meters within our region. Total projected not to exceed cost for the remainder of 2020 budget year will be no more than $852,000.

The Customer Service Division's plan is to switch out or convert all existing water meters to Neptune radio-read meters. This will allow quicker and more reliable meter readings. The new registers will also store 96 days of hourly water consumption, which we can retrieve manually. This will provide us with more information to assist the water customers in determining any possible leaks and the cause.

Switching to radio read meters is our first step in establishing an Automatic Meter Interface system (AMI) for the City of Midland.

This purchase is budgeted for 2020 Fiscal Year and will be paid from the Meter Shop Unit in the Water and Sewer Fund.

RESOLUTION NO. _____

RESOLUTION RATIFYING THE SOLE-SOURCE PURCHASE IN THE AMOUNT OF $492,650.00 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; APPROVING THE ADDITIONAL SOLE-SOURCE PURCHASE IN THE AMOUNT OF $358,819.50 FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FROM CORE & MAIN, LP; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SOLE-SOURCE PURCHASE AGREEMENT WITH CORE & MAIN, LP, FOR NEPTUNE WATER METERS AND ASSOCIATED PARTS FOR THE CUSTOMER SERVICE DIVISION OF THE FINANCE DEPARTMENT; SAID AMENDMENT TO PROVIDE FOR A TOTAL COST NOT TO EXCEED $2,850,701.20

WHEREAS, the City of Midland's Customer Service Division of the Finance Department is establishing an Automatic Meter Interface System that requires the use of Neptune Water Meters and associated parts; and

WHEREAS, Core & Main, LP, is the sole authorized distributor for the Neptune Water Meters in Texas; and

WHEREAS, said water meters are proprietary in nature and are available only from Core & Main, LP; and

WHEREAS, Resolution 2019-369 authorized a sole-source purchase agreement (the "*Agreement*") for said water meters with Core & Main, LP, in an amount not to exceed $1,999,231.70; and

WHEREAS, the Agreement amount was exceeded by $492,650.00; and

WHEREAS, the City Council finds it to be in the public interest to ratify the $492,650.00 purchase of said water meters so as to continue the implementation of the Automatic Meter Interface System; and

WHEREAS, Core & Main, LP, has agreed to provide the City with additional water meters and associated parts, in accordance with the terms and conditions of the Agreement, at a total cost not to exceed $358,819.50; and

WHEREAS, the City Council finds the price proposed for said water meters and

associated parts to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to authorize an amendment to the Agreement with Core & Main, LP, for Neptune Water Meters and associated parts a total cost not to exceed $2,850,701.20;

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

SECTION ONE. That the sole-source purchase of Neptune Water Meters and associated parts in the amount of $492,650.00 is hereby ratified and approved.

SECTION TWO. That the additional sole-source purchase of Neptune Water Meters and associated parts in the amount of $358,819.50 is hereby approved.

SECTION THREE. That the City Manager and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, an amendment to that certain sole-source purchase agreement with Core & Main, LP, for Neptune Water Meters and associated parts for the Customer Service Division of the Finance Department at a total cost not to exceed $2,850,701.20. Said amendment being attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION FOUR. That the City Comptroller is hereby authorized and directed to pay Core & Main, LP, an amount not to exceed $2,850,701.20 from funds available in the in the Water and Sewer Fund (300) upon proper receipt of invoices or statements approved by the City Manager.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

AMENDMENT TO THE MASTER AGREEMENT BETWEEN CORE & MAIN, LP, AND THE CITY OF MIDLAND, TEXAS

THIS AMENDMENT is made and effective August 26, 2020, by and between Core & Main, LP ("*Company*"), and the City of Midland ("*City*"), a home-rule municipality.

WHEREAS, Company and City entered into that certain Master Agreement dated December 11, 2019 (the "*Agreement*"), for the purchase and sale of Neptune Water Meters and associated parts, which was approved by the Midland City Council by Resolution No. 2019-369; and

WHEREAS, the Agreement has been in full force and effect since its effective date and has not been allowed to lapse; and

WHEREAS, Company and the City desire to make certain amendments to the Agreement as set forth below;

W I T N E S S E T H:

For and in consideration of the execution of this Amendment and the mutual promises and covenants of the parties hereto, it is mutually promised, understood and agreed as follows:

1) City agrees to pay Company an additional $851,469.50 (over and above the Agreement's original Total Projected Cost of $1,999,231.70) for the purchase of additional Neptune Water Meters and associated parts under the same terms and conditions set forth in the Agreement.

2) The Agreement, inclusive of this Amendment, is hereby ratified and affirmed by Company and City, and the Agreement shall in all respects remain in full force and effect in accordance with its provisions and as amended above.

EXECUTED by the duly authorized officials as of the day and year first above written.

CITY OF MIDLAND

_____

Courtney Sharp, City Manager

ATTEST:

_____
Amy M. Turner, City Secretary

CORE & MAIN, LP

_____

Name: _____

Title: _____

THE STATE OF _____ §
§
COUNTY OF _____ §

BEFORE ME, _____, a notary public, on this day personally appeared _____, _____ of Core & Main, LP, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said company for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D., 2020

_____
Notary Public, in and for
The State of Texas

Run Date: 8/06/20

Preshipment Notification

Customer #	**152288**
Order #	**M805240**
Date Ordered	08/06/20
Job #	WTRMTR
Job Name	20000595 MASTER
Purchase Order #	20201073
Method of Shipment	DIRECT
Contract Order #	L650321
Ordered By	TONY
Ship Via	

Sold To:
CITY OF MIDLAND
STOCK-EL PASO
PO BOX 1152
MIDLAND, TX 79702-1152

Ship To:
CITY OF MIDLAND
1606 ORCHARD
METER SHOP
GERMAN 432-230-8966
MIDLAND, TX 79701

Branch:
EL PASO TX
Branch - 537
930 Pendale Rd
El Paso, TX 79907 1720

Phone: 915-590-6922

Bid Seq#	Product Code	Description	Qty Ordered	Qty Shipped	Qty B/O	Net Price	UOM	Ext Price
10	43ED2B21RPWG11S23	T10 5/8X3/4 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2B21RPWG11S2326	1000		1000	185.50000	EA	.00
20	43ED2F21RPWG11S23	T10 1 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2F21RPWG11S2326	500		500	243.30000	EA	.00
	4315ED2H11RWG3SG5	T10 1-1/2" ED2H11RWG3SG89 FLG R900I MTR GAL 6' ANT.; LOW LEAD	50		50	433.50000	EA	.00
	4320ET4ARWG3SG89	ET4ARWG3SG89 2 HP TURBINE MTR R900I ENHANCED GAL W/EXT. ANT. NO LEAD	50		50	599.89000	EA	.00

Terms in accordance with shipping manifest.

Special Instructions/Comments:

BID # 1139552 C/O # L650321
BID NM: MIDLAND FY2020 AMR METERS

Total Shipped: .00
Total Ordered: 358819.50

DUPLICATE

INVOICE

1830 Craig Park Court
St. Louis, MO 63146

Invoice #	M589461
Invoice Date	7/17/20
Account #	152288
Sales Rep	ARNOLD OSUNA
Phone #	915-590-6922
Branch #537	El Paso, TX
Total Amount Due	$185,500.00

Remit To:
CORE & MAIN LP
PO BOX 28330
ST LOUIS, MO 63146

CITY OF MIDLAND
PO BOX 1152
MIDLAND TX 79702-1152

Shipped To:
1606 ORCHARD
METER SHOP
GERMAN 432-230-8966
MIDLAND, TX

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice#
6/29/20	7/15/20	20201073				DIRECT	M589461

Product Code	Description	Quantity Ordered	Quantity Shipped	B/O	Price	UM	Extended Price
	CORE & MAIN PO#- 9839615						
43ED2B21RPWG11S23	T10 5/8X3/4 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2B21RPWG11S2326 BID SEQ# 10	1000	1000		185.50000	EA	185,500.00

Total = $492,650

Freight	Delivery	Handling	Restock	Misc

Subtotal:	185,500.00
Other:	.00
Tax:	.00
Invoice Total:	$185,500.00

Terms: NET 30
Ordered By: TONY

This transaction is governed by and subject to Core & Main's standard terms and conditions, which are incorporated by reference and accepted.
To review these terms and conditions, please visit: http://tandc.coreandmain.com/

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DUPLICATE

INVOICE

1830 Craig Park Court
St. Louis, MO 63146

Invoice #	M418083
Invoice Date	6/08/20
Account #	152288
Sales Rep	ARNOLD OSUNA
Phone #	915-590-6922
Branch #537	El Paso, TX
Total Amount Due	$185,500.00

Remit To:
CORE & MAIN LP
PO BOX 28330
ST LOUIS, MO 63146

CITY OF MIDLAND
PO BOX 1152
MIDLAND TX 79702-1152

Shipped To:
1606 ORCHARD
METER SHOP
GERMAN 432-230-8966
MIDLAND, TX

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice#
5/27/20	6/04/20	20201073				BESTWAY	M418083

Product Code	Description	Quantity Ordered	Shipped	B/O	Price	UM	Extended Price
	CORE & MAIN PO#- 9786557						
43ED2B21RPWG11S23	T10 5/8X3/4 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2B21RPWG11S2326 BID SEQ# 10	1000	1000		185.50000	EA	185,500.00
43ED2F21RPWG11S23	T10 1 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2F21RPWG11S2326 BID SEQ# 20	500		500	243.30000	EA	.00
4320ET4ARWG3SG89	ET4ARWG3SG89 2 HP TURBINE MTR R900I ENHANCED GAL W/EXT. ANT. NO LEAD BID SEQ# 30	200		200	599.89000	EA	.00

Freight	Delivery	Handling	Restock	Misc

Subtotal:	185,500.00
Other:	.00
Tax:	.00
Invoice Total:	$185,500.00

Terms: NET 30
Ordered By: TONY GOYANG

This transaction is governed by and subject to Core & Main's standard terms and conditions, which are incorporated by reference and accepted.
To review these terms and conditions, please visit: http://tandc.coreandmain.com/

DUPLICATE

INVOICE

1830 Craig Park Court
St. Louis, MO 63146

Invoice #	M485616
Invoice Date	6/10/20
Account #	152288
Sales Rep	ARNOLD OSUNA
Phone #	915-590-6922
Branch #537	El Paso, TX
Total Amount Due	$121,650.00

Backordered from:
6/08/20 M418083

Remit To:
CORE & MAIN LP
PO BOX 28330
ST LOUIS, MO 63146

CITY OF MIDLAND
PO BOX 1152
MIDLAND TX 79702-1152

Shipped To:
1606 ORCHARD
METER SHOP
GERMAN 432-230-8966
MIDLAND, TX

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice#
5/27/20	6/08/20	20201073				BESTWAY	M485616

Product Code	Description	Quantity Ordered	Shipped	B/O	Price	UM	Extended Price
	CORE & MAIN PO#- 9786557						
43ED2F21RPWG11S23	T10 1 R900I PROCODER USG BRZ BTM 302 B&N 6' EXT ANTENNA TEST DATA ED2F21RPWG11S2326 BID SEQ# 20	500	500		243.30000	EA	121,650.00
4320ET4ARWG3SG89	ET4ARWG3SG89 2 HP TURBINE MTR R900I ENHANCED GAL W/EXT. ANT. NO LEAD BID SEQ# 30	200		200	599.89000	EA	.00

Freight	Delivery	Handling	Restock	Misc

Terms: NET 30
Ordered By: TONY GOYANG

Subtotal:	121,650.00
Other:	.00
Tax:	.00
Invoice Total:	$121,650.00

This transaction is governed by and subject to Core & Main's standard terms and conditions, which are incorporated by reference and accepted.
To review these terms and conditions, please visit: http://tandc.coreandmain.com/

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NEPTUNE
TECHNOLOGY GROUP

November 21, 2019

Tony Goyang
City of Midland
Customer Service Manager

Tony,

I am writing this letter to confirm that Core and Main is the sole authorized distributor for Neptune Technology Group Products for the City of Midland and the entire State of Texas.

Core and Main handles our full line of Neptune Meters, Radio Frequency Meter Reading Systems, and parts. Their local sales person for the City of Midland is Arnold Osuna and he can be reached at (915) 449-0418. Core and Main also has a Meter and System Specialist on board that covers the Permian Basin area and his name is Ray Richardson and he can be reached at (505) 400-6464.

If you have any question or need anything else please give me a call at (281) 794-3133. We appreciate your business.

Sincerely,

Charlie Trimble
Senior Territory Manager

City Council Meeting

Item Number: 6

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Regina Stephenson, Director

Subject: MOTION AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH MW BUILDERS, INC. REGARDING THE FIRE STATION FIVE (5), FIRE STATION ELEVEN (11) AND FUELING STATION PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF $98,777.00 AND TO PROVIDE FOR UTILITY IMPROVEMENTS FOR FIRE STATION FIVE (5) FOR THE FIRE DEPARTMENT; AND APPROPRIATING $98,777.00 FROM THE ROAD/UTILITY BOND FUND (179) TO SAID PROJECT (900307-005). (GENERAL SERVICES)

Purpose:

Motion authorizing the execution of a change order with MW Builders, Inc. regarding the Fire Station Five (5), Fire Station Eleven (11) and Fueling Station Project; said change order to be in the amount of $98,777.00 and to provide for utility improvements for Fire Station Five (5) for the Fire Department; and appropriating $98,777.00 from the Road/Utility Bond Fund (179) to said Project (900307-005). (General Services)

Recommended City Council Action:

Approve

Fiscal Impact:

$98,777.00 from the Road/Utility Bond Fund

Discussion:

Construction of Fire Station Five (5), Fire Station Eleven (11), a Fueling Station and Wash Bay were approved by Resolution 2020-076. Staff discovered at Fire Station Five (5) that certain utility improvements related to the Road/Utility Bond could be performed while the subcontractor, TEC Excavation, Inc., is installing utility taps at Fire Station Five (5). In order to eliminate the need to excavate the roadway a second time when the utility and road bond project begins on Garfield Street, staff recommends executing a change order to do the utility work for the bond

project in conjunction with the Fire Station Project. Please see the attached memo from Jose Ortiz, Engineering Services Director, for additional information.

Therefore, please consider a motion authorizing the execution of a change order with MW Builders, Inc. regarding the Fire Station Five (5), Fire Station Eleven (11), Fueling Station and Wash Bay contract; said change order to be in the amount of $98,777.00 and to provide for certain utility improvements for Fire Station Five (5) for the Fire Department; and appropriating funds from the Road/Utility Bond Fund therefore.

City Manager's Office

INTEROFFICE MEMORANDUM

TO: Regina Stephenson, General Services Director

FROM: Jose Ortiz, Engineering Services Director

SUBJECT: Motion authorizing the execution of Change Order with MW Builders, Inc. regarding the Fire Station Five (5) and appropriating funds from the Road/Utility Bond Fund

DATE: August 25, 2020

In coordination with Chief Blumenauer it was determined that Fire Station (5) will open and be in operation prior to the construction of Garfield Street (2017 Road/Utility Bond Project). The northern limits of construction for the Garfield Street Project is just north of Fire Station (5). The access point to the fire station is along Garfield Street so staff sought out options to minimize any closures to the new fire station driveway. Staff discovered that certain utility improvements could be performed while the subcontractor, TEC Excavation, Inc., is installing utility taps at the fire station. In order to eliminate the need to excavate the roadway a second time when the utility and road bond project begins on Garfield Street, staff recommends executing this change order to do the utility work for the bond project in conjunction with the Fire Station Project.

Change Order Request

COR#: 12
Date: 08/13/20

MW Builders, Inc.
965 Advance Ave.
Midland, TX 79701
Phone: 432.687.1219

Owner : CITY OF MIDLAND, TX
9506 LAFORCE
MIDLAND, TX 79711

Project: 1076- - / Midland Fire Station #5 and #11
#5 - 2210 W. Golf Course Rd
Midland, TX 79701

Reason Code: OCO

Change Order Request # : 12 Station 5 - Road Improvements UTILITIES

Station 5 - Improvements to the utilities of North Garfield Street per 2020.6.29 Garfield Short Plan and COM Standard Specifications issued. The proposal includes traffic control that allows two lanes of traffic to be available at all times, water piping, fire hydrants, taps, gate valves, and road patch utilizing city approved asphalt for excavated areas. MW Builders proposes to execute this scope of work during the month of October 2020.

Item : 1 Station 5 - Road Improvements UTILITIES

Below is the detail for our proposal to complete the following changes in contract work:

Description	Cost Type	Subcontractor/Vendor Name	Estimated Cost
Utilities - Station #5	Subcontractors	Tec Excavation Inc.	90,505.00
		Subtotal Item 1	**90,505.00**

Cost Type Recap:	Amount
3 Subcontractors	90,505.00
Subtotal Item	90,505.00

Payment and Performance Bond	1.50%	**1,460.00**
MWB Insurance	1.00%	**973.00**
Home Office Overhead	2.00%	**1,946.00**
Profit	3.00%	**2,920.00**
Builders Risk	1.00%	**973.00**
Requested Total For Item 1		**98,777.00**

Proposed Change in Contract Time: 0
New Contract Completion Date: 05/04/2021
Subject to proposal approval by:

Total For Change Order **98,777.00**

Note: No warrantability for suitability for a particular purpose, nor any liability under any claim whatsoever by any party other than the offeror and acceptor, shall be construed to originate under this proposal. We reserve the right to assess the schedule impact of this Proposed Contract Modification at a later date. This Proposed Contract Modification is submitted with the understanding that any associated impact costs are hereby reserved and preserved.

Submitted By: MW Builders, Inc.

Signed: ~~PACKET~~

Date: _____

Approved By: CITY OF MIDLAND, TX

Signed: ~~6.37~~

Date: _____

August 25, 2020



STATE OF TEXAS HUB CERTIFICATION NO. 1522374490300

TXDOT DBE VENDOR NO. 14302

P.O. BOX 80455
Midland, TX 79708

432-682-2619 Phone
432-684-1151 Fax

TO: MW BUILDERS
CONTACT: TODD CUNNINGHAM
TELEPHONE:
FAX:
E-MAIL

PROJECT: FIRE STATION NO. 5
GARFIELD ST.
MIDLAND, TX

DATE: *7/17/2020*

DESCRIPTION	*QUANTITY*	*UNIT*	*UNIT PRICE*	*TOTAL*
12” CONNECTIONS	2	EA	$ 3,600.00	$ 7,200.00
12” PVC WATERLINE	200	LF	$ 65.00	$ 13,000.00
8” PVC WATERLINE	140	LF	$ 55.00	$ 7,700.00
6” PVC WATERLINE	60	LF	$ 52.00	$ 3,120.00
D.I. FITTINGS	1	LS	$ 8,040.00	$ 8,040.00
8” GATE VALVES	4	EA	$ 1,500.00	$ 6,000.00
6” GATE VALVES	2	EA	$ 1,180.00	$ 2,360.00
FIRE HYDRANTS	2	EA	$ 4,700.00	$ 9,400.00
FLOWABLE FILL	1	LS	$ 7,750.00	$ 7,750.00
BARRICADES/TRAFFIC CONTROL	1	LS	$ 6,500.00	$ 6,500.00
ITEMS OF WORK NEEDED NOT SHOWN ON SHEET 19A				
6” MANIFOLD W/1 EA 2” DOMESTIC SERVICE,				
1 EA 1” IRRIGATION SERVICE, AND 1 EA 6” STUB				
WITH GATE VALVE FOR FIRE LINE EXTENSION.	1	LS	$ 6,810.00	$ 6,810.00
TOTALS----------				**$ 77,880.00**

PRICING EXCLUSIONS:

BOND, SALES TAX, EROSION CONTROLS, ON-SITE WATER/SEWER UTILITIES FROM PROPERTY LINE TO BUILDING. WATER METERS/FEE’S. REPLACEMENT OF ASPHALT.
ANY PROJECT SPECIFIC OR GC SPECIFIC INSURANCE REQUIREMENTS OVER & ABOVE OUR STANDARD COVERAGE.

TEC EXCAVATION INC.
MIDLAND, TX
(432) 687-5346

STATE OF TEXAS HUB CERTIFICATION NO. 1522374490300

TXDOT DBE VENDOR NO. 14302

P.O. BOX 80455
Midland, TX 79708

432-682-2619 Phone
432-684-1151 Fax

TO: MW BUILDERS
CONTACT: BRENT BOND
TELEPHONE:
FAX:
E-MAIL

PROJECT: FIRE STATION NO. 5
GARFIELD ST.
MIDLAND, TX

DATE: *8/10/2020*

DESCRIPTION	*QUANTITY*	*UNIT*	*UNIT PRICE*	*TOTAL*
REPLACE ASPHALT FOR UTILITY WORK ON SHEETS				
13 & 19A THAT WAS NOT INCLUDED IN CCR001.	175	SY	$ 65.00	$ 11,375.00
ADDITIONAL BARRICADE LABOR FOR LANE SWAPS	1	LS	$ 1,250.00	$ 1,250.00
TOTALS----------				**$ 12,625.00**

CLARIFICATIONS:

THIS PRICE REQUEST TO BE ADDED TO CCR001 IF APPROVED.
PRICING IS BASED UPON MAINTAINING TWO-WAY TRAFFIC DURING CONSTRUCTION. PRICING IS BASED UPON FOUR SETUPS TO CLOSE SOUTH BOUND LANES AND NORTH BOUND LANES.
ANY ADDITIONAL CLOSURES TO BE PRICED ACCORDINGLY.

RESPECTFULLY SUBMITTED,

City Council Meeting

Item Number: 7

Meeting Date: **August 25, 2020**

To: **City Council / City Manager**

From: **Mark Widmann, Director**

Subject: Motion authorizing the execution of an interlocal agreement with the Public Employee Benefits Alliance, as authorized by Chapter 791 of the Texas Government Code; said agreement providing for the City of Midland's participation in the cooperative purchasing of certain employee benefits. (ADMINISTRATIVE SERVICES)

Purpose:

The purpose of the Interlocal Agreement shall allow the City to join the Public Employee Benefits Alliance (PEBA) in order to cooperatively purchase employee benefits. PEBA membership is open to all Texas local governments to provide and affordable benefits. The agreement will allow the City to continue providing benefits from 1). Deer Oaks Employee Assistant Program, 2). The Standard Life Insurance, AD&D, LTD, STD Plans, and 3). United Health Care Post-65 Retiree Benefits.

Recommended City Council Action:

Approve

Fiscal Impact:

The PEBA annual membership fee is $700. In addition, a PEBA proposal fee of $1,700 shall be added to the annual membership fee. Total annual cost of approximately $2,400.

Discussion:

PEBA membership is open to all Texas local governments who pay an annual membership fee and execute a PEBA Participating Interlocal Agreement.

PEBA's mission is to support the individual members by providing cost management benefit vendor negotiation services to manage the spiraling cost of healthcare and related benefits. Working together through the alliance procurement model to purchase healthcare and related benefits at a competitive price. In order to accomplish this mission, PEBA makes a

commitment to negotiate, on behalf of the membership, affordable, high-quality healthcare and a wide range of other related benefits and services. The contractual negotiation will include customer service accountability.

City Manager's Office


AMERICAN FIDELITY
a different opinion
CareATC
CIRCLE WELLNESS
a member of Circle Health Partners, Inc.
DEER OAKS
EAP SERVICES
hms
Employer Solutions
KERSH
HEALTH
LEGACY ER
& URGENT CARE
ACSIA
PARTNERS
Marathon health
For life.
NuPhysicia
Medicine At Work
OPTUMRx
RxResults
Trusted Pharmacy Benefit Solutions
SPŌHN
TheStandard
TASC
TELADOC
healthiestyou
UnitedHealthcare

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UnitedHealthcare | Post 65 Retiree Benefits 14

CHAIR'S WELCOME

Access, service and effective cost continues to be the focus for the Public Employee Benefits Alliance (PEBA). Good healthcare is important for our employees, dependents and retirees, but unless we find more affordable ways to purchase benefits, it will soon be out of reach for many local government employees and their families.

PEBA was created by a group of Texas Government leaders working together to develop strategies to manage the rising costs of healthcare benefits. PEBA membership is open to all Texas Local Governments who pay an annual membership fee and execute a PEBA Participating Interlocal Agreement. However, Local Governments who are members of one of the political subdivision Pools: Texas Association of Counties (TAC), and the TML Health Benefits Pool (TML Health) automatically has PEBA membership through the participating Pool.

PEBA's mission is to support the individual members by providing: negotiation services to manage the spiraling cost of healthcare and related benefits, work through the alliance procurement model to purchase healthcare and related benefits at competitive prices, and contractual negotiations which will include vendor service accountability requirements. In order to accomplish this mission, PEBA makes a commitment to negotiate on behalf of the membership affordable, high-quality healthcare, and related benefits and services.

PEBA's only purpose is to empower Political Subdivisions to provide the most innovative and affordable benefits. So please join PEBA today to offer the best benefits for your employees and dependents at the lowest possible cost.

Donna Eccleston, Chair
TAC Board Member
Comal County Commissioner, Precinct 1
100 Main Plaza
New Braunfels, Texas 78130
cctdme@co.comal.tx.us

Public Employee Benefits Alliance

BOARD OF TRUSTEES

CHAIR

Donna Eccleston,
Comal County

TRUSTEES

Steve Ritter,
City of Huntsville

Linda Spacek,
City of San Marcos

Leah Gore,
City of Gainesville

EX-OFFICIO OFFICERS

Quincy Quinlan, TAC

Jennifer Hoff,
TML Health

INTRODUCTION

PEBA membership is open to all Texas local governments who pay an annual membership fee and execute a PEBA Participating Interlocal Agreement. However, local governments who are members of one of the political subdivision Pools will obtain automatic annual PEBA membership through their Pool participation.

MISSION STATEMENT

PEBA's mission is to support the individual members by providing cost management benefit vendor negotiation services to manage the spiraling cost of healthcare and related benefits. Working together through the alliance procurement model to purchase healthcare and related benefits at a competitive price. In order to accomplish this mission, PEBA makes a commitment to negotiate, on behalf of the membership, affordable, high-quality healthcare and a wide range of other related benefits and services. The contractual negotiation will include customer service accountability.

PEBA MEMBERSHIP COSTS

Effective January 2020, PEBA proposal fees will be added to the annual PEBA membership fee per the below schedule. Contract Extension Fee: 50%; Late Fee: $250

Employer Lives	Texas	Out-of-State
0-100 Lives	$150 + Proposal Fee	$250 + Proposal Fee
101-500 Lives	$300 + Proposal Fee	$450 + Proposal Fee
501-1,000 Lives	$500 + Proposal Fee	$750 + Proposal Fee
1,001-5,000 Lives	$700 + Proposal Fee	$900 + Proposal Fee
5,001-15,000 Lives	$750 + Proposal Fee	$1,250 + Proposal Fee
15,001-25,000 Lives	$1,000 + Proposal Fee	$3,000 + Proposal Fee
>25,000 Lives	$1,750 + Proposal Fee	$3,500 + Proposal Fee
Multi-Employer Group	$2,500 + Proposal Fee	$2,750 + Proposal Fee

Proposal Fees	Texas Employers	Out-of-State Employers
Pharmacy Benefit Manager	$2,000	$3,500
Supplemental Benefits (Fee includes access to one or more of these products: Section 125/POP, Cancer, Accident, EAP, Critical Illness, Life/LTD/STD, Vision and Wellness)	$500	$750
Post 65 Retiree Benefits	▪ 0-100 Active EE Lives: $450 ▪ 101-500 Active EE Lives: $700 ▪ 501-1000 Active EE Lives: $1,200 ▪ 1001-5,000 Active EE Lives: $1,700 ▪ 5,001-15,000 Active EE Lives: $2,200 ▪ 15,001-25,000 Active EE Lives: $2,700 ▪ >25,000 Active EE Lives: $3,200	▪ 0-100 Active EE Lives: $500 ▪ 101-500 Active EE Lives: $750 ▪ 501-1000 Active EE Lives: $1,250 ▪ 1001-5,000 Active EE Lives: $1,750 ▪ 5,001-15,000 Active EE Lives: $2,250 ▪ 15,001-25,000 Active EE Lives: $2,750 ▪ >25,000 Active EE Lives: $3,250

Proposal Fees	Texas Employers	Out-of-State Employers
HIPAA Security Risk Assessment and Compliance	▪ 0-100 Active EE Lives: $450 ▪ 101-500 Active EE Lives: $700 ▪ 501-1000 Active EE Lives: $1,200 ▪ 1001-5,000 Active EE Lives: $1,700 ▪ 5,001-15,000 Active EE Lives: $2,200 ▪ 15,001-25,000 Active EE Lives: $2,700 ▪ >25,000 Active EE Lives: $3,200	▪ 0-100 Active EE Lives: $500 ▪ 101-500 Active EE Lives: $750 ▪ 501-1000 Active EE Lives: $1,250 ▪ 1001-5,000 Active EE Lives: $1,750 ▪ 5,001-15,000 Active EE Lives: $2,250 ▪ 15,001-25,000 Active EE Lives: $2,750 ▪ >25,000 Active EE Lives: $3,250
Comprehensive Health Eligibility, Pharmacy and Inpatient Bill Audit Services	$1,250	$1,750
Comprehensive Health Clinic	$2,000	$3,500
Telemedicine Services	$125	$200
Long Term Care	$125	$200
Value Tiered Health and Wellness Continuum of Care Program	$2,500	$3,700

(Biometric Screenings, Telehealth, On-Site Clinic MD/NP, Near-Site Clinic MD/PA (Multi-Employer/ MemberCentric), Emergent/Urgent Clinics, Al A Cart Emergent/Urgent Clinic, Health Assessment, Health and Wellness Tracker, Quality of Life Programs: Professional Health Coaching, Personal Health Record, Police and Fire History and Physicals, and Immunization/Allergy Injections)

BRIEF OVERVIEW OF PEBA BENEFITS

American Fidelity

Supplemental Accident, Cancer, and Catastrophic-Critical Illness Plans

Discover the ease and simplicity of employee benefits and enrollment solutions, all from a PEBA partner focused on service. American Fidelity Assurance Company's services and benefits have been instrumental in helping political subdivisions in Texas and around the country save administrative time, manage costs and support the overall employee benefit program. From their salaried, career Account Managers who provide a year-round service commitment, to their flexible electronic enrollment options, they work hard to tailor the most efficient solution for you and your employees.

Let American Fidelity enhance your current benefit program without adding costs to the bottom line by offering voluntary benefit plans to your employees. Their diverse portfolio is a great complement to your core benefit offerings and gives your employees the opportunity to better protect themselves and their families.

CareATC

On-Site/Near Site Clinics with MD or PA/NP with collaborating MD

Dedicated on-site/near-site clinics with MD or PA/NP with collaborating MD, making services and hours customizable

- Existing employer-owned space or in a nearby medical or retail space.
- On-Site clinics are best suited for employers looking for a clinic that is dedicated to their own members, who have a large population living and/or working nearby, etc.
- Near-Site Clinics: Shared between multiple employers (public or private), allowing for expanded clinic hours, locations, and services available to all members. CareATC currently operates near-site clinics in 16 markets nationwide. CareATC is also wiling to expand to new markets based on need.
- Near-Site clinics are best suited for employers with geographically dispersed populations, who might also be interested in partnering with other employers, reducing startup costs, engaging spouses and dependents, and or expanding locations and services without increasing the cost.

Service options include:

- Police and Fire H&P
- Prescriptions
- Lab services
- Radiology services
- Quality of life/Professional health coaches program
- Annual physicals

Circle Wellness/Circle Health Partners, Inc.

Health and Wellness Products and Services

Whether you are starting from scratch or wanting to add pieces to an already existing wellness platform, Circle can help with customized solutions that impact the bottom line.

Clients can offer 24/7 access to secure health results with over 50,000 pages of trusted (and ad free) medical decision support and educational tools. Plus, groups can add e-learning and integrate personal health information such as claims data (medical, dental, vision, disease management, etc.), care analysis tools, for incentive tracking, reporting, and more.

Full Spectrum of Services

- Comprehensive web tool portal that drives member interaction, education, and compliance
- URAC Accredited Self-Care Center
- Multi-use scheduling tools
- Targeted communication options including web, email, SMS, and more
- Personal health record
- Smoking cessation, stress management, weight management, and more
- Venipuncture and finger stick health screenings (on-site, on-demand, and individual home appointments)
- Targeted age/gender specific blood screenings
- Health questionnaires utilizing paper, online, and other on-site technology
- Individual private consultations and yearlong health coaching (on-site, web, and phone)
- Targeted intervention follow-up programs for at-risk populations
- Year-long member communication strategies
- Wellness campaigns
- On-site immunizations
- Self-care programs

Deer Oaks

Employee Assistance Program (EAP)

Deer Oaks Services is a premier, national Employee Assistance and Work/Life Company dedicated to helping our members improve their health and well-being through quality, cost-effective services. Our integrated EAP and Work/Life Program available through PEBA includes, but is not limited to, the following features:

- Eligibility
- Telephonic Support
- Tele-Language Services
- In-person Counseling
- Referrals & Community Resources
- Advantage Legal Assist
- Advantage Financial Assist
- ID Recovery
- Online Tools & Resources
- Work/Life Services
- Find-Now Child & Elder Care Program
- On-Site Services
- Critical Incident Stress Management
- Take the High Road: Deer Oaks reimburses members for their cab fares in the event that they are incapacitated due to impairment by a substance or extreme emotional condition.

HMS Employer Solutions

Health Plan Audit Services

HMS Employer Solutions creates immediate measurable value for employers by protecting the financial vitality of their health plans. We are part of HMS, the nation's premier healthcare cost containment expert. As a result of our services, our clients recovered over $2 billion in 2011, and saved clients billions of dollars more through prevention of erroneous payments.

The following menu of audit tools will be available to the PEBA membership at competitive Alliance purchasing rates:

Dependent Eligibility Audits (DEAs) is a proof based audit to verify that dependents are truly eligible for coverage. After performing this type of audit, employers typically find that 4-8% of enrolled dependents are ineligible. HMS will guarantee a positive return on Investment for DEAs. Typically ROIs ranges from 500% to 1500%. Additional add-on: Employee Eligibility, Spousal Affidavit, Point of Enrollment Dependent Eligibility check.

Medical Claims Compliance Audits to ensure that members' Claims Administrators are paying claims appropriately. Claims can be paid in error for many reasons, including duplicate billing, claims coding errors, or failure to coordinate benefits when a third party is liable for payment. By reviewing 100% of claims, HMS identifies inconsistencies within the processing and payment of medical and dental claims.

Inpatient Bill Audit Services to identify unnecessary spending of healthcare dollars by verifying that charges billed by hospitals match the actual care and services provided. Auditors compare itemized bills to medical records to verify that services billed were ordered, documented as received, and reimbursable per billing guidelines. HMS' medical bill audits typically result in recovery of 2-4% of claims costs.

Pharmacy Audits, including audits of rebates, retail pharmacies, and Pharmacy Benefit Managers to help control pharmacy costs by identifying and recovering improper payments, while identifying potential fraud, waste and abuse.

Kersh Health

On-Site/Near Site Clinics with MD or PA/NP with collaborating MD

Service Options

- Police and Fire H&P
- Prescriptions
- Lab services
- Radiology services
- Claim Look-up

Kersh Advantages

● One-Stop Wellness Shop ● Interface with Network Providers ● Biometric Screenings at the Clinic
● Cost Effective On-Site/Near Site Option ● Diagnosis Early and Intervene
● Personal Touch with Face to Face MD or PA ● Annual History and Physicals
● Ensure compliance with prescription program

Legacy

Emergency and Urgent Care

Setting the standard of excellence for care, service, and fairness in our communities.

24 hour access Emergent/Urgent (Legacy) and Chronic Care (Kersh/RediMD) Community Based Services.

Advantages

- One-Stop Wellness Shop
- Interface with Network Providers
- Biometric Screenings at the Clinic
- Cost Effective On-Site/Near Site Option
- Diagnosis Early and Intervene
- Personal Touch with Face to Face MD or PA
- Annual History and Physicals
- Ensure compliance with prescription program

ACSIA Partners

Long Term Care Benefits

ACSIA is flexible. We give you the power to set coverage levels and premiums based on your perceived needs and personal budget. And our policy design offers tremendous flexibility when a claim arises, by providing coverage for a broad range of providers and services, including informal caregivers and family members.

ACSIA is simple. Unlike other long term care insurance products, we use a simple Benefit Bank℠ design, with few riders and add-ons. We remove the confusion and make it easier to choose the coverage you want.

ACSIA is affordable. If you thought long term care insurance was out of reach – think again. We make it easy to choose the right coverage levels based on your target premium.

Marathon Health

Comprehensive Health Clinic

Marathon Health inspires people to lead healthier lives. In turn, we help employers stabilize health care costs. When care is available at or near the worksite, your employees can access affordable, convenient health care to improve or maintain their health.

We put your employees in the driver's seat of their health by empowering them with personalized care both in their health center and online. Worksite health coaching, primary care, behavioral health, physical therapy, occupational health, pharmacy services, and chronic condition management ensure your employees have the tools and resources they need to understand and engage in their health.

Outside of the health center, Marathon Health's eHealth Portal provides personal health reports, prescription management, health education, and appointment scheduling for your employees – all on their computer or smart phone.

Marathon Health Service Options

- Primary/Preventive care
- Occupational Health
- Disease Management
- Health Coaching
- Behavioral Health
- Physical Therapy
- Registered Dietician services
- Pharmacy solutions

Our comprehensive solution - proven in partnership with more than 100 different customers – is focused on providing value on all levels: the patient, the population, and our partnership.

NuPhysicia-Medicine At Work

On-Site/Near Site Telehealth/EMT Clinics

Service Options

- Biometric screenings & Immunizations
- Police and Fire H&P
- Lab & Radiology services
- Telemedicine (with no cost to members)
- Group Coaching Classes

NuPhysicia Advantages

● Diagnosis Early and Intervene ● Referrals to Network Providers ● MemberCentric Model
● Cost Effective On-Site/Near Site Option ● Personal Touch with Emergency Medical Technician
● Annual History and Physicals ● Ensure compliance with prescription program

OptumRx

Pharmacy Benefit Management Services and Repricing Data Analytics

The prescription plans will be evaluated annually in the following areas:

- Evaluate PBM's Prescription Drug Pricing/Average Wholesale Pricing
- Composition of Pharmacy Networks
- Custom Pharmacy Networks: Currently PEBA has requested the additional of the below pharmacies in the Aligned Network
- Closely monitor specialty/biotech drug costs and utilization
- Review how specialty/biotech drugs are covered
- Consider specialty/biotech drug patient management programs

OptumRx Services include

- Broad Network
- Mail Service
- Specialty Pharmacy
- Prior Authorization
- Step Therapy
- Clinical Prior Authorization
- Appeals
- Formulary Management

RxResults

Evidence-Based Prescription Services

Medication Therapy Management (MTM) provided by a pharmacist, is a service or group of services that optimizes therapeutic outcomes for individual patients. MTM includes comprehensive medication reviews, follow-up medication reviews, pharmacotherapy consults, educating members about their medications and collaborating with other healthcare providers on behalf of the member.

RxResults Network of Pharmacists provide MTM through face-to-face and telephonic contact with members to help maximize the benefits from their medications by actively managing their drug therapy, identifying, preventing and resolving medication-related problems, helping to increase medication adherence and teaching patients to self-manage their disease state. The benefits of this will be improved patient health and a reduction in overall healthcare cost.

MTM Results will use a combination of local pharmacists that provide face to face MTM services and the pharmacists at the University of Arkansas, College of Pharmacy's Evidence-Based Medicine Center which will provide.

Spōhn Solutions

Enterprise Assessments, Disaster Recovery Planning, Compliance Audits

Spōhn has the capability to audit healthcare plan covered entities, provider covered entities such as employer emergency services, and employer on-site health clinics or virtual clinics.

Overview of Services

- Vulnerability Audit
- Firewall Audit
- Audit Virus Scanner
- Business Continuity Plan Review
- Review PHI and Security Policy and Procedures
- Operational Interviews for Procedure Compliance
- Physical Infrastructure
- Software Architecture
- Network Topology
- Identification of Potential Threats
- Determine Potential Threats and Exposure to Threats
- Compile Exit Report
- Remediation Recommendations
- Security Awareness Training

The Standard

Life Insurance, AD&D, LTD, STD, Dental & Vision Plans

Basic Term Life, Basic AD&D, Additional AD&D, Dependent Life, Dependent AD&D, Voluntary AD&D, Long Term Disability, and Short Term Disability benefits for membership.

Additional Value Added Benefits

The online Life Services Toolkit provides resources and tools to help you and your beneficiary meet life's challenges:

● Estate Planning ● Financial Planning & Assistance ● Health and Wellness timely articles
● Identify Theft Prevention ● Funeral Arrangements ● Grief Support Clinicians ● Legal Services
● Support Services - Worklife advisors

TASC

Third Party Administrative Services

Total Administrative Services Corporation (TASC) offers Section 125 Cafeteria Plans/Flexible Spending Accounts with TASC Claim Card, FMLA Matters Administration, Health Reimbursement Account (HRA)/IRC Section 105 for eligible medical expenses (deductibles, copays, coinsurance, or Section 213 expenses), and COBRA Administration.

Teladoc-HealthiestYou

Telehealth & Telemedicine with Medical Consultation, Behavioral Health, and Dermatology Services

Connecting to Healthcare has never been easier!

- 24x7 Physician Access
- Timely Health Reminders
- Submit Claims to Payor

Member Engagement

- Mobile App
- Custom Marketing
- Partner Portal
- Admin Portal
- Custom Wellness
- Retention Team
- Co-Branded Enrollment Site
- Utilization Monitoring
- Administration Portal

Teladoc-HealthiestYou Advantages

- Licensed and reside in the U.S.
- All Board Certified Licensed Physicians
- Available by phone, video, or email (TX, LA, & IA limited to phone; CA limited Rx services)
- Diagnose, treat, and prescribe
- Service available in 48 states (except IA & AR)
- Largest Telehealth network in the country
- 2nd opinion avail., round the clock access to specialists

UnitedHealthcare (UHC)

Post 65 Retiree Benefits

UHC is offering employer options with two Medicare Advantage Prescription Drug (MAPD) PPO plans, four Medicare Supplemental Plans, and four stand-alone Medicare Part D Plans that are available nationwide.

Expanded Benefits

- Advocate4Me Reward Program
- Treatment Decision Support
- Disease Management Programs
- Catastrophic and Pre-Catastrophic Case Management
- Transplant Resource Services
- Case Management for Members at Risk
- Dental and Vision Benefit Options

To learn more about PEBA Membership

Contact Us

512-719-6757

800-348-7879 ext. 6757

peba@tmlhb.org

Public Employee Benefits Alliance

INTERLOCAL PARTICIPATION AGREEMENT

This Interlocal Participation Agreement (the "Agreement") is made by and between the **City of Midland** (the "Member"), a local government of the State of Texas, acting (Member) through its [COMMISSIONERS' COURT, CITY COUNCIL, BOARD OF TRUSTEES OR OTHER GOVERNING BODY], and the Public Employee Benefits Alliance ("PEBA"), as authorized by the Texas Interlocal Cooperation Act, Texas. Gov't Code, Chapter 791.

1. RECITALS

1.1 The Member is a local government as "local government" is defined in Section 791.003 of the Texas Government Code.

1.2 As a local government, the Member performs certain governmental functions and services as those terms are defined in Section 791.003 of the Texas Government Code.

1.3 The Member desires to join PEBA in order to cooperatively purchase goods, services and other items to be used in the Member's provision of employee benefits.

1.4 The Member acknowledges that this Agreement is a contract with PEBA and that PEBA at its discretion, may contract with other local governments.

1.5 Legality of contract. Member represents and warrants that (a) this agreement fully complies with the laws of the state of its principal place of business and (b) Member has full legal authority to enter into this agreement.

1.6 The Member's governing body has agreed to the terms and conditions of this Agreement and has acted by majority vote, at a duly called and posted public meeting, to authorize the execution of this Agreement and participation in PEBA.

2. AGREEMENT

2.1 Entry into PEBA. For and in consideration of the premises and the mutual agreements set forth in this Agreement, and other good and valuable consideration, the Member enters into this Agreement for the purpose of joining PEBA.

2.2 PEBA Not an Insurer. PEBA is not an insurer. All benefits and related services purchased through PEBA are authorized pursuant to the Interlocal Cooperation Act (Chapter 791, Texas Government Code) and other applicable provisions of Texas law.

2.3 Administrative Contract with TML Health and HEBP. PEBA may contract with the TML Health Benefits Pool ("TML Health"), the Texas Association of Counties Health and Employee Benefits Pool ("HEBP") or other entity to aid in the performance of the Agreement and the operation of PEBA.

3. TERMS AND CONDITIONS

3.1 Term and Termination. This term of this Agreement shall be for one year, commencing as of the date of execution by the second party to sign the Agreement. This Agreement shall be automatically renewed annually for an additional one-year term without the necessity of any action by the parties other than payment of the appropriate dues or contribution. Either party may elect not to renew this Agreement by giving written notice at least thirty (30) days prior to the end of the original term or any renewal term.

3.2 Agreement Binds Members. Member agrees to be bound by this Agreement and the Bylaws, policies and procedures of PEBA (as they are currently in force or hereafter may be adopted or amended), which collectively establish the conditions for membership in PEBA. The Bylaws of PEBA are incorporated herein by reference and made a part of this Agreement for all purposes as if fully set out herein. Any amendment to the Bylaws shall become binding on the Member immediately upon its adoption.

3.3 PEBA's Services. PEBA shall provide the administrative and support services, including drafting bid or request for proposal ("RFP") documents, and conducting negotiations with vendors, to allow Members to cooperatively purchase goods, services and other items to be used in the Members' provision of employee benefits.

3.4 PEBA Procedures and Bylaws. Member shall furnish all the information that PEBA deems necessary and useful for the purposes of this Agreement and shall abide by the procedures and Bylaws adopted for the administration of PEBA.

3.5 Payments and Conditions. Payments and contributions shall be made by the Member to PEBA at Austin, Travis County, Texas on the dates and in such amounts as PEBA requires. Interest, beginning the first day after the due date and continuing until paid, shall accrue at the maximum rate allowed by law on the balance of any payment or contribution not paid when due**.** Contributions and other payments received by PEBA from Member will be held and managed for the benefit of the several Members, not the individual officials, employees, retirees of the Member, or the dependents of these officials, employees or retirees. All payments by Member under this Agreement shall be from funds currently available to Member.

3.6 Coordinators. Member hereby designates and appoints, as indicated in the space provided below, a PEBA Coordinator of department head rank or above and agrees that PEBA shall not be required to contact or provide notices to any other person. Further, any notice to, or agreement by, Member's PEBA Coordinator, with respect to services hereunder, shall be binding on the Member. Member reserves the right to change its PEBA Coordinator from time to time by giving written notice to PEBA. For purposes of this Agreement, the change of PEBA Coordinator becomes effective when PEBA receives notice of the new coordinator.

3.7 Plan Administrator. PEBA is not a plan administrator of any employee benefits plan. Member will serve as its own plan administrator, or designate another entity to carry out the functions of Plan Administrator. Each Member retains the rights, duties and privileges of the Plan Administrator and acknowledges it has all responsibility for compliance with all state and federal laws applicable to employee benefits for its employees and Plan participants.

3.8 Member Responsible. Member acknowledges that it may choose which goods or services or items (if any) it wishes to purchase collectively through PEBA and that there is no obligation to participate in any bid or RFP issued through PEBA. Member further acknowledges that when goods or services or items are purchased through PEBA, the Member, and not PEBA, is responsible for the payment for these goods or services or items. This Agreement shall not be exclusive, and each Member shall be free to make any Interlocal Agreement for services with any other Member or nonmember local government.

4. ADMINISTRATIVE PROVISIONS

4.1 Amendment. This Agreement shall represent the complete understanding of the parties and may not be amended or modified other than in a written agreement signed by the parties, or as otherwise provided under this Agreement.

4.2 Applicable Law. This Agreement is entered into, is executed and is performable in the State of Texas, County of Travis, and all questions pertaining to its validity or construction shall be determined in accordance with the laws of the State of Texas.

4.3 Acts of Forbearance. No act of forbearance on the part of either party to enforce any of the provisions of this Agreement shall be construed as a modification of this Agreement, nor shall the failure of any party to exercise any right or privilege herein granted be considered as a waiver of such right or privilege.

4.4 Notices. Any notice required to be given or payment required to be made to PEBA shall be deemed properly sent if addressed to:

(for counties and related entities)
Public Employee Benefits Alliance
c/o Texas Association of Counties Health and Employee Benefits Pool
Attention: HEBP Manager
1210 San Antonio Street
Austin, Texas 78701

(For cities, school boards and related entities)
Public Employee Benefits Alliance
c/o TML Health Benefits Pool
PO Box 149190
Austin, TX 78714-1337

and deposited in the United States mail with proper postage. PEBA may change its address by giving notice to the Members.

4.5 Effect of Partial Invalidity; Venue. If any part of this Agreement is declared invalid, void or unenforceable, the remaining parts and provisions shall continue in full force and effect. It is further agreed that venue for any dispute arising under the terms of this Agreement shall be in Austin, Travis County, Texas.

4.6 Exclusive Right to Enforce. PEBA and the Member have the exclusive right to bring suit to enforce this Agreement, and no other party may bring suit, as a third-party beneficiary or otherwise, to enforce this Agreement.

EXECUTION

IN WITNESS WHEREOF, we hereunto affix our signatures as of the date indicated below.

Public Employee Benefits Alliance

City of Midland

(Member)

By: _____

By: _____

Date: _____

Date: _____

Member's PEBA Coordinator (Fund Contact)

Name: _____

Address: _____

Phone Number: _____

E-mail: _____

City Council Meeting

Item Number: 8

Meeting Date: **August 25, 2020**

To: **City Council / City Manager**

From: **Justine Ruff, Director**

Subject: **Motion accepting Federal Grant #60 in the amount of $5,449,883.00 awarded by the Federal Aviation Administration; said Grant Funds to be used for certain projects at the Midland International Air & Space Port; and authorizing the execution of all documents necessary to accept said Grant Funds. (AIRPORTS)**

Purpose:

Motion accepting Federal Grant #60 in the amount of $5,449,883.00 awarded by the Federal Aviation Administration; said Grant Funds to be used for certain projects at the Midland International Air & Space Port; and authorizing the execution of all documents necessary to accept said Grant Funds.

Recommended City Council Action:

Approve

Fiscal Impact:

Estimated Grant Proceeds $5,449,883

Discussion:

In anticipation of the receipt of Federal Grant #60 in the estimated amount of $5,449,883, the Department of Airports is requesting City Council's approval to allow the Mayor, City Manager and the City Attorney to execute this grant agreement upon receipt. These grant proceeds will be used for the following projects at Midland International Air & Space Port:

1. Rehabilitate North, Terminal and South Apron Concrete Pavement, Phase 2 Construction
2. Rehabilitate Northwest Taxilane and Executive Apron, Phase 2 Construction
3. Airfield Lighting Rehabilitation, Phase 1 Design
4. Improve Terminal Building – Add Passenger Boarding Bridge with Elevated Walkway to new Gate 6
5. Relocate Vehicle Security Access Control Gate SV1A & SV1B and Associated Roadway, Phase 1 Design

City Council Meeting

Item Number: 10

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Justine Ruff, Director

Subject: MOTION RATIFYING THE ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT IN THE AMOUNT OF $69,000.00 AWARDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN ALLOWABLE EXPENDITURES AT MIDLAND AIRPARK. (AIRPORTS)

Purpose:

MOTION RATIFYING THE ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT GRANT IN THE AMOUNT OF $69,000.00 AWARDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION; SAID GRANT FUNDS TO BE USED FOR CERTAIN ALLOWABLE EXPENDITURES AT MIDLAND AIRPARK. (AIRPORTS)

Recommended City Council Action:

Approve

Fiscal Impact:

Grant Proceeds: $69,000

Discussion:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act provided a grant in the amount of $22,935,854, to the City of Midland for expenses at Midland International Air & Space Port. The CARES Act also provided money to TxDOT to be distributed to the General Aviation Airports in the State of Texas. TxDOT has awarded Midland Airpark $69,000 to be used for allowable expenditures at Midland Airpark. The Department of Airports accepted the funding when it arrived on August 12th because all reimbursements need to be submitted by August 31, 2020.

City Manager's Office

City Council Meeting

Item Number: 10

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Courtney Sharp, City Manager

Subject: RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $7,953,000.00 FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FISCAL YEAR 2020 CARES ACT CORONAVIRUS RELIEF FUND GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED FOR ELIGIBLE EXPENDITURES INCURRED DUE TO THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS (CITY MANAGER'S OFFICE)

Purpose:

CONSIDER A RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS AWARDED THROUGH THE FY2020 CARES ACT CORONAVIRUS RELIEF FUND (CRF) GRANT PROGRAM BY THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) IN THE AMOUNT OF $7,953,000. (CITY MANAGER'S OFFICE)

Recommended City Council Action:

Approve

Fiscal Impact:

Allocation of $7,953,000

Discussion:

Under the CARES Act, the Coronavirus Relief Fund (CRF) is to be used to make payments for specified uses to states and local governments. The City Manager or Designee is hereby authorized to execute any and all forms and agreements necessary to effectuate the application, acceptance and all reimbursements associated with this grant.

Through the Cares Act funding, we currently anticipate doing the following:

1. Provide Support to the Community by possibly providing funds to local food banks and offer rental assistance.
2. Provide Support to the Business Community by offering mini grants to help those who are struggling due to the pandemic.
3. Provide funding for the mitigation of the COVID-19 Pandemic by purchasing supplies and equipment that will keep our citizens safe while slowing the spread of the virus.
4. Reimburse the City for $300,000 to $400,000 in expenses and possibly staffing and supplies for Public Health Response to COVID-19.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $7,953,000.00 FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FISCAL YEAR 2020 CARES ACT CORONAVIRUS RELIEF FUND GRANT PROGRAM; PROVIDING THAT SAID GRANT SHALL BE USED FOR ELIGIBLE EXPENDITURES INCURRED DUE TO THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY; AND AUTHORIZING THE EXECUTION OF ACCEPTANCE DOCUMENTS

WHEREAS, the City of Midland has received notice of a grant award of $7,953,000.00 from the Texas Division of Emergency Management Fiscal Year 2020 CARES Act Coronavirus Relief Fund Grant Program; and

WHEREAS, the City of Midland will use the grant funds to reimburse eligible expenditures incurred due to the Coronavirus Disease 2019 Public Health Emergency; and

WHEREAS, the Council finds it to be in the public interest to accept the grant award;

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

SECTION ONE. That the City of Midland, acting through its Mayor and City Council, hereby accepts the grant award of $7,953,000.00 from the Texas Division of Emergency Management Fiscal Year 2020 CARES Act Coronavirus Relief Fund Grant Program. Said grant funds shall be used to reimburse eligible expenditures incurred due to the Coronavirus Disease 2019 Public Health Emergency.

SECTION TWO. That the City Manager or his designee is hereby authorized and directed to evidence the City of Midland's acceptance by executing all necessary documents in order to accept the grant award.

SECTION THREE. That the City Treasurer is hereby authorized and directed, upon receipt of said grant funds, to deposit the funds into the Special Revenue Fund (065).

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the

City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Mark Mason, Director of Finance

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

City Council Meeting

Item Number: 11

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Morris WIlliams, Assistant City Manager

Subject: RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH MOTRAN ALLIANCE, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE (CITY MANAGER'S OFFICE)

Purpose:

The Board of Directors of the Midland Development Corporation approved at a regular meeting on August 3, 2020 a resolution authorizing the execution of an economic development agreement with MOTRAN Alliance, Inc.

Recommended City Council Action:

Approve

Fiscal Impact:

$137,000.00

Discussion:

A line item to fund this economic development agreement has already been approved as part of MDC's FY 2021 budget. MOTRAN will continue to provide ongoing support to leverage state and federal funding to prioritize roads and infrastructure in Midland and the Permian Basin.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT AGREEMENT WITH MOTRAN ALLIANCE, INC., AS AUTHORIZED BY CHAPTER 501 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, the Midland Development Corporation authorized the execution of an economic development agreement with MOTRAN Alliance, Inc.; and

WHEREAS, the City Council must consider and approve all economic development agreements approved by the Midland Development Corporation before the agreements can become effective; and

WHEREAS, the City Council finds it to be in the public interest to approve the economic development agreement between the Midland Development Corporation and MOTRAN Alliance, Inc.;

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

SECTION ONE. That the recitals stated above are hereby adopted and approved.

SECTION TWO. That the economic development agreement between the Midland Development Corporation and MOTRAN Alliance, Inc., is hereby approved. Said agreement is attached hereto as Exhibit A and incorporated herein for all purposes.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

ECONOMIC DEVELOPMENT AGREEMENT BETWEEN
THE MIDLAND DEVELOPMENT CORPORATION
AND
MOTRAN ALLIANCE, INC.

WHEREAS, Motran Alliance, Inc., submitted a Proposal to the Midland Development Corporation for economic development purposes and the funds for such Proposal can be appropriated by the Midland Development Corporation for fiscal year 2020-2021; and

WHEREAS, the primary purpose of Motran Alliance, Inc., is to raise funds for and improve the infrastructure of the Permian Basin area; and

WHEREAS, such activities will create the groundwork for developing new and expanded enterprises in the Midland/Odessa area; and

WHEREAS, the parties have agreed on the terms and conditions and have set forth such terms and conditions in this Agreement;

NOW, THEREFORE, the Midland Development Corporation ("*MDC*") and Motran Alliance, Inc. ("*MOTRAN*"), do hereby contract and agree as follows:

I. ECONOMIC DEVELOPMENT PROGRAM

MOTRAN shall provide the economic development services as provided in **Exhibit B**, which attached hereto and incorporated herein for all purposes. Said services shall be referred to herein as the "*Economic Development Program*."

II. FUNDING

MDC shall pay to MOTRAN the total sum of One Hundred Thirty-Seven Thousand Dollars ($137,000.00), for the 2020-2021 MDC fiscal year. Said funds shall be used solely for the purpose of conducting the Economic Development Program, as delineated in **Exhibit B**. MDC shall dispense funds to MOTRAN by paying one-half of the total on or before December 1, 2020, and one-half on or before April 1, 2021. It is understood and agreed that MOTRAN will obtain any other necessary

funds for completion of the Economic Development Program from other sources. MOTRAN may perform services that are not eligible for expenditure of funds by MDC but the percentage of Economic Development Corporation funds received must not exceed the percentage of eligible services performed by MOTRAN.

III. BUDGET AND FINANCIAL REPORTING

MOTRAN shall comply with the budget showing the revenues and expenses, a copy of which is attached as **Exhibit A**, to be received and incurred during the term of this Agreement. The hereinafter-required financial reports shall, in each case, show the relationship of actual expenses to the authorized expenses shown in said budget.

On or before the 25th day of each month during the term of this Agreement, MOTRAN shall submit a report showing an accounting of all funds received and expended during the preceding month to MDC. MOTRAN shall file the same with the City Secretary of the City of Midland. Said report shall also show the cumulative expenses and revenues for the preceding month together with all prior months covered by this Agreement.

MOTRAN shall maintain complete and accurate financial records of each expenditure of Economic Development Program funds made by it. The general method of financial record keeping and reporting proposed by MOTRAN to be used in complying with the requirements of this Agreement shall be submitted to and approved by MDC. The sufficiency of detail of any activity or financial report required by this Agreement shall be determined by MDC. All of MOTRAN's records pertaining and related to the activities and funds under the Agreement shall be available for inspection by MDC or MDC's representatives at any time during MOTRAN's normal office hours. The revenue provided by MDC under this Agreement must be maintained by MOTRAN in a separate account established for that purpose and may not be comingled with any other money or maintained in any other account.

IV. INFORMAL REPORTING

The Activity Reporting Requirements outlined in Article V are for the purpose of providing information to meet the basic exchange of information. However, in order to (i) be efficient in the use of economic development funds; (ii) compete in the open market for jobs; (iii) respond to issues and economic development opportunities in a timely manner; (iv) make decisions regarding goals, objectives, and priorities; and (v) foster the necessary teamwork between MDC and MOTRAN, it is necessary to plan and implement certain informal reporting and interactions that may occur from time to time. For these purposes, the parties agree to engage in certain interactions and interoffice communications as follows:

1. MOTRAN shall meet with those persons designated by MDC to develop a plan when decisions need to be made regarding negotiations or strategy; and
2. MOTRAN will meet with the MDC whenever necessary and also develop and distribute, in writing or by oral presentation, reports when needed over and above the requirement contained in Article V.

V. ACTIVITY REPORTING REQUIREMENTS

MOTRAN shall provide quarterly activity reports, in writing, to MDC and the City Secretary of Midland that will provide a current status report. These reports shall provide hard data when available. These reports shall constitute the necessary activity reporting requirements under this Agreement.

VI. AUDIT

In addition to the reporting requirements contained herein, a certified audit of the funds and activities of such Economic Development Program shall be made annually. The costs of making the audit shall be paid by MOTRAN; provided, however, that MOTRAN may use MDC funds for this purpose. The auditors shall have access to and the right to examine all records and accounts directly

related to the Economic Development Program and such other MOTRAN records and accounts as may be reasonably necessary to conduct and complete the audit of the Economic Development Program funds.

VII. INDEPENDENT CONTRACTOR

It is expressly understood and agreed that as to any and all of the services tendered by MOTRAN in conducting the Economic Development Program under this contract, MOTRAN shall be considered an independent contractor insofar as its relationship to MDC. Accordingly, the officers and employees of MOTRAN used or involved in the Economic Development Program under this Agreement shall not be considered, for any purpose, to be the officers and employees of MDC.

It is expressly understood and agreed that MOTRAN shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of MDC; that MOTRAN shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder, and all persons performing the same; and shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors; that the doctrine of respondeat superior shall not apply as between MDC and MOTRAN, its officers, agents, employees, contractors and subcontractors; and that nothing herein shall be construed as creating a partnership or joint enterprise between MDC and MOTRAN. No person performing any of the work and services described hereunder shall be considered an officer, agent, servant or employee of MDC. Further, it is specifically understood and agreed that nothing in this Agreement is intended or shall be construed as creating a "Community of Pecuniary Interest" or "An Equal Right of Control." MOTRAN shall be an independent contractor under this Agreement and shall assume all the rights, obligations and liabilities, applicable to MOTRAN as such independent contractor hereunder. MDC does not have the right to control the means, methods or details of MOTRAN's work. MDC does not have the power to direct the order in

which MOTRAN's work should be done. MOTRAN shall assume exclusive responsibility for the work hereunder. MOTRAN is entirely free to do the work in its own way.

VIII. AGREEMENT PERIOD

This Agreement shall become effective on August 12, 2020, and shall terminate on September 30, 2021. If MOTRAN violates the terms or conditions of this Agreement, or fails to provide the agreed services, MDC may terminate this Agreement under the conditions pursuant to this Article. MDC shall provide written notice of the violations or failures to MOTRAN. MOTRAN shall have thirty (30) days to cure the violations or failures or to file a written response with MDC. If MOTRAN fails to cure or to file a written response within such 30-day period, MDC may terminate this Agreement immediately. If a written response is filed, MDC shall set a hearing before MDC's Board of Directors and provide notice to MOTRAN. After consideration of the response and the testimony at the hearing, MDC may declare if there has or has not occurred the stated violations or failures. If the Board finds that such violations or failures have occurred, it shall give MOTRAN thirty (30) days' written notice and an opportunity to cure. If not cured within such period, MDC may terminate this Agreement immediately.

IX. CIVIL RIGHTS

MOTRAN agrees that, as to all its programs and activities, it will not discriminate against any person on the basis of race, color, national original, sex or disability.

X. INDEMNITY

MOTRAN SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND MDC AND ALL OF MDC'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, PROPERTY DAMAGE, LOSSES, AND EXPENSE OF ANY CHARACTER WHATSOEVER INCLUDING REASONABLE ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY

INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ON ACCOUNT OF ANY NEGLIGENT ACT OF MOTRAN, MOTRAN'S OFFICERS, AGENTS AND EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH MOTRAN OR MOTRAN'S EMPLOYEES, AGENTS OR SUBCONTRACTORS NEGLIGENCE, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, AND MOTRAN WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST MDC OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

XI. EXCESS MDC FUNDS

Any funds paid by MDC to MOTRAN pursuant to this Agreement that are not expended by the end of the term of this Agreement shall be refunded to MDC within thirty (30) days after the end of the term of this Agreement, unless MOTRAN provides MDC with written notice as to the funds that have not been expended but have been committed, and such commitment is supported by contracts or other written documentation.

XII. PROPERTY

Any records and documents that are developed for the purpose of accomplishing services on behalf of MDC by MOTRAN, and necessary to continue to provide such services, or to show the rights or responsibilities of MDC, shall be the joint property of MDC and MOTRAN with equal rights of use and access.

XIII. PROJECT

The parties agree that this Agreement is an eligible "Project" as defined in Chapter 501 of the Texas Local Government Code, as amended.

XIV. ASSIGNMENT

The parties hereto shall not assign or subcontract this Agreement, in whole or in part, any such assignment or subcontract being void.

XV. NOTICE

Any notice or report given under the provisions of this Agreement shall, unless otherwise provided herein, be in writing and shall be either delivered via email or sent by United States Mail:

If to MDC:

Midland Development Corp.
200 N. Loraine, Ste. 610
Midland, TX 79701

with copy to:
City Manager
P.O. Box 1152
Midland, TX
79702

If to MOTRAN:

Motran Alliance, Inc.
P.O. Box 60816
Midland, TX 79711

XVI. SEVERABILITY

This Agreement shall be construed in accordance with the laws of the State of Texas. If any clause or provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term hereof, then it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby and that, in lieu of each clause or provision that is illegal, invalid or unenforceable, there be added as a part of this Agreement a clause or provision as similar in meaning to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

XVII. ALTERATION

This Agreement may not be altered, changed or amended, except by a written instrument signed by both parties hereto.

XVIII. ENTIRE AGREEMENT AND BINDING EFFECT

This Agreement constitutes the entire agreement between MDC and MOTRAN. No prior written or contemporaneous oral promises or representations shall be binding. The provisions of this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

XIX. GOVERNING LAW AND VENUE

This Agreement shall be governed by the laws of the State of Texas. All performance and payment made pursuant to this Agreement shall be deemed to have occurred in Midland County, Texas. The obligations and undertakings of each of the parties to this Agreement shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Midland County, Texas.

XX. COMPLIANCE WITH LAWS

In the payment and employment of people to serve as employees pursuant to this Agreement, MOTRAN shall comply with all federal, state and local laws, rules, regulations and ordinances with respect to payment of minimum wages. MOTRAN shall not discriminate against people on the basis of race, sex, age, religion, national origin, or mental or physical disability in the application, hiring, termination, evaluation, or compensation of people assigned to work under this Agreement, and shall further comply with all laws, rules and regulations prohibiting such discrimination including but not limited to, the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Age Discrimination in Employment Act, and the Americans With Disabilities

Act.

XXI. GOVERNMENTAL IMMUNITY

By executing this Agreement MDC is not waiving its right of governmental immunity. MDC is not granting consent to be sued by legislative resolution or action. **THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.**

XXII. ATTORNEY FEES

BY EXECUTING THIS AGREEMENT, MOTRAN AGREES TO WAIVE AND DOES HEREBY WAIVE ANY CLAIM IT HAS OR MAY HAVE AGAINST MDC, REGARDING THE AWARD OF ATTORNEY'S FEES THAT ARE IN ANY WAY RELATED TO THE AGREEMENT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THE AGREEMENT. MOTRAN SPECIFICALLY AGREES THAT IF MOTRAN BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS AGREEMENT, THE CONS1RUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, *ET SEQ*., AS AMENDED), MOTRAN AGREES TO WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH MOTRAN MIGHT OTHERWISE BE ENTITLED.

MOTRAN AGREES THAT THIS IS THE INTENTIONAL RELINQUISHMENT OF A PRESENTLY EXISTING KNOWN RIGHT. MOTRAN ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THE AGREEMENT.

BY EXECUTION OF THE AGREEMENT MOTRAN HEREBY REPRESENTS AND WARRANTS TO MDC THAT MOTRAN HAS READ AND UNDERSTOOD THE AGREEMENT.

XXIII. RELEASE

NOTWITHSTANDING ANY OTHER PROVISION HEREIN, MOTRAN HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES MDC, MDC'S EMPLOYEES AND OFFICERS, FROM ANY AND ALL DEMANDS CLAIMS OR CAUSES OF ACTION OF ANY KIND WHATSOEVER THAT MOTRAN HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF AGREEMENT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR MDC'S NEGLIGENCE.

XXIV. THIRD-PARTY BENEFICIARY

MDC's approval of this Agreement does not create a third-party beneficiary. There is no third-party beneficiary to this Agreement. No person or entity who is not a party to this Agreement shall have any third-party beneficiary or other rights hereunder.

[Signature Pages Follow]

EXECUTED by the duly authorized officials of the parties this _____ day of _____, 2020.

MIDLAND DEVELOPMENT CORPORATION

By_____
Wesley Bownds, Chairman

ATTEST:

_____
Berry Simpson, Secretary

[Signature Page Follows]

MOTRAN ALLIANCE, INC.

By_____

Name _____

Title _____

THE STATE OF TEXAS §
§
COUNTY OF MIDLAND §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed and delivered the foregoing instrument for the purposes and consideration therein expressed on behalf of MOTRAN ALLIANCE, INC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2020.

_____
Notary Public, State of Texas

PROPOSED 2020-2021 BUDGET

MOTRAN, INC. (Exhibit A)	Approved 2019-20	MDC	ODC
REVENUES			
Founding Members Dues	20,000.00		
Members' Dues	60,000.00		
Grants	15,000.00		
Interest Earned	500.00		
Midland Development Corp.	137,000.00	137,000.00	
Odessa Development Corp.	137,000.00		137,000.00
PBC Revenue	20,000.00		
Misc. Income	3,500.00		
TOTAL REVENUES	**$393,000.00**	**$137,000.00**	**$137,000.00**
EXPENSES			
Bank Fees	250.00		
Dues & Subscriptions	1,500.00		
Events	20,000.00		
Food & Entertainment	5,500.00		
Gifts	1,500.00		
Health Ins. Reimbursement	10,000.00	2,500.00	2,500.00
Insurance	4,000.00		
I-14 Initiative	12,500.00	2,500.00	2,500.00
Miscellaneous Expenses	250.00		
Office Lease	11,000.00		
Office Supplies	6,000.00		
Payroll-Salaries	236,000.00	110,000.00	110,000.00
Payroll-Service Fee	1,500.00		
Payroll Taxes	17,500.00	7,000.00	7,000.00
401 K Plan	8,000.00		
Postage	3,750.00		
Marketing	20,000.00	5,000.00	5,000.00
Program Supplies	2,000.00		
Telephone	4,000.00		
Travel Expenses	16,000.00	5,000.00	5,000.00
Professional Services	12,000.00	5,000.00	5,000.00
TOTAL EXPENSES	**$393,000.00**	**$137,000.00**	**$137,000.00**

ECONOMIC DEVELOPMENT SERVICES

The Midland Development Corporation seeks to provide the infrastructure to support an aggressive commitment to make Midland competitive for economic development. These objectives include working to secure additional infrastructure funding for the area and aggressively pursue the development and improvement of transportation corridors connecting Midland and Odessa throughout the region and domestic markets, as well as, other significant international markets. The MDC will support the regional efforts by MOTRAN and others to achieve that objective and to promote and develop new and expanded business enterprises and infrastructure in the area, as well as, promotion of the Midland-Odessa combined statistical area (CSA).

MOTRAN employs an executive director and associated staff whose primary duties include working with national, state, regional, and local entities, as well as, private businesses to provide additional investment in area infrastructure, establishing the La Entrada al Pacifico as a premier trade corridor to help further the economic opportunities presented to this area with regard to international trade, working to improve transportation infrastructure in the region, development of links between Interstates 14 and 27 and the Midland-Odessa area, and strategies to leverage local efforts for additional state and federal highway dollars.

It is for this purpose that the Midland Development Corporation agrees to provide partial funding for MOTRAN to employ necessary staff and assist in performing the following duties:

- Organize and manage the international public policy initiative and all advocacy efforts;
- Organize and manage intergovernmental relations including committee organization and international organizations;
- Direct and participate in fund raising and public relations including direct marketing, web site development membership development and public speaking engagements;
- Direct and participate in research and production of technical and economic reports;
- Serve as the representative of the organization, both nationally and internationally;
- Draft corporate documents; and
- Perform related duties as directed, including seeking additional transportation funding from federal, state, and private sources for purposes of infrastructure development, and forging and organizing regional partnerships to accomplish area and regional infrastructure goals.

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND MOTRAN ALLIANCE, INC.

WHEREAS, Motran Alliance, Inc., submitted a Proposal to the Midland Development Corporation for economic development purposes and the funds for such Proposal can be appropriated by the Midland Development Corporation for fiscal year 2019-2020; and

WHEREAS, the primary purpose of Motran Alliance, Inc., is to raise funds for and improve the infrastructure of the Permian Basin area; and

WHEREAS, such activities will create the groundwork for developing new and expanded enterprises in the Midland/Odessa area; and

WHEREAS, the parties have agreed on the terms and conditions and have set forth such terms and conditions in this Agreement;

NOW, THEREFORE, the Midland Development Corporation ("*MDC*") and Motran Alliance, Inc. ("*MOTRAN*"), do hereby contract and agree as follows:

I. ECONOMIC DEVELOPMENT PROGRAM

MOTRAN shall provide the economic development services as provided in **Exhibit B**, which attached hereto and incorporated herein for all purposes. Said services shall be referred to herein as the "*Economic Development Program*."

II. FUNDING

MDC shall pay to MOTRAN the total sum of One Hundred Forty-Two Thousand Five Hundred Dollars ($142,500.00), for the 2019-2020 MDC fiscal year. Said funds shall be used solely for the purpose of conducting the Economic Development Program, as delineated in **Exhibit B**. MDC

shall dispense funds to MOTRAN by paying one-half of the total on or before December 1, 2019, and one-half on or before April 1, 2020. It is understood and agreed that MOTRAN will obtain any other necessary funds for completion of the Economic Development Program from other sources. MOTRAN may perform services that are not eligible for expenditure of funds by MDC but the percentage of Economic Development Corporation funds received must not exceed the percentage of eligible services performed by MOTRAN.

III. BUDGET AND FINANCIAL REPORTING

MOTRAN shall comply with the budget showing the revenues and expenses, a copy of which is attached as **Exhibit A**, to be received and incurred during the term of this Agreement. The hereinafter-required financial reports shall, in each case, show the relationship of actual expenses to the authorized expenses shown in said budget.

On or before the 25th day of each month during the term of this Agreement, MOTRAN shall submit a report showing an accounting of all funds received and expended during the preceding month to MDC. MOTRAN shall file the same with the City Secretary of the City of Midland. Said report shall also show the cumulative expenses and revenues for the preceding month together with all prior months covered by this Agreement.

MOTRAN shall maintain complete and accurate financial records of each expenditure of Economic Development Program funds made by it. The general method of financial record keeping and reporting proposed by MOTRAN to be used in complying with the requirements of this Agreement shall be submitted to and approved by MDC. The sufficiency of detail of any activity or financial report required by this Agreement shall be determined by MDC. All of MOTRAN's records pertaining and related to the activities and funds under the Agreement shall be available for inspection by MDC or MDC's representatives at any time during MOTRAN's normal office hours. The revenue provided by MDC under this Agreement must be maintained by MOTRAN in a separate account

established for that purpose and may not be comingled with any other money or maintained in any other account.

IV. INFORMAL REPORTING

The Activity Reporting Requirements outlined in Article V are for the purpose of providing information to meet the basic exchange of information. However, in order to (i) be efficient in the use of economic development funds; (ii) compete in the open market for jobs; (iii) respond to issues and economic development opportunities in a timely manner; (iv) make decisions regarding goals, objectives, and priorities; and (v) foster the necessary teamwork between MDC and MOTRAN, it is necessary to plan and implement certain informal reporting and interactions that may occur from time to time. For these purposes, the parties agree to engage in certain interactions and interoffice communications as follows:

1. MOTRAN shall meet with those persons designated by MDC to develop a plan when decisions need to be made regarding negotiations or strategy; and
2. MOTRAN will meet with the MDC whenever necessary and also develop and distribute, in writing or by oral presentation, reports when needed over and above the requirement contained in Article V.

V. ACTIVITY REPORTING REQUIREMENTS

MOTRAN shall provide quarterly activity reports, in writing, to MDC and the City Secretary of Midland that will provide a current status report. These reports shall provide hard data when available. These reports shall constitute the necessary activity reporting requirements under this Agreement.

VI. AUDIT

In addition to the reporting requirements contained herein, a certified audit of the funds and activities of such Economic Development Program shall be made annually. The costs of making the

audit shall be paid by MOTRAN; provided, however, that MOTRAN may use MDC funds for this purpose. The auditors shall have access to and the right to examine all records and accounts directly related to the Economic Development Program and such other MOTRAN records and accounts as may be reasonably necessary to conduct and complete the audit of the Economic Development Program funds.

VII. INDEPENDENT CONTRACTOR

It is expressly understood and agreed that as to any and all of the services tendered by MOTRAN in conducting the Economic Development Program under this contract, MOTRAN shall be considered an independent contractor insofar as its relationship to MDC. Accordingly, the officers and employees of MOTRAN used or involved in the Economic Development Program under this Agreement shall not be considered, for any purpose, to be the officers and employees of MDC.

It is expressly understood and agreed that MOTRAN shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of MDC; that MOTRAN shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder, and all persons performing the same; and shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors; that the doctrine of respondeat superior shall not apply as between MDC and MOTRAN, its officers, agents, employees, contractors and subcontractors; and that nothing herein shall be construed as creating a partnership or joint enterprise between MDC and MOTRAN. No person performing any of the work and services described hereunder shall be considered an officer, agent, servant or employee of MDC. Further, it is specifically understood and agreed that nothing in this Agreement is intended or shall be construed as creating a "Community of Pecuniary Interest" or "An Equal Right of Control." MOTRAN shall be an independent contractor under this Agreement and shall assume all of the rights, obligations and liabilities, applicable to MOTRAN

as such independent contractor hereunder. MDC does not have the right to control the means, methods or details of MOTRAN's work. MDC does not have the power to direct the order in which MOTRAN's work should be done. MOTRAN shall assume exclusive responsibility for the work hereunder. MOTRAN is entirely free to do the work in its own way.

VIII. AGREEMENT PERIOD

This Agreement shall become effective on October 1, 2019, and shall terminate on September 30, 2020. In the event that MOTRAN violates the terms or conditions of this Agreement, or fails to provide the agreed services, MDC may terminate this Agreement under the conditions pursuant to this Article. MDC shall provide written notice of the violations or failures to MOTRAN. MOTRAN shall have thirty (30) days to cure the violations or failures or to file a written response with MDC. If MOTRAN fails to cure or to file a written response within such 30-day period, MDC may terminate this Agreement immediately. If a written response is filed, MDC shall set a hearing before MDC's Board of Directors and provide notice to MOTRAN. After consideration of the response and the testimony at the hearing, MDC may declare if there has or has not occurred the stated violations or failures. If the Board finds that such violations or failures have occurred, it shall give MOTRAN thirty (30) days' written notice and an opportunity to cure. If not cured within such period, MDC may terminate this Agreement immediately.

IX. CIVIL RIGHTS

MOTRAN agrees that, as to all of its programs and activities, it will not discriminate against any person on the basis of race, color, national original, sex or disability.

X. INDEMNITY

MOTRAN SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND MDC AND ALL OF MDC'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS,

ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, PROPERTY DAMAGE, LOSSES, AND EXPENSE OF ANY CHARACTER WHATSOEVER INCLUDING REASONABLE ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ON ACCOUNT OF ANY NEGLIGENT ACT OF MOTRAN, MOTRAN'S OFFICERS, AGENTS AND EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH MOTRAN OR MOTRAN'S EMPLOYEES, AGENTS OR SUBCONTRACTORS NEGLIGENCE, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, AND MOTRAN WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST MDC OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

XI. EXCESS MDC FUNDS

Any funds paid by MDC to MOTRAN pursuant to this Agreement that are not expended by the end of the term of this Agreement shall be refunded to MDC within thirty (30) days after the end of the term of this Agreement, unless MOTRAN provides MDC with written notice as to the funds that have not been expended but have been committed, and such commitment is supported by contracts or other written documentation.

XII. PROPERTY

Any records and documents that are developed for the purpose of accomplishing services on behalf of MDC by MOTRAN, and necessary to continue to provide such services, or to show the rights or responsibilities of MDC, shall be the joint property of MDC and

MOTRAN with equal rights of use and access.

XIII. PROJECT

The parties agree that this Agreement is an eligible "Project," as defined in Chapter 501 of the Texas Local Government Code, as amended.

XIV. ASSIGNMENT

The parties hereto shall not assign or subcontract this Agreement, in whole or in part, any such assignment or subcontract being void.

XV. NOTICE

Any notice or report given under the provisions of this Agreement shall, unless otherwise provided herein, be in writing and shall be either delivered via email or sent by United States Mail:

If to MDC:

Midland Development Corp.
200 N. Loraine, Ste. 610
Midland, TX 79701

with copy to: City Manager
P.O. Box 1152
Midland, TX
79702

If to MOTRAN:

Motran Alliance, Inc.
P.O. Box 60816
Midland, TX 79711

XVI. SEVERABILITY

This Agreement shall be construed in accordance with the laws of the State of Texas. If any clause or provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term hereof, then it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby and that, in lieu of each clause or provision that is illegal, invalid or unenforceable, there be added as a part of this Agreement a clause or provision as similar in meaning to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

XVII. ALTERATION

This Agreement may not be altered, changed or amended, except by a written instrument signed by both parties hereto.

XVIII. ENTIRE AGREEMENT AND BINDING EFFECT

This Agreement constitutes the entire agreement between MDC and MOTRAN. No prior written or contemporaneous oral promises or representations shall be binding. The provisions of this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

XIX. VENUE

All performance and payment made pursuant to this Agreement shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Midland County, Texas. This Agreement shall be governed by the laws of the State of Texas. The obligations and undertakings of each of the parties to this agreement shall be deemed to have occurred in Midland County, Texas.

XX. COMPLIANCE WITH LAWS

In the payment and employment of people to serve as employees pursuant to this Agreement, MOTRAN shall comply with all federal, state and local laws, rules, regulations and ordinances with respect to payment of minimum wages. MOTRAN shall not discriminate against people on the basis of race, sex, age, religion, national origin, or mental or physical disability in the application, hiring, termination, evaluation, or compensation of people assigned to work under this Agreement, and shall further comply with all laws, rules and regulations prohibiting such discrimination including but not limited to, the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Age Discrimination in Employment Act, and the Americans With Disabilities

Act.

XXI. GOVERNMENTAL IMMUNITY

By executing this Agreement MDC is not waiving its right of governmental immunity. MDC is not granting consent to be sued by legislative resolution or action.

THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.

XXII. ATTORNEY FEES

BY EXECUTING THIS AGREEMENT, MOTRAN AGREES TO WAIVE AND DOES HEREBY WAIVE ANY CLAIM IT HAS OR MAY HAVE AGAINST MDC, REGARDING THE AWARD OF ATTORNEY'S FEES THAT ARE IN ANY WAY RELATED TO THE AGREEMENT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THE AGREEMENT. MOTRAN SPECIFICALLY AGREES THAT IF MOTRAN BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS AGREEMENT, THE CONS1RUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, *ET SEQ*., AS AMENDED), MOTRAN AGREES TO WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH MOTRAN MIGHT OTHERWISE BE ENTITLED.

MOTRAN AGREES THAT THIS IS THE INTENTIONAL RELINQUISHMENT OF A PRESENTLY EXISTING KNOWN RIGHT. MOTRAN ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THE AGREEMENT.

BY EXECUTION OF THE AGREEMENT MOTRAN HEREBY REPRESENTS

AND WARRANTS TO MDC THAT MOTRAN HAS READ AND UNDERSTOOD THE AGREEMENT.

XXIII. RELEASE

NOTWITHSTANDING ANY OTHER PROVISION HEREIN, MOTRAN HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES MDC, MDC'S EMPLOYEES AND OFFICERS, FROM ANY AND ALL DEMANDS CLAIMS OR CAUSES OF ACTION OF ANY KIND WHATSOEVER THAT MOTRAN HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF AGREEMENT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR MDC'S NEGLIGENCE.

XXIV. THIRD-PARTY BENEFICIARY

MDC's approval of this Agreement does not create a third-party beneficiary. There is no third-party beneficiary to this Agreement. No person or entity who is not a party to this Agreement shall have any third-party beneficiary or other rights hereunder.

[Signature Pages Follow]

EXECUTED by the duly authorized officials of the parties this _____ day of _____, 2019.

MIDLAND DEVELOPMENT CORPORATION

By_____
Brent D. Hilliard, Chairman

ATTEST:

_____
Chase Gardaphe, Secretary

[Signature Page Follows]

MOTRAN ALLIANCE, INC.

By_____

Name _____

Title _____

THE STATE OF TEXAS §
§
COUNTY OF MIDLAND §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed and delivered the foregoing instrument for the purposes and consideration therein expressed on behalf of MOTRAN ALLIANCE, INC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2019.

_____
Notary Public, State of Texas

PROPOSED

MOTRAN, INC. BUDGET	Proposed 2019-20	MDC BREAKOUT 2019-20	ODC BREAKOUT 2019-20
REVENUES (Percentage)			
Founding Members Dues	$20,000.00		
Members Dues	$65,000.00		
Interest Earned	$1,500.00		
Midland Development Corp.	$142,500.00	$142,500.00	
Odessa Development Corp.	$142,500.00		$142,500.00
Misc. Income	$2,500.00		
PBC Revenue	$50,000.00		
TOTAL REVENUES	**$424,000.00**	$142,500.00	$142,500.00
EXPENSES (Percentage)			
Dues & Subscriptions	$2,000.00		
Events	$25,000.00		
Food & Entertainment	$6,000.00		
Gifts	$1,800.00		
Health Ins. Reimbursement	$11,300.00	$2,500.00	$2,500.00
Insurance	$3,800.00		
I-14 Initiative	$10,000.00	$2,500.00	$2,500.00
Office Lease	$12,000.00		
Office Supplies	$5,000.00		
Payroll-Salaries	$245,000.00	$115,000.00	$115,000.00
Payroll-Service Fee	$1,600.00		
401 K Plan	$8,000.00		
Payroll Taxes	$19,000.00	$7,500.00	$7,500.00
Postage	$4,000.00		
Marketing	$32,000.00	$5,000.00	$5,000.00
Program Supplies	$2,000.00		
Telephone	$4,000.00		
Travel Expenses	$19,000.00	$5,000.00	$5,000.00
Professional Services	$12,000.00	$5,000.00	$5,000.00
Misc. Expense	$500.00		
TOTAL EXPENSES	**$424,000.00**	**$142,500.00**	**$142,500.00**

ECONOMIC DEVELOPMENT SERVICES

The Midland Development Corporation seeks to provide the infrastructure to support an aggressive commitment to make Midland competitive for economic development. These objectives include working to secure additional infrastructure funding for the area and aggressively pursue the development and improvement of transportation corridors connecting Midland and Odessa throughout the region and domestic markets, as well as, other significant international markets. The MDC will support the regional efforts by MOTRAN and others to achieve that objective and to promote and develop new and expanded business enterprises and infrastructure in the area, as well as, promotion of the Midland-Odessa combined statistical area (CSA).

MOTRAN employs an executive director and associated staff whose primary duties include working with national, state, regional, and local entities, as well as, private businesses to provide additional investment in area infrastructure, establishing the La Entrada al Pacifico as a premier trade corridor to help further the economic opportunities presented to this area with regard to international trade, working to improve transportation infrastructure in the region, development of links between Interstates 14 and 27 and the Midland-Odessa area, and strategies to leverage local efforts for additional state and federal highway dollars.

It is for this purpose that the Midland Development Corporation agrees to provide partial funding for MOTRAN to employ necessary staff and assist in performing the following duties:

- Organize and manage the international public policy initiative and all advocacy efforts;
- Organize and manage intergovernmental relations including committee organization and international organizations;
- Direct and participate in fund raising and public relations including direct marketing, web site development membership development and public speaking engagements;
- Direct and participate in research and production of technical and economic reports;
- Serve as the representative of the organization, both nationally and internationally;
- Draft corporate documents; and
- Perform related duties as directed, including seeking additional transportation funding from federal, state, and private sources for purposes of infrastructure development, and forging and organizing regional partnerships to accomplish area and regional infrastructure goals.

City Council Meeting

Item Number: 12

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 1,541 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permits to Parsley Energy Operations, LLC for the drilling of the following oil and gas wells: Hogan 1-13-D-2407H; Hogan 1-24-F-2411H; and Hogan 1-24-H-2415H; said wells being generally located between 320 feet and 380 feet south of Solomon Lane extension and 1,541 feet west of N Fairgrounds Road extension. The required 30-day public comment has passed, and the Council may consider this request. Currently no notices of objection received.

Recommended City Council Action:

Approve

Fiscal Impact:

There is no cost to the City to process this application.

Discussion:

The Oil and Gas Advisory Committee has reviewed this well site in detail and recommends approval. Parsley Energy Operations is the surface owner and will be using 24 ft. tall sound walls on the north and west sides of the pad sites during drilling and fracing. In addition, a quiet

frac fleet system will be used as in the past. The tank battery for these wells are located approximately 2 miles to the east in the county. Receiving support of the Oil & Gas Advisory Committee, Parsley Energy Operations, LLC is requesting the following variances:

(1) Requests variance for twenty-four-hour fracing operations and use of a workover rig during the completion process directly following the fracing operation.
(2) Requests a variance from landscaping. Stating the proposed fencing plan provides adequate screening from adjacent roads and parcels.
(3) Requests variance to the Road Repair Agreement due to no city streets will be used.

Attachments: Applications; Location maps; Exhibit - Drill site maps, Exhibit – Flow Line Location;

Robert Patrick

City Manager's Office

City Council Agenda

MEETING DATE: **August 25, 2020**

TO: **CITY COUNCIL/CITY MANAGER**

FROM: **Ron Jenkins, Oil & Gas Coordinator**

SUBJECT: **Resolution approving the issuance of permits to Parsley Energy Operations, LLC for the drilling of the following oil and gas wells: Hogan 1-13-D-2407H; Hogan 1-24-F-2411H; and Hogan 1-24-H-2415H; said wells being generally located between 320 feet and 380 feet south of Solomon Lane extension and 1,541 feet west of N Fairgrounds Road extension. District 1.**

Purpose:

Resolution approving the issuance of permits to Parsley Energy Operations, LLC for the drilling of the following oil and gas wells: Hogan 1-13-D-2407H; Hogan 1-24-F-2411H; and Hogan 1-24-H-2415H; said wells being generally located between 320 feet and 380 feet south of Solomon Lane extension and 1,541 feet west of N Fairgrounds Road extension. The required 30-day public comment has passed, and the Council may consider this request. Currently no notices of objection received.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

There is no cost to the City to process this application.

Discussion:

The Oil and Gas Advisory Committee has reviewed this well site in detail and recommends approval. Parsley Energy Operations is the surface owner and will be using 24 ft. tall sound walls on the north and west sides of the pad sites during drilling and fracing. In addition, a quiet frac fleet system will be used as in the past. The tank battery for these wells are located approximately 2 miles to the east in the county. Receiving support of the Oil & Gas Advisory Committee, Parsley Energy Operations,

LLC is requesting the following variances:

(1) Requests variance for twenty-four-hour fracing operations and use of a workover rig during the completion process directly following the fracing operation.
(2) Requests a variance from landscaping. Stating the proposed fencing plan provides adequate screening from adjacent roads and parcels.
(3) Requests variance to the Road Repair Agreement due to no city streets will be used.

Attachments: Applications; Location maps; Exhibit - Drill site maps, Exhibit – Flow Line Location;

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PARSLEY ENERGY OPERATIONS, LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 1,541 FEET WEST OF NORTH FAIRGROUNDS ROAD EXTENSION); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

WHEREAS, on December 8, 2009, the City Council of the City of Midland duly approved Ordinance No. 8769 which amended Title VI, "Police Regulations," Chapter 1, "General Offenses," of the City Code of Midland, Texas, so as to establish Section 23, "Oil and Gas Well Permits issued on or after January 1, 2010," which governs the granting or rejecting of Oil and Gas Well Permits; and

WHEREAS, the purpose of said section is to establish reasonable and uniform limitations, safeguards, and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting and storing of oil or gas or other substances produced in association with oil and gas within the City of Midland to protect the health, safety, and general welfare of the public and the orderly development of the City of Midland; abate or prevent potential public nuisances; minimize the potential adverse impact to surface and mineral owners, protect the quality of the environment and encourage the orderly production of available mineral resources; and

WHEREAS, Section 6-1-23(C) of the City Code of Midland, Texas, makes it an offense to knowingly drill or participate in the drilling of any well or to re-enter any well within the corporate limits of the City of Midland without a permit having first been issued by the authority of the City Council; and

WHEREAS, Operator has submitted applications to the City of Midland to drill oil and gas wells on the property described in Section Two hereof; and

WHEREAS, notice of the public hearing on this matter was provided in accordance

with Section 6-1-23(H)(1), and a public hearing was held on July 14, 2020; and

WHEREAS, subsequent to said public hearing, and in accordance with Section 6-1-23(H)(1), the City Council allowed the public and Operator thirty (30) days to submit written input to the City Manager regarding Operator's applications to drill oil and gas wells on the property described in Section Two hereof; and

WHEREAS, the City Council has considered those issues set forth in Section 6-1-23(I) in determining whether to grant or deny permits to Operator to drill oil and gas wells on the property described in Section Two hereof; and

WHEREAS, the City Council finds it to be in the public interest to approve the issuance of permits to Operator to drill oil and gas wells on the property described in Section Two hereof;

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

SECTION ONE. That the above recitals are hereby adopted and approved by the City Council of the City of Midland.

SECTION TWO. That the Mayor is hereby authorized and directed to execute permits, on behalf of the City of Midland, that will allow Operator to drill the following oil and gas wells:

Hogan 1-13-D-2407H; Hogan 1-24-F-2411H; and Hogan 1-24-H-2415H;

located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A", "B" and "C" and incorporated herein for all legal purposes.

SECTION THREE. That the requirement of a Road Repair Agreement between Operator and the City of Midland is hereby waived in regard to said permits.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the

City of Midland at a regular meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on August 25, 2020, considered the application of Parsley Energy Operations, LLC ("Operator") dated May 1, 2020 to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

This documentation hereby constitutes a permit, issued in accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), to drill an oil and gas well as requested in Operator's application that has been filed with the Oil & Gas Compliance Coordinator and is incorporated herein for all legal purposes.

The location of Operator's Hogan 1-13-D-2407H located 2,341 feet from the south line and 1,541 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from August 25, 2020 through August 25, 2021, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

The issuance of this permit by the City of Midland does not in any way alter or modify the rights as between the surface estate owner(s) and mineral estate owner(s) if there exists a severance of the surface estate and mineral estate. This permit in no way exempts Operator from its responsibilities or obligations as to third parties. The issuance of this permit only means that Operator has, at this time, complied with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance No. 8769) and that the Midland City Council, as a regulatory body, will allow Operator to proceed under the conditions of this permit. The issuance of this permit is intended to be only a negative pronouncement that grants no affirmative rights to the permittee to occupy the property. It is expressly provided

that this permit does not authorize a trespass by the permittee as to any third party. This permit does not in any way restrict the use of the surface estate. Securing a permit does not authorize Operator to act with impunity as to third parties, nor does it insulate Operator from the consequences of its actions with regard to those third parties. The receipt of a permit does not undertake to adjudicate property rights.

This permit granted by the City of Midland does not act to immunize Operator from civil tort liability from private parties for actions arising out of the use of the permit. This is because the permit is a "negative pronouncement" that grants no affirmative rights to the permittee. The issuance of this permit does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of State or local law or regulations. Operator has obtained a permit from the City of Midland but the consequences of acting under the permit have not been immunized. The fact that the City of Midland has issued a permit to drill an oil and gas well does not shield Operator from third party tort liability stemming from the consequences of the permitted activity.

NOTWITHSTANDING ANY OTHER PROVISION, OPERATOR HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY OF MIDLAND, CITY OF MIDLAND'S EMPLOYEES AND OFFICERS, FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH OPERATOR HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKING CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS OR CITY OF MIDLAND'S NEGLIGENCE.

OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS AND DEFEND THE CITY OF MIDLAND, THE CITY'S OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY OF ANY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF OR IN CONNECTION WITH THE WORK DONE BY OPERATOR UNDER AN OIL AND GAS WELL PERMIT WHERE SUCH INJURIES, DEATH, OR DAMAGES ARE CAUSED BY OPERATOR'S SOLE NEGLIGENCE OR THE JOINT NEGLIGENCE OF THE OPERATOR AND ANY OTHER PERSON OR ENTITY.

A right-of-way license agreement approved by a resolution of the Midland City Council is required for any oil and/or gas flowline or pipeline or any other device associated with a proposed well site that extends into, on, above, in, under, across or through any City rights-of-way, including but not limited to streets, alleys, and utility and drainage rights-of-way.

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

The Midland City Council, in granting this permit, also grants the following variance(s):

1. Twenty-four hour hydraulic fracturing operations and use of a workover rig during the process directly following the fracing operations.

2. No landscaping and irrigation due to adequate screening from adjacent roads and parcels.

3. No road repair agreement required because no City streets will be used to access the well site.

Sound walls shall be used during drilling and completion operations as noted in the application.

This permit shall constitute a written contract for purposes of insurance requirements.

In addition to the requirements of this permit and the Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), including, but not limited to Subsections (K) through (Z), Operator shall develop, maintain and operate the well described herein in accordance with the conditions, limitations and safeguards contained in Operator's application for said well.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of August, 2020.

CITY OF MIDLAND, TEXAS

By: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of August, 2020.

Parsley Energy Operations, LLC

By: _____

Mark Timmons

Vice President- Field Operations

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on August 25, 2020, considered the application of Parsley Energy Operations, LLC ("Operator") dated May 1, 2020 to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

This documentation hereby constitutes a permit, issued in accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), to drill an oil and gas well as requested in Operator's application that has been filed with the Oil & Gas Compliance Coordinator and is incorporated herein for all legal purposes.

The location of Operator's Hogan 1-24-F-2411H located 2,281 feet from the south line and 1,541 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from August 25, 2020 through August 25, 2021, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

The issuance of this permit by the City of Midland does not in any way alter or modify the rights as between the surface estate owner(s) and mineral estate owner(s) if there exists a severance of the surface estate and mineral estate. This permit in no way exempts Operator from its responsibilities or obligations as to third parties. The issuance of this permit only means that Operator has, at this time, complied with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance No. 8769) and that the Midland City Council, as a regulatory body, will allow Operator to proceed under the conditions of this permit. The issuance of this permit is intended to be only a negative pronouncement that grants no affirmative rights to the permittee to occupy the property. It is expressly provided

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CITY OF MIDLAND, TEXAS

By: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of August, 2020.

Parsley Energy Operations, LLC

By: _____

Mark Timmons

Vice President- Field Operations

CASE NO. OIL-025321-2020

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
5/1/2020	Parsley Energy Operations, LLC	1703 ECR 120, Midland, TX 79703

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432) 704-2500
Mark Timmons	1703 ECR 120, Midland, TX 79703	Rep. Fax
Fee: $4,000.00 Rec'd Yes_X No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

24/7 Answering Services - No. 1 (Tele.): **No. 2 (Tele.):**

Option B:

Company Compliance Representative (Name, Address, Local Telephone) ***(ATTACH STATEMENT AS EXHIBIT A):***

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Justin Smith (432) 528-1994
1703 ECR 120 Midland, TX 79703

Other Permitted Wells in City ***(ATTACH EXHIBIT B*** **[see § J(26)]).**

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease):

1. Attached as Exhibit "C"
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Bryan A. Shores ***, a licensed Texas Attorney/Title Commitment by Abstract Company/a Take-off from , a Certified Petroleum Landman/an opinion letter from ,*** ***a licensed Texas Attorney)*** **indicating that [Operator] has a legal right to develop the mineral estate that is the subject of this Application. [See § J(5)].**

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):

-Undeveloped and existing oil and gas facilities

ATTACHED AS EXHIBIT D **is Current Tax Roll from Midland Central Appraisal District), which lists**

ATTACHED AS EXHIBIT E **is a** ***(map/p lat/satellite/aerial photo)*** **depicting all Residences, commercial structures, public buildings, all publicly dedicated Streets and alleys, Rights of Way, and permanent accessory structures surrounding the proposed Drill Site. The** ***(map/p lat/satellite/aerial photo)*** **includes two circles, as required by the Ordinance—one depicting a 500 foot radius and one depicting an 860 foot radius from the proposed well's surface location. [See § J(10)].**

ATTACHED AS EXHIBIT F **is a copy of the notification letter(s) sent to 100 percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Hogan 1-13-D-2407H

Proposed Hole Size, Casing Program and Cementing Program (attach Exhibit as Necessary)[See § J(11) and § L(4)]:

Attached as Exhibit V.

Legal Description of Proposed Well Site:
SHL - 2341' FSL and 1541' FEL-Situated in Section 1, A-11, Block X,H.P. Hilliard Survey, Midland County, TX

BHL - 40' FSL and 2310' FWL-Situated in Section 13, A-35,Block 39, T-1-S,T& P RR Co,Midland County,TX

ATTACHED AS EXHIBIT G **is the Location Site Plan [See § J(9)].**

ATTACHED AS EXHIBIT H **is the Map with the proposed transportation route(s) and road(s) for equipment, chemicals, or refuse products used or produced in the proposed oil and gas operations. [See § J(12)].**

ATTACHED AS EXHIBIT I **is a copy of the approved Texas Railroad Commission permit to drill (Form W-1), together with all attachments** ***(also file copy of W-1 with City Secretary before commencement of drilling operations).*** **[See § J(16) and (20)].**

ATTACHED AS EXHIBIT J **is a copy of the required TCEQ report as to depth of usable quality ground water. [See § J(17)].**

ATTACHED AS EXHIBIT K (if applicable) **is the list of alternative locations developed in consultation with the Oil & Gas Advisory Committee. [See § J(27)].**

ATTACHED AS EXHIBIT L **is the Fencing and Irrigation Plan. [See § J(30)].**

ATTACHED AS EXHIBIT M **is the Road Repair Agreement and** ***Letter of Credit/Certificate of Deposit/Surety Bond*** **in the amount of at least $25,000.** ***Option (if applicable): Applicant would further state that no City-owned streets or alleys will be used by the Operator in connection with its oil and gas operations and as a result, requests a waiver from the Council of this requirement. Option B (if applicable):*** **Because Applicant has three Road Repair Agreements in effect that have been approved by the Council, Applicant requests that the Council consolidate all agreements into one and is filing the necessary $75,000** ***letter of credit/certificate of deposit/surety bond*** **in conjunction with this request. [See § J(31)].**

ATTACHED AS EXHIBIT N **is the Concept Plan depicting the proposed Operations Site (which includes tanks, roads, power lines, and pipeline routes). [See § J(32)].**

Description of Public Utilities required during (1) drilling and (2) operations:

(1) Drilling:
None.

(2) Opera tions:

Electrical.

Description of water source to be used during Drilling:

Water will be stored in off-site frac ponds. Water source will be from an off-site water well or trucked if necessary.

Description of all electric lines to production facilities (reference exhibits as necessary) [See § L(10)]:

Attached as Exhibit N

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]:

Parsley will use a closed loop mud circulating system, not open reserve pits.

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** *Letter of Credit/Certificate of Deposit* **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **are Tax certificates from Midland Central Appraisal District to be submitted indicating that all taxes on personal and real property, including minerals, owned by Applicant are current. [See § J(29)].**

ATTACHED AS EXHIBIT R **is the required Insurance Certificate. [See § J(19) and § K(3)].**

ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

ATTACHED AS EXHIBIT T **is Applicant's Emergency Action Response Plan. [See § J(22)].**

ATTACHED AS EXHIBIT U **is Applicant's Hazardous Materials Management Plan, a copy of which has been submitted and is on file with the Midland Fire Department. [See § J(23)].**

PARSLEY ENERGY
[NAME OF COMPANY]

By _____ MARK TIMMONS
Its VICE PRESIDENT - FIELD OPERATIONS

State of TEXAS)

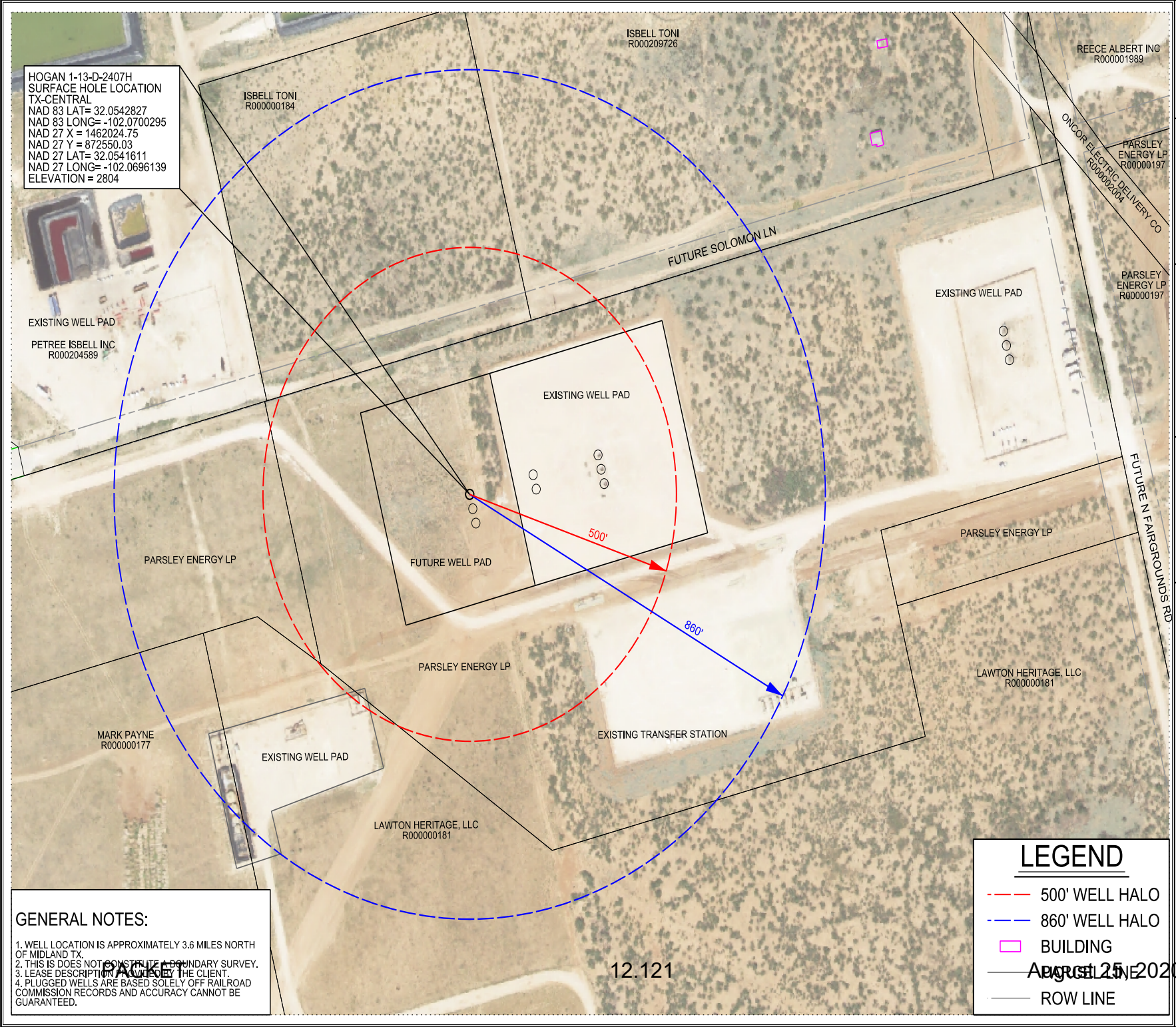
County of MIDLAND)

, personally appeared before me, and being first duly sworn declared he/she signed the application in the capacity designated, if any, and further states that he/she has read the above application and attached exhibits and the statements therein are true and correct to the best of their knowledge.

_____
Notary Public, State of Texas

[S E A L]

HEATHER ROBERTS
My Notary ID # 130326672
Expires August 10, 2023



HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

PARSLEY
303 COLORADO ST.
#3000
AUSTIN, TX 78701
PHONE: 737-704-2300

SITE PLAN PREPARED BY:
PELOTON
LAND SOLUTIONS
9800 HILLWOOD PARKWAY
SUITE 250
FORT WORTH, TX 76177
PHONE: 817-562-3350

TBPE FIRM NO. 12207
TBPLS FIRM NO. 10177700

WELLS AND PADS STAKED BY:
LUCHINI & MERTZ LAND SURVEYING CO.
P.O. BOX 1963
MIDLAND, TX 79702
PHONE: (432) 684-6728
TBPLS FIRM NO. 10086500

PROJECT NO: PEI 17002	
FILE PATH:Petro\Exhibits\BaseSheets	
DRAWN BY: CH	
REVIEWED BY: AH	
DATE: APRIL 2020	
REV:	

NORTH

0 100' 200' 300'
GRAPHIC SCALE

SHEET CONTENT

EXHIBIT 'E'

AERIAL SITE PLAN
Hogan 1-13-D-2407H

Situated in Section 1, A-11
Block X, H.P. Hilliard Survey,
Midland County, Texas

LEGEND

- 500' WELL HALO
- 860' WELL HALO
- BUILDING
- PAVED LINE
- ROW LINE

GENERAL NOTES:

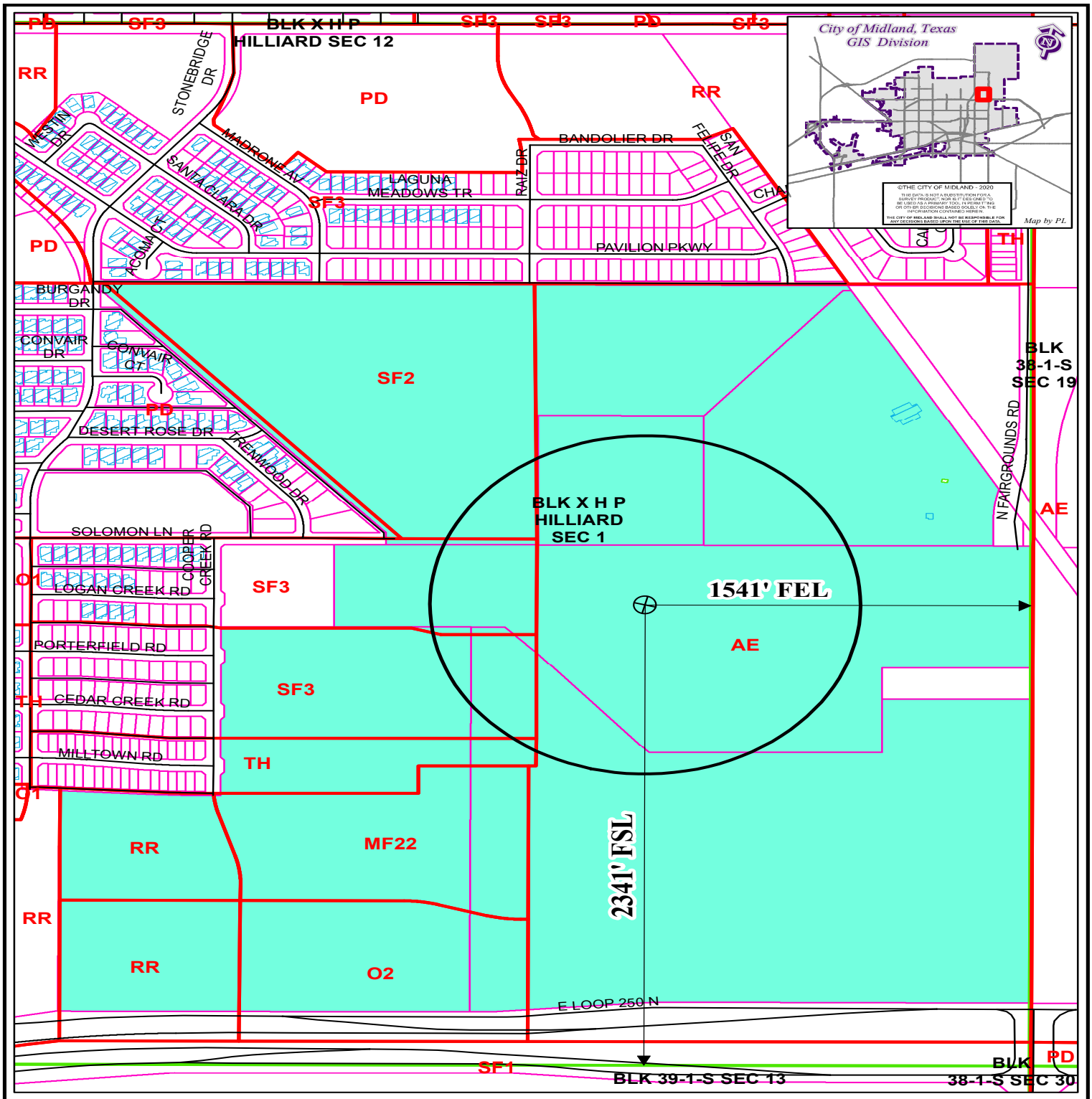
1. WELL LOCATION IS APPROXIMATELY 3.6 MILES NORTH OF MIDLAND TX.
2. THIS IS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. LEASE DESCRIPTION PROVIDED BY THE CLIENT.
4. PLUGGED WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION RECORDS AND ACCURACY CANNOT BE GUARANTEED.

PAGE 1

12.121

August 25, 2020

Printed by: CHamilton
9:05:53 PM
4/21/2020



LOCATION AND ZONING MAP

Oil-025321-2020 **Scale: 1" = 550'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 2,341' FSL and 1,541' FEL, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas.

Generally located 320 feet south of Solomon Lane extension and 1,540 feet west of N Fairgrounds Road extension.

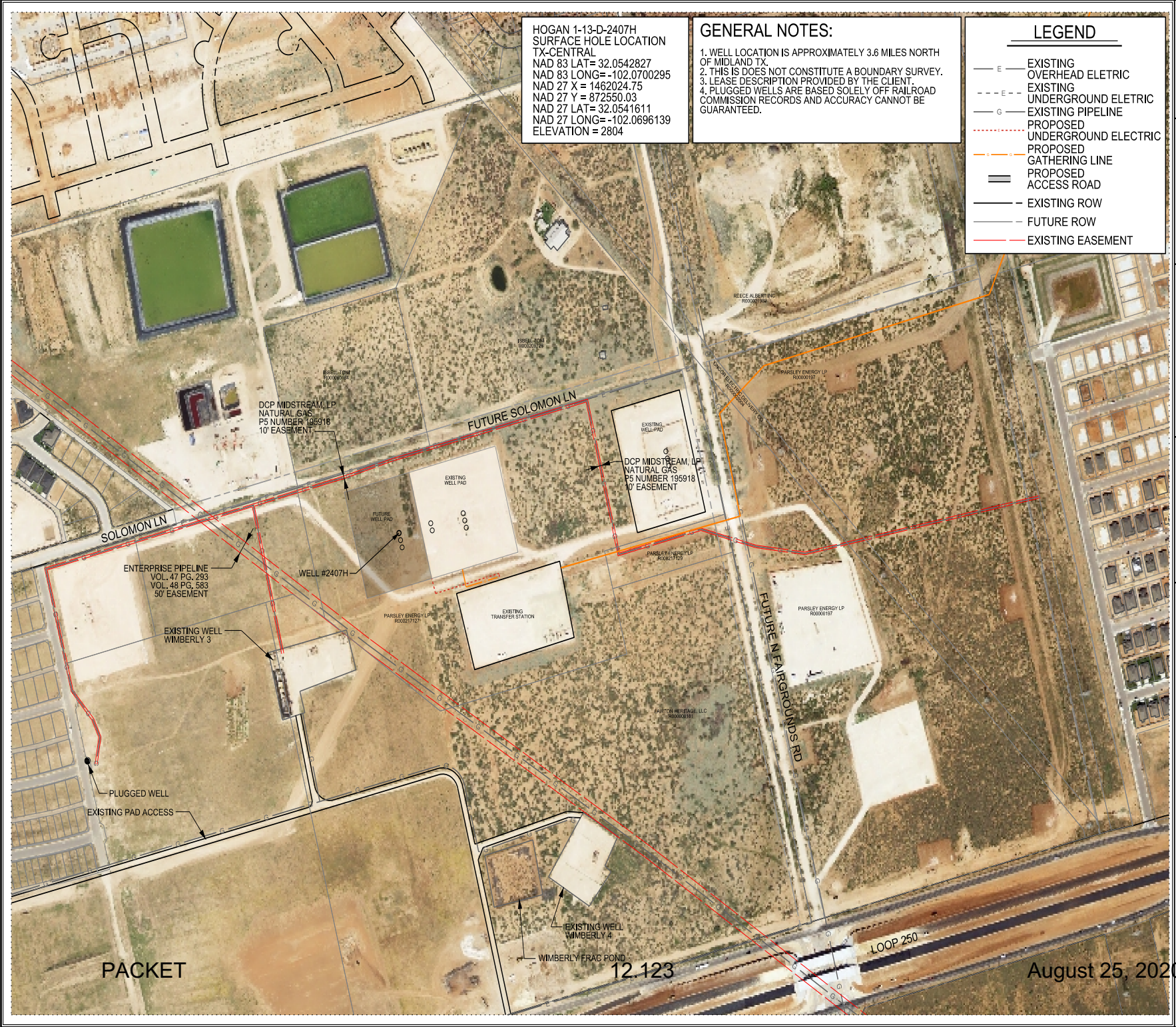
Hogan 1-13-D-2407H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
COUNTY PARCELS	PRIVATE BLDGS	860 FT. BUFFER
ZONING	ACCESSORY BLDGS	SURVEY SEC.

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
RR	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, SF3	ONE-FAMILY DWELLING	GR	GENERAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY



HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

PARSLEY
303 COLORADO ST.
#3000
AUSTIN, TX 78701
PHONE: 737-704-2300

SITE PLAN PREPARED BY:
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PROJECT NO: PEI 17002	
FILE PATH:	Petro\Exhibits\BaseSheets
G-LocationSitePlan	
DRAWN BY: CH	
REVIEWED BY: AH	
DATE: APRIL 2020	
REV:	

NORTH
0 200' 400' 600'
GRAPHIC SCALE

SHEET CONTENT

EXHIBIT 'G' - 1

DRILL SITE, GATHERING LINES, ACCESS ROAD, ELECTRIC

Hogan 1-13-D-2407H

Situated in Section 1, A-11
Block X, H.P. Hillard Survey,
Midland County, Texas

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MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
5/1/2020	Parsley Energy Operations, LLC	1703 ECR 120, Midland, TX 79703

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Mark Timmons	1703 ECR 120, Midland, TX 79703	(432) 704-2500
		Rep. Fax
Fee: $4,000.00 Rec'd Yes_X No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

24/7 Answering Services - No. 1 (Tele.): **No. 2 (Tele.):**

Option B:

Company Compliance Representative (Name, Address, Local Telephone) ***(ATTACH STATEMENT AS EXHIBIT A):***

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):

Justin Smith (432) 528-1994
1703 ECR 120 Midland, TX 79703

Other Permitted Wells in City ***(ATTACH EXHIBIT B*** **[see § J(26)]).**

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease):

1. Attached as Exhibit "C"
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Bryan A. Shores ***, a licensed Texas Attorney/Title Commitment by Abstract Company/a Take-off from*** ***, a Certified Petroleum Landman/an opinion letter from*** ***, a licensed Texas Attorney)*** **indicating that [Operator] has a legal right to develop the mineral estate that is the subject of this Application. [See § J(5)].**

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):

-Undeveloped and existing oil and gas facilities

ATTACHED AS EXHIBIT D **is Current Tax Roll from Midland Central Appraisal District), which lists**

ATTACHED AS EXHIBIT E **is a** ***(map/p lat/satellite/aerial photo)*** **depicting all Residences, commercial structures, public buildings, all publicly dedicated Streets and alleys, Rights of Way, and permanent accessory structures surrounding the proposed Drill Site. The** ***(map/p lat/satellite/aerial photo)*** **includes two circles, as required by the Ordinance—one depicting a 500 foot radius and one depicting an 860 foot radius from the proposed well's surface location. [See § J(10)].**

ATTACHED AS EXHIBIT F **is a copy of the notification letter(s) sent to 100 percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Hogan 1-24-F-2411H

Proposed Hole Size, Casing Program and Cementing Program (attach Exhibit as Necessary)[See § J(11) and § L(4)]:

Attached as Exhibit V.

Legal Description of Proposed Well Site:
SHL - 2281' FSL and 1541' FEL-Situated in Section 1, A-11, Block X,H.P. Hilliard Survey, Midland County, TX

BHL - 1801' FNL and 1650' FEL-Situated in Section 24, A-561,Block 39, T-1-S,T& P RR Co,Midland County,TX

ATTACHED AS EXHIBIT G **is the Location Site Plan [See § J(9)].**

ATTACHED AS EXHIBIT H **is the Map with the proposed transportation route(s) and road(s) for equipment, chemicals, or refuse products used or produced in the proposed oil and gas operations. [See § J(12)].**

ATTACHED AS EXHIBIT I **is a copy of the approved Texas Railroad Commission permit to drill (Form W-1), together with all attachments** ***(also file copy of W-1 with City Secretary before commencement of drilling operations).*** **[See § J(16) and (20)].**

ATTACHED AS EXHIBIT J **is a copy of the required TCEQ report as to depth of usable quality ground water. [See § J(17)].**

ATTACHED AS EXHIBIT K (if applicable) **is the list of alternative locations developed in consultation with the Oil & Gas Advisory Committee. [See § J(27)].**

ATTACHED AS EXHIBIT L **is the Fencing and Irrigation Plan. [See § J(30)].**

ATTACHED AS EXHIBIT M **is the Road Repair Agreement and** ***Letter of Credit/Certificate of Deposit/Surety Bond*** **in the amount of at least $25,000.** ***Option (if applicable): Applicant would further state that no City-owned streets or alleys will be used by the Operator in connection with its oil and gas operations and as a result, requests a waiver from the Council of this requirement. Option B (if applicable):*** **Because Applicant has three Road Repair Agreements in effect that have been approved by the Council, Applicant requests that the Council consolidate all agreements into one and is filing the necessary $75,000** ***letter of credit/certificate of deposit/surety bond*** **in conjunction with this request. [See § J(31)].**

ATTACHED AS EXHIBIT N **is the Concept Plan depicting the proposed Operations Site (which includes tanks, roads, power lines, and pipeline routes). [See § J(32)].**

Description of Public Utilities required during (1) drilling and (2) operations:

(1) Drilling:
None.

(2) Opera tions:

Electrical.

Description of water source to be used during Drilling:

Water will be stored in off-site frac ponds. Water source will be from an off-site water well or trucked if necessary.

Description of all electric lines to production facilities (reference exhibits as necessary) [See § L(10)]:

Attached as Exhibit N

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]:

Parsley will use a closed loop mud circulating system, not open reserve pits.

V. Additional Required Exhibits

***ATTACHED AS EXHIBIT P* is the *Letter of Credit/Certificate of Deposit* in accordance with Subsection (K)(2). [See § J(18)].**

***ATTACHED AS EXHIBIT Q* are Tax certificates from Midland Central Appraisal District to be submitted indicating that all taxes on personal and real property, including minerals, owned by Applicant are current. [See § J(29)].**

***ATTACHED AS EXHIBIT R* is the required Insurance Certificate. [See § J(19) and § K(3)].**

***ATTACHED AS EXHIBIT S (if applicable)* is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

***ATTACHED AS EXHIBIT T* is Applicant's Emergency Action Response Plan. [See § J(22)].**

***ATTACHED AS EXHIBIT U* is Applicant's Hazardous Materials Management Plan, a copy of which has been submitted and is on file with the Midland Fire Department. [See § J(23)].**

PARSLEY ENERGY
[NAME OF COMPANY]

By _____ MARK TIMMONS
Its VICE PRESIDENT - FIELD OPERATIONS

State of TEXAS)

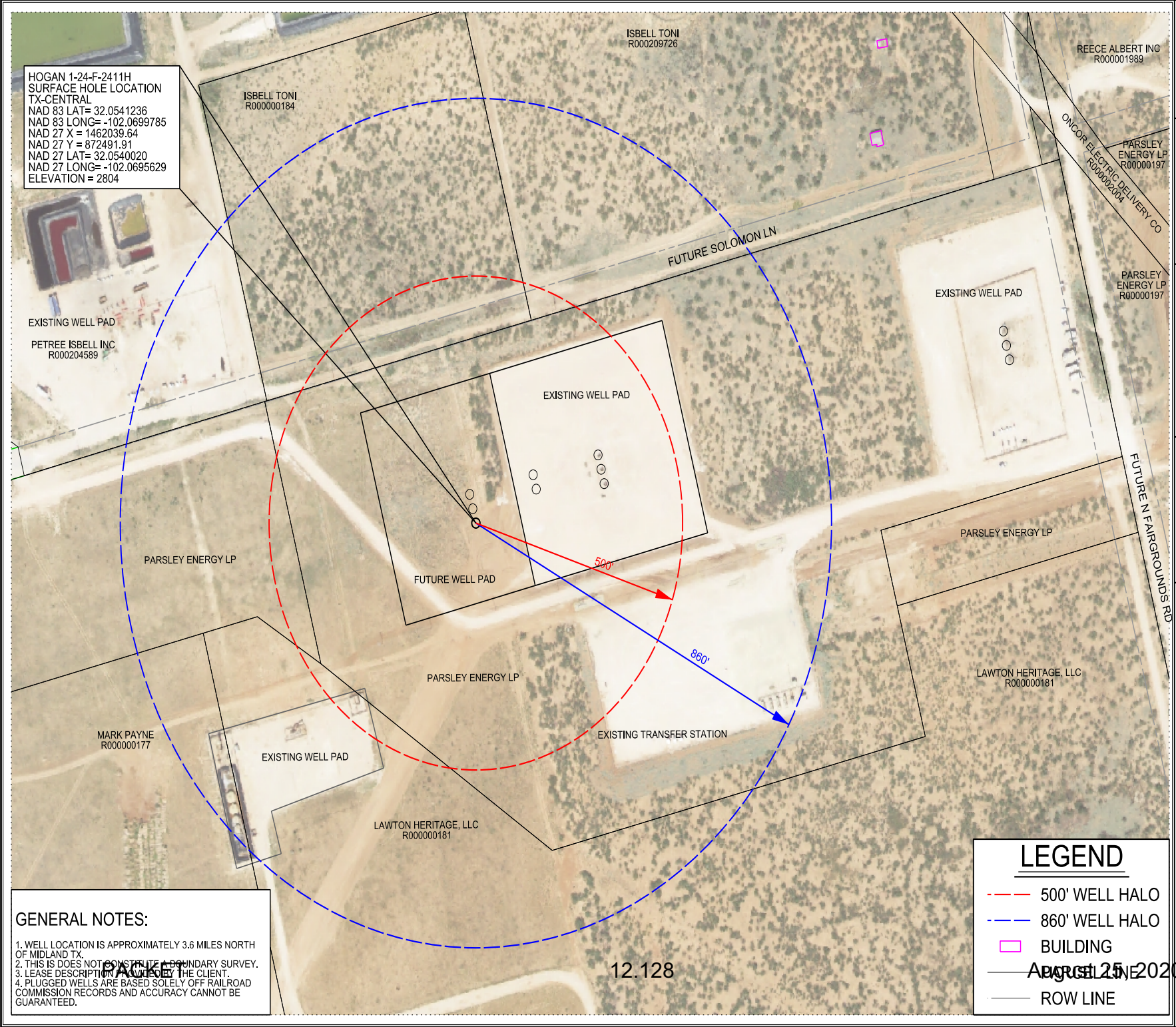
County of MIDLAND)

, personally appeared before me, and being first duly sworn declared he/she signed the application in the capacity designated, if any, and further states that he/she has read the above application and attached exhibits and the statements therein are true and correct to the best of their knowledge.

_____
Notary Public, State of TEXAS

[S E A L]

HEATHER ROBERTS
My Notary ID # 130326672
Expires August 10, 2023



GENERAL NOTES:

1. WELL LOCATION IS APPROXIMATELY 3.6 MILES NORTH OF MIDLAND TX.
2. THIS IS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. LEASE DESCRIPTION PROVIDED BY THE CLIENT.
4. PLUGGED WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION RECORDS AND ACCURACY CANNOT BE GUARANTEED.

LEGEND

- 500' WELL HALO
- 860' WELL HALO
- BUILDING
- PAVED LINE
- ROW LINE

NORTH

0 100' 200' 300'

GRAPHIC SCALE

HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

PARSLEY
303 COLORADO ST.
#3000
AUSTIN, TX 78701
PHONE: 737-704-2300

SITE PLAN PREPARED BY:
PELOTON
LAND SOLUTIONS
9800 HILLWOOD PARKWAY
SUITE 250
FORT WORTH, TX 76177
PHONE: 817-562-3350

TBPE FIRM NO. 12207
TBPLS FIRM NO. 10177700

WELLS AND PADS STAKED BY:
LUCHINI & MERTZ LAND SURVEYING CO.
P.O. BOX 1963
MIDLAND, TX 79702
PHONE: (432) 684-6728
TBPLS FIRM NO. 10086500

PROJECT NO: PEI 17002	
FILE PATH:Petro\Exhibits\BaseSheets	
DRAWN BY: CH	
REVIEWED BY: AH	
DATE: APRIL 2020	
REV:	

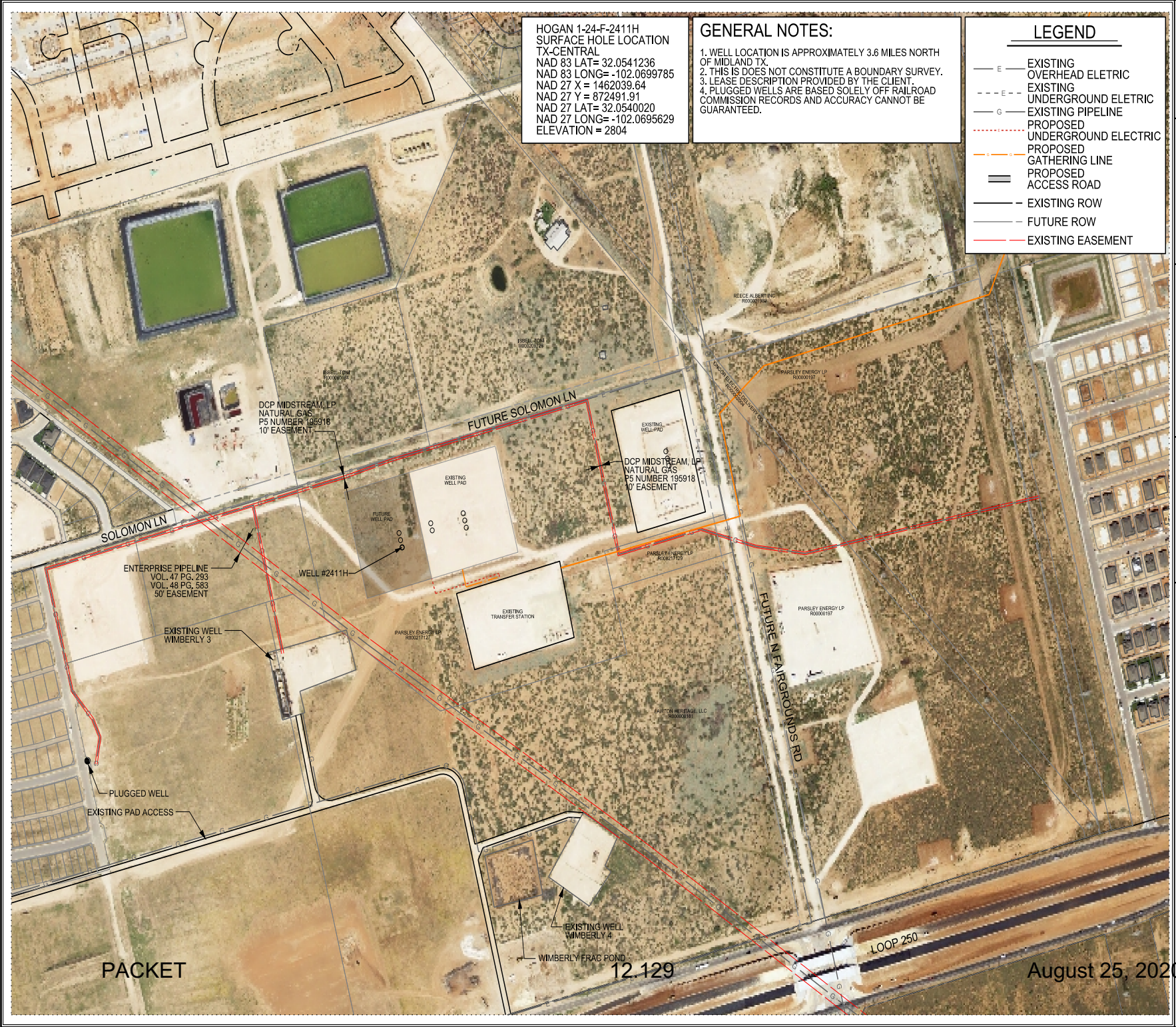
SHEET CONTENT

EXHIBIT 'E'

AERIAL SITE PLAN
Hogan 1-24-F-2411H

Situated in Section 1, A-11
Block X, H.P. Hilliard Survey,
Midland County, Texas

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4/21/2020 9:05:56 PM



HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

PARSLEY
303 COLORADO ST.
#3000
AUSTIN, TX 78701
PHONE: 737-704-2300

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PROJECT NO: PEI 17002	
FILE PATH:	P:\etro\Exhibits\BaseSheets\G-LocationSitePlan
DRAWN BY:	CH
REVIEWED BY:	AH
DATE:	APRIL 2020
REV:	

NORTH

0 200' 400' 600'
GRAPHIC SCALE

SHEET CONTENT

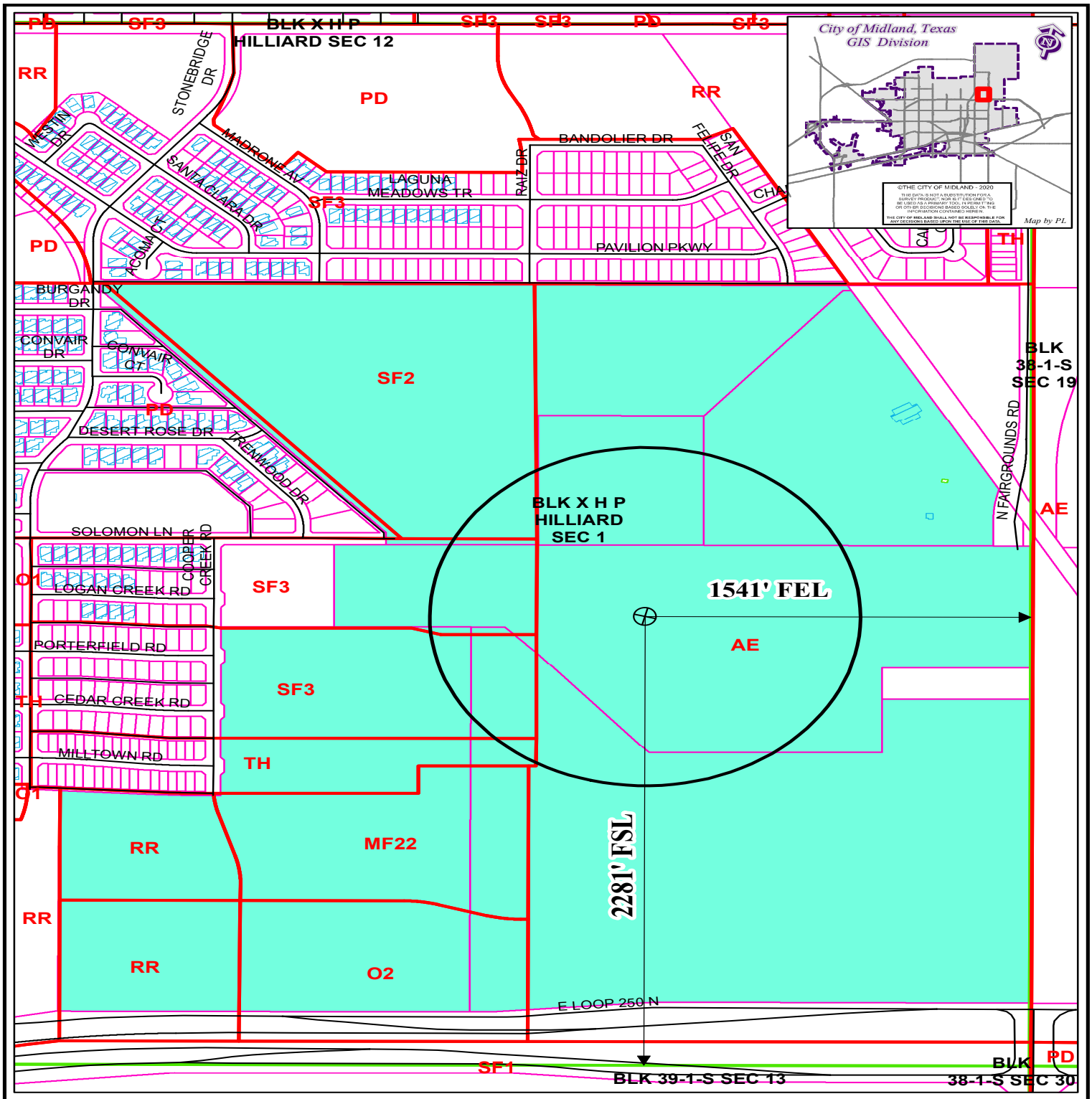
EXHIBIT 'G' - 1

DRILL SITE, GATHERING LINES, ACCESS ROAD, ELECTRIC

Hogan 1-24-F-2411H

Situated in Section 1, A-11
Block X, H.P. Hillard Survey,
Midland County, Texas

Printed by: CHamilton
4/21/2020 9:17:01 PM



LOCATION AND ZONING MAP

Oil-025318-2020 **Scale: 1" = 550'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 2,281' FSL and 1,541' FEL, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas.

Generally located 380 feet south of Solomon Lane extension and 1,540 feet west of N Fairgrounds Road extension.

Hogan 1-24-F-2411H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
COUNTY PARCELS	PRIVATE BLDGS	860 FT. BUFFER
ZONING	ACCESSORY BLDGS	SURVEY SEC.

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
RR	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, SF3	ONE-FAMILY DWELLING	C1, C2, C3	COMMERCIAL
MH	MOBILE HOME DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
TH	TOWNHOUSE DWELLING	LI	LIGHT INDUSTRY
2F	TWO-FAMILY DWELLING	HI	HEAVY INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING		

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432) 704-2500
Mark Timmons	1703 ECR 120, Midland, TX 79703	Rep. Fax
Fee: $4,000.00 Rec'd Yes_X No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

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IV. Well & Operations Information

Proposed Well Name: Hogan 1-24-H-2415H

Proposed Hole Size, Casing Program and Cementing Program (attach Exhibit as Necessary)[See § J(11) and § L(4)]:

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PARSLEY ENERGY
[NAME OF COMPANY]

By _____ MARK TIMMONS
Its VICE PRESIDENT - FIELD OPERATIONS

State of TEXAS)

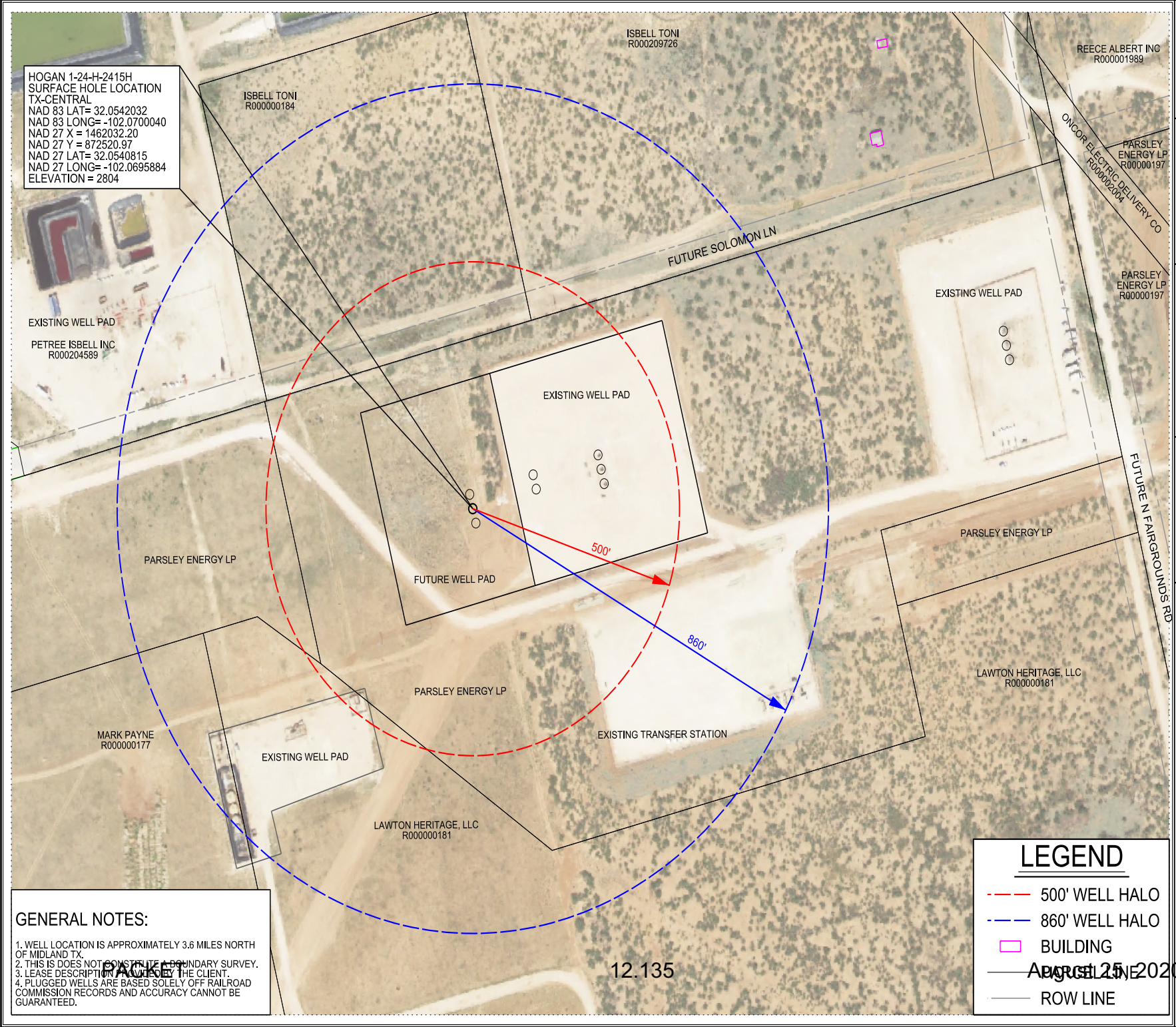
County of MIDLAND)

, personally appeared before me, and being first duly sworn declared he/she signed the application in the capacity designated, if any, and further states that he/she has read the above application and attached exhibits and the statements therein are true and correct to the best of their knowledge.

_____
Notary Public, State of Texas

[S E A L]

HEATHER ROBERTS
My Notary ID # 130326672
Expires August 10, 2023



HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

PARSLEY
303 COLORADO ST.
#3000
AUSTIN, TX 78701
PHONE: 737-704-2300

SITE PLAN PREPARED BY:
PELOTON
LAND SOLUTIONS
9800 HILLWOOD PARKWAY
SUITE 250
FORT WORTH, TX 76177
PHONE: 817-562-3350

TBPE FIRM NO. 12207
TBPLS FIRM NO. 10177700

WELLS AND PADS STAKED BY:
LUCHINI & MERTZ LAND SURVEYING CO.
P.O. BOX 1963
MIDLAND, TX 79702
PHONE: (432) 684-6728
TBPLS FIRM NO. 10086500

PROJECT NO: PEI 17002	
FILE PATH:Petro\Exhibits\BaseSheets	
DRAWN BY: CH	
REVIEWED BY: AH	
DATE: APRIL 2020	
REV:	

NORTH
0 100' 200' 300'
GRAPHIC SCALE

SHEET CONTENT

EXHIBIT 'E'

AERIAL SITE PLAN
Hogan 1-24-H-2415H

Situated in Section 1, A-11
Block X, H.P. Hilliard Survey,
Midland County, Texas

GENERAL NOTES:

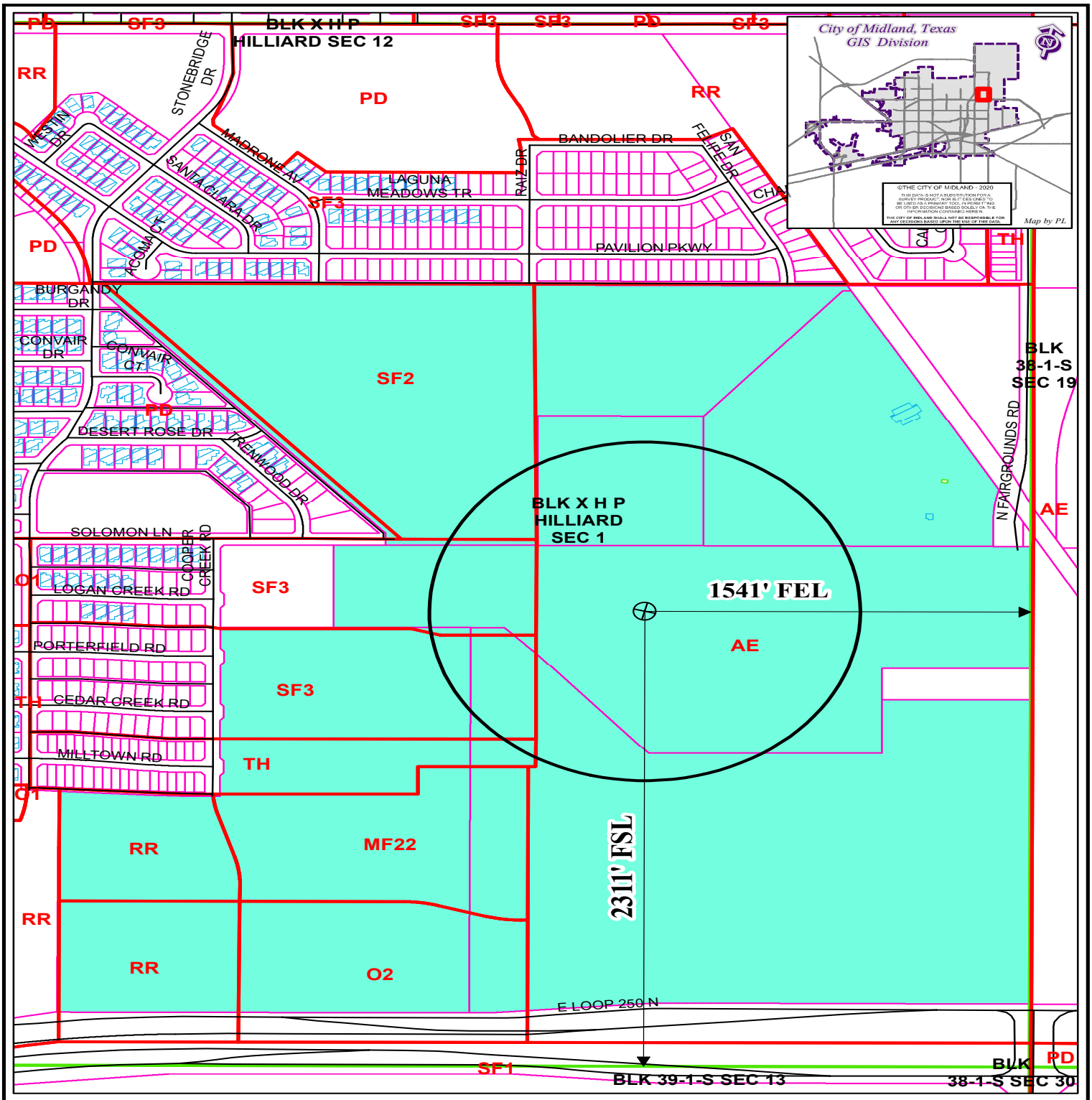
1. WELL LOCATION IS APPROXIMATELY 3.6 MILES NORTH OF MIDLAND TX.
2. THIS IS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
3. LEASE DESCRIPTION PROVIDED BY THE CLIENT.
4. PLUGGED WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION RECORDS AND ACCURACY CANNOT BE GUARANTEED.

PAGE 1

12.135

August 25, 2020

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4/21/2020



LOCATION AND ZONING MAP

Oil-025320-2020 **Scale: 1" = 550'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 2,311' FSL and 1,541' FEL, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas.

Generally located 350 feet south of Solomon Lane extension and 1,540 feet west of N Fairgrounds Road extension.

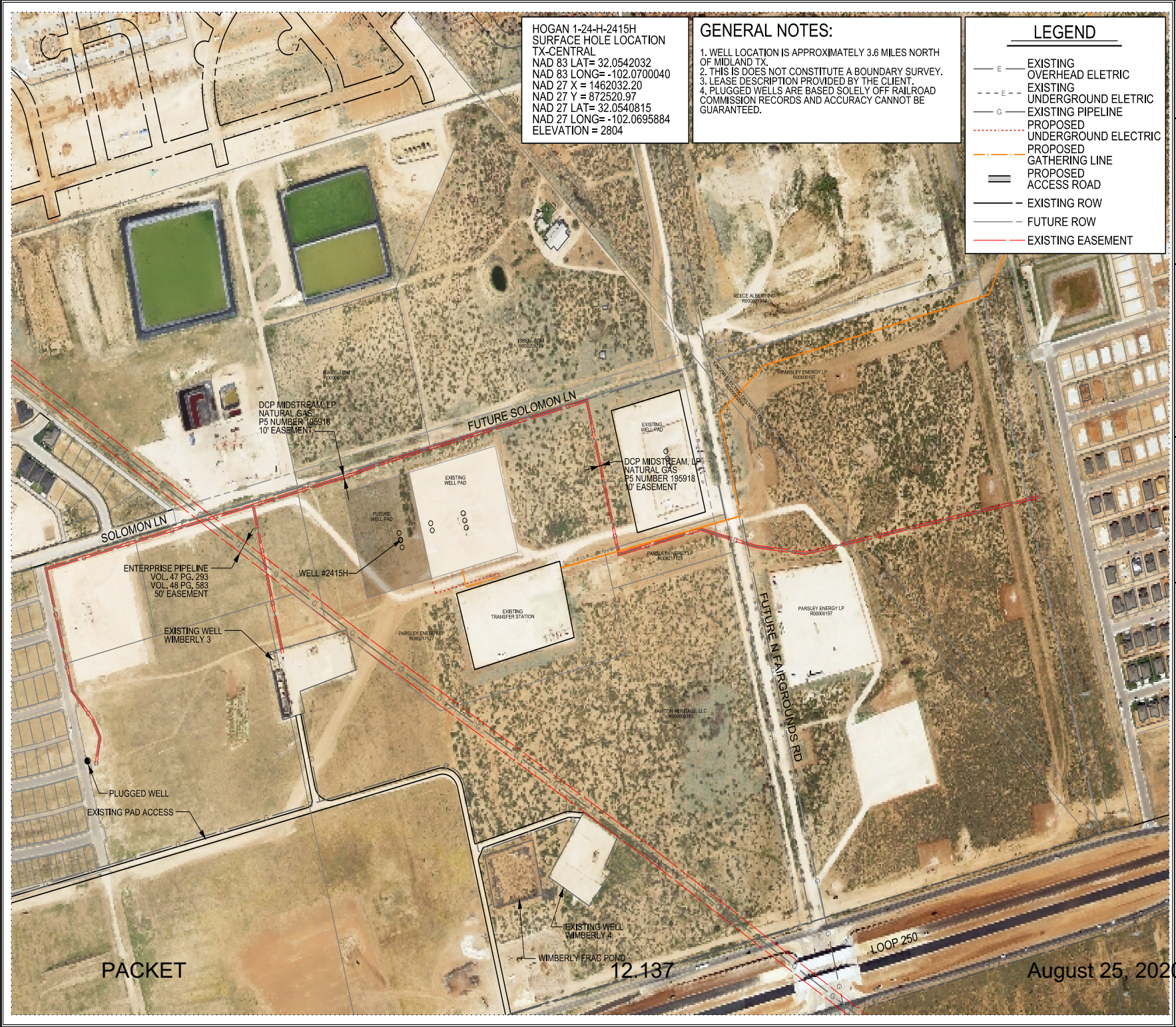
Hogan 1-24-H-2415H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
COUNTY PARCELS	PRIVATE BLDGS	860 FT. BUFFER
ZONING	ACCESSORY BLDGS	SURVEY SEC.

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
RR	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, SF3	ONE-FAMILY DWELLING	GR	GENERAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY



HOGAN

OIL AND GAS PERMIT
MIDLAND, TX

APPLICANT:
PARSLEY ENERGY OPERATIONS LLC.
1703 ECR 120
MIDLAND, TX 79703

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303 COLORADO ST.
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PHONE: 737-704-2300

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SUITE 250
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PHONE: (432) 684-6728
TBPLS FIRM NO. 10086500

PROJECT NO: PEI 17002	
FILE PATH:	P:\etro\Exhibits\BaseSheets\G-LocationSitePlan
DRAWN BY:	CH
REVIEWED BY:	AH
DATE:	APRIL 2020
REV:	

NORTH

0 200' 400' 600'
GRAPHIC SCALE

SHEET CONTENT

EXHIBIT 'G' - 1

DRILL SITE, GATHERING LINES, ACCESS ROAD, ELECTRIC

Hogan 1-24-H-2415H

Situated in Section 1, A-11
Block X, H.P. Hillard Survey,
Midland County, Texas

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4/21/2020 9:21:31 PM

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on August 25, 2020, considered the application of Parsley Energy Operations, LLC ("Operator") dated May 1, 2020 to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

This documentation hereby constitutes a permit, issued in accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), to drill an oil and gas well as requested in Operator's application that has been filed with the Oil & Gas Compliance Coordinator and is incorporated herein for all legal purposes.

The location of Operator's Hogan 1-13-D-2407H located 2,341 feet from the south line and 1,541 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from August 25, 2020 through August 25, 2021, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

The issuance of this permit by the City of Midland does not in any way alter or modify the rights as between the surface estate owner(s) and mineral estate owner(s) if there exists a severance of the surface estate and mineral estate. This permit in no way exempts Operator from its responsibilities or obligations as to third parties. The issuance of this permit only means that Operator has, at this time, complied with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance No. 8769) and that the Midland City Council, as a regulatory body, will allow Operator to proceed under the conditions of this permit. The issuance of this permit is intended to be only a negative pronouncement that grants no affirmative rights to the permittee to occupy the property. It is expressly provided

that this permit does not authorize a trespass by the permittee as to any third party. This permit does not in any way restrict the use of the surface estate. Securing a permit does not authorize Operator to act with impunity as to third parties, nor does it insulate Operator from the consequences of its actions with regard to those third parties. The receipt of a permit does not undertake to adjudicate property rights.

This permit granted by the City of Midland does not act to immunize Operator from civil tort liability from private parties for actions arising out of the use of the permit. This is because the permit is a "negative pronouncement" that grants no affirmative rights to the permittee. The issuance of this permit does not authorize any injury to persons or property or an invasion of other property rights, or any infringement of State or local law or regulations. Operator has obtained a permit from the City of Midland but the consequences of acting under the permit have not been immunized. The fact that the City of Midland has issued a permit to drill an oil and gas well does not shield Operator from third party tort liability stemming from the consequences of the permitted activity.

NOTWITHSTANDING ANY OTHER PROVISION, OPERATOR HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY OF MIDLAND, CITY OF MIDLAND'S EMPLOYEES AND OFFICERS, FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH OPERATOR HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKING CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS OR CITY OF MIDLAND'S NEGLIGENCE.

OPERATOR AGREES TO INDEMNIFY AND HOLD HARMLESS AND DEFEND THE CITY OF MIDLAND, THE CITY'S OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITY OF ANY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY TO OR DEATH OF ANY PERSON, OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF OR IN CONNECTION WITH THE WORK DONE BY OPERATOR UNDER AN OIL AND GAS WELL PERMIT WHERE SUCH INJURIES, DEATH, OR DAMAGES ARE CAUSED BY OPERATOR'S SOLE NEGLIGENCE OR THE JOINT NEGLIGENCE OF THE OPERATOR AND ANY OTHER PERSON OR ENTITY.

A right-of-way license agreement approved by a resolution of the Midland City Council is required for any oil and/or gas flowline or pipeline or any other device associated with a proposed well site that extends into, on, above, in, under, across or through any City rights-of-way, including but not limited to streets, alleys, and utility and drainage rights-of-way.

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

The Midland City Council, in granting this permit, also grants the following variance(s):

1. Twenty-four hour hydraulic fracturing operations and use of a workover rig during the process directly following the fracing operations.

2. No landscaping and irrigation due to adequate screening from adjacent roads and parcels.

3. No road repair agreement required because no City streets will be used to access the well site.

Sound walls shall be used during drilling and completion operations as noted in the application.

This permit shall constitute a written contract for purposes of insurance requirements.

In addition to the requirements of this permit and the Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), including, but not limited to Subsections (K) through (Z), Operator shall develop, maintain and operate the well described herein in accordance with the conditions, limitations and safeguards contained in Operator's application for said well.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of August, 2020.

CITY OF MIDLAND, TEXAS

By: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of August, 2020.

.

Parsley Energy Operations, LLC

By: _____

Mark Timmons

Vice President- Field Operations

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on August 25, 2020, considered the application of Parsley Energy Operations, LLC ("Operator") dated May 1, 2020 to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

This documentation hereby constitutes a permit, issued in accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), to drill an oil and gas well as requested in Operator's application that has been filed with the Oil & Gas Compliance Coordinator and is incorporated herein for all legal purposes.

The location of Operator's Hogan 1-24-F-2411H located 2,281 feet from the south line and 1,541 feet from the east line, Section 1, Block X, H.P. Hilliard Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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By: _____

Mark Timmons

Vice President- Field Operations

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of August, 2020.

CITY OF MIDLAND, TEXAS

By: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of August, 2020.

.

Parsley Energy Operations, LLC

By: _____

Mark Timmons

Vice President- Field Operations

City Council Meeting

Item Number: 13

Meeting Date: **August 25, 2020**

To: **City Council / City Manager**

From: **Kayci LaDuke,**

Subject: Motion authorizing the submission of a grant application to the 2020 Justice Assistance Grant Program in order to receive $15,811.00 for the purchase of equipment, technology, and other materials directly related to basic law enforcement for the Police Department. (POLICE)

Purpose:

Motion authorizing the submission of a grant application to the 2020 Justice Assistance Grant Program in order to receive $15,811.00 for the purchase of equipment, technology, and other materials directly related to basic law enforcement for the Police Department.

Recommended City Council Action:

Approve

Fiscal Impact:

The City of Midland will receive $15,811.00 to be used to purchase equipment, technology, and other material directly related to basic law enforcement.

Discussion:

The City of Midland Police Department has received notice that we, in conjunction with Midland County, are eligible for a federal grant in the amount of $26,352.00 through the 2020 Justice Assistance Grant Program. The Attorney General of Texas has determined that Texas Counties are responsible for more than 50% of the costs incurred for the prosecution and incarceration of Part 1 violent crimes. The Office of the Attorney General certified this fact to the Bureau of Justice Assistance. The effect of the Attorney General's certification is that cities and counties will file a joint application with of the Bureau of Justice Assistance, with the cities and counties agreeing to the funding allocations among
them.
The end result is that the City of Midland will receive $15,811.00 (60%) and Midland County will receive $10,541.00 (40%).

City Council Agenda

Approved for Agenda:

City Manager's Office

MEETING DATE: 08/25/2020

TO: City Council / City Manager

FROM: John Simmons, Right-of-Way Manager

SUBJECT: Motion authorizing the execution of a right-of-way license between the City of Midland and Beta Crude Connector, LLC, regarding city-owned property described as Section 44, Block 38, Township 1 South, T&P RR Co. Survey, Midland County,Texas.

Purpose:

This motion will provide a Thirty foot (30) wide right of way on City Plant Farm property for a 16" common carrier crude oil pipeline. Proposed pipeline is away from main Plant Farm operations and will have no impact.

This Right-of-Way License is proposed for a single five (5) year period with the option for a single five (5) year renewal. Terms are consistent with the City's standard license for pipeline facilities of this nature.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

The following fees will be collected:

Application fee (one time): $1,000

Annual Lease Rate (137.59 rods x $20/rod): $2,751.80

Surface Damages: (137.59 rods x $10/rod): $1,375.90

Total Collected: $4,127.70

Discussion:

This common carrier, steel construction crude oil line will be sixteen inches (16) in diameter and buried forty-two inches (42) deep. The requested temporary Construction ROW will be thirty feet (30) and will terminate after construction.

Certificates of Insurance (COI) with City of Midland named as additional insured and a waiver of subrogation in favor of the City of Midland has been collected and on file.

City Secretary to record completed License Agreement

RIGHT OF WAY LICENSE

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MIDLAND	§	

Date:	August 26, 2020
Licensor:	CITY OF MIDLAND, TEXAS, a home-rule municipal corporation
Licensor's Representative:	Robert Patrick, Assistant City Manager
Licensor's Mailing Address:	P.O. Box 1152 Midland, Texas 79702
Licensee:	Beta Crude Connector, LLC
Licensee's Representative:	**Greg Lamberson**
Licensee's Mailing Address:	4200 East Skelly Drive, Tulsa, Oklahoma 74135
Property:	See **Exhibit A** attached hereto and incorporated herein for all purposes.

Licensee desires use of property owned by Licensor in Midland County, Texas (the "Property"), for purposes set forth below. Licensee acknowledges and agrees that it must obtain a license (the "License") in order to use the public lands of Licensor.

W I T N E S S E T H:

For and in consideration of the execution of this License and the mutual promises and covenants of the parties hereto, it is mutually promised, understood and agreed as follows:

I. Term

A. Initial Term. This License shall be for a term of five (5) years (the "Initial Term"), commencing with the date of this License (the "Commencement Date") unless terminated earlier as provided hereafter.

B. Renewal Term. This License shall automatically renew at the end of the Initial Term for one (1) additional term of five (5) years, upon the written request of Licensee received by Licensor on or before one hundred twenty (120) days prior to the expiration of the Initial Term then in effect, subject to the express written consent of the governing body of Licensor.

C. Termination. Licensor may terminate this License if Licensee fails to pay, when due, any amount owing under this License and that failure continues for sixty (60) days or, if Licensee commits any material breach or material default in performance of any obligation, prohibition,

restriction, provision or covenant contained in this License, and the breach or default continues for a period of thirty (30) days after Licensor delivers notice to Licensee reasonably detailing the breach or default.

Additionally, Licensor may terminate this License at will for any or no reason upon giving at least three hundred sixty-five (365) days' written notice to Licensee. The parties to this License understand and agree that it is in Licensor's sole discretion to cancel the License during the term of the License without penalty to Licensor. Licensee has no expectation and has received no guarantees that this License will not be terminated before the end of the License term. The parties have bargained for the flexibility of terminating this License upon tender of the requisite notice at any time during the term of the License. All work and services under the License shall be suspended upon termination of the License becoming effective.

Upon termination of this License, Licensee shall remove all equipment and structures associated with the undertakings contemplated by this License. After removal of all equipment and structures associated with the undertakings contemplated by this License, the surface shall be restored at the expense of Licensee to its original condition, as close thereto as may be practical, subject to the approval of Licensor upon inspection by Licensor's Representative, which approval shall not be unreasonably withheld. All of said work shall be completed within one hundred and eighty (180) days after termination of this License.

II. Financial Consideration

A. License Fee. The first year's license fee in the amount of TWO THOUSAND SEVEN HUNDRED FIFTY-ONE and 80/100 Dollars ($2,751.80) shall be due and payable on or prior to the Commencement Date of this License ("License Fee"). Licensee's failure to make the License Fee payment within thirty (30) days after the License Fee is due shall constitute a late payment and Licensee shall pay Licensor a late charge of five percent (5%).

B. Surface Damage Fee. Licensee shall pay a one-time surface damage fee to Licensor in the amount of ONE THOUSAND THREE HUNDRED SEVENTY-FIVE and 90/100 Dollars ($1,375.90), payable on or prior to the Commencement Date.

C. Annual Fee. Licensee shall pay to Licensor an annual fee in the amount of TWO THOUSAND SEVEN HUNDRED FIFTY-ONE and 80/100 Dollars ($2,751.80), which shall be payable each year on or before the anniversary of the Commencement Date of this License.

D. Application Fee. At the same time the first year License Fee is due, Licensee shall pay a non-refundable one-time fee of ONE THOUSAND and No/100 Dollars ($1,000.00) to Licensor's Representative. Said fee shall revert to Licensor and Licensee shall have no claim to said fee. The fee shall be used to process the application for the License.

E. Fee Adjustment. Prior to commencement of any renewal term, Licensor and Licensee shall negotiate in good faith to agree to an adjustment of the Annual Fee. If Licensor and Licensee are unable to reach an agreement regarding an adjustment to the Annual Fee, then the Annual Fee shall be determined by Licensor in its sole discretion, provided the new Annual Fee shall not exceed twenty-five percent (25%) of the Annual Fee paid for the last year of the Initial Term.

F. Delivery of Payment. The License Fee payment shall be made to Licensor at the office of Licensor's Representative, Attn: Right of Way Manager, P.O. Box 1152, Midland, Texas, 79702. The License Fee payment shall be exclusive of and in addition to all general municipal taxes of whatever nature, including but not limited to ad valorem taxes and special taxes and assessments for public improvements.

III. Use

A. Permitted Use. Licensor does hereby grant unto Licensee, the right to enter upon the Property, being sixty (60) feet in width of the pipeline location as shown on **Exhibit A** attached hereto and incorporated herein for the purpose of placing, constructing, operating, repairing, maintaining, replacing and removing, thereon, along the herein described pipeline locations, a steel construction pipeline, not to exceed sixteen (16) inches in diameter, for the transportation of crude oil, to have the right of ingress and egress at convenient points for such purpose, and said construction width shall revert to twenty (30) feet after the pipeline is laid. **Licensee shall provide Licensor with a complete as-built survey within sixty (60) days of completion of the pipeline(s) and facilities described herein. The parties agree Licensee's failure to provide Licensor with a complete as-built survey within sixty (60) days of completion of the pipeline(s) and facilities described herein may result in the termination of this License. The decision to accept a complete as-built survey after the sixty-day deadline prescribed herein, or, conversely, to terminate this License shall be in the sole and absolute discretion of Licensor.**

B. Road Repair. Licensee covenants and agrees that it will repair any of Licensor's roads that Licensee damages on Licensor's property so that such roads will comply with Licensor's Standard Specifications.

C. Utility Repair. Licensee covenants and agrees that Licensee shall, at its own expense, repair all water lines, sewer lines, service lines and water meters owned by Licensor that Licensee, its employees, its agents or assigns, damage so that such water lines, sewer lines and water meters shall comply with the requirements of Licensor's Standard Specifications.

D. Depth. Licensee covenants and agrees that it will bury the pipeline(s) to be constructed hereunder no less than forty-eight (48) inches in depth. All backfill used in burying such line shall be compacted to a density of ninety percent (90%), except where such pipeline(s) crosses under a paved or traveled portion of City of Midland right of way where such backfill shall be compacted to a density of ninety-five percent (95%). Licensor shall be afforded the opportunity to test the density on all backfill. Notwithstanding any provision to the contrary contained herein, Licensee covenants and agrees that, at any point that Licensee's pipeline(s) intersects with a City of Midland utility line location, the pipeline(s) shall be bored at a depth of a least (i) nine (9) feet under all City of Midland water utility lines and (ii) two (2) feet under all City of Midland sewer utility lines. Licensee agrees that it shall comply with 30 Tex. Admin. Code § 290.44(e), as amended, to the extent applicable to this License.

E. Approval of Bids. Before Licensee seeks bids on any phase of the repair of public streets, alleys, water lines, sewer lines or any other public utilities, the specifications shall be approved by Licensor's Representative.

F. Reservation of Rights. Licensor expressly reserves the right to install, repair, or reconstruct

streets or roads and all ancillary public uses usual and customary in connection with streets and roads, expressly including but not limited to drainage facilities and related structures in the rights of way used and occupied by Licensee.

Licensor reserves the right to lay and permit to be laid, sewer, gas, water, and other pipelines or cables and conduits, and to do and permit to be done, any underground or overhead installation or improvement that may be deemed necessary or proper by the governing body of Licensor, in, on, across, along, over, under, and through any property occupied by Licensee. In permitting such work to be done, Licensor shall not be liable to Licensee for any damage so caused to Licensee's system or property, **NOR SHALL LICENSOR BE LIABLE TO LICENSEE FOR ANY DAMAGES TO LICENSEE'S PIPELINE(S), CASING, OR COMPRESSOR STATION, ARISING OUT OF THE NEGLIGENCE BY LICENSOR, ITS EMPLOYEES, OFFICERS OR AGENTS, OR LICENSOR'S CONTRACTORS OR SUBCONTRACTORS.** If Licensor requires Licensee to remove, alter, change, adapt, or conform Licensee's facilities because of changes in the grade or construction of a street or in the location or manner of constructing a water pipe, sewer pipe, or other surface, underground or aboveground structure owned by Licensor, Licensee shall make the alterations or changes as soon as practicable, and in no event longer than one hundred eighty (180) days, when ordered in writing by Licensor, without claim for reimbursement for the cost of the relocation or for damages against Licensor. If these requirements impose a financial hardship upon Licensee, Licensee shall have the right to present alternative proposals for Licensor's consideration.

G. Non-exclusive. Licensor expressly reserves the full right to grant other easements or rights of way crossing or running parallel with the rights of way used by Licensee.

H. Abandonment. It is especially provided, however, that as an express condition of this License, and not as a mere covenant, in the event Licensee abandons any equipment or appurtenances to the undertakings contemplated by this License, or the Property ceases to be used for the purposes enumerated herein for any period of twelve (12) consecutive months, or longer, other than the time elapsing between the date hereof and construction, and upon giving Licensee one hundred and twenty (120) days' written notice, then and in that event, this License shall automatically revert to Licensor, its successors or assigns, free and clear of any right, title, or interest in Licensee, or any re-entry by Licensor.

I. Approval of Specifications. In the event Licensee desires to reconstruct, repair, maintain, replace or remove any pipeline or casing system built hereunder, Licensee shall submit the plans and specifications that pertain to the rebuilding or repairs of Licensor's streets and roads and the rebuilding or repairs of any of Licensor's public utilities to Licensor's Representative for his or her approval. In the event of emergency repairs necessary to restore service, Licensee shall notify Licensor's Representative before making any repairs if during a Licensor work day. If not on a work day, Licensee shall notify Licensor's Representative on the first work day after repairs have begun.

J. Gates and Fences. Licensee agrees to use existing gates and roadways where available, to enter, leave and cross the Property; provided that Licensee shall not use any road marked "Closed." Licensee and all persons entering or leaving the Property in connection with Licensee's operations hereunder shall keep all outside and interior gates securely closed except during operations related to this License. Licensee shall keep all outside gates, and all other gates designated by Licensor,

securely locked except during operations related to this License. At any gate that is to be locked, Licensor may install its own lock in addition to Licensee's lock.

Licensee agrees that Licensee shall not cut or go over any fence at any time or in connection with any operations on the Property without first obtaining Licensor's express consent thereto in writing. All gates or openings in fences shall be at mutually agreeable location(s) between Licensee and Licensor and shall be constructed as reasonably required by Licensor. Upon the termination of this License, at Licensor's election, gates in fences shall be left in place and shall thereafter be owned by Licensor or Licensee shall remove such gates and restore the fence to its original condition as nearly as reasonably practicable. The terms, provisions and requirements of this provision shall survive the termination or expiration of this License.

K. Trash. Licensee shall keep the Property free of trash and debris at all times. Under no circumstances, will Licensee be allowed to bury any trash, debris or foreign material of any kind on or under the Property. Licensor shall have the right to expel and permanently ban from the Property any person observed disposing of trash on the Property. Upon the completion of any operations, all ribbons, flags, stakes and similar items shall by promptly removed from the Property.

L. Hunting, Fishing and Alcohol Prohibited. No agent, employee, representative, contractor or subcontractor of Licensee or any other person allowed to enter the Property by Licensee shall be permitted to hunt, fish, trap, camp, picnic, ride motorcycles or four-wheelers or otherwise conduct any social gathering on the Property, nor shall any such persons be permitted to bring firearms, archery equipment, dogs, alcoholic beverages or illegal drugs on the Property at any time. Violations of this provision shall cause the violator to be regarded as a trespasser and subject to prosecution under trespass laws of the State of Texas. Licensor shall have the right to expel and permanently ban from the Property any person observed on the Property in violation of this provision.

M. Storage of Machinery and Equipment. Licensee shall use no part of the Property to store machinery, equipment, or other property of Licensee while it is not being used.

N. Additional Reservations. Licensor reserves the right to use the surface, subsurface or airspace above the land covered by this License for any purpose allowed by law and deemed necessary by Licensor and to do and permit to be done, any work in connection therewith which may be deemed necessary or proper by Licensor in, on, across, along, over, under, and through said right of way occupied by Licensee. In the event of such work in connection with said purposes it shall be deemed necessary by Licensor, at Licensor's sole discretion, to alter, change, adapt, conform or relocate any pipeline, property, or casing of Licensee, such alteration or change or relocation shall be commenced and completed by Licensee within one hundred eighty (180) days after being ordered in writing by Licensor pursuant to directions from Licensor's City Council without any claim for reimbursement for the cost of the relocation or damages against Licensor. The relocation or alteration shall be at the sole cost of Licensee. Provided, however, that Licensee shall at all times be entitled to receive from appropriate governmental bodies, excluding Licensor, payment for alteration or relocation of its system to which it may be lawfully entitled to under applicable federal or state laws with respect to relocation payments.

IV. Standard General Conditions

A. Insurance. Licensee shall at all times during the term of this License maintain and keep in full force and effect insurance in the following types and minimum amounts with companies authorized to do business in the State of Texas:

Commercial General Liability (including Contractual liability):	
■ Personal Injury:	$1,000,000.00 per person $1,000,000.00 per occurrence
■ Property Damage:	$100,000.00 per occurrence
Business Automobile Liability:	$1,000,000.00 combined single limit-- Personal Injury and Property Damage
Workers' Compensation:	Statutory limits
Employers' Liability:	$1,000,000.00 per accident or occurrence
Umbrella Liability:	$10,000,000.00 each occurrence $10,000,000.00 aggregate

The Commercial General Liability shall be on an occurrence basis. This insurance shall name Licensor as an additional insured and all insurance shall waive subrogation in favor of Licensor.

The Workers' Compensation coverage provided by Licensee shall inure to the benefit of employees injured during the course and scope of their employment by Licensee pursuant to this License. The Workers' Compensation insurance shall waive all rights of subrogation against Licensor.

The Business Automobile Liability insurance provided by Licensee shall cover any auto for bodily injury and property damage, including owned vehicles, hired and non-owner vehicles, and employee non-ownership, and the amount of such policy shall be a minimum of $1,000,000.00 covering any vehicle used for the execution of the work that is the subject of this License. This insurance shall name Licensor as an additional insured and all insurance shall waive subrogation in favor of Licensor.

The parties agree that, prior to the execution of the License, Licensee shall provide one or more certificates of insurance showing that the requirements of this article have been met. This decision shall be in Licensor's sole discretion.

Licensor shall be provided the notice by Licensee's insurance provider not later than thirty (30) days prior to any reduction or termination of such coverage. Licensor shall not be required to provide any insurance whatsoever pursuant to this License.

Licensee shall contractually require all contractors, subcontractors, and sub-subcontractors that work on any portion of the work that is the subject of this License to obtain insurance coverage that meets or exceeds the policy requirements and minimum amounts as required by Licensee, and

name the City of Midland as an additional insured. Licensee certifies that the one or more certificates of insurance provided as required herein complies with the requirements of Chapter 1811 of the Texas Insurance Code. Licensee shall not use an unapproved certificate of insurance or insert inappropriate language on a certificate. Compliance with state law is the sole responsibility of Licensee.

B. Indemnity. LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND LICENSOR, AND ALL OF LICENSOR'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, PROPERTY DAMAGE, LOSSES AND EXPENSE OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF LICENSEE, LICENSEE'S OFFICERS, AGENTS OR EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH LICENSEE OR LICENSEE'S EMPLOYEES', AGENTS' OR SUBCONTRACTORS' NEGLIGENCE, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS LICENSE INCLUDING SUCH NEGLIGENT ACTS ARISING FROM OR IN ANY WAY CONNECTED WITH THE PLACEMENT, CONSTRUCTION, OPERATION, REPAIR, MAINTENANCE, REPLACEMENT OR REMOVAL OF ANY PART OF LICENSEE'S PIPELINE(S),CASING SYSTEM, OR COMPRESSOR STATION IN LICENSOR'S RIGHT OF WAY. LICENSEE WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST LICENSOR OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

LICENSEE AGREES THAT LICENSEE SHALL INDEMNIFY AND SAVE LICENSOR HARMLESS FROM ALL CLAIMS GROWING OUT OF ANY DEMANDS OF SUBCONTRACTORS, LABORERS, WORKMEN, MECHANICS, MATERIALMEN, AND FURNISHERS OF MACHINERY AND PARTS THEREOF, EQUIPMENT, POWER TOOLS, ALL SUPPLIES, CONSTRUCTION, OPERATION, REPAIR, MAINTENANCE, REPLACEMENT OR REMOVAL OF THE PIPELINE(S), CASING SYSTEM, OR COMPRESSOR STATION DESCRIBED HEREIN.

LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND LICENSOR, AND ALL OF LICENSOR'S OFFICERS, AGENTS OR EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, PROPERTY DAMAGE, LOSSES AND EXPENSE OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF LICENSOR, LICENSOR'S OFFICERS, AGENTS OR EMPLOYEES, WHETHER SUCH NEGLIGENT ACT WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH LICENSEE OR LICENSEE'S EMPLOYEES', AGENTS' OR SUBCONTRACTORS' NEGLIGENCE, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS

LICENSE INCLUDING SUCH NEGLIGENT ACTS ARISING FROM OR IN ANY WAY CONNECTED WITH THE PLACEMENT, CONSTRUCTION, OPERATION, REPAIR, MAINTENANCE, REPLACEMENT OR REMOVAL OF ANY PART OF LICENSEE'S PIPELINE(S),CASING SYSTEM, OR COMPRESSOR STATION IN LICENSOR'S RIGHT OF WAY. LICENSEE WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST LICENSOR OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND LICENSOR, AND ALL OF LICENSOR'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL CLAIMS, LOSSES, DAMAGES, LIABILITIES, LIENS, FINES, PENALTIES, CAUSES OF ACTION, SUITS, CHARGES, JUDGMENTS, ADMINISTRATIVE ORDERS, REMEDIATION REQUIREMENTS, ENFORCEMENT ACTIONS OF ANY KIND, AND ALL COSTS AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF FAILURE OF LICENSEE, ANY CONTRACTOR, SUBCONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY THEM, OR ANYONE THAT THEY CONTROL OR EXERCISE CONTROL OVER TO COMPLY WITH ALL APPLICABLE LOCAL, FEDERAL AND/OR STATE ENVIRONMENTAL LAWS, INCLUDING BUT NOT LIMITED TO THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) (AS THEY MAY BE REAUTHORIZED AND/OR AMENDED) AND ALL OTHER LOCAL, FEDERAL AND STATE LAWS, IN CONNECTION WITH OR RELATED TO ANY OF LICENSEE'S OPERATIONS OR ACTIVITIES ON THE PROPERTY, OR ANY OF LICENSEE'S HANDLING, STORING, RELEASING, TRANSPORTING OR DISPOSING OF ALL SUBSTANCES, INCLUDING, BUT NOT LIMITED TO HAZARDOUS SUBSTANCES AND HAZARDOUS WASTES, ON OR FROM THE PROPERTY OR ANY OTHER LANDS OF LICENSOR.

C. Assignment. The rights granted by this License inure to the benefit of Licensee. The rights and privileges shall not be assignable by Licensee without the express written consent of Licensor's City Manager. Any required consent is to be evidenced by a letter written by Licensor's City Manager that fully recites the terms and conditions, if any, upon which consent is given. The granting of consent is in the sole discretion of Licensor's City Manager.

D. Independent Contractor. It is expressly understood and agreed that Licensee shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant or employee of Licensor; that Licensee shall have exclusive control of and the exclusive right to control the details of the services and work performed hereunder, and all persons performing the same; and shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors; that the doctrine of respondeat superior shall not apply as between Licensor and Licensee, its officers, agents, employees, contractors and subcontractors; and that nothing herein shall be construed as creating a partnership or joint enterprise between Licensor and Licensee. No person performing any of the work and services described hereunder shall be considered an officer, agent, servant or employee of Licensor. Further, it is specifically understood and agreed that nothing in this License is intended or shall be construed as creating a "Community of Pecuniary Interest" or "An Equal Right of Control" which would give rise to vicarious liability. Licensee shall be an independent contractor under this

License and shall assume all of the rights, obligations and liabilities applicable to it as such independent contractor hereunder. Licensor does not have the power to direct the order in which the work is done. Licensor shall not have the right to control the means, methods or details of Licensee's work. Licensee shall assume exclusive responsibility for the work. Licensee is entirely free to do the work in its own way.

E. Waiver of Attorney Fees. BY EXECUTING THIS LICENSE, LICENSEE AGREES TO WAIVE, AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE, ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST LICENSOR REGARDING THE AWARD OF ATTORNEY'S FEES, WHICH ARE IN ANY WAY RELATED TO THE LICENSE, THE CONSTRUCTION, OR INTERPRETATION, VALIDITY OR BREACH OF THE LICENSE. LICENSEE SPECIFICALLY AGREES THAT IF LICENSEE BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS LICENSE, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS LICENSE, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, LICENSEE AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH LICENSEE MIGHT OTHERWISE BE ENTITLED.

LICENSEE AGREES THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY EXISTING, KNOWN RIGHT. LICENSEE ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THIS LICENSE. LICENSEE FURTHER ACKNOWLEDGES AND AGREES THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN LICENSOR AND LICENSEE. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OF GOVERNMENTAL IMMUNITY.

LICENSEE AND LICENSOR ARE RELYING ON THEIR OWN JUDGMENT. EACH PARTY HAD THE OPPORTUNITY TO DISCUSS THIS LICENSE WITH LEGAL COUNSEL PRIOR TO ITS EXECUTION.

F. Governing Law & Venue. All performance and payment made pursuant to this License shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this License or the performance of this License shall be in Midland County, Texas. The obligations and undertakings of each of the parties to this License shall be deemed to have been performed in Midland County, Texas. This License shall be construed, interpreted and enforced under the laws of the State of Texas. The laws of the State of Texas shall govern, construe and enforce all the rights and duties of the parties, including but not limited to tort claims and any and all other claims or disputes, arising from or relating in any way to the subject matter of this License, without regard to conflict of laws and rules that would direct application of the laws of another jurisdiction.

G. Release. NOTWITHSTANDING ANY OTHER PROVISIONS, LICENSEE HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES LICENSOR,

LICENSOR'S EMPLOYEES AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH LICENSEE HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR LICENSOR'S NEGLIGENCE.

H. Governmental Immunity. By executing this License, Licensor is not waiving its right of governmental immunity. Licensor is retaining its immunity from suit. Licensor is not granting consent to be sued by legislative resolution or action. **THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.**

I. Third Party Beneficiary. Licensor's approval of this License does not create a third party beneficiary. There is no third party beneficiary to this License. No person or entity who is not a party to this License shall have any third party beneficiary or other rights hereunder.

J. Notices. Any notice or communication required in the administration of this License shall be sent by certified mail, return receipt requested, to the parties' respective mailing addresses as set forth hereinabove.

K. Notice of Alleged Breach; Statutory Prerequisite. As a condition precedent to filing suit for alleged damages incurred by an alleged breach of an express or implied provision of this License, Licensee or its legal representative, shall give the City Manager, or any other reasonable official of Licensor, notice in writing (consisting of one (1) original and seven (7) copies of notice attached to a copy of this License) of such damages, duly verified, within one hundred eighty (180) days after the same has been sustained. The discovery rule does not apply to the giving of this notice. The notice shall include when, where and how the damages occurred, the apparent extent thereof, the amount of damages sustained, the amount for which Licensee will settle, the physical and mailing addresses of Licensee at the time and date the claim was presented and the physical and mailing addresses of Licensee for the six (6) months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom Licensee relies to establish its claim; and a failure to so notify the City Manager within the time and manner provided herein shall exonerate, excuse and except Licensor from any liability whatsoever. Licensor is under no obligation to provide notice to Licensee that Licensee's notice is insufficient. Licensor reserves the right to request reasonable additional information regarding the claim. Said additional information shall be supplied within thirty (30) days after receipt of notice.

The statutory prerequisites outlined herein constitute jurisdictional requirements pursuant to Section 271.154 of the Texas Local Government Code and Section 311.034 of the Texas Government Code. Notwithstanding any other provision, Licensee's failure to comply with the requirements herein shall perpetually bar Licensee's claim for damages under Chapter 271 of the Texas Local Government Code, and Section 311.034 of the Texas Government Code, regardless if Licensor has actual or constructive notice or knowledge of said claim or alleged damages. Licensee agrees that the requirements of this entire License are reasonable.

L. Consideration. The terms of this License are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties named herein.

M. Waiver of Governmental Immunity; Chapter 271, TEX. LOC. GOV'T CODE. The parties agree that this License does not constitute a License or Contract for providing goods and/or services to Licensor as discussed in Subchapter I of Chapter 271 of the Texas Local Government Code, and Licensor does not waive, to the maximum extent allowed by law, any constitutional, statutory or common law right to sovereign immunity or governmental immunity from liability or suit. Licensor expressly does not consent to be sued or be liable. To the greatest extent allowed by law, nothing in this License constitutes a waiver of Licensor's governmental immunity and the parties expressly agree that this License shall not constitute, nor be interpreted as a waiver of Licensor's governmental immunity under Subchapter I of Chapter 271 of the Texas Local Government Code, nor shall it constitute nor be interpreted as a waiver of Licensor's governmental immunity for the benefit of any third party lacking privity to the License.

This License does not obligate Licensee to use the Property to construct, repair, operate, replace, and maintain Licensor's facilities or structures described herein, it merely prohibits Licensee from using the Property for any other purpose. This License restricts the use of the Property to a specific purpose, but does not require the use of the Property for a specific purpose. This License does not require Licensee to construct, operate, repair, maintain, replace or remove any of Licensee's facilities or structures described herein. Licensee is not providing a service to Licensor but is providing a service to Licensee's customers. Licensee is paying Licensor for a temporary interest in real property not for a service. Any such provision shall be deemed to be a covenant against noncomplying use, not a covenant to use. Licensee's use of the Property in compliance with a restriction shall not constitute a service, and such complying use shall not operate to waive Licensor's governmental immunity.

N. Compliance. Licensee agrees that it shall comply with Texas Government Code Section 2252.908, as amended, to the extent that this statute applies to this License. Licensee agrees that it shall comply with Texas Local Government Code Section 176.006, as amended, to the extent that this statute applies to this License.

O. Texas Historical Commission Survey. Licensee agrees that it shall comply with Chapter 191 of the Texas Natural Resources Code. By executing this License, Licensee represents that it has contacted the Texas Historical Commission (the "Commission") for the purpose of determining whether the Commission will request that an archaeological survey be completed before Licensee commences operations on the Property, as contemplated herein. Licensee agrees that it shall complete or cause to be completed an archaeological survey before commencing any operations on the Property if the Commission so requests and deliver the same to Licensor. Notwithstanding any provision contained herein, in the event that any site, object, artifact, or other feature of archaeological, scientific, educational, cultural, or historical interest is encountered during the operations authorized by this License, Licensee will immediately notify Licensor and the Commission so that adequate measures may be undertaken to protect or recover such discoveries or findings, as deemed appropriate by Licensor or the Commission.

LICENSOR:
CITY OF MIDLAND, TEXAS

By:_____
Courtney Sharp, City Manager

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT AND COMPLETENESS:

Robert Patrick, Assistant City Manager

APPROVED ONLY AS TO FORM:

John Ohnemiller, City Attorney

LICENSEE:
BETA CRUDE CONNECTOR, LLC

By: _____
Printed Name: Greg Lamberson
Title: V.P. of Planning

THE STATE OF Texas §
§
COUNTY OF M. Clair §

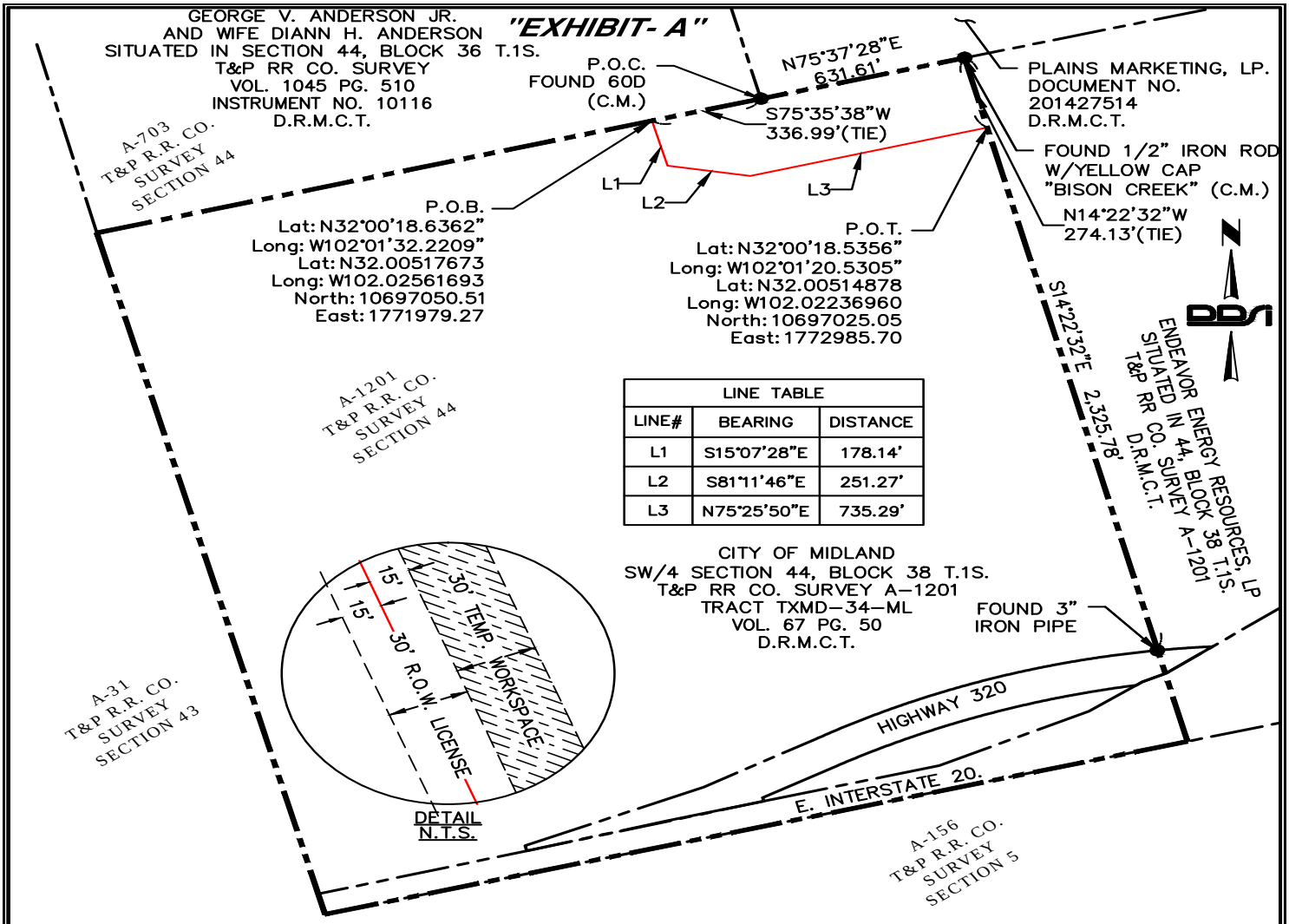
BEFORE ME, the undersigned authority, on this 11th day of August, 2020 personally appeared Greg Lamberson an officer of Beta Crude Connector, LLC known to me to be the person and official whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said entity, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of August, 2020.

_____
Notary Public, State of Texas

ROBERT BREWER
Notary Public, State of Texas
Comm. Expires 09-30-2023
Notary ID 11471061

Reference No. 20-329-024



LINE TABLE		
LINE#	BEARING	DISTANCE
L1	S15°07'28"E	178.14'
L2	S81°11'46"E	251.27'
L3	N75°25'50"E	735.29'

CENTERLINE DESCRIPTION OF A PROPOSED PIPELINE RIGHT OF WAY LICENSE

BEING A 30' WIDE PROPOSED PIPELINE RIGHT OF WAY LICENSE, HAVING SIDELINES THAT ARE 15' EACH SIDE OF THE DESCRIBED CENTERLINE ARE TO BE PROLONGED OR SHORTENED TO CONFORM TO GRANTORS PROPERTY LINES AND BEING SITUATED IN THE T&P RR CO. SURVEY, ABSTRACT NO. 1201, SOUTHWEST QUARTER OF SECTION 44, BLOCK 38, TOWNSHIP 1 SOUTH, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN DEED TO CITY OF MIDLAND, IN VOLUME 67, PAGE 50, DEED RECORDS, MIDLAND COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 60D NAIL AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 2014-27514, DEED RECORDS MIDLAND COUNTY, TEXAS, THENCE SOUTH 75°35'38" WEST, 336.99 FEET TO THE POINT OF BEGINNING THENCE SOUTH 15°07'28" EAST, 178.14 FEET; THENCE SOUTH 81°11'46" EAST, 251.27 FEET; THENCE NORTH 75°25'50" EAST, 735.29 FEET TO THE POINT OF TERMINATION, FROM WHICH A FOUND 1/2" IRON ROD WITH YELLOW CAP STAMPED "BISON CREEK" AT THE NORTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 44, BEARS NORTH 14°22'32" WEST 274.13 FEET.

SAID RIGHT OF WAY LICENSE CENTERLINE HAVING A TOTAL LENGTH OF 1,164.70 FEET (70.59 RODS) AND THE RIGHT OF WAY LICENSE CONTAINING 0.80 ACRES (39,941 SQUARE FEET) OF LAND MORE OR LESS.

BASIS OF BEARING: BEARINGS SHOWN HEREON ARE BASED UPON TEXAS STATE PLANE, CENTRAL ZONE, US SURVEY FEET, NORTH AMERICAN DATUM OF 1983. ALL DISTANCES ARE GRID.

NOTES:
1. RESEARCH HAS BEEN PROVIDED BY OTHERS.
2. THIS IS NOT A BOUNDARY SURVEY. THIS PLAT IS FOR RIGHT OF WAY LICENSE PURPOSES ONLY.
3. EASEMENTS, SETBACKS, AND OTHER ENCUMBRANCES ARE NOT SHOWN BY AGREEMENT WITH CLIENT.
4. (CM)= CONTROLLING MONUMENT
5. D.R.M.C.T. FOR "DEED RECORDS, MIDLAND COUNTY, TEXAS"

LEGEND:
A- = ABSTRACT
C.M. = CONTROL MONUMENT
TEMP. = TEMPORARY
PERM. = PERMANENT
P.O.B. = POINT OF BEGINNING
P.O.T. = POINT OF TERMINATION
P.O.C. = POINT OF COMMENCEMENT
= DENOTES PROPERTY BOUNDARY
= DENOTES C/L RIGHT OF WAY LICENSE
= DENOTES FOUND MONUMENT

0 250' 500'
SCALE 1"= 500'

SURVEYOR'S CERTIFICATE

I, JASON S SCYOC, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6686, STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED EXHIBIT WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY UNDER MY DIRECT SUPERVISION AND WAS PREPARED FROM PUBLIC RECORDS WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE.

DATE OF SIGNATURE: 06-17-2020
JASON S. SCYOC R.P.L.S. NO. 6686

STATE OF TEXAS
REGISTERED
JASON S. SCYOC
6686
PROFESSIONAL
LAND SURVEYOR

DOWNTOWN DESIGN SERVICES, INC.
1127 AURARIA PARKWAY, STE. 203
DENVER, CO 80204
TEL: 303-248-7722 FAX: 918-221-3940
TEXAS FIRM NO. 10194459
www.ddsiglobal.com

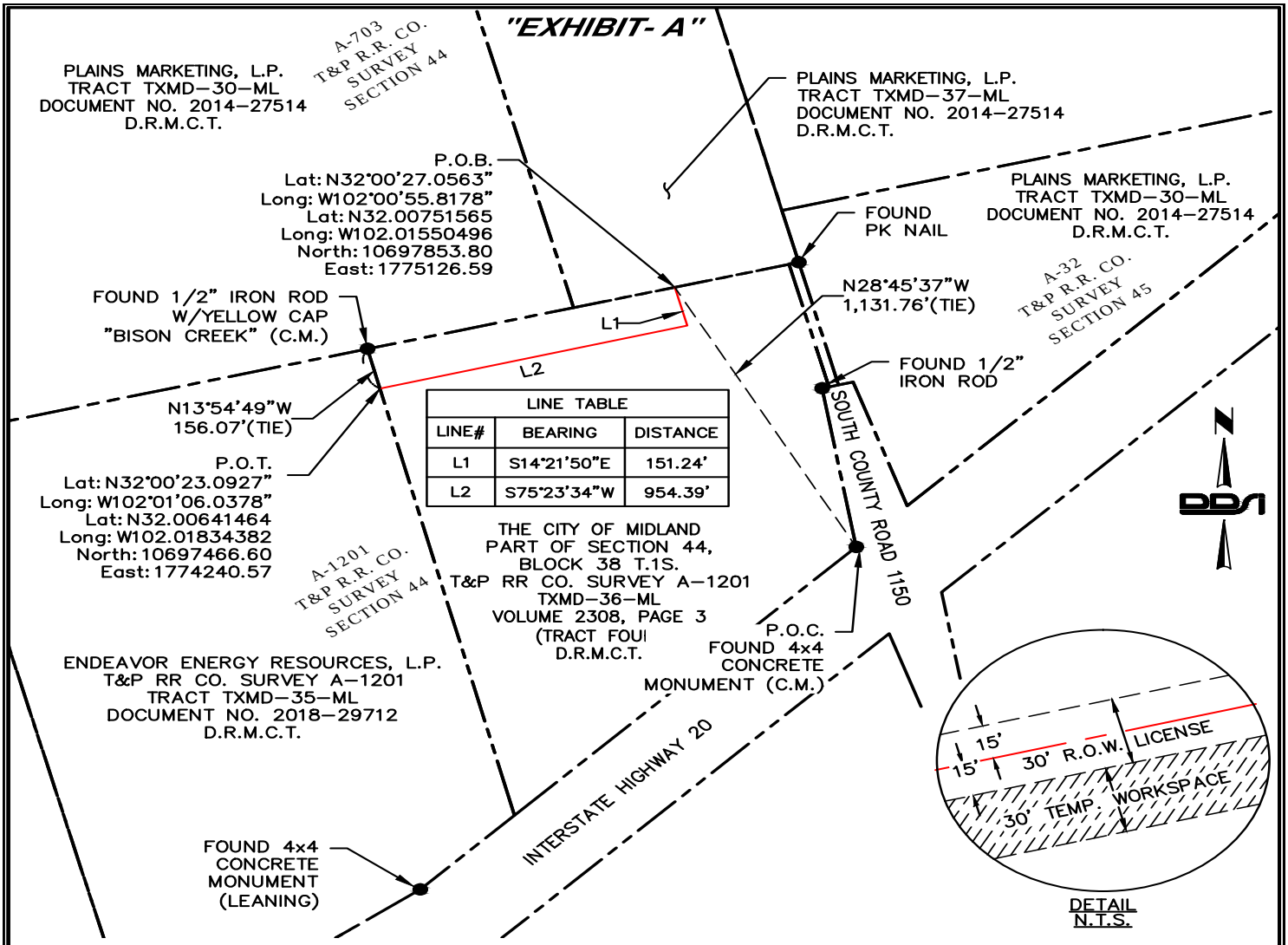
BCC
BETA CRUDE CONNECTOR, LLC

THE CITY OF MIDLAND
SW/4 SECTION 44, BLOCK 38 T.1S.
T & P RR CO SURVEY A-1201
MIDLAND COUNTY, TEXAS

SURVEY DATE: MAY 14. 2020	SHEET 1 OF 1 SHEETS
DRAWN: JUNE 17, 2020	DRAWN BY: DMB
TRACT: TXMD-34-ML	LINE NAME: MIDLAND MAINLINE

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"EXHIBIT- A"



LINE TABLE		
LINE#	BEARING	DISTANCE
L1	S14°21'50"E	151.24'
L2	S75°23'34"W	954.39'

DETAIL
N.T.S.

CENTERLINE DESCRIPTION OF A PROPOSED PIPELINE RIGHT OF WAY LICENSE

BEING A 30' WIDE PROPOSED PIPELINE RIGHT OF WAY LICENSE, HAVING SIDELINES THAT ARE 15' EACH SIDE OF THE DESCRIBED CENTERLINE ARE TO BE PROLONGED OR SHORTENED TO CONFORM TO GRANTORS PROPERTY LINES AND BEING SITUATED IN THE T&P RR CO. SURVEY, ABSTRACT NO. 1201, SECTION 44, BLOCK 38, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND AS DESCRIBED IN DEED TO THE CITY OF MIDLAND, IN VOLUME 2308, PAGE 3, DEED RECORDS, MIDLAND COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 4X4 CONCRETE MONUMENT NAIL BEING THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN VOLUME 2308 AT PAGE 3, DEED RECORDS, MIDLAND COUNTY TEXAS, THENCE NORTH 28°45'37" WEST, 1,131.76 FEET TO THE POINT OF BEGINNING THENCE SOUTH 14°21'50" EAST, 151.24 FEET; THENCE SOUTH 75°23'24" WEST, 954.39 FEET; POINT OF TERMINATION, FROM WHICH A FOUND 1/2" IRON ROD WITH YELLOW CAP STAMPED "BISON CREEK" AT THE NORTHWEST CORNER OF SAID PARCEL BEARS NORTH 13°54'49" WEST 156.07 FEET.

SAID RIGHT OF WAY LICENSE CENTERLINE HAVING A TOTAL LENGTH OF 1,105.63 FEET (67.00 RODS) AND THE RIGHT OF WAY LICENSE CONTAINING 0.76 ACRES (33,169 SQUARE FEET) OF LAND MORE OR LESS.

BASIS OF BEARING: BEARINGS SHOWN HEREON ARE BASED UPON TEXAS STATE PLANE, CENTRAL ZONE, US SURVEY FEET, NORTH AMERICAN DATUM OF 1983. ALL DISTANCES ARE GRID.

NOTES:
1. RESEARCH HAS BEEN PROVIDED BY OTHERS.
2. THIS IS NOT A BOUNDARY SURVEY. THIS PLAT IS FOR RIGHT OF WAY LICENSE PURPOSES ONLY.
3. RIGHT OF WAY LICENSES, SETBACKS, AND OTHER ENCUMBRANCES ARE NOT SHOWN BY AGREEMENT WITH CLIENT.
4. (CM)= CONTROLLING MONUMENT
5. D.R.M.C.T. FOR "DEED RECORDS, MIDLAND COUNTY, TEXAS"

LEGEND:
A– = ABSTRACT
C.M. = CONTROL MONUMENT
TEMP. = TEMPORARY
PERM. = PERMANENT
P.O.B. = POINT OF BEGINNING
P.O.T. = POINT OF TERMINATION
P.O.C. = POINT OF COMMENCEMENT
= DENOTES PROPERTY BOUNDARY
= DENOTES C/L RIGHT OF WAY LICENSE
= DENOTES FOUND MONUMENT

0 250' 500'
SCALE 1"= 500'

SURVEYOR'S CERTIFICATE

I, JASON S SCYOC, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6686, STATE OF TEXAS, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED EXHIBIT WAS PREPARED FROM AN ACTUAL ON THE GROUND SURVEY UNDER MY DIRECT SUPERVISION AND WAS PREPARED FROM PUBLIC RECORDS WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE.

DATE OF SIGNATURE: 06–17–2020
JASON S. SCYOC R.P.L.S. NO. 6686

STATE OF TEXAS
REGISTERED
JASON S. SCYOC
6686
PROFESSIONAL
LAND SURVEYOR

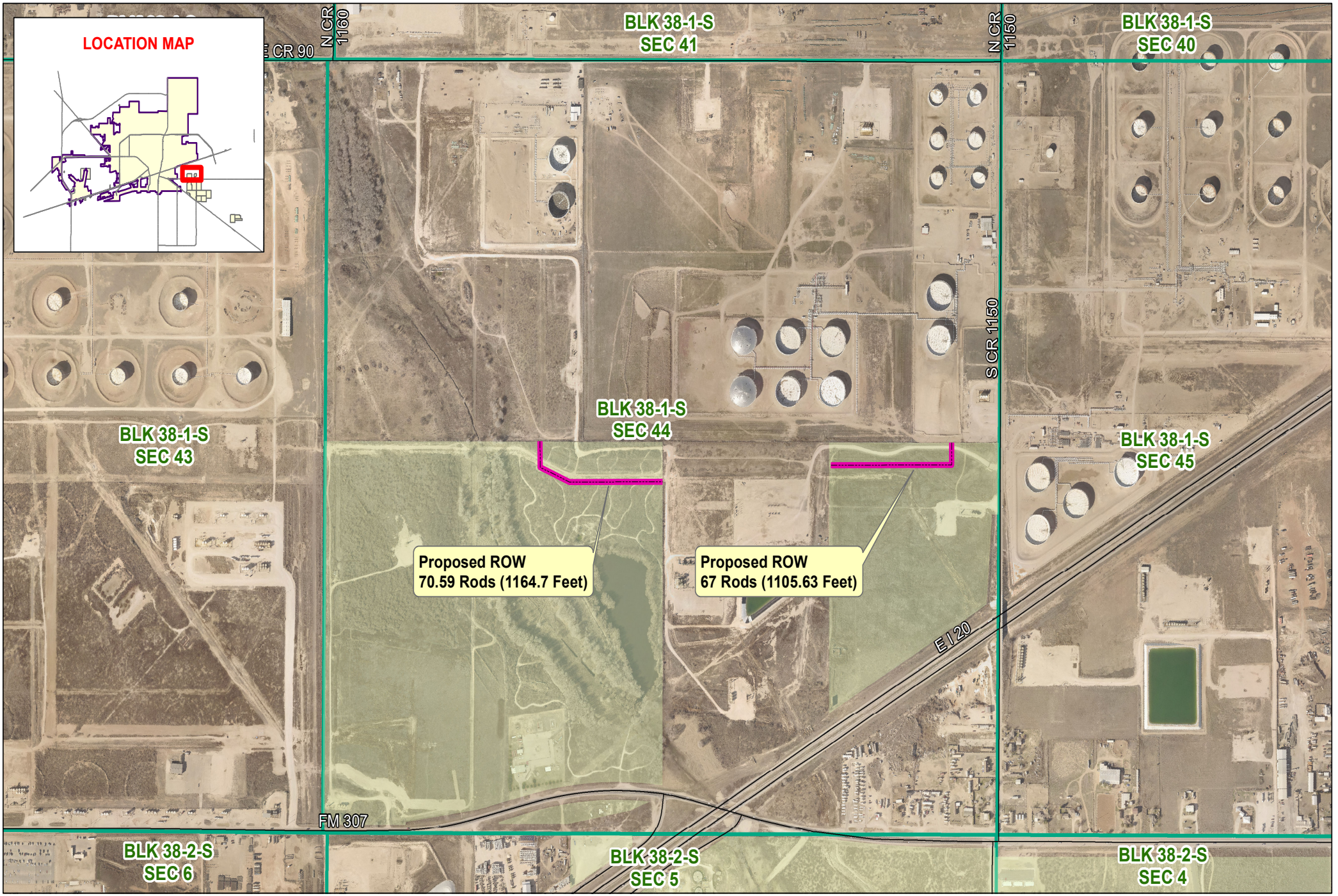
DOWNTOWN DESIGN SERVICES, INC.
1127 AURARIA PARKWAY, STE. 203
DENVER, CO 80204
TEL: 303–248–7722 FAX: 918–221–3940
TEXAS FIRM NO. 10194459
www.ddsiglobal.com

BCC
BETA CRUDE CONNECTOR, LLC

CITY OF MIDLAND
PART OF SECTION 44, BLOCK 38 T.1S.
T & P RR CO SURVEY A–1201
MIDLAND COUNTY, TEXAS

SURVEY DATE: APRIL 30, 2020	SHEET 1 OF 1
DRAWN: JUNE 17, 2020	DRAWN BY: DMB
TRACT: TXMD–36–ML	LINE NAME: MIDLAND MAINLINE

G:\Shared drives\Projects\2019-046 Beta Crude Connector\Exhibits\Midland Mainline\TXMD-36-ML.dwg, 6/17/2020 11:19:33 AM, DWG To PDF.pc3



Date: 8/5/2020

Legend

- Proposed Pipeline
- Street
- City Owned Parcels
- Survey Section

PACKET 14.160

Proposed Pipeline ROW - Beta Crude Line
Total Length: 137.59 Rods (2270.33 feet)

August 25, 2020

0 250 500 Feet

©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/10/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 1300 S. Main Tulsa OK 74119	**CONTACT NAME:** Denise Bergschneider **PHONE (A/C, No, Ext):** 918-884-2900 **FAX (A/C, No):** 918-884-2999 **E-MAIL ADDRESS:** Denise_Bergschneider@ajg.com
INSURED BETACRU-01 Beta Crude Connector, LLC 4200 E. Skelly Dr., Ste 400 Tulsa OK 74135	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A :** Scottsdale Insurance Company — 41297 **INSURER B :** Mid-Continent Casualty Company — 23418 **INSURER C :** National American Insurance Company (OK) — 23663 **INSURER D :** **INSURER E :** **INSURER F :**

COVERAGES **CERTIFICATE NUMBER:** 1742975502 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X **COMMERCIAL GENERAL LIABILITY** [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:	Y	Y	ENS0005527	4/8/2020	4/8/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ 1,000,000 $ 100,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	**AUTOMOBILE LIABILITY** X ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS X HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY	Y	Y	04-CA-002839459	6/14/2020	6/14/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) 	$ 1,000,000 $ $ $ $
A	[ ] **UMBRELLA LIAB** [X] OCCUR X **EXCESS LIAB** [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $	Y	Y	XNS0005674	4/8/2020	4/8/2021	EACH OCCURRENCE AGGREGATE 	$ 10,000,000 $ 10,000,000 $
C	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	Y	OW23880535	1/1/2020	1/1/2021	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

General Liability Policy includes Additional Insured Endorsement CG2010 10 01, Additional Insured Endorsement (completed operations) CG2037 10 01, Waiver of Subrogation Endorsement CG4 04 05 09, in favor of Certificate Holder as required by written contract. Excess Policy is follow form per CX00 01 04 13. Automobile Policy includes Additional Insured Endorsement MA2004 and Waiver of Subrogation Endorsement MA2003 in favor of Certificate Holder as required by written contract.

CERTIFICATE HOLDER

City of Midland
300 N. Loraine
Midland TX 79701
USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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City Council Meeting

Item Number: 15

Meeting Date: **August 25, 2020**

To: **City Council / City Manager**

From: **Tina Jauz, Director**

Subject: **Motion accepting grant funds in the amount of $78,241.00 awarded by the Texas Department of State Health Services; said grant funds to be used to fund the City of Midland Health and Senior Services Division's Coronavirus Disease 2019 response activities; authorizing the execution of all documents necessary to accept said grant funds; and depositing the sum of $78,241.00 into the General Fund. (COMMUNITY SERVICES)**

Purpose:

Motion accepting grant funds in the amount of $78,241.00 awarded by the Texas Department of State Health Services; said grant funds to be used to fund the City of Midland Health and Senior Services Division's Coronavirus Disease 2019 response activities; authorizing the execution of all documents necessary to accept said grant funds; and depositing the sum of $78,241.00 into the General Fund.

Recommended City Council Action:

Approve

Fiscal Impact:

$78,241.00 in reimbursement funds from the Texas Department of State Health Services.

Discussion:

The Midland Health Department is seeking approval for the acceptance of these grant funds from the state and federal government. The funds will be used to offset personnel, supplies, and other costs associated with the response to COVID-19.

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SIGNATURE DOCUMENT FOR
DEPARTMENT OF STATE HEALTH SERVICES
CONTRACT NO. HHS000812700026
UNDER THE
COVID-19 GRANT PROGRAM

I. PURPOSE

The **DEPARTMENT OF STATE HEALTH SERVICES ("SYSTEM AGENCY" OR "DSHS"),** a pass-through entity, and **CITY OF MIDLAND HEALTH & SENIOR SERVICES ("GRANTEE")** (each a "Party" and collectively the "Parties") enter into the following grant contract to provide funding for COVID-19 activities (the "Contract").

II. LEGAL AUTHORITY

This Contract is authorized by and in compliance with the provisions of Texas Government Code Chapter 791, and Chapters 12 and 121 of the Texas Health and Safety Code.

III. DURATION

The Contract is effective on August 1, 2020 or the signature date of the latter of the Parties to sign this agreement, if executed later than August 1, 2020. The contract terminates on April 30, 2022, unless renewed, extended, or terminated pursuant to the terms and conditions of the Contract. System Agency, at its sole discretion, may extend this Contract for any period(s) of time, provided the Contract term, including all extensions or renewals, does not exceed five years. Notwithstanding the limitation in the preceding sentence, System Agency, at its sole discretion, also may extend the Contract beyond five years as necessary to ensure continuity of service, for purposes of transition, or as otherwise determined by System Agency to serve the best interest of the State.

IV. BUDGET

The total amount of this Contract will not exceed **$78,241.00**. Grantee is not required to provide matching funds.

All expenditures under the Contract will be in accordance with **ATTACHMENT B, BUDGET**.

V. REPORTING REQUIREMENTS

This Contract contains reporting requirements as stated in Attachment A, Statement of Work.

VI. CONTRACT REPRESENTATIVES

The following will act as the representative authorized to administer activities under this Contract on behalf of their respective Party.

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System Agency
Department of State Health Services
P.O. Box 149347 – Mail Code 1990
Austin, Texas 78714-9347
Attention: Caeli Paradise

Grantee
City of Midland Health & Senior Services
3303W. Illinois Ave. Sp. 22
Midland, Texas 79703
Attention: Whitney Craig

VII. LEGAL NOTICES

Any legal notice required under this Contract shall be deemed delivered when deposited by the System Agency either in the United States mail, postage paid, certified, return receipt requested; or with a common carrier, overnight, signature required, to the appropriate address below:

System Agency
Department of State Health Services
P.O. Box 149347 – Mail Code 1990
Austin, Texas 78714-9347
Attention: General Counsel

Grantee
City of Midland Health & Senior Services
3303W. Illinois Ave. Sp. 22
Midland, Texas 79703
Attention: Whitney Craig

VIII. NOTICE REQUIREMENTS

Notice given by Grantee will be deemed effective when received by the System Agency. Either Party may change its address for notices by providing written notice to the other Party. All notices submitted to System Agency must:

A. include the Contract number;
B. be sent to the person(s) identified in the Contract; and,
C. comply with all terms and conditions of the Contract.

IX. ADDITIONAL GRANT INFORMATION

Grantee Data Universal Numbering System (DUNS) Number: 807391511
Federal Award Identification Number (FAIN): NU50CK000501

DocuSign Envelope ID: 07EE34BC-E209-494F-BFF6-0672D5C2F5CD

Catalog of Federal Domestic Assistance (CFDA) Name and Number (list all that apply):
Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) – 93.323
Federal Award Date: April 23, 2020
Name of Federal Awarding Agency: Centers for Disease Control and Prevention
Awarding Official Contact Information:
Brownie Anderson-Rana, Grants Management Officer
2939 Flowers Road – Mailstop TV2
Atlanta, GA 30341-5509
Phone: 770-488-2771

SIGNATURE PAGE FOLLOWS

DocuSign Envelope ID: 07EE34BC-E209-494F-BFF6-0672D5C2F5CD

SIGNATURE PAGE FOR SYSTEM AGENCY CONTRACT NO. HHS000812700026

SYSTEM AGENCY	GRANTEE
DocuSigned by: Lara Lamprecht 85D5548477CC4FE...	DocuSigned by: Whitney Craig 83EBEB35036D49F...
Signature	Signature
Printed Name: Lara Lamprecht	Printed Name: Whitney Craig
Title: Assistant Deputy Commissioner	Title: Health & Senior Services Manager
Date of Execution: July 27, 2020	Date of Execution: July 26, 2020

THE FOLLOWING ATTACHMENTS TO SYSTEM AGENCY CONTRACT NO. HHS000812700026 ARE INCORPORATED BY REFERENCE:

ATTACHMENT A - STATEMENT OF WORK
ATTACHMENT B - BUDGET
ATTACHMENT C - UNIFORM TERMS AND CONDITIONS - GRANT
ATTACHMENT D - SUPPLEMENTAL AND SPECIAL CONDITIONS
ATTACHMENT E - FEDERAL ASSURANCES NON-CONSTRUCTION
ATTACHMENT F - CERTIFICATION REGARDING LOBBYING
ATTACHMENT G - FFATA
ATTACHMENT H - HHS DATA USE AGREEMENT
ATTACHMENT I - SECURITY AND PRIVACY INQUIRY (SPI)

ATTACHMENTS FOLLOW

DocuSign Envelope ID: 07EE34BC-E209-494F-BFF6-0672D5C2F5CD

ATTACHMENT A
STATEMENT OF WORK

I. GRANTEE RESPONSIBILITIES

Grantee will:

A. Establish or enhance ability to aggressively identify cases of COVID-19, conduct contact tracing and follow up activities, as well as implement recommended containment measures.

1. Enhanced contact tracing including contact elicitation/identification, contact notification, and contact follow-up. Activities could include traditional contact tracing methods as well as healthcare-specific methods. Other proximity/location-based methods using individuals' cellphone tower data are not allowed to be used for the purposes of contact tracing. Information on contacts must be entered into the Texas Health Trace system in accordance with DSHS's published guidance.

B. Improve morbidity and mortality surveillance, including:

1. Establish or enhance community-based surveillance - Surveillance of populations and individuals includes but not limited to; those without severe illness, those with travel to high-risk locations, or those who are contacts to known cases.
2. Monitor and report daily COVID-19 probable and confirmed COVID cases (including deaths) to DSHS.
3. Track and send Emergency Department and outpatient visits for coronavirus (COVID)-like illness, as well as other illnesses, to Centers for Disease Control and Prevention (CDC).
4. Send copies of all admission, discharge, and transfer (ADT) messages to CDC National Syndromic Surveillance Program (NSSP).
5. Monitor and utilize available data in the CDC's National Healthcare Safety Network (NHSN) for confirmed 2019 novel coronavirus (COVID-19) infection or for COVID-like illness.
    a. Long-term care: https://www.cdc.gov/nhsn/ltc/covid19/index.html
    b. Acute care: https://www.cdc.gov/nhsn/acute-care-hospital/covid19/index.html
6. Work with long-term care facilities to enroll the facility in the NHSN Long-term Care Facility (LTCF) COVID-19 Module.
7. Provide requested information on COVID-19 associated deaths to DSHS within three business days.

C. Enhance laboratory testing and reporting capacity:

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1. Establish or expand capacity to test all symptomatic individuals, and secondarily expand capacity to achieve community-based surveillance. This capacity would entail increasing testing capabilities above the current number of specimens that can be tested at the jurisdiction's public health laboratory or by establishing new testing capabilities at the jurisdiction's laboratory.
2. Screen for past infection (e.g., serology) for health care workers, employees of high-risk facilities, critical infrastructure workforce, and childcare providers.
3. Obtain all jurisdictional laboratory test data electronically, including from new, non-traditional testing settings, and using alternative file formats (e.g., .csv or .xls) to help automate. In addition to other reportable results, this should include all COVID-19 – related testing data, including all tests to detect severe acute respiratory syndrome coronavirus 2 (SAR-CoV-2) and serology testing.
4. Report all COVID-19 – related line level testing data (negatives, positives, indeterminants, serology) daily to DSHS. Data must meet new federal Coronavirus AID, Relief, and Economic Security (CARES) Act laboratory guidance. All public health data must be reported electronically to DSHS in compliance with the Texas Administrative Code and within appropriate reporting timeframes.

D. Prevent and control COVID-19 in healthcare settings and protect other vulnerable or high-risk populations:

1. Assess and monitor COVID-19 infections in healthcare workers across the healthcare spectrum.
2. Perform infection control assessments using preparedness tools approved by DSHS to ensure interventions are in place to protect high-risk populations.
3. Monitor and help implement mitigation strategies for COVID-19 in all high-risk healthcare facilities (e.g., hospitals, dialysis clinics, cancer clinics, nursing homes, and other long-term care facilities, etc.).
4. Monitor and help implement mitigation strategies for other high-risk employment settings (e.g., meat processing facilities), and congregate living settings (e.g., prisons, youth homes, shelters).
    a. This includes coordinating with the Texas Department of Criminal Justice when individuals are released from serving their prison term and will be returning to the jurisdiction. These individuals may have been exposed to COVID-19 while in prison and/or may be COVID-positive and require additional public health follow-up.

E. Monitor and mitigate COVID-19 introductions from connected jurisdictions (i.e., neighboring cities, states; including air travel).

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F. Work with healthcare system to manage and monitor system capacity.

1. Assess and monitor the number and availability of critical care staff, necessary PPE and potentially life-saving medical equipment, as well as access to testing services.
2. Leverage NHSN data to **monitor** healthcare worker staffing, Patient Impact, Hospital Capacity, and healthcare (PPE, PAPRs, ventilators, etc.) supplies. Grantee will request access to the NHSN database within 30 days of the execution of this contract or 30 days of hire for the position completing the data entry. Upon access approval, Grantee will review available NHSN data (at least monthly) to assess gaps in the healthcare system.

G. Improve understanding of jurisdictional communities with respect to COVID-19 risk. Grantee must build an understanding of population density and high-risk population density (i.e. population of >65 yrs., proportion of population with underlying conditions, households with limited English fluency, healthcare seeking behavior, populations without insurance and those below poverty level).

H. Submit a monthly report on the report template to be provided by the DSHS. Monthly reports are due on or before the 15th of each month. Each report must contain a summary of activities that occurred during the preceding month for each activity listed above in Section I, A through G. Submit monthly reports by electronic mail to COVID.Contracts@dshs.texas.gov. The email "Subject Line" and the name of the attached file for all reports should be clearly identified with the Grantees Name, Contract Number, IDCU/COVID and the month the report covers.

I. May use funds to pay pre-award costs which date back to January 20, 2020, that are directly related to the COVID-19 outbreak response. All pre-award costs must be approved in writing by DSHS.

J. Not use funds for research, clinical care, fund raising activities, construction or major renovations, to supplant existing state or federal funds for activities, or funding an award to another party or provider who is ineligible. Other than normal and recognized executive-legislative relationships, no funds may be used for:
1. Publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body;
2. The salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative act or Executive order proposed or pending before any legislative body.

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II. PERFORMANCE MEASURES

The System Agency will monitor the Grantee's performance of the requirements in Attachment A and compliance with the Contract's terms and conditions.

III. INVOICE AND PAYMENT

A. Grantee will request payments using the State of Texas Purchase Voucher (Form B-13) at http://www.dshs.state.tx.us/grants/forms.shtm. Voucher and any supporting documentation will be mailed or submitted by fax or electronic mail to all addresses/number below.

Department of State Health Services
Claims Processing Unit, MC 1940
1100 West 49th Street
P.O. Box 149347
Austin, TX 78714-9347
FAX: (512) 458-7442
EMAIL: invoices@dshs.state.tx.us and
EMAIL: CMSInvoices@dshs.texas.gov and
EMAIL: COVID.Contracts@dshs.texas.gov

B. Grantee will be paid on a cost reimbursement basis and in accordance with the Budget in Attachment B of this Contract.

C. Grantee will submit requests for reimbursement (Form B-13) and financial expenditure template monthly by the last business day of the month following the month in which expenses were incurred or services provided. Grantee shall maintain all documentation that substantiate invoices and make the documentation available to the DSHS upon request. In the event a cost reimbursed under the Contract is later determined to be unallowable then the Grantee will reimburse DSHS for that cost.

D. Grantee will submit quarterly Financial Status Reports (FSRs) to DSHS by the last business day of the month following the end of each quarter of the Contract for DSHS review and financial assessment.

E. Grantee will submit request for reimbursement (B-13) as a final close-out invoice not later than forty-five (45) calendar days following the end of the term of the Contract. Reimbursement requests received in the DSHS office more than forty-five (45) calendar days following the termination of the Contract may not be paid.

F. Grantee will submit a final FSR as a final close-out FSR not later than forty-five (45) calendar days following the end of the term of the Contract.

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ATTACHMENT B
BUDGET

City of Midland Health & Senior Services
Contract No. HHS000812700026

Categorical Budget	**Upon Execution to April 30, 2022**
PERSONNEL	$39,501.00
FRINGE BENEFITS	$15,010.00
TRAVEL	$0.00
EQUIPMENT	$0.00
SUPPLIES	$23,730.00
CONTRACTUAL	$0.00
OTHER	$0.00
TOTAL DIRECT CHARGES	$78,241.00
INDIRECT CHARGES	$78,241.00
TOTAL	$0.00

City Council Meeting

Item Number: 16

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Glenda Arroyo-Cruz, Planner

Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT ; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jamie Alvarado Lopez, is requesting a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning the minimum lot width dimensions to be able to rezone his property to 2F, Two-Family Dwelling (Duplex) District.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant's property is located at 418 East Hicks and is currently vacant. The current zoning of this property was recently changed from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on January 28, 2020.

During the first process of rezoning the property, the existing lot met the minimum lot dimensions for a corner lot as described in the SF-3, Single-Family Dwelling District dimensional regulations. The applicant has now submitted an application to rezone his property to 2F, Two-Family Dwelling (Duplex) District to build a duplex.

The current dimension of the width of the lot is approximately 63.24-feet as shown on the survey, Exhibit A.

Per our City of Midland Zoning Ordinance, *Section 5.04 – Residential Zoning District Dimensional Regulations Chart:*

2F, Two-Family Dwelling (Duplex) District
Lot dimensions
Minimum Lot Width:
Corner Lot: 75 Feet

The applicant's property is considered a corner lot and would have to meet the minimum of 75-feet as listed in the zoning ordinance.

The applicant is requesting to reduce the required minimum lot width dimension for the proposed 2F, Two-Family Dwelling (Duplex) District to be able to proceed with his applications of rezoning his property to be able to build a duplex.

This request has been circulated to all pertinent City departments for review. Below are the departments' comments.

Engineering: (Approved)

No objection.

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

Transportation: (Approved)

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review.

No objections to plat.

Fire: (Approved)

No objections.

Code Compliance: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Planning Analysis:

As this request represents a deviation from the existing Zoning Ordinance, staff would recommend denial of this application for a Special Exception to the City of Midland Zoning Ordinance, *Section 5.04 – Residential Zoning District Dimensional Regulations Chart.*

The City Council approved this request at their August 11, 2020 meeting.

Should the City Council approve this request, the property shall be subject to conditions A and B:

Conditions:

A. **That the property shall significantly conform to the site plan shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**

B. **That the minimum lot width for this property shall be approximately 63.24-feet.**

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection

Attachments:

Survey (Exhibit A)
Application
Maps



City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET), BY PERMITTING A REDUCED MINIMUM LOT WIDTH IN THE EVENT THAT THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND IS AMENDED TO REZONE THE PROPERTY FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT ; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Code, pursuant to Section 11-1-7, for the purposes herein stated, subject to special conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That a special exception is hereby granted for the property described as Lot 1, Block 43, South Park Addition, City and County of Midland, Texas (the "Property"). Said special exception shall allow a reduced minimum lot width in the event that the Zoning District Map of the City of Midland, Texas, is amended to rezone the Property from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District.

SECTION TWO. That said special exception is subject to the following special conditions:

A. That the minimum lot width shall be 63.24 feet as shown in Exhibit "A", which is attached hereto and incorporated herein.

B. That said special exception shall be of no force or effect unless and until the Property is rezoned as described in Section One of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland,

Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to file this ordinance with the Office of the County Clerk for purposes of recordation.

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

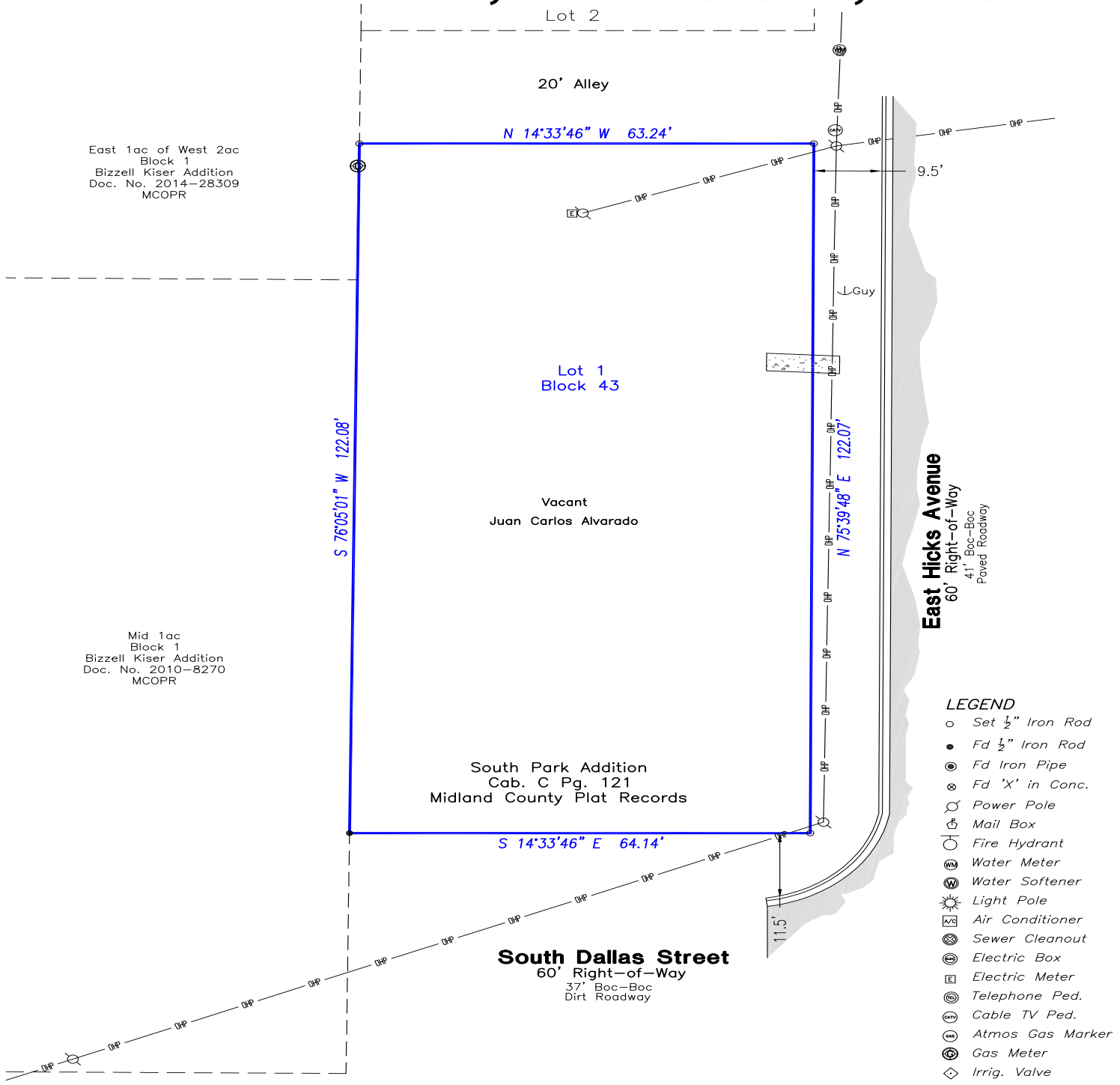
_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

TITLE SURVEY OF LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.



LEGEND

- Set ½" Iron Rod
- Fd ½" Iron Rod
- Fd Iron Pipe
- Fd 'X' in Conc.
- Power Pole
- Mail Box
- Fire Hydrant
- Water Meter
- Water Softener
- Light Pole
- Air Conditioner
- Sewer Cleanout
- Electric Box
- Electric Meter
- Telephone Ped.
- Cable TV Ped.
- Atmos Gas Marker
- Gas Meter
- Irrig. Valve
- Conduit
- Street Sign
- Fence/Block Wall
- OHP — Overhead Powerline

Scale 1" =20'

FLOOD NOTE:
This Property is in Zone X and DOES NOT LIE within a Special Flood Hazard Area as graphically scaled onto FEMA Map No. 48135C0202F, Dated March 15, 2012, prepared for Ector County, Texas.

I, Aaron S. Burrell, do hereby certify: This plat represents a legal survey made on the ground on July 17, 2017, by me, of the property legally described hereon. All information shown is true and correct to the best of my knowledge and belief.

21 July 2017

STATE OF TEXAS REGISTERED AARON SCOTT BURRELL 5689 PROFESSIONAL LAND SURVEYOR

Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

Bearings shown on this survey are relative to the Texas Coordinate System, NAD 1983, Central Zone (CORS).

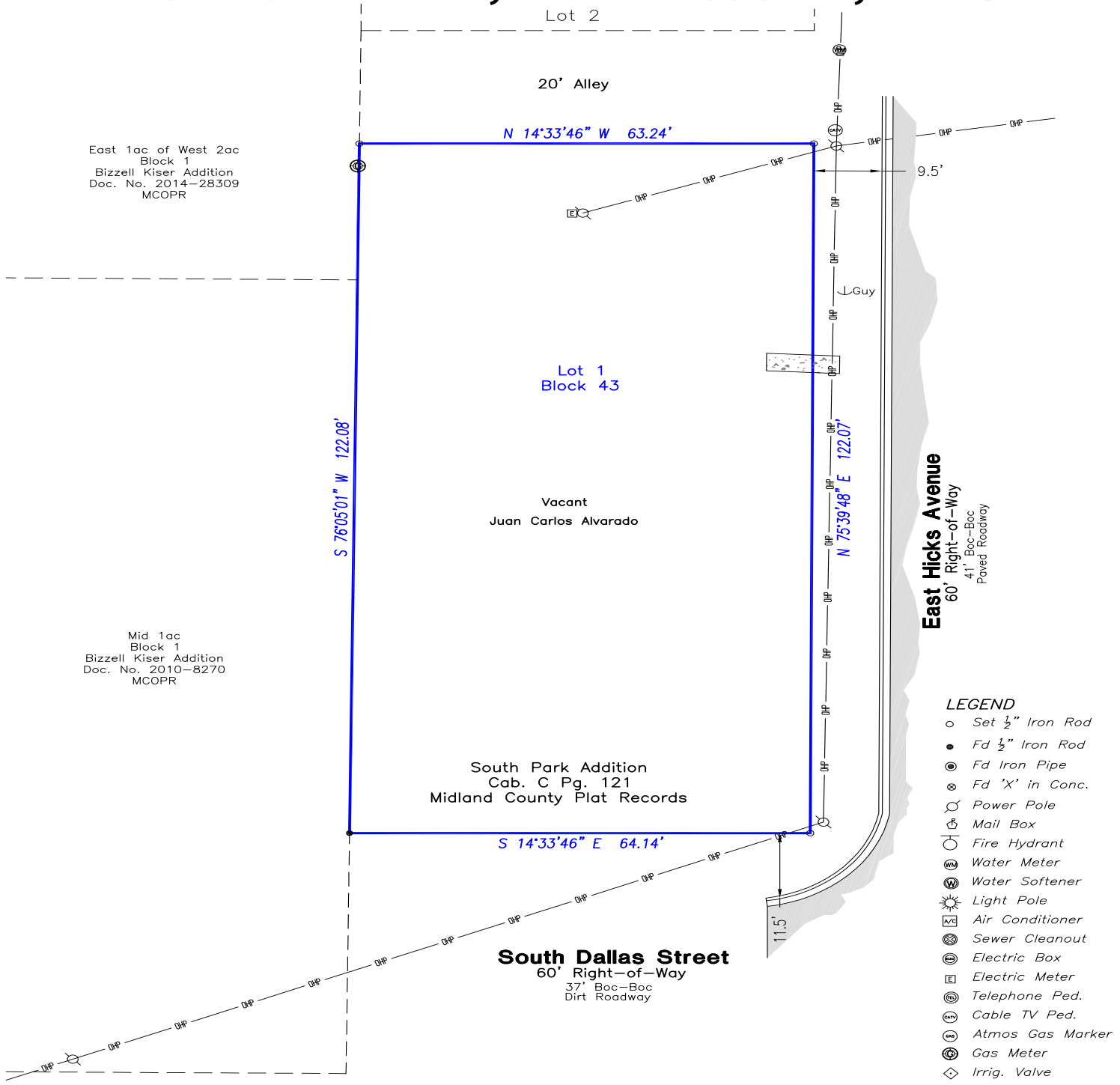
AARON BURRELL LAND SURVEYORS, LLC.

Professional Land Surveying & Mapping
Aaron Burrell Land Surveyors, LLC
TBPLS Firm No. 10194217
415 W. Wall St., Suite 204 Midland, Texas 79701
P.O. Box 81041 Midland, Texas 79708
432-848-4439
www.asbsurveyors.com

PACKET 16.9 August 25, 2020

EXHIBIT "A"

TITLE SURVEY OF LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS.



LEGEND

- Set ½" Iron Rod
- Fd ½" Iron Rod
- Fd Iron Pipe
- Fd 'X' in Conc.
- Power Pole
- Mail Box
- Fire Hydrant
- Water Meter
- Water Softener
- Light Pole
- Air Conditioner
- Sewer Cleanout
- Electric Box
- Electric Meter
- Telephone Ped.
- Cable TV Ped.
- Atmos Gas Marker
- Gas Meter
- Irrig. Valve
- Conduit
- Street Sign
- Fence/Block Wall
- OHP — Overhead Powerline

Scale 1" =20'

FLOOD NOTE:
This Property is in Zone X and DOES NOT LIE within a Special Flood Hazard Area as graphically scaled onto FEMA Map No. 48135C0202F, Dated March 15, 2012, prepared for Ector County, Texas.

I, Aaron S. Burrell, do hereby certify: This plat represents a legal survey made on the ground on July 17, 2017, by me, of the property legally described hereon. All information shown is true and correct to the best of my knowledge and belief.

21 July 2017

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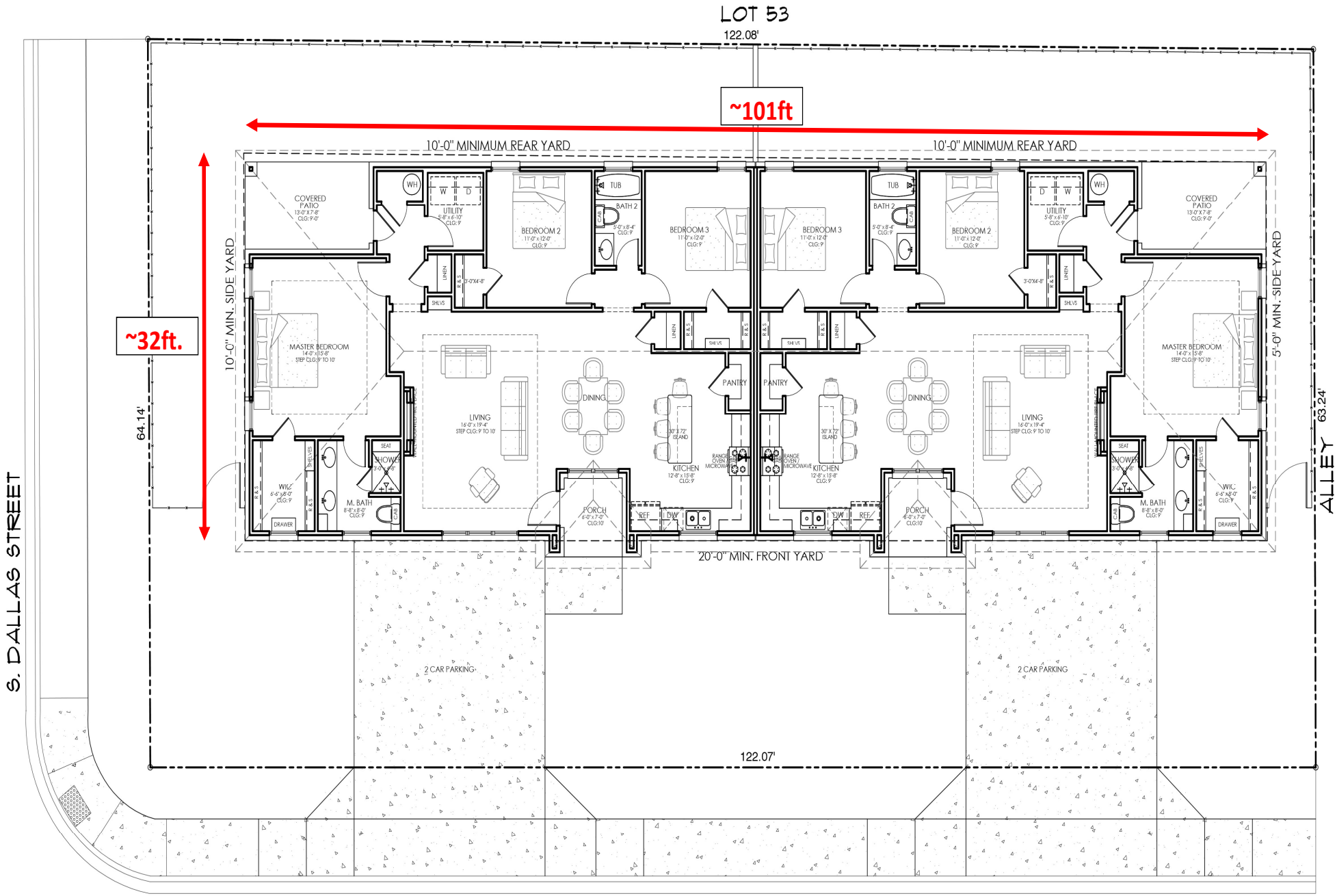
Aaron S. Burrell
Registered Professional Land Surveyor
Texas No. 5689

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AARON BURRELL LAND SURVEYORS, LLC.

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PACKET 16.10 August 25, 2020



1 SITE PLAN
NOT TO SCALE

SQUARE FOOTAGES

(UNDER AIR WITH MATERIAL)

LIVABLE (EACH DWELLING):	1,625 SQ. FT.
TOTAL LIVABLE:	3,250 SQ. FT.

PACKET

0 1 2 3 4 5 10 20 30 40 50

August 25, 2020

DESIGN BY: Jose Juan Alvarez
alvarezudw@gmail.com
cell 432 599.0794

FOR REVIEW ONLY
NOT FOR PERMITTING
OR CONSTRUCTION

JAIME ALVARADO
418 E. HICKS AVE.
MIDLAND TEXAS

SHEET NO. SD3
DATE: 9-3-19



1 418 HICKS. FRONT ELEVATION

DATE: 9-3-2019

MIDLAND Planning Division

Special Exception Application

Project Number: E-20-0038

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jaime Alvarado Lopez		Phone (432) 349-4281 Email Alvarado_lopez9@yahoo.com	
Address 404 S. Jefferson	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jaime Alvarado Lopez		Phone (432) 349-4281 Email Alvarado_lopez9@yahoo.com	
Address 404 S. Jefferson	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 418 E Hicks Ave.

Legal Description
Lot: 1 Block: 43 Subdivision: South Park Addition

Current Zoning:

This property qualifies as an exception to the City Code because:

- ☐ It is an expansion of a nonconforming use.
- ☒ There are existing nonconforming structures in the area.
- ☐ The addition of architectural or other projections of a minor extent.

Reason for Request: Request change zone from SF-3 to 2F in order to build a duplex.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing:
  - Parking
  - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

JUL 20 2020

BY: .....

Signatures	
Applicant (signature):	Date: 7/20/2020
Applicant (printed): Jaime Alvarado Lopez	
Property Owner (signature):	Date: 7/20/2020
Property Owner (printed) : Jaime Alvarado Lopez	

The Special Exception shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

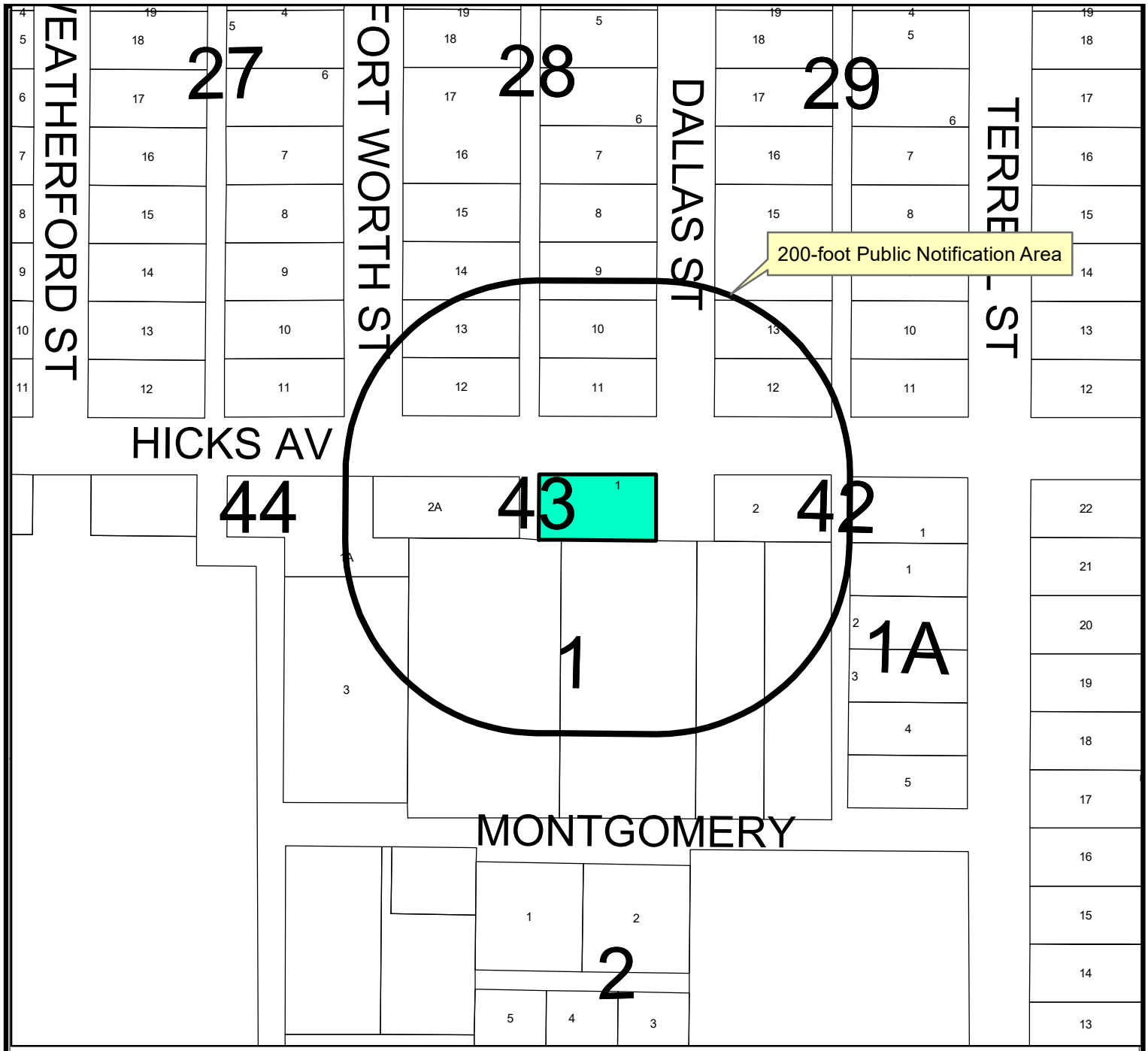
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee Money order	☐ Plans in Digital Format (PDF/JPEG)
Check # 19-129972159	
Received By: GAC	Date: JUL 20 2020

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

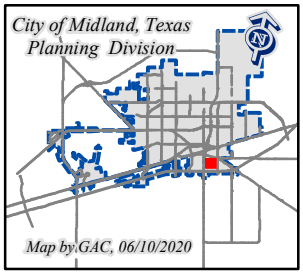
E-20-0038 **Scale: 1" = 400'**

Consider a request by Jamie Alvarado Lopez for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning the minimum lot width on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas.

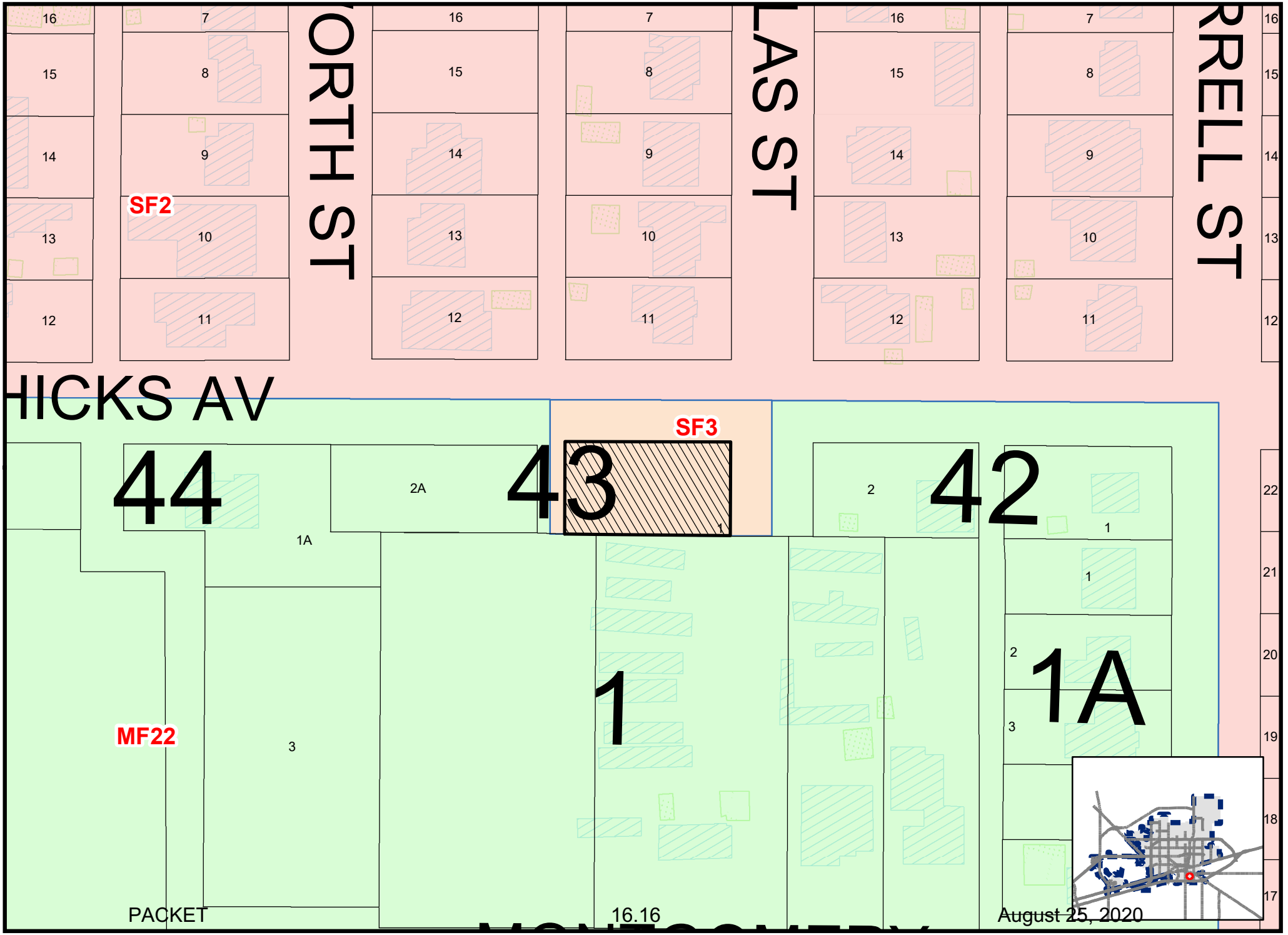
Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 06/29/2020

E-20-0038

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.









City Council Meeting

Item Number: 17

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Glenda Arroyo-Cruz, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jaime Alvarado Lopez, is requesting approval of a zone change for the development of a duplex.

Recommended City Council Action:

Deny

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

The properties to the north are zoned SF-2, Single-Family Dwelling District, and the location of residential homes. The properties to the east, south and west are zoned MF-22, Multiple-Family Dwelling District and the locations of a residential home, manufactured housing, and vacant land, respectively.

Analysis:

The property is located at 418 East Hicks Avenue and is currently vacant. The applicant is proposing the development of a two-family dwelling (duplex) unit. The current zoning of this property was recently changed from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District on January 28, 2020.

The property does not meet the minimum lot requirements for the 2F, Two-Family Dwelling District since the minimum lot width required for a corner lot is 75-feet. The lot width of this property is 65.95-feet. The appropriate setbacks and maximum height must also be met as described in the 2F, Two-Family (Duplex) Dwelling District Dimensional Regulations chart.

This proposed zone change has been circulated to and reviewed by respective City departments and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Fire: (Approved)

No objection.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

Per the Future Land Use map, this location is designated as Urban Residential. Potential zoning for this area includes single family dwelling districts; therefore, this zone change is not in compliance with the Future Land Use plan.

This request was recommended for denial with a 3-2 vote at the July 6, 2020 Planning and Zoning meeting; however, the applicant has appealed this decision. The City Council approved this request at their August 11, 2020 meeting.

Staff recommends denial of this request for approval of a zone change; however if approved, staff recommends that it shall be subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the 2F, Two-Family Dwelling (Duplex) District.

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection.

Attachments:

Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 43, SOUTH PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-3, SINGLE-FAMILY DWELLING DISTRICT TO 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HICKS AVENUE AND SOUTH DALLAS STREET); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 1, Block 43, South Park Addition, City and County of Midland, Texas (the "Property") to 2F, Two-Family Dwelling (Duplex) District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as

that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0184

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jaime Alvarado Lopez		Phone (432) 349 4281 Email Alvarado_lopez9@yahoo.com	
Address 404 S Jefferson	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jaime Alvarado Lopez		Phone ( ) Email	
Address 404 S Jefferson	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 418 E Hicks

Legal Description
Lot: 1 Block: 43 Subdivision: South Park

Current Zoning: SF 3

Proposed Zone: 2F
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Proposed building on site plan.

Present Use of Property: N/A

Proposed Use of Property: Two family dwelling

How would this zone change affect the public health, safety and welfare? Will change in a positive way for area around.

Describe how conditions affecting the property have changed since present zoning designation: N/A

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
MAY 29 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: 5/28/2020
Applicant (printed): Jaime Alvarado Lopez	
Property Owner (signature):	Date: 5/28/2020
Property Owner (printed) : Jaime Alvarado Lopez	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear_____who, being by me duly sworn, upon oath says: That (s)he is the owner of _____or authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

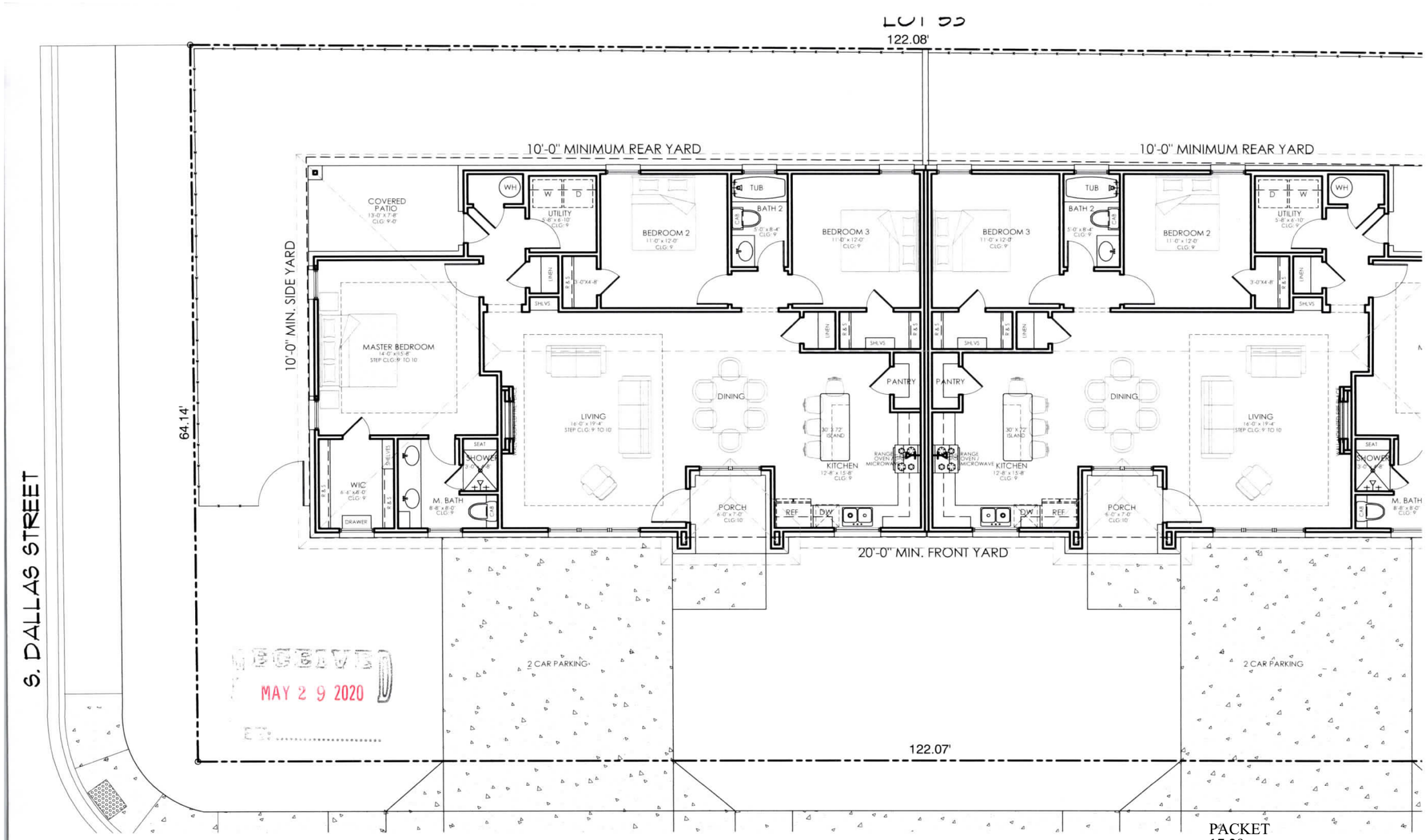
_____

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG) yes
Check #_____	
Received By:	Date:

Application will not be considered for scheduling until reviewed by a planner.



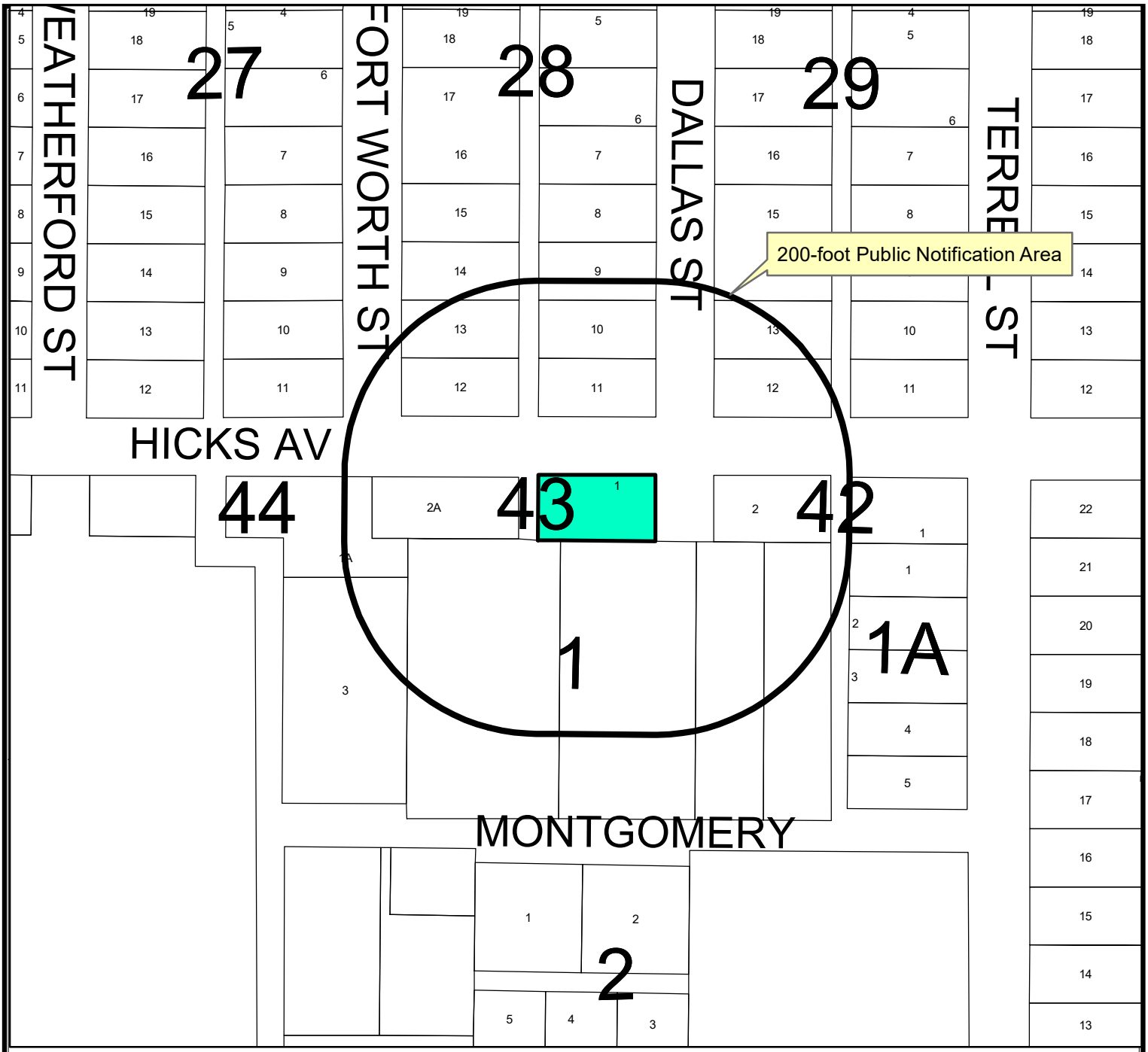
RECEIVED
MAY 2 9 2020
BY: .....



1 418 HICKS. FRONT ELEVATION
DATE: 9-3-2019

RECEIVED
MAY 29 2020

PACKET
17.30
August 25, 2020



LOCATION MAP

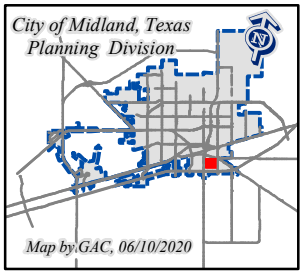
Z-20-0184 **Scale: 1" = 400'**

Consider a request by Jamie Alvarado Lopez for a zone change from SF-3, Single-Family Dwelling District to 2F, Two-Family Dwelling (Duplex) District on Lot 1, Block 43, South Park Addition, City and County of Midland, Texas.

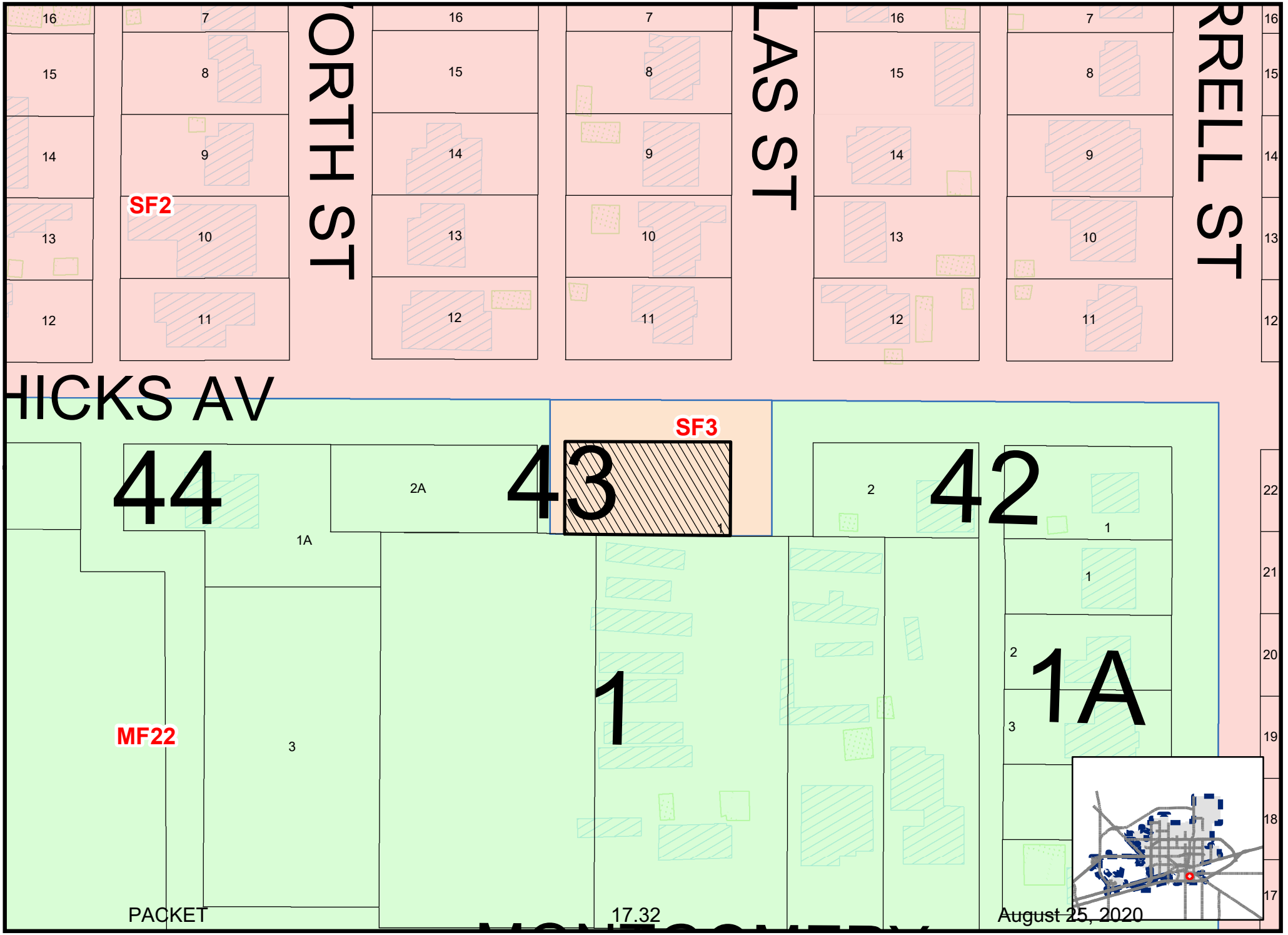
Generally located on the southwest corner of the intersection of East Hicks Avenue and South Dallas Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 06/29/2020

Z-20-0184

Scale: 1" = 200'

ZONING MAP

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City Council Meeting

Item Number: 18

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Glenda Arroyo-Cruz, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Zakery Davis, is requesting a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services.

Recommended City Council Action:

Approve

Fiscal Impact:

This request has no significant impact on the City's Budget.

Discussion:

The property to the north, east, south and west are zoned C, Commercial District and the location

of a shopping center, plumbing supply store, and industrial yards, respectively.

Analysis:

The applicant is requesting a Specific Use Designation without Term for Automobile or Other Motorized Vehicle Sales and Services at 2203 West Florida Avenue. The property is partially vacant, with an existing building.

The floor area of the building is approximately 3,716 square feet, with 1,500 square feet being used for storage. The proposed site plan, hereto shown as Exhibit A, shows the cars for sale will be within a fenced area located towards the middle of the property. Parking will be located on the northern portion north of the lots, with additional parking within the fenced area.

The proposed hours of the business are:

Monday through Saturday, from 11:00 a.m. through 7:00 p.m.

Per the zoning ordinance, a specific use designation without term is required for Automobile or other Motorized Vehicle Sales and Services within the C, Commercial District zoning.

The Automobile or Other Motorized Vehicle Sales and Services will need to comply with the standards as listed in Section 4.04.A.6 of the Zoning Ordinance.

6. Automobile or Other Motorized Vehicle Sales and Service Standards

a. Allowed by Specific Use Designation, according to the permitted Use Chart.

b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and
consequent interference with use of adjacent properties and boundary streets.

c. No intermittent or flashing lights shall be permitted.

d. Luminaries shall be mounted at a height not to exceed 30 feet as measured vertically from the horizontal surface of the nearest parking pavement.

e. All building façades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.

f. No exterior auditory devices shall be permitted.

This proposed project has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Building: (Approved with Conditions)

Parking lot must be striped with spaces properly sized and the number of required spaces must

be installed according to the City of Midland zoning code**.**

Engineering: (Approved with Conditions)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Transportation: (Approved with Conditions)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Fire: (Approved)

No objection.

Planning:

This request meets all requirements of a Specific Use Designation without term for the Automobile or other Motorized Vehicle Sales and Services; therefore staff recommends approval of the Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services, subject to conditions A through D.

This request was recommended for approval at the July 20, 2020 Planning and Zoning meeting and approved at the August 11, 2020 City Council meeting.

Conditions:

A. That the use and development of this property shall significantly conform to the site plan, which is attached hereto and incorporated herein as Exhibit "A".

B. That the days and hours of operation of the Automobile or other Motorized Vehicle Sales and Services shall be limited to the following:

Monday through Saturday, from 11:00 a.m. through 7:00 p.m.

C. **That the use of the Automobile or other Motorized Vehicle Sales and Services shall conform to the standards as outlined in Section 4.04.6 of the Zoning Ordinance.**

D. **That the Off-Street Parking and Loading Requirements shall conform to the standards as outlined in Section 6.02.E of the Zoning Ordinance.**

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOTS 1 AND 2, BLOCK 3, HINES ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST FLORIDA AVENUE AND SOUTH GARFIELD STREET), WHICH IS PRESENTLY ZONED C, COMMERCIAL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR AUTOMOBILE OR OTHER MOTORIZED VEHICLE SALES AND SERVICE; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation Without Term for Lots 1 and 2, Block 3, Hines Addition, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation Without Term for Automobile or Other Motorized Vehicle Sales and Service, together with the uses permitted in the present C, Commercial District.

SECTION TWO. That the Property shall be subject to the following conditions and restrictions:

A. That the use of the Property for Automobile or Other Motorized Vehicle Sales and Service shall significantly conform to the site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

B. That the days and hours of Automobile or Other Motorized Vehicle Sales and Service shall be limited to Monday through Saturday from 11:00 a.m. to 7:00 p.m.

C. That the use of the Property for Automobile or Other Motorized Vehicle Sales and Service shall conform to Section 11-1-4.04.A.6 of the City Code and all other applicable laws, ordinances, and regulations.

D. That the off-street parking parking shown in Exhibit "A" shall be considered illustrative. The off-street parking shall conform to the regulations set forth in Section 11-1-6.02.E of the City Code.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on

first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

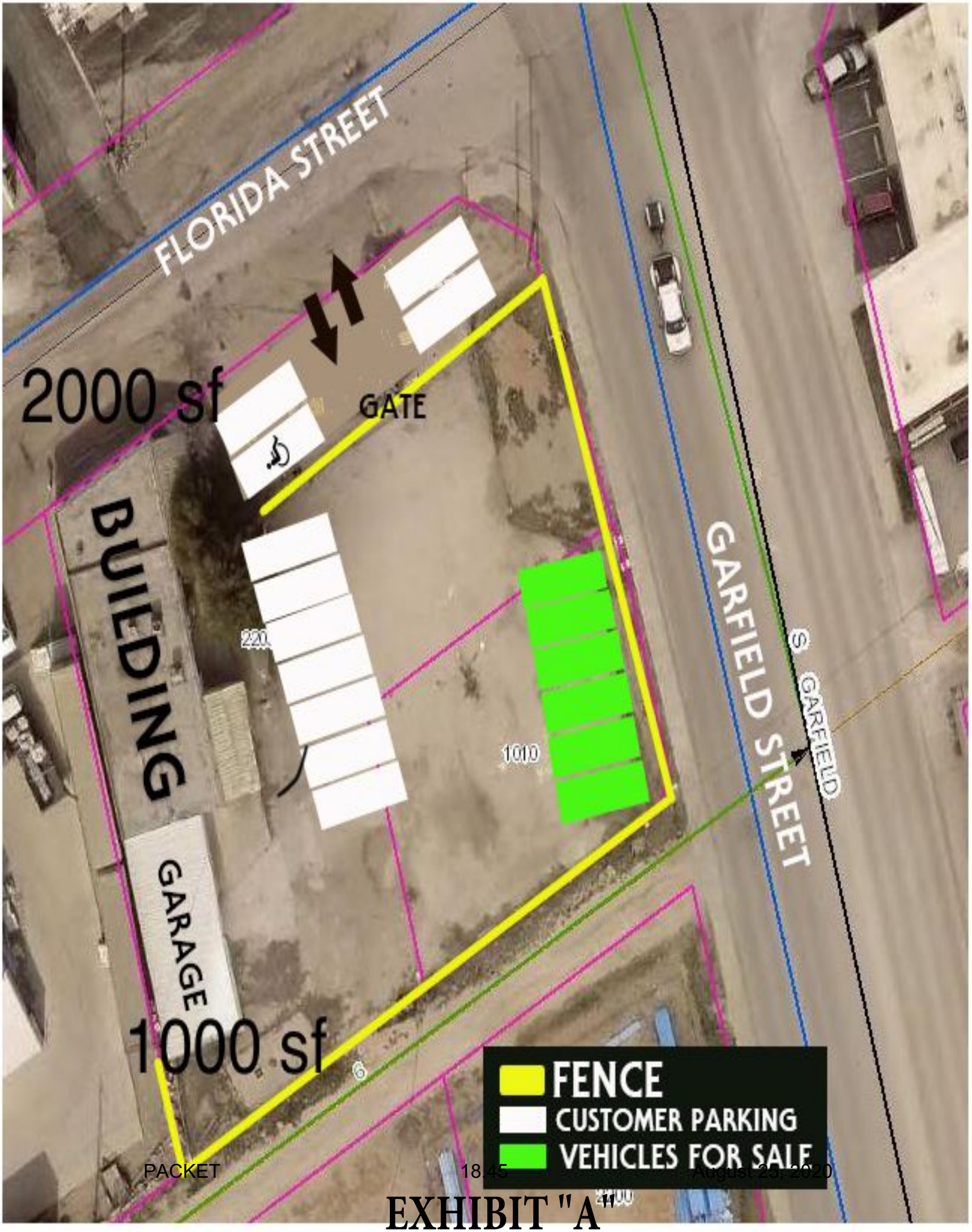
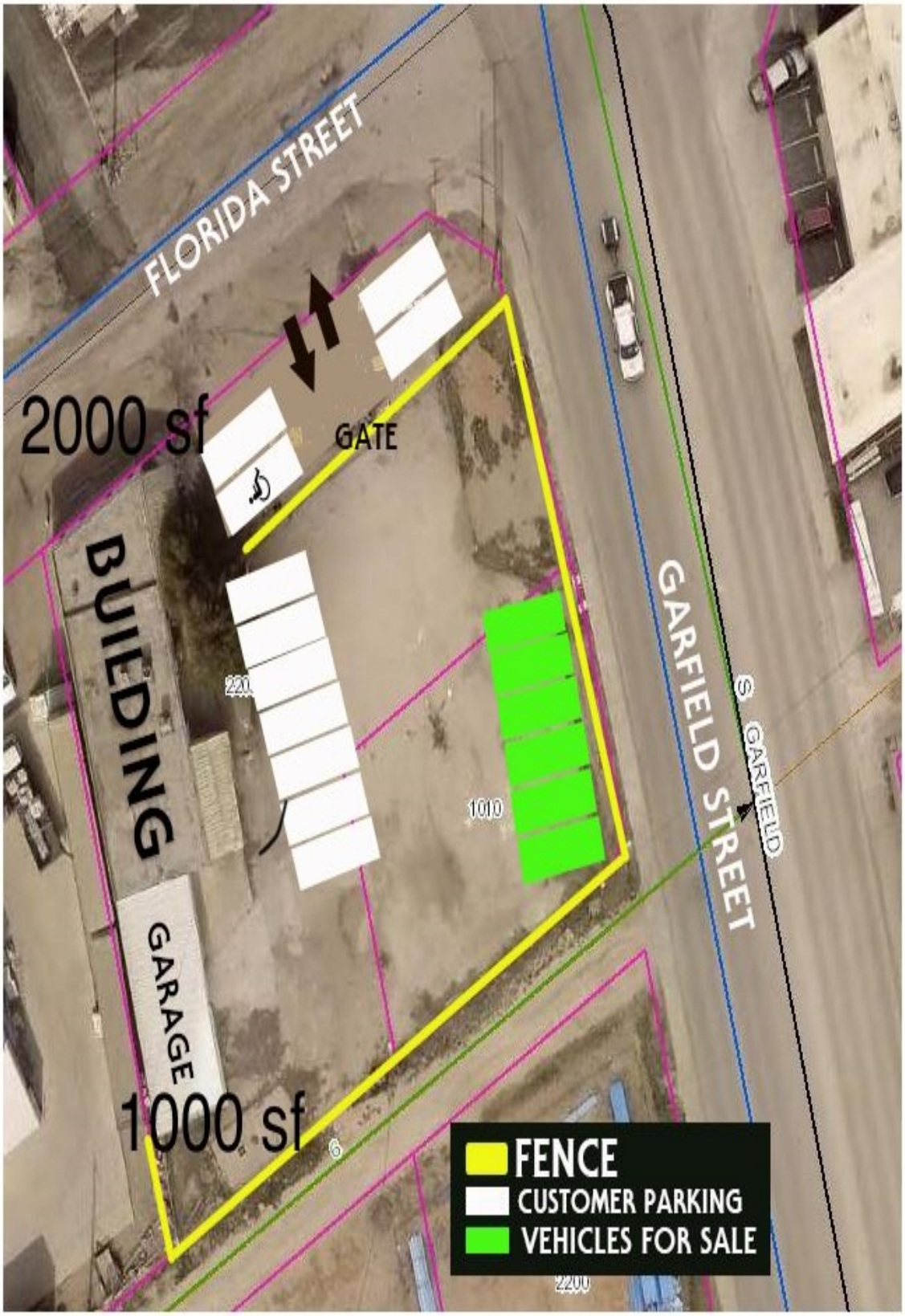

FLORIDA STREET
2000 sf
GATE
BUILDING
GARAGE
1000 sf
220
1010
GARFIELD STREET
S. GARFIELD
FENCE
CUSTOMER PARKING
VEHICLES FOR SALE

EXHIBIT "A"


FLORIDA STREET
2000 sf
GATE
BUILDING
GARAGE
1000 sf
220
1010
GARFIELD STREET
S. GARFIELD
6
2200
FENCE
CUSTOMER PARKING
VEHICLES FOR SALE

DocuSign Envelope ID: 8EB6A343-0A31-46AC-A5BF-07214FEE2146

MIDLAND Planning Division

Specific Use Designation Application (Non-Alcohol)

Project Number: SUdwo/20-0018

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone (432.)2358299 Email Zjdavis@westliberty.edu	
Printed Name: Zakery Davis			
Address 5926 wagner	City Midland	State Tx	Zip 79706

Property Owner Partnership LTD		Phone (432) 685 5233 Email	
Printed Name: Bosfam 1 [redacted]			
Address 2205 w industrial	City Midland	State Tx	Zip 79701

Representative *(if different from Applicant or Property Owner)*		Phone ( ) Email	
Firm:			
Printed Name:			
Address	City	State	Zip

Type of Permit: Vehicle sales	*For Office Use Only* ☐ with Term ☐without Term
Is there any Code Enforcement action pending on property? ☐ Yes ☒ No	

Street Address: 2203 w florida ave midland texas 79701

Legal Description
Lot: 1 & 2 Block: 3 Subdivision: Hines Addition

Current Zoning: Commercial

Maximum Floor Area: 3716 ft (1500 is storage) **Maximum Occupancy:**

Proposed hours and days of use or operation: 5-6 days a week 9 am - 8 pm at the maximum

Reason for request: Required by ordinance in property.

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience:
This property is surrounded by businesses there are no homes within sight. Also I have ample parking
Furthermore a car dealership with 10 cars is not going to produce excess traffic

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing
  - Parking (if applicable)
  - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

DocuSign Envelope ID: 8EB6A343-0A31-46AC-A5BF-07214FEE2146

Signatures	
Applicant (signature):	Date: 4/28/2020
Applicant (printed): Zakery Davis	
Property Owner (signature): DocuSigned by: Ron Ainsworth	Date: 4/29/2020
Property Owner (printed): Ron Ainsworth	

The Specific Use Designation shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

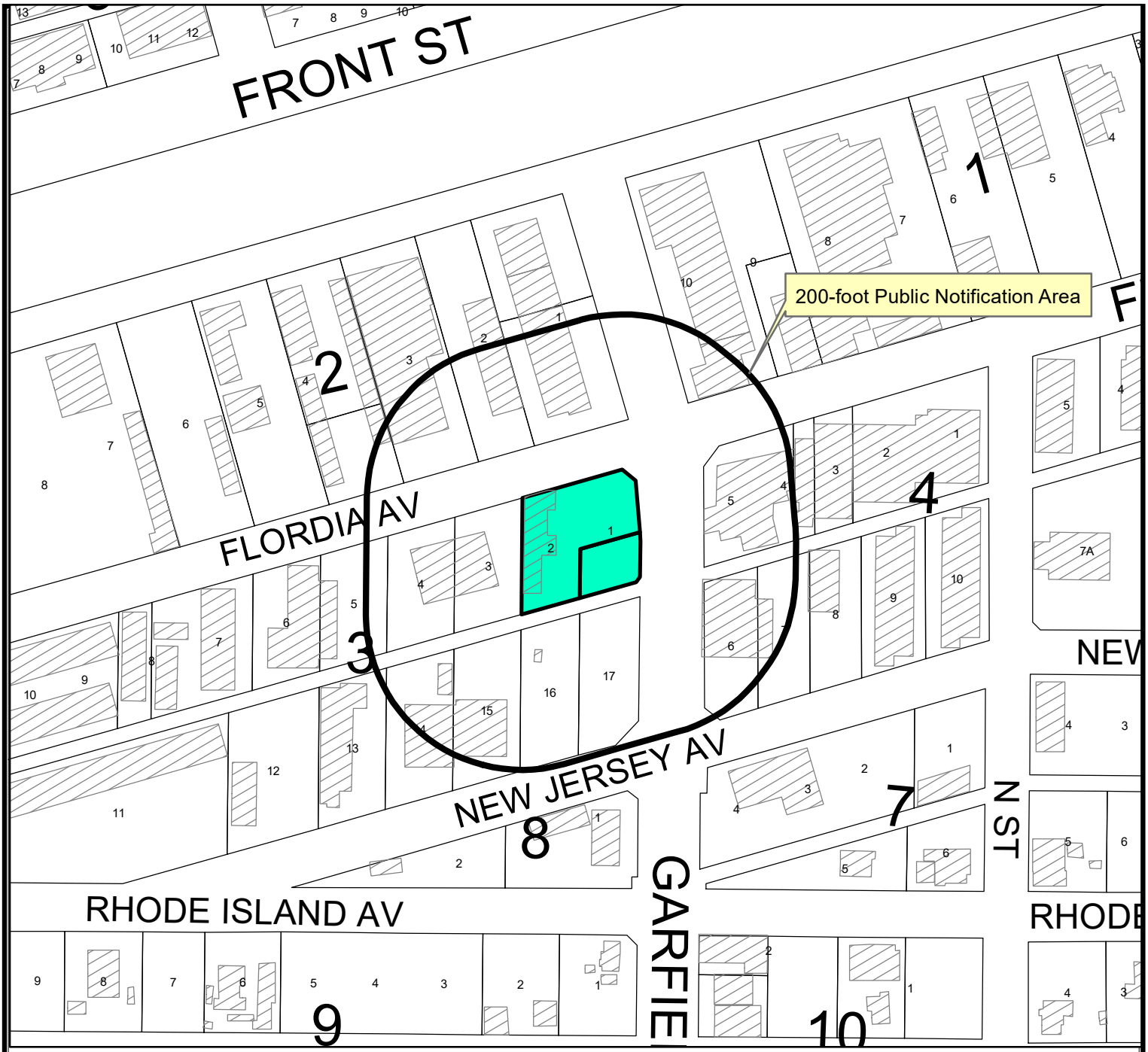
☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Site Plan in Digital Format (PDF/JPEG)

Check # Money Order 19-095903494

Received By: Cristel Burns Date: MAY 2 2020

RECEIVED

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

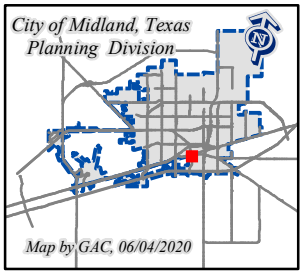
SUDwo-20-0018 **Scale: 1" = 400'**

Consider a request by Zakery Davis for a Specific Use Designation without Term for Automobile or other Motorized Vehicle Sales and Services on a Lots 1 and 2, Block 3, Hines Addition, City and County of Midland, Texas.

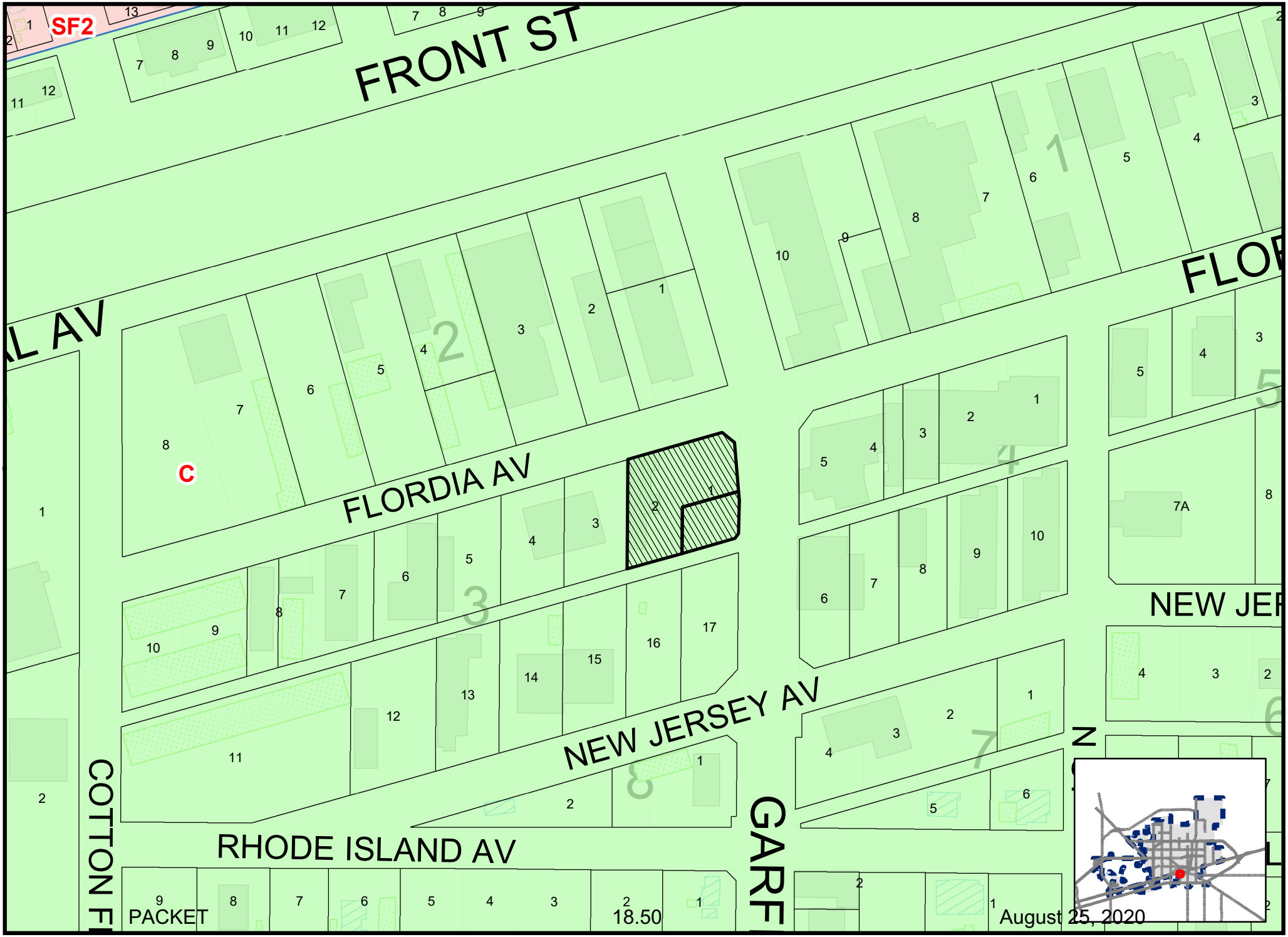
(Generally located on the southwest corner of the intersection of West Florida Avenue and South Garfield Street. Council District 7)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Map By GAC, 06/04/2020

SUDwo-20-0018

Scale: 1" = 200'

ZONING MAP

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BOSWORTH


STOP





City Council Meeting

Item Number: 19

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Glenda Arroyo-Cruz, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Labonita LLC, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4411 West Illinois Avenue, Suite B1.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

This request has no significant impact on the City's Budget.

Discussion:

Jorge Ramos, a representative for Labonita LLC, is requesting approval of a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant at 4411 West Illinois, Suite B1. The property is zoned LR, Local Retail District, which allows the sale of all alcoholic beverages, for on premises consumption, in a restaurant with the approval of a Specific Use Designation.

The property previously functioned as a restaurant named Casa Lopez under Ordinance No. 7139. The new restaurant will be named Macarena's and is not currently in operation. There are no internal or external modifications being proposed for the establishment and the use of the facility will remain as a restaurant.

The floor plan attached hereto as Exhibit A, illustrates two dining areas and a bar located towards the back of the restaurant. The total square footage of the establishment is approximately 6,811 square feet, with an approximate area of 4,193 square feet being dedicated for the sale of alcoholic beverages.

The proposed hours of operations for the restaurant are as followed:

Monday through Thursday from 6:00 a.m. to 10:00 p.m.,
Friday through Saturday from 6:00 a.m. to 11:00 p.m.,
Sunday from 11:00 a.m. to 10:00 p.m.

The applicant is requesting alcohol service as the following:

Monday through Sunday from 11:00 a.m. to 11:00 p.m.

The existing Specific Use Designation failed to be renewed within the two (2) year period; therefore, the existing Ordinance for the property is nullified. With the expired Specific Use Designation and new ownership of the establishment, the process of obtaining a new Specific Use Designation would be required.

Per Midland City Code 5.4.4. –Prohibited place of business

> *The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.*

There is a church, The Potter's House Christian Fellowship Church, approximately 130-feet east of the proposed restaurant located in the same shopping center. The applicant has provided a letter from the church. It states their awareness of the sale of alcoholic beverages within such proximity and does not contest the application.

Per Sec. 109. 33 of the Texas Alcoholic Beverage Code,

(e) The governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court of the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license of permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

This proposed project has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Building: (Approved)

The SUD for Macarena's is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint. The property must adhere to the current maximum occupant load of 279 for the serviceable alcohol areas. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objections.

Fire: (Approved)

No Objections.

Planning:

This request was recommended for approval with a 5-1 vote, at the July 20, 2020 Planning and Zoning meeting and approved at the August 11, 2020 City Council meeting.

This request does not meet the requirement set forth per the City Midland Code. *5.4.4. – Prohibited place of business*. However, if approved, staff recommends that it shall be subject to Conditions A through F.

Conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 4,193 square feet as shown in Exhibits “A and B”, which is attached hereto and incorporated herein for all purposes.**

B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Sunday through Monday, from 11:00 a.m. to 11:00 p.m.

C. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

D. That the establishment shall meet all requirements of the Fire Department and Code Administration.

E. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

F. That in accordance with Section 9.07.E. 3 of the City Code, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of August 5, 2020, staff has received one letter of objection.

Attachments:

Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Application
Maps
Ordinance No. 7139
Letter from Neighboring Church – Potter's House
Letter from Church – Westside Church
Section 109.33 of the Texas Alcoholic Beverage Code
Letter of Objection

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,811-SQUARE FOOT PORTION OF LOTS 3 THROUGH 9, BLOCK 138, REPLAT OF BLOCKS 137 AND 138, WILSHIRE PARK, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST ILLINOIS AVENUE, APPROXIMATELY 160 FEET WEST OF NORTH MIDLAND DRIVE), WHICH IS PRESENTLY ZONED LR, LOCAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 6,811-square foot portion of Lots 3 through 9, Block 138, Replat of Blocks 137 and 138, Wilshire Park, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present LR, Local Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and

restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 4,193 contiguous square feet as shown in Exhibits "A" and "B", which are attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to Monday through Sunday from 11:00 a.m. to 11:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the

descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

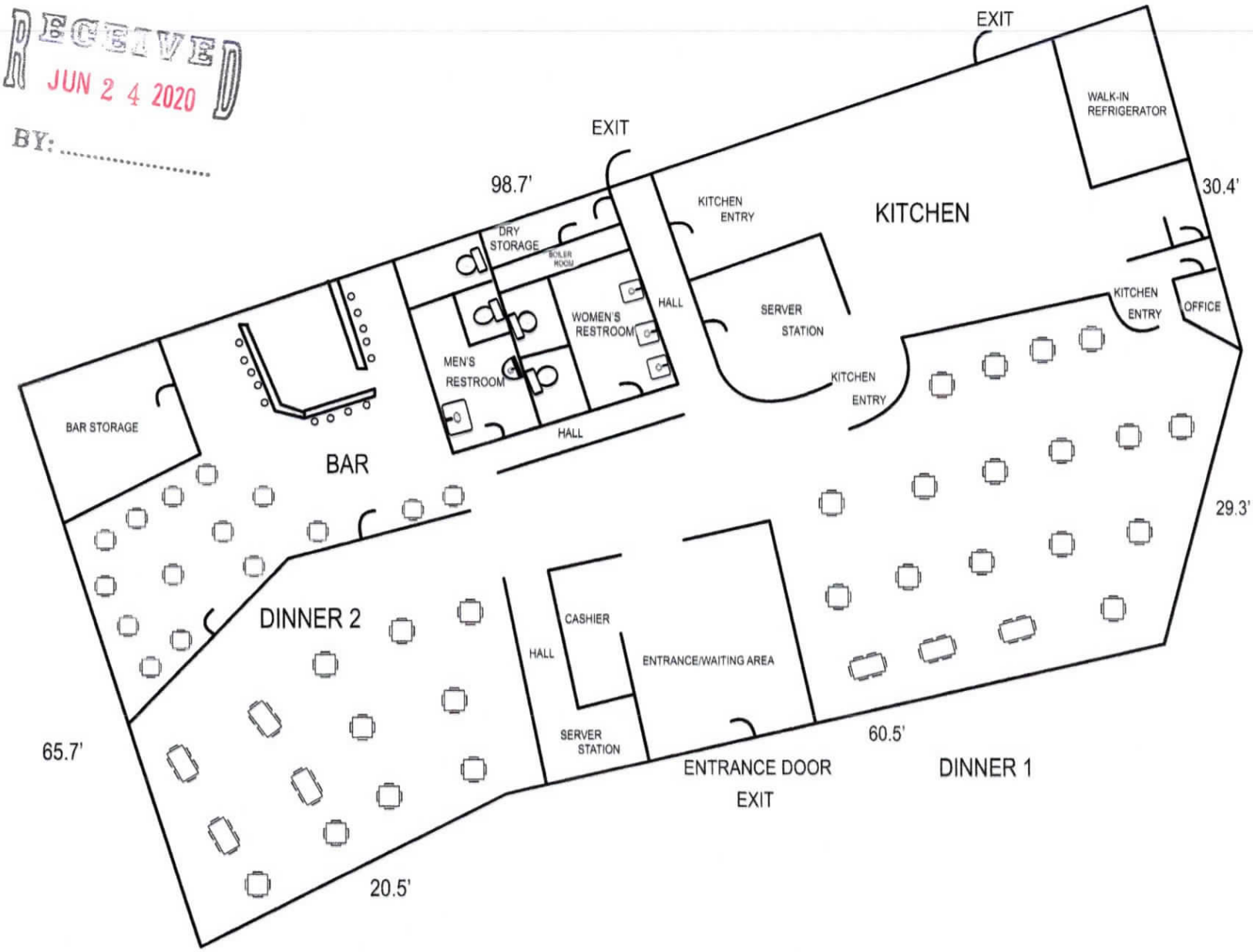
_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

RECEIVED
JUN 2 4 2020
BY: .....



MACARENA'S

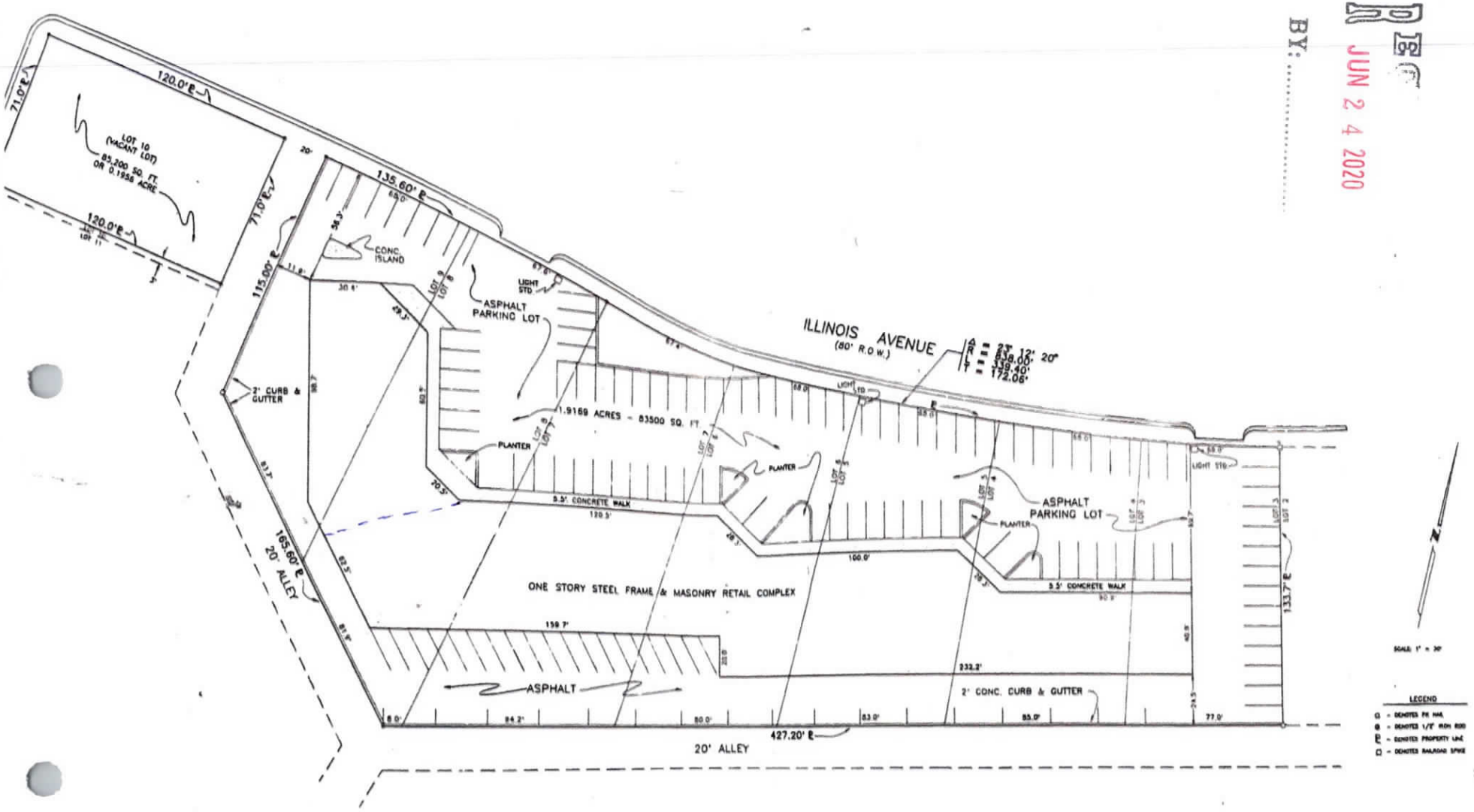
PACKET

19.63

EXHIBIT "A"

August 25, 2020

TOTAL SQUARE FOOT: 6811sq ft



URVEY PLAT FOR: CRUZ GILIBALDO LOPEZ DBA LOPEZ PROPERTIES
O THE LEINHOLDERS, ISSUING TITLE INSURANCE UNDERWRITER AND ADVANCE ABSTRACT FOR CAUSE
O. GF-910670 ONLY.
his is to certify that on this date, September 3, 1991, a careful and accurate survey was made
nder my direction and supervision on the ground of the property located at 4411 W. Illinois
venue, in Midland, Texas, described as follows: Lots 3, 4, 5, 6, 7, 8, 9, and all of lot 10 except
ie south 3 feet thereof, Block 138, Wilshire Park, an addition to the City of Midland, Texas, according
) the replat recorded in Plat cabinet B on page 172 of the Plat Records of Midland County, Texas.

ENSUS TRACT # 0012.00
OTE. With reference to the U.S.D.H.U.D. Federal Insurance Administration Flood Hazard Boundary
ap for Midland County, Texas, Community Panel 480477-0004-B, revised November 28, 1978, this
roperty is not located in a Special Flood Hazard Area Zone A. The above map may not include
l Special Flood Hazard Areas and after a more detailed study the Flood Hazard Areas may be
odified and other areas added. Localized flooding may occur someday due to adjacent changes
drainage patterns

The plat hereon is a true, correct and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown; all improvements being within the boundaries of the property, set back from property lines the distances indicated and that the distances to the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown. Dated this the 6th day of September, 1991.

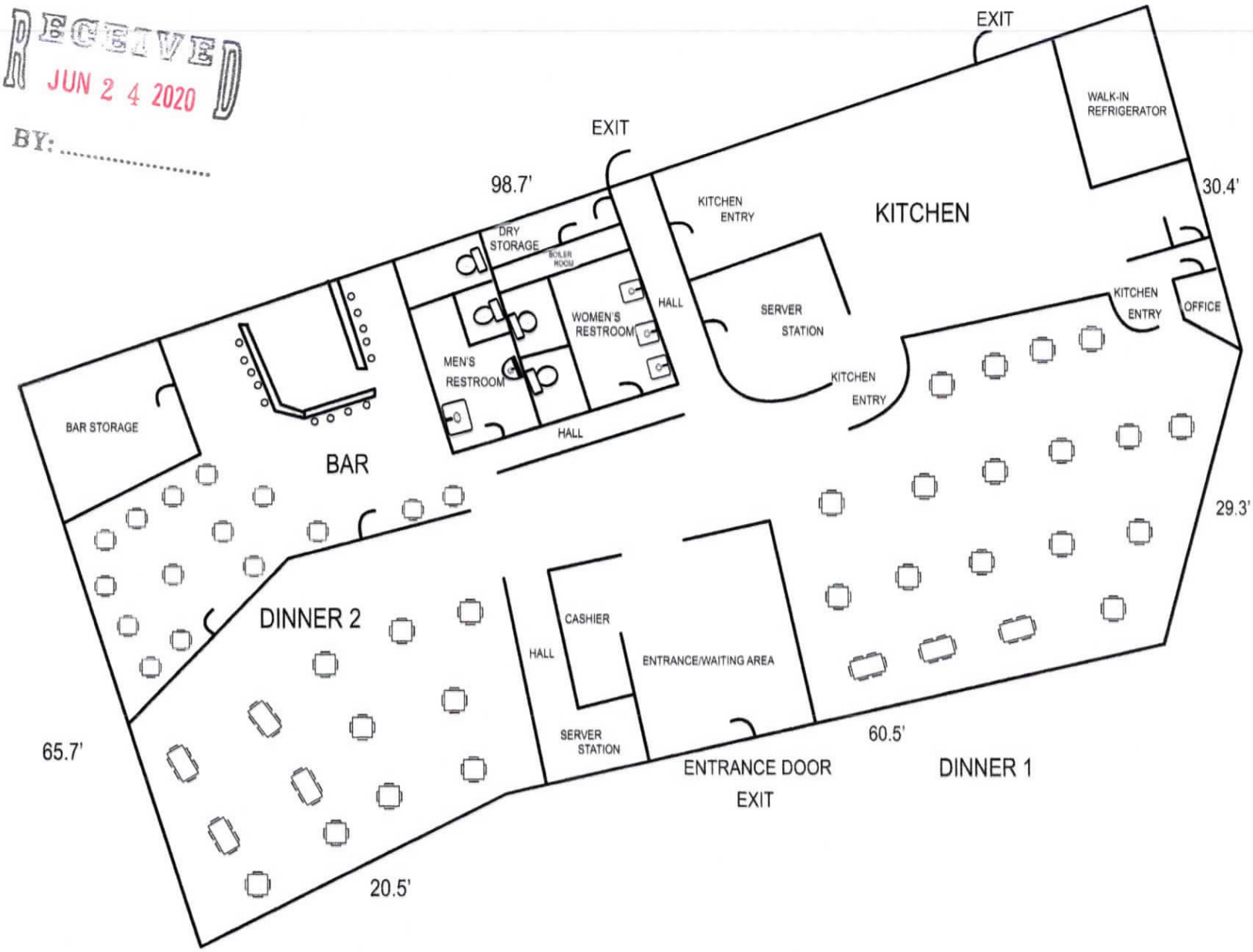
RONALD J. EIDSON TEXAS P.L.S. No. 1883
MACON McDONALD TEXAS P.L.S. No. 4398
GARY G. EIDSON TEXAS P.L.S. No. 4735

JOHN WEST & ASSOCIATES
MIDLAND, TEXAS

EXHIBIT "B"

RECEIVED
JUN 24 2020
BY:

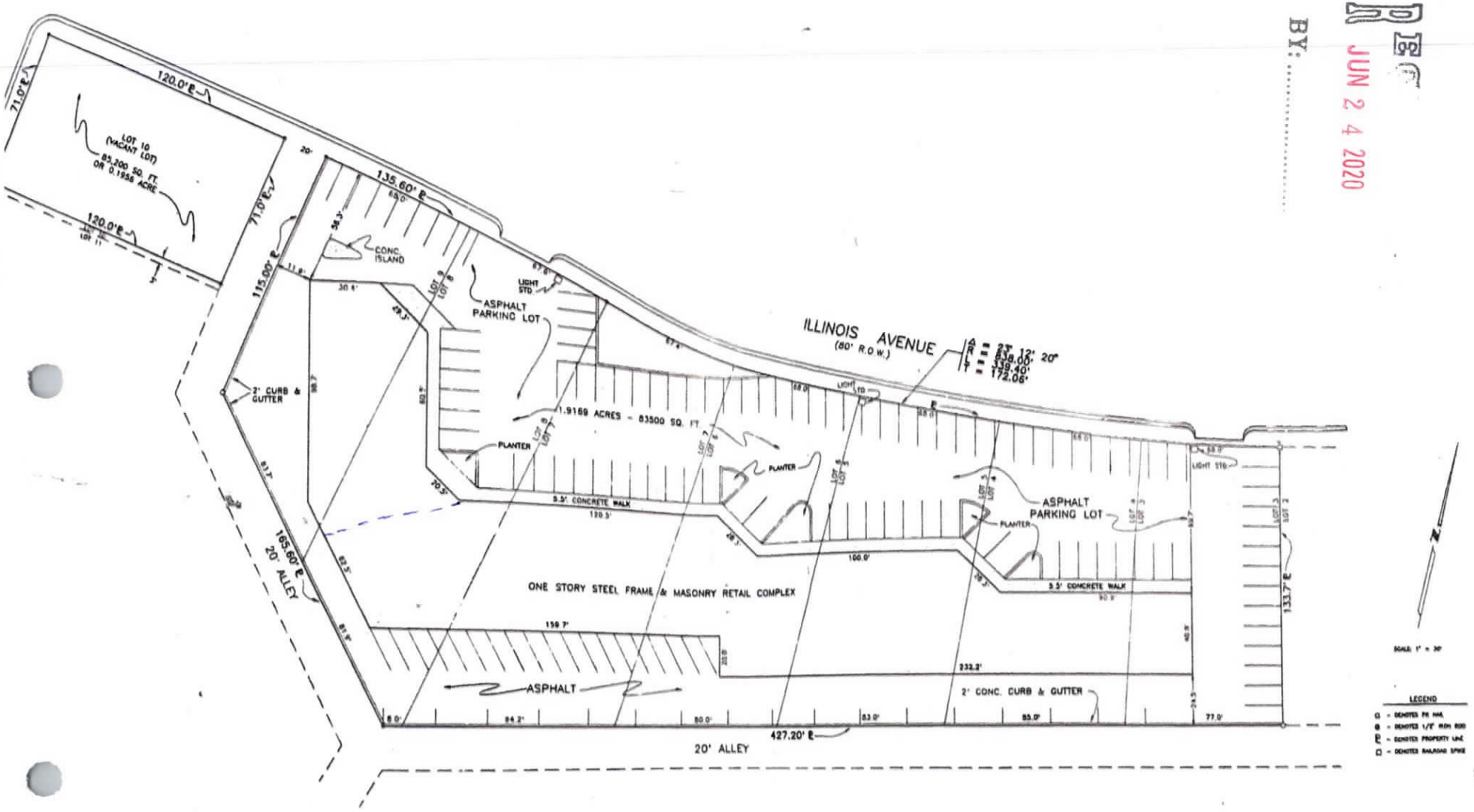
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JUN 2 4 2020
BY: .....



MACARENA'S

PACKET 19.65 August 25, 2020

TOTAL SQUARE FOOT: 6811sq ft



URVEY PLAT FOR: CRUZ GILIBALDO LOPEZ DBA LOPEZ PROPERTIES
O THE ..IEHOLDERS, ISSUING TITLE INSURANCE UNDERWRITER AND ADVANCE ABSTRACT FOR CAUSE
O. GF-910670 ONLY.
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) the replat recorded in Plat cabinet B on page 172 of the Plat Records of Midland County, Texas.

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OTE. With reference to the U.S.D.H.U.D. Federal Insurance Administration Flood Hazard Boundary
ap for Midland County, Texas, Community Panel 480477-0004-B, revised November 28, 1978, this
roperty is not located in a Special Flood Hazard Area Zone A. The above map may not include
l Special Flood Hazard Areas and after a more detailed study the Flood Hazard Areas may be
odified and other areas added. Localized flooding may occur someday due to adjacent changes
drainage patterns

The plat hereon is a true, correct and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown; all improvements being within the boundaries of the property, set back from property lines the distances indicated and that the distances to the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown. Dated this the 6th day of September, 1991.

JOHN WEST & ASSOCIATES
MIDLAND, TEXAS

RONALD J. EIDSON TEXAS P.L.S. No. 1883
MACON McDONALD TEXAS P.L.S. No. 4398
GARY G. EIDSON TEXAS P.L.S. No. 4735

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JUN 24 2020
BY: .....

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-20-0079

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Labonita LLC---Jorge Ramos		Phone (806) 274-1469 Email jr9118223@gmail.com	
Address: 4405 N Garfield St	City: Midland	State: Tx	Zip: 79705

Property Owner Printed Name: Cruz G. Lopez		Phone (432) 557-7827 Email	
Address: 1 Belfield ct	City: Midland	State: Tx	Zip: 79705

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4411 W ILLINOIS, Suite B1

Business Name: Macarena's Delicious Mexican Dishes & Bar

Legal Description
Lot: Block: Subdivision:

Current Zoning:

Reason for Request: We want to provide drinks to our customers. It has been a Mexican food Restaurant for 15 years serving alcohol.

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Restaurant

Proposed/Current Days and Hours of Operation: MON-Thur 6AM-10PM FRI, SAT-6AM-11PM, SUN-11AM-10PM

Proposed Days and Hours of Alcohol Service: 11AM-Close Monday-Sunday

Total Square Footage of Business: 6,811

Square Footage of Alcohol Serviceable Area: 4,193

Restroom Fixtures: *Men*	**Toilets/Urinals:** 2 / 1	**Bathroom Sinks:** 1
Women	**Toilets:** 2	**Bathroom Sinks:** 3

RECEIVED
JUN 24 2020
BY:

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):	Date: 6-16-2020
Applicant (printed): Jorge V. Ramos	
Property Owner (signature):	Date: 6-16-2020
Property Owner (printed): Cruz G. Lopez	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Jorge Ramos who, being by me duly sworn, upon oath says: That (s)he is authorized by Cruz Lopez, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Authorized Agent (*signature*)

Subscribed and sworn to before me, this 16 day of June, 2020, to certify which witness my hand and seal of office.

J. BREWER
ID #124536528
My Commission Expires
April 22, 2023

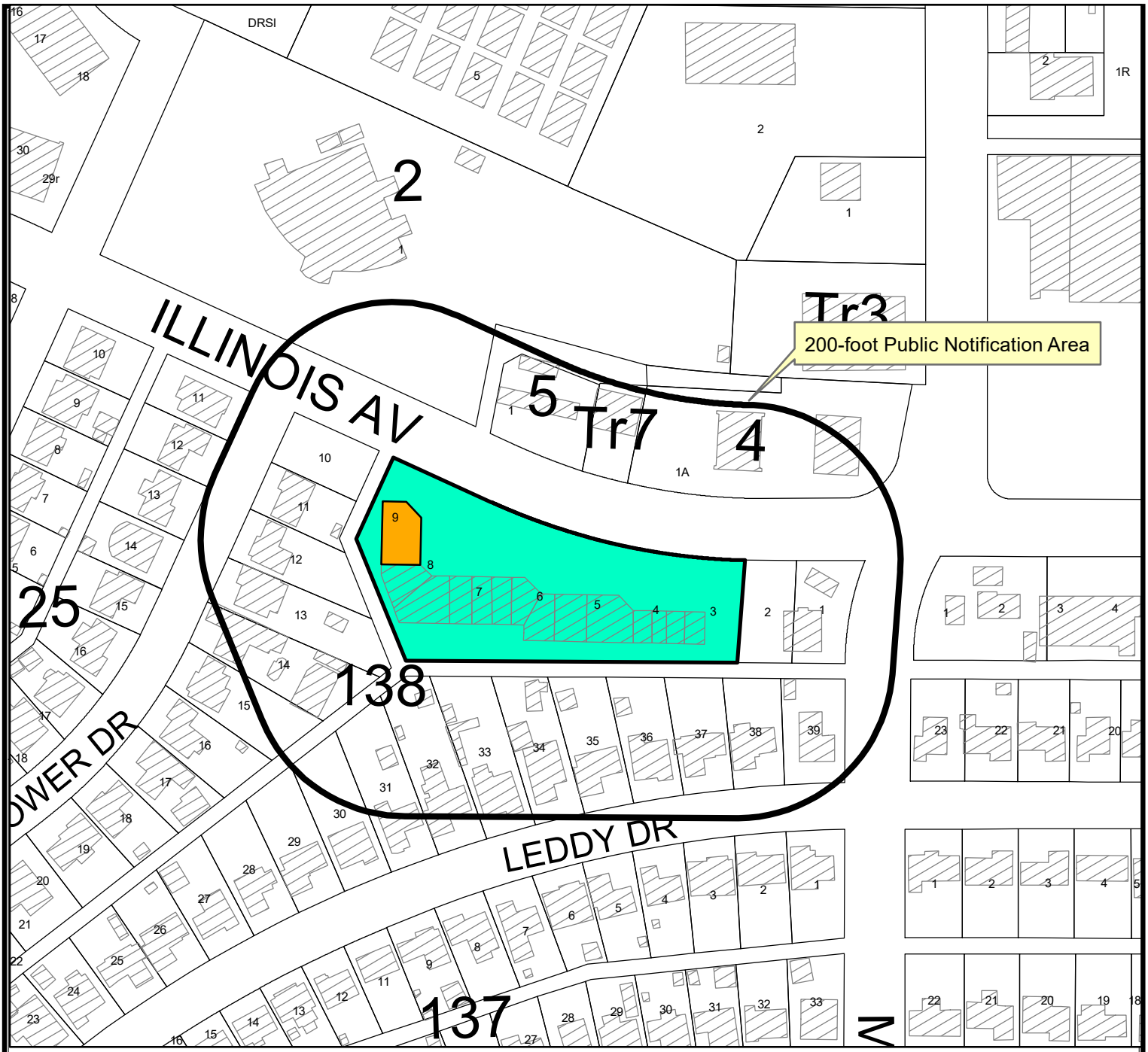
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

JUN 24 2020

****Application will not be considered for scheduling until reviewed by a planner.****

FOR OFFICE USE ONLY	
☑ Property Owner Authorization	☑ Dimensioned Floor Plan
☑ Application Fee	☑ Site Plan
Check # Cash - $300	☑ Plans in Digital Format (PDF/JPEG)
Received By: GAC	Date: JUN 24 2020

Application will not be considered for scheduling until reviewed by a planner.



LOCATION MAP

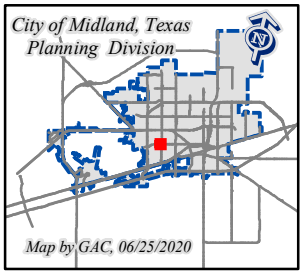
SUD-20-0079 **Scale: 1" = 400'**

Consider a request by Labonita LLC for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption in a restaurant on a 6,811 square foot portion of Lots 3 through 9, Block 138, Replat of Blocks 137 and 138, Wilshire Park, City and County of Midland, Texas.

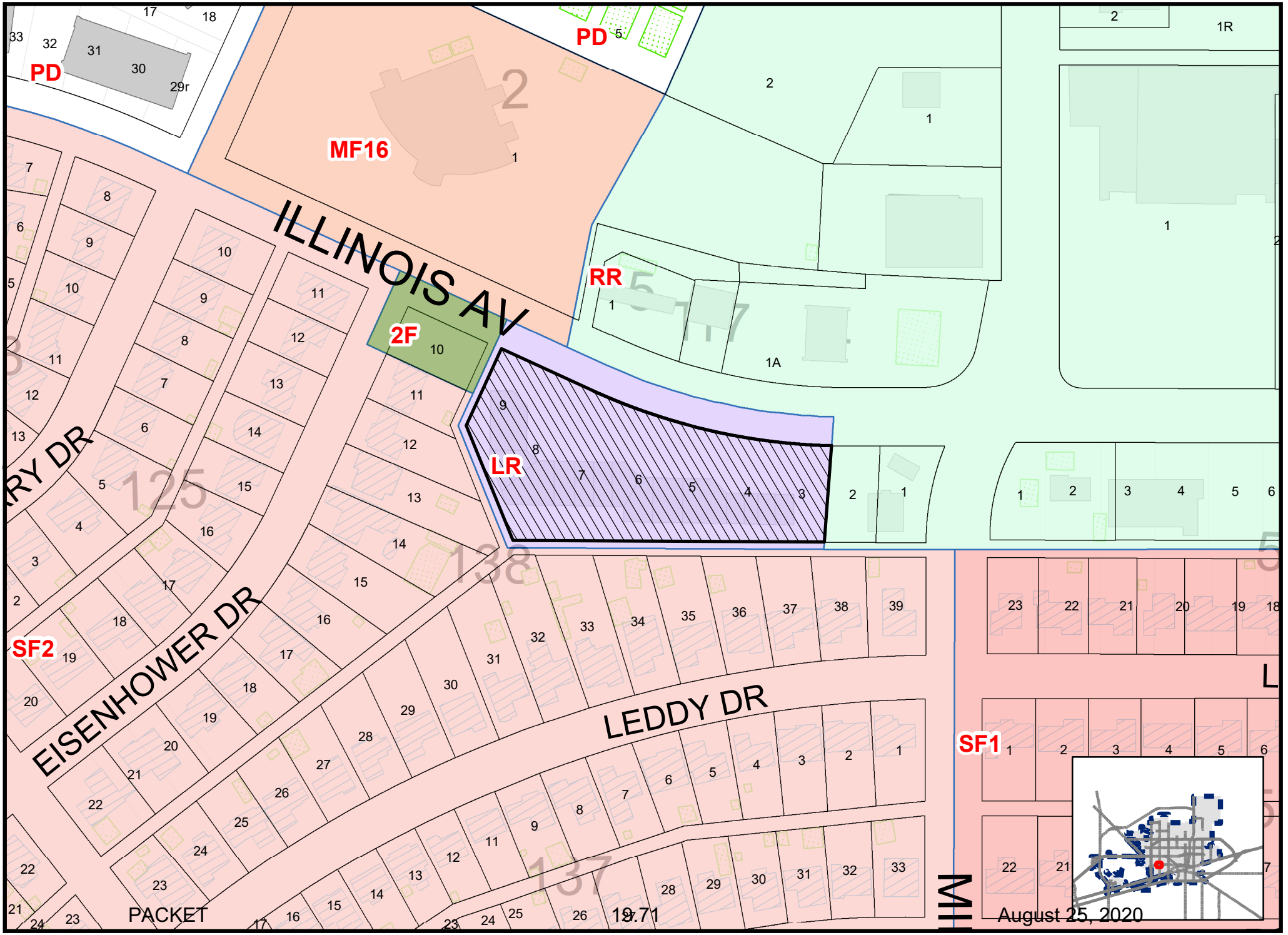
Generally located on the south side of West Illinois Avenue, approximately 160-feet west of North Midland Drive. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2019
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By GAC, 06/25/2020

SUD-20-0079

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2019: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

pr

ORDINANCE NO. 7139

AN ORDINANCE REPEALING ORDINANCE NO. 6495; CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTIES DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "LR-1", LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN A RESTAURANT; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by repealing Ordinance No. 6495 which granted a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant and granting a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant, set out hereinafter, on the property described in Section One hereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned "LR-1", Local Retail District, to wit:

Lots 3 through 9, Block 138, Wilshire Park Addition to the City of Midland, Midland County, Texas;

is hereby changed to permit same to be used under a Specific Use Permit for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in an "LR-1", Local Retail District, subject to the following conditions:

1. That the use and development of this tract as a restaurant selling alcoholic beverages shall conform in all respects to the site plan attached hereto as Exhibit "A" and made a part hereof for all legal purposes.

2. That the sale and consumption of alcoholic beverages shall be limited to the portion of the building shown on Exhibit "A", that the maximum gross area of the restaurant shall not exceed 4,720 square feet, and that the maximum seating capacity shall not exceed 140 persons.

3. That the days and hours of alcoholic beverage sales shall be from 11:00 a.m. - 12:00 midnight on Monday through Thursday; from 11:00 a.m. - 2:00 a.m. of the next succeeding day on Friday and Saturday; and from 12:00 noon through 12:00 midnight on Sunday, on each day that such sales are otherwise permitted by law.

4. That the use and operation of this restaurant shall comply with all of the laws of the State of Texas and the regulations pertaining to the sale and consumption of alcoholic beverages specified in the Midland City Code.

5. That a business sign or signs may be displayed outside the restaurant indicating the business name, "Gili's Restaurante Y Cantina".

SECTION THREE. That Ordinance No. 6495 is hereby expressly repealed.

SECTION FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION FIVE. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of November, A.D., 1991; and passed to second reading on motion of Council member Devenport, seconded by Council member Sipes, by the following vote:

Council members voting "AYE": Devenport, Sipes, DeVaughn, Castro, Faircloth, Thomas and Johnston

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Castro, seconded by Council member Johnston, on the 17th day of December, A.D., 1991, at a regular meeting of

the City Council:

Council members voting "AYE": Castro, Johnston, DeVaughn, Faircloth, Thomas, Devenport and Sipes

Council members voting "NAY": None

PASSED AND APPROVED THIS 17th day of December, A.D., 1991.

Carroll M. Thomas, Mayor

ATTEST:

B. C. Clanton, City Secretary

APPROVED AS TO FORM:

David W. Reagan, City Attorney

ORD\GILIS.SUP

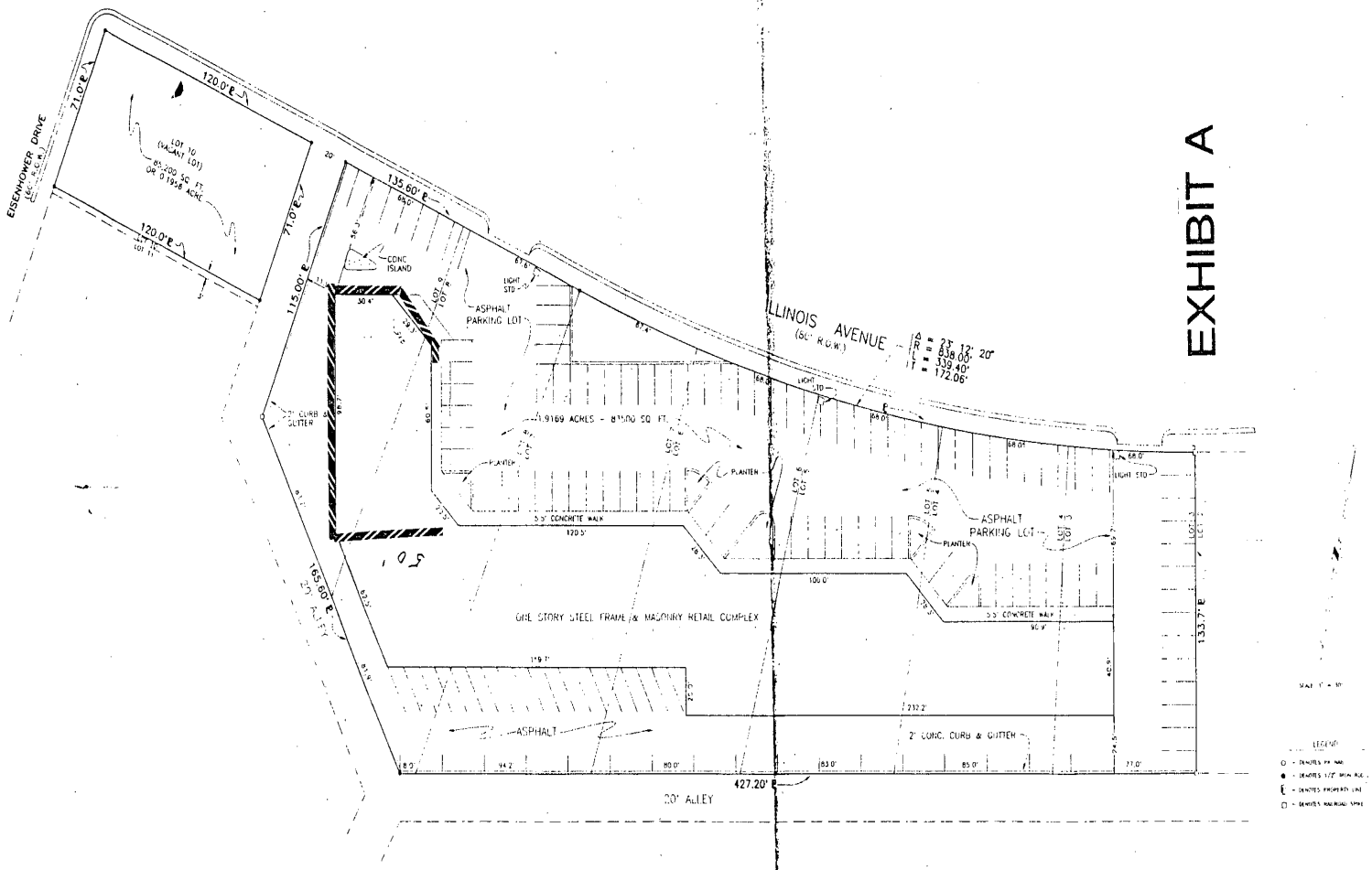


EXHIBIT A

SURVEY PLAT FOR: CRUZ GILIBALDO LOPEZ DBA LOPEZ PROPERTIES
TO THE LIENHOLDERS, ISSUING TITLE INSURANCE UNDERWRITER AND ADVANCE ABSTRACT FOR CAUSE NO. OF-9106.7C ONLY:

This is to certify that on this date, September 3, 1991, a careful and accurate survey was made under my direction and supervision of the ground of the property located at 4411 W. Illinois Avenue, in Midland, Texas, described as follows: Lots 3, 4, 5, 6, 7, 8, 9, and all of lot 10 except the south 3 feet thereof, Block 139, Wilshire Park, an addition to the City of Midland, Texas, according to the replat recorded in Plat cabinet B on page 172 of the Plat Records of Midland County, Texas.

CENSUS TRACT # 0013.00

NOTE: With reference to the U.S.D.H.U.D. Federal Insurance Administration Flood Hazard Boundary Map for Midland County, Texas, Community Panel 480477-0004-B, revised November 26, 1978, this property is not located in a Special Flood Hazard Area Zone A. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to adjacent changes in drainage patterns.

The plat hereon is a true, correct and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat, the size, location and type of buildings and improvements are as shown; all improvements being within the boundaries of the property, set back from property lines the distances indicated and that the distances to the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown. Dated this the 6th day of September, 1991.

Ronald J. Eidson 9/6/91

RONALD J. EIDSON TEXAS R.P.L.S. No. 1863
MACON McDONALD TEXAS R.P.L.S. No. 4395
GARY C. EIDSON TEXAS R.P.L.S. No. 4735

JOHN WEST & ASSOCIATES
MIDLAND, TEXAS

PACKET 19.75 August 25, 2020

The Potter's House Christian Fellowship Church

Tuesday, June 30, 2020

To whom it may concern,

I Pastor Robert Hernandez of The Potter's House Christian Fellowship Church located at 4411 W. Illinois Ave, Suite B5, Midland, TX 79703. Do give consent for Jorge Ramos and Angelica Estrada dba Macarenas Mexican Dishes & Bar to operate in the former Casa Lopez Café location; located at the same address as long as they maintain the same hours and type of business as Café Casa Lopez operating mainly as a restaurant.

Please call if you have any questions or concerns.

Thank you,

Robert Hernandez

Pastor

Cell: (325) 500-8602

The Potter's House Christian Fellowship | 4411 W. Illinois Ave Suite B5, Midland, TX. 79703

www.tphmidland.com | info@tphmidland.com | (432) 279-0198

June 19, 2020

JUN 2 4 2020

To Whom it may concern.

We understand that the restaurant next door to our church building is applying for a liquor license and intends to sell liquor. While our beliefs and practices do not encourage the use of liquor, we do not contest you're your application with the city and hope that all applicable laws and expectations of the "TABC" will be complied with should you be issued a license.

For the Elders,

Lynn Mayfield

Lynn Mayfield

Westside Church of Christ
4410 W Illinois
Midland Tx 79703.

Sec. 109.22. DELIVERY OF HOME-PRODUCED WINE, ALE, MALT LIQUOR, OR BEER FOR CERTAIN PURPOSES. (a) This section applies only to a person who is authorized under Section 109.21(a) to produce wine, ale, malt liquor, or beer.

(b) For the purpose of participating in an organized tasting, evaluation, competition, or literary review, a person to whom this section applies may deliver wine, ale, malt liquor, or beer produced and manufactured by the person to locations that are not licensed under this code for the purpose of submitting those products to an evaluation at an organized tasting competition that is closed to the general public or by a reviewer whose reviews are published if:

(1) no charge of any kind is made for the wine, ale, malt liquor, or beer, for its delivery, or for attendance at the event; and

(2) the commission consents in writing to the delivery.

(c) Nothing in this section shall be construed to authorize an increase in the quantity of wine, ale, malt liquor, or beer authorized to be produced by a person under the authority of Section 109.21(a) of this code.

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Sec. 109.32. MUNICIPAL AND COUNTY REGULATION OF BEER. (a) An incorporated city or town by charter or ordinance may:

(1) prohibit the sale of beer in a residential area; and

(2) regulate the sale of beer and prescribe the hours when it may be sold, except the city or town may not permit the sale of beer when its sale is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for beer on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of beer on Sundays during the hours it is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling beer for on-premises consumption and retailers, manufacturers, or distributors who do not sell beer for on-premises consumption.

Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL. (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, or public hospital;

(2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section 38.007, Education Code [*Refer to Appendix for this citation*]; or

(3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

(1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

(2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of Subsection (a), but not Subsection (c), of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(e) The commissioners court of a county or the governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(f) Subsections (a)(2) and (3) do not apply to the holder of:

(1) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;

(2) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or

(3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter 102.

(f-1) Subsections (a)(2) and (3) do not apply to a performing arts facility leased to a nonprofit organization under a policy adopted under Section 11.179, Education Code.

(g) Subsection (a)(3) does not apply to the holder of:

(1) a license or permit issued under Chapter 27, 31, or 72 who is operating on the premises of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 1,000 feet of a private school.

(h) Subsection (a)(1) does not apply to the holder of:

(1) a license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or

(2) a license or permit covering a premise where minors are prohibited from entering under Section 109.53 and that is located within 300 feet of a private school.

(i) In this section, “private school” means a private school, including a parochial school, that:

(1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

(2) has more than 100 students enrolled and attending courses at a single location.




KENT KWIK
DRIVE THRU
HOT STONE SPA
432-599-0528
WALK-INS WELCOME


Hot Stone Spa
HIRING




MACARENA'S
Delicious Mexican Dishes & Bar

July 29, 2020

City of Midland

City Planning and Zoning

Midland, Texas

Dear Ms. Burns:

Thank you for keeping us informed of the public hearing that will take place soon in reference to a request of Labonita LLC on the use of Designation with Term on the described property.

We have no objection to the opening of this business,

- However, we ask that they do not dump any materials outside their boundaries.
- Keep the business clean of all trash
- Do not dump any material that can clog up the drainage system, as it has happened in the past.

Thank you

Andy and Yolanda Hernandez

4414 Leddy Drive

City Council Meeting

Item Number: 20

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Vicente Carrasco, is requesting approval of a zone change for the construction of a residential home at 1205 Arapahoe Road.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned District for a Housing Development, and the

location of vacant land. The properties to the east and south are zoned AE, Agricultural Estate District and the location of residential homes. The properties to the west are zoned AE, Agricultural Estate District and PD, Planned District for an Industrial District and the location of a cemetery and an oil well, respectively.

Analysis:

The property is located at 1205 Arapahoe Road and is currently vacant. The applicant is proposing the development of a residential home. The current zoning of this property is AE, Agricultural Estate District, in part and PD, Planned District for an Industrial District, in part (Ordinance No. 8543).

Although this property is partially zoned and is adjacent to the AE, Agricultural Estate District, it does not meet the minimum lot requirement of 2 acres for the AE, Agricultural Estate District as the area of the property is 0.71 acres. Therefore, the applicant is requesting to change the zoning to SF-1, Single-Family Dwelling District to make the zoning of the property consistent. The appropriate setbacks and maximum height must also be met as described in Section 5.04 Residential Zoning District Dimensional Regulations chart.

This proposed zone change has been circulated to and reviewed by respective City departments and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Fire: (Approved)

No objection.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Code Compliance: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

Per the Future Land Use map, this location is designated as Urban Residential-Low. Potential zoning for this area includes single family dwelling districts; therefore, this zone change is in compliance with the Future Land Use plan.

The Planning and Zoning Commission recommended approval of this request at the July 20, 2020 meeting. The City Council approved this request at their August 11, 2020 meeting.

Staff recommends approval of this request, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the SF-1, Single-Family Dwelling District.

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection.

Attachments:

Application
Maps
Ordinance No. 8543

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4A, BLOCK 17, 349 RANCH ESTATES, SECTION 18, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT, IN PART, AND PD, PLANNED DEVELOPMENT DISTRICT FOR AN INDUSTRIAL DISTRICT, IN PART, TO SF-1, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF ARAPAHOE ROAD, APPROXIMATELY 830 FEET EAST OF NORTH STATE HIGHWAY 349); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 4A, Block 17, 349 Ranch Estates, Section 18, City and County of Midland, Texas (the "Property") to SF-1, Single-Family Dwelling District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from AE, Agricultural Estate District, in part, and PD, Planned Development District for an Industrial District, in part, to SF-1, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all

other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular

meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-20-0187

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Vicente Carrasco		Phone (432)553-6344 Email carrascohomesllc@sbcglobal.net	
Address 3417 Caldera Blvd	City Midland	State TX	Zip 79707

Property Owner Printed Name: Vicente Carrasco		Phone (432) 553 6344 Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 1205 Arapahoe

Legal Description
Lot: 4 Block: 17 Subdivision: 349 Ranch Estates Sec 3

Current Zoning: AE & PD

Proposed Zone: SF
(List by tracts if more than one district is requested)

Reason for Zone Change Request: build residential home

Present Use of Property: Vacant lot

Proposed Use of Property: Build residential home

How would this zone change affect the public health, safety and welfare? NONE

Describe how conditions affecting the property have changed since present zoning designation: NONE

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
JUN 23 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Vicente Carrasco	Date: 6-15-2020
Applicant (printed): Vicente Carrasco	
Property Owner (signature): Vicente Carrasco	Date: 6-15-2020
Property Owner (printed) : Vicente Carrasco	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear Jennifer Carrasco who, being by me duly sworn, upon oath says: That (s)he is the owner of 1205 Arapahoe or authorized by Vicente Carrasco the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Authorized Agent (*signature*)

Subscribed and sworn to before me, this 23rd day of June, 2020, to certify which witness my hand and seal of office.

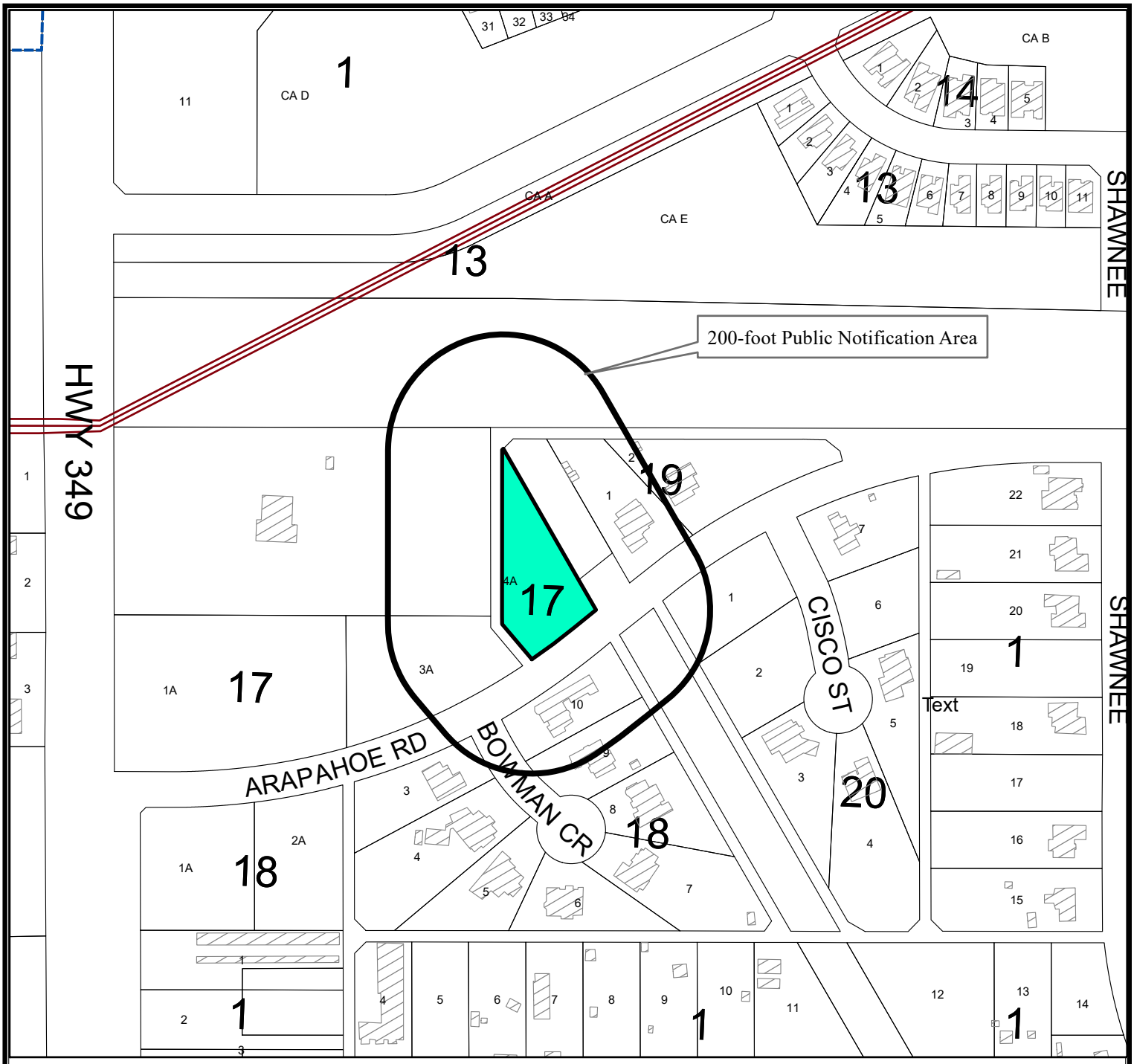
DALIA SALINAS
My Notary ID # 128541568
Expires March 9, 2023

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 1956	
Received By: ES	Date: RECEIVED JUN 23 2020
	BY: .....

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

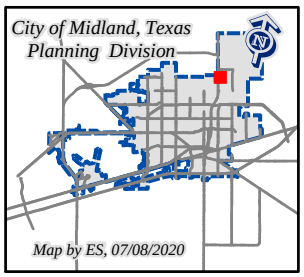
Z-20-0187 **Scale: 1" = 250'**

Consider a request by Vicente Carrasco for a Zone Change from AE, Agricultural Estates District and PD, Planned District for an Industrial District, to SF-1, Single Family Dwelling District, on Lot 4A, Block 17, 349 Ranch Estates, Section 18, City and County of Midland, Texas.

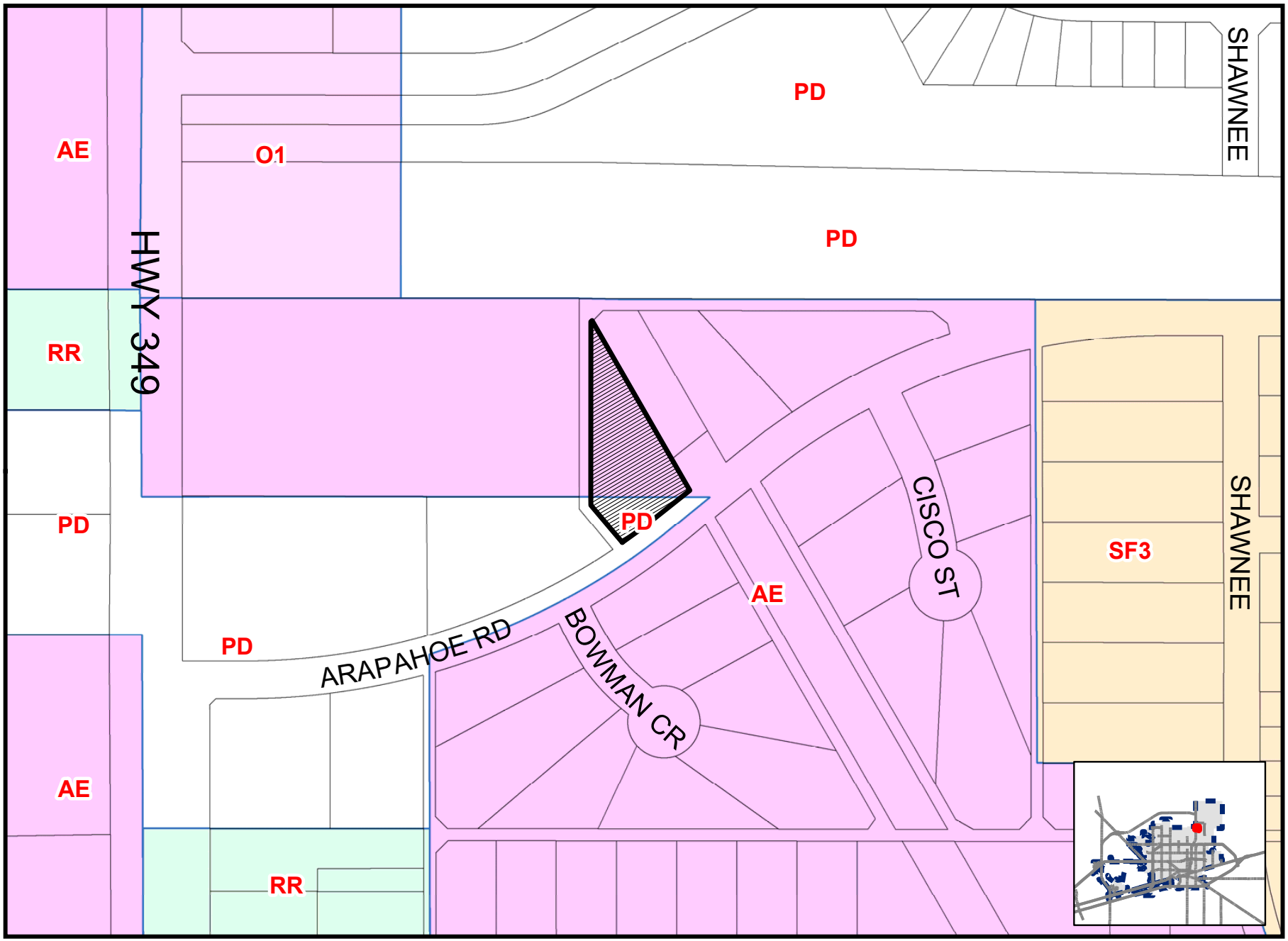
Generally located on the north side of Arapahoe Road, approximately 850 feet east of N. SH 349 (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



August 25, 2020



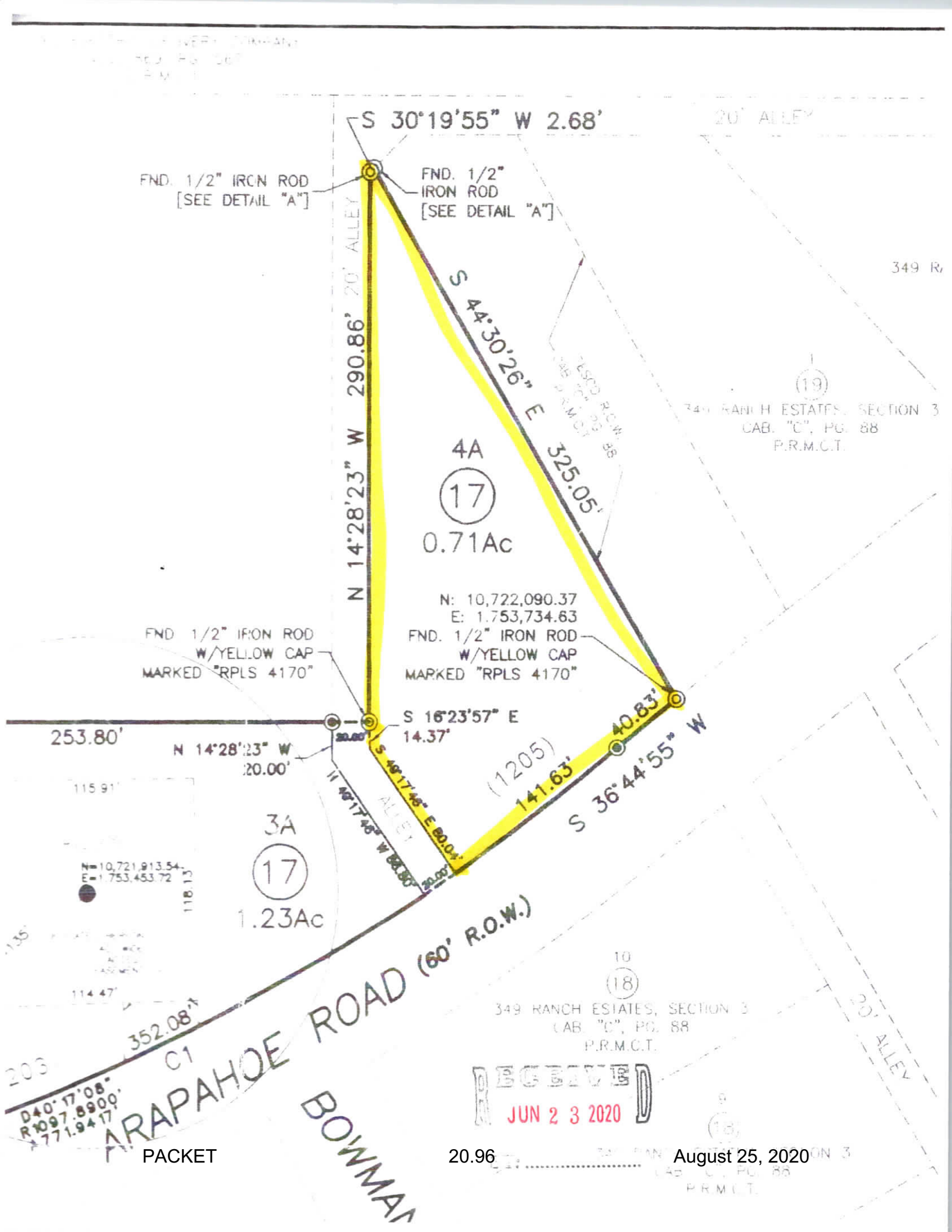
Map By ES, 7/13/2020

Z-20-0187

Scale: 1" = 200'

ZONING MAP

PACKET
20.95
August 25, 2020


S 30°19'55" W 2.68'
FND. 1/2" IRON ROD [SEE DETAIL "A"]
FND. 1/2" IRON ROD [SEE DETAIL "A"]
20' ALLEY
N 14°28'23" W 290.86'
S 44°30'26" E 325.05'
4A
17
0.71Ac
N: 10,722,090.37
E: 1,753,734.63
FND. 1/2" IRON ROD W/YELLOW CAP MARKED "RPLS 4170"
FND 1/2" IRON ROD W/YELLOW CAP MARKED "RPLS 4170"
S 16°23'57" E 14.37'
253.80'
N 14°28'23" W 20.00'
20.00'
S 49°17'46" E 80.00'
N 49°17'46" W 80.00'
(1205)
141.63'
40.83'
S 36°44'55" W
115.91'
3A
17
1.23Ac
N=10,721,913.54
E=1,753,453.72
118.13'
114.47'
352.08'
C1
D40°17'08"
R1097.8900'
T771.9417'
ARAPAHOE ROAD (60' R.O.W.)
BOWMAN
349 RANCH ESTATES, SECTION 3
CAB. "C", PG. 88
P.R.M.C.T.
(19)
(18)
JUN 2 3 2020

ORDINANCE NO. 8543

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.0-ACRE TRACT OF LAND OUT OF SECTION 11, BLOCK "X", H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND LOTS 1, 2 & 3, BLOCK 17, 349 RANCH ESTATES, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED AE, AGRICULTURE ESTATE DISTRICT, AND LR-2, LOCAL RETAIL DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN INDUSTRIAL DISTRICT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; INCLUDING SAID PROPERTIES WITHIN THE FIRE DISTRICT; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of a PD, Planned District for an Industrial District, as set out hereinafter and subject to the conditions and restrictions as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned AE, Agriculture Estate District, and LR-2, Local Retail District, and it shall be used as a PD, Planned District for an Industrial District, subject to the special conditions and restrictions hereinafter set out, said

property being described as follows:

All of Lots 1, 2 & 3, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas; and a 7.0-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and being more specifically described by metes and bounds in Exhibit "A", which is attached and incorporated herein for all purposes.

SECTION TWO. That the use and development of this property shall adhere to LR-2, Local Retail District standards, except for the following special conditions and restrictions:

1. This property may also be developed with indoor contractors shops and screened storage yards, warehouse/office combinations, a cabinet shop, welding shop, and paint shops with paint mixing. Covered self-storage facilities are also permitted.

2. No construction or development of said property shall occur prior to the approval of a site plan or site plans in the same manner as a zone change.

3. A minimum 50-foot front yard building setback shall be provided on the west side of N. Big Spring Street and such setback shall be shown on a site plan in accordance with condition 2 above.

SECTION THREE. That the Fire District be amended so as to add the following described premises within the Fire District, to-wit:

Lots 1, 2 & 3, Block 17, 349 Ranch Estates, Section 3, City and County of Midland, Texas; and a 7.0-acre tract of land out of Section 11, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and being more specifically described in Section One hereof.

SECTION FOUR. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FIVE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this

ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 26th day of June, A.D., 2007; and passed to second reading on motion of Council member Morgan, seconded by Council member Hailey, by the following vote:

Council members voting "AYE": Morgan, Hailey, Perry, Dingus, Canon, Simpson and Dufford

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Morgan, seconded by Council member Perry, on the 10th day of July, A.D., 2007, at a regular meeting of the City Council:

Council members voting "AYE": Morgan, Perry, Dingus, Canon, Simpson, Dufford and Hailey

Council members voting "NAY": None

PASSED AND APPROVED THIS 10th day of July, A.D., 2007.

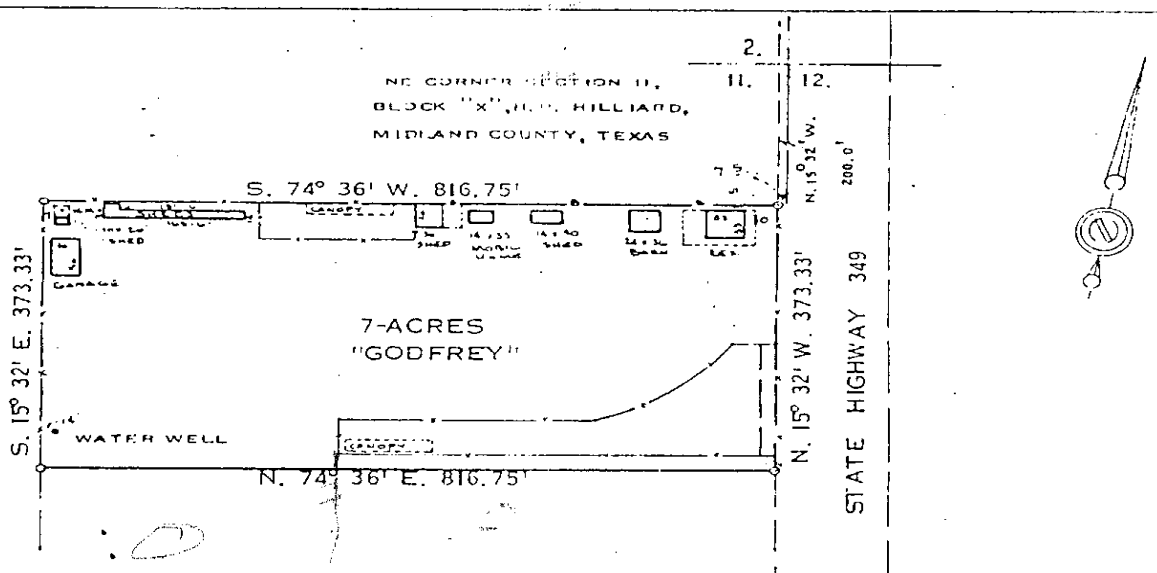
Michael J. Canon, Mayor

ATTEST:

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney



FIELD NOTE DESCRIPTION OF THE SURVEY OF A 7.00 ACRE TRACT OF LAND OUT OF THE NE/4 OF SECTION 11, BLOCK "X", H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, AND BEING DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" REINF. BAR SET FOR THE NE CORNER OF THIS TRACT IN A FENCE LINE IN THE WEST LINE OF STATE HIGHWAY 349, FROM WHICH THE NE CORNER OF SAID SECTION 11 BEARS N. 74° 36' E. 7.5 FEET AND N. 15° 32' W. 200.0 FEET;

THENCE S. 74° 36' W. 816.75 FEET ALONG A FENCE LINE AND ALONG THE SOUTH LINE OF THE MIDLAND HUMANE SOCIETY 3.75 ACRE TRACT TO A 1/2" REINF. BAR SET FOR THE NW CORNER OF THIS TRACT IN A FENCE LINE;

THENCE S. 15° 32' E. 373.33 FEET ALONG SAID FENCE LINE TO A 1/2" REINF. BAR SET FOR THE SW CORNER OF THIS TRACT IN A FENCE LINE;

THENCE N. 74° 36' E. 816.75 FEET ALONG SAID FENCE LINE TO A 1/2" REINF. BAR SET FOR THE SE CORNER OF THIS TRACT IN SAID WEST LINE OF STATE HIGHWAY 349;

THENCE N. 15° 32' W. 373.33 FEET ALONG SAID WEST LINE OF STATE HIGHWAY 349 TO THE PLACE OF BEGINNING.

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF.

THIS 22ND DAY OF MAY, 1981

MAX A SCHUMANN JR
REG. PUBLIC SURVEYOR

SCHUMANN ENGINEERING COMPANY
BOX 504 AREA CODE 915 - 684 - 3548
MIDLAND, TEXAS 79702

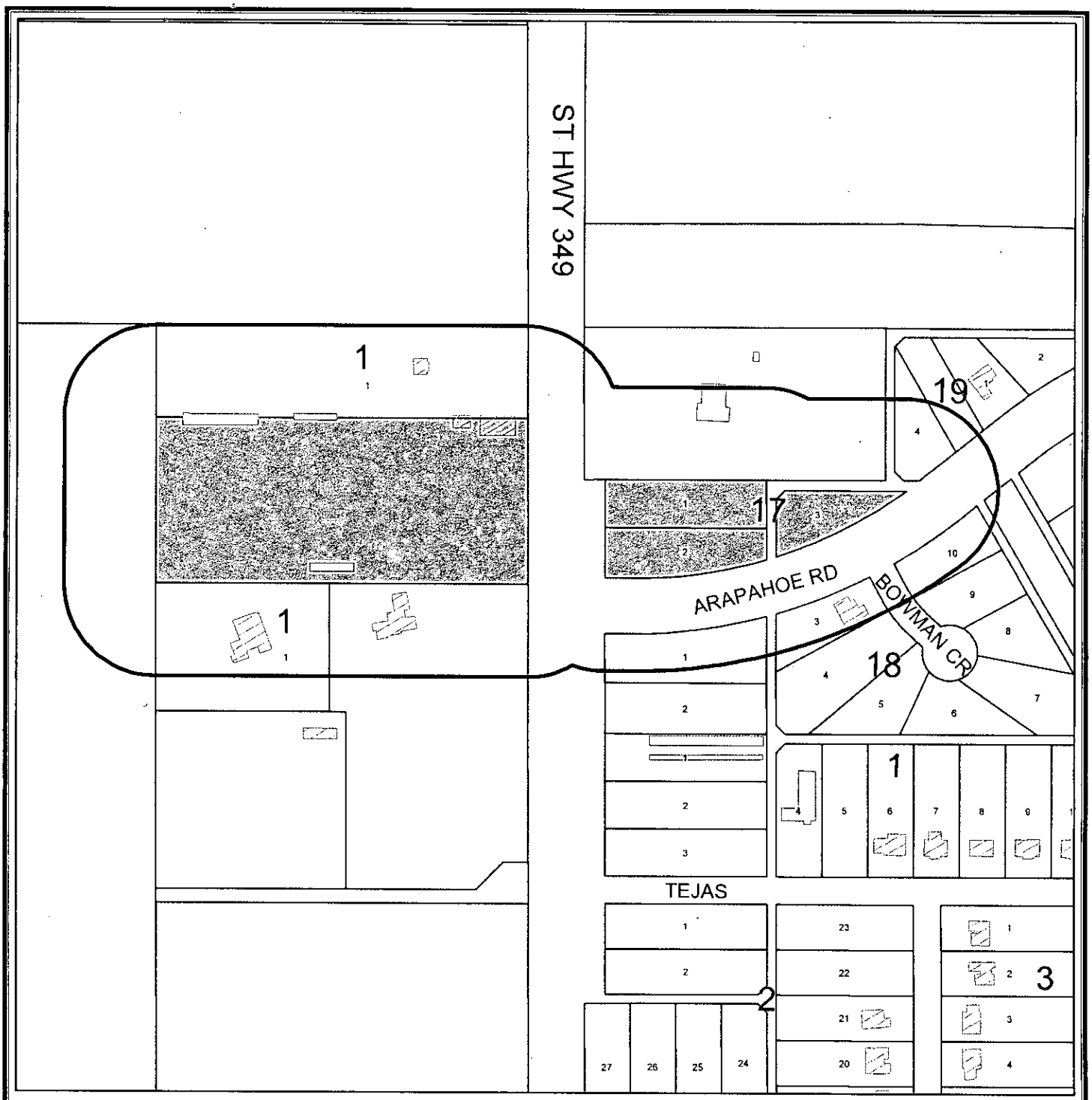
STATE OF TEXAS
Max A. Schumann, Jr.
137
REGISTERED PUBLIC SURVEYOR

SURVEY PLAT

7.00 ACRES OF LAND OUT OF THE NE/4 OF SECTION 11, BLOCK "X", H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS

SCALE: 1" = 200'

JOB NO. 43,230



PROPERTY OWNER NOTIFICATION MAP

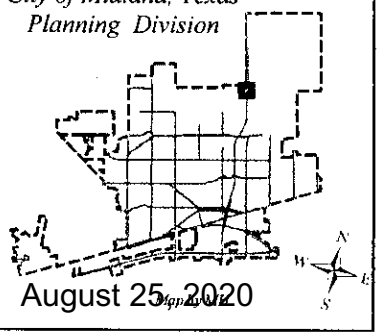
Z - 07 - 021 **Scale: 1" = 300'**

Consider a request for a zone change from AE, Agriculture Estate District, to PD, Planned District for an Industrial District on a 7.00-acre tract of land out of Section 11, Block "X", H. P. Hilliard Survey, and on Lot 3, Block 17, 349 Ranch Estates; and from LR-2, Local Retail District, to PD, Planned District for an Industrial District on Lots 1 and 2, Block 17, 349 Ranch Estates, City of Midland, Midland County, Texas.

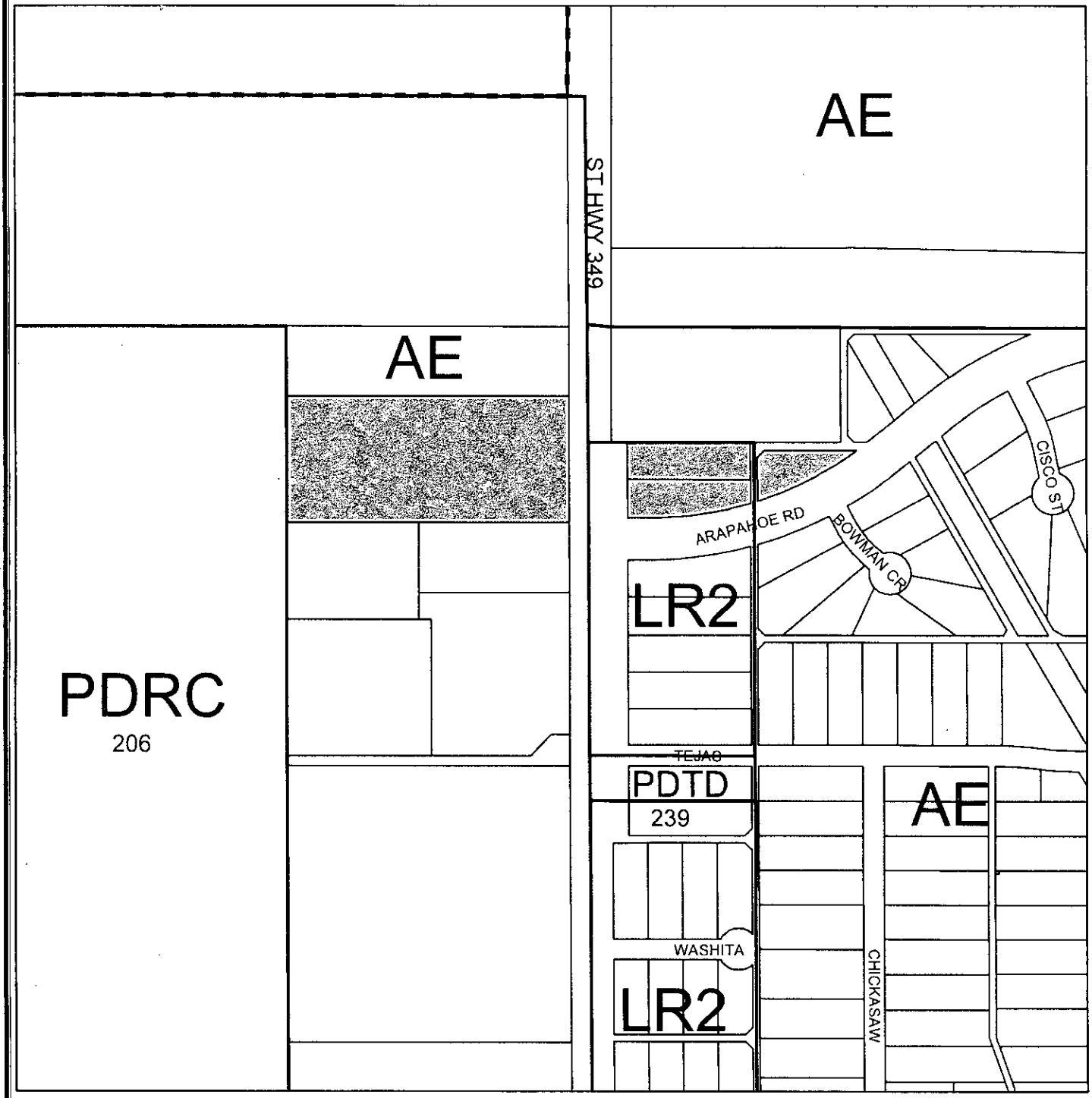
LEGEND

- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS

City of Midland, Texas
Planning Division



August 25, 2020



ZONING MAP

Z - 07 - 021 **Scale: 1" = 400'**

Consider a request for a zone change from AE, Agriculture Estate District, to PD, Planned District for an Industrial District on a 7.00-acre tract of land out of Section 11, Block "X", H. P. Hilliard Survey, and on Lot 3, Block 17, 349 Ranch Estates; and from LR-2, Local Retail District, to PD, Planned District for an Industrial District on Lots 1 and 2, Block 17, 349 Ranch Estates, City of Midland, Midland County, Texas.

LEGEND

ZONING | PARCELS | CITY LIMITS | SPECIFIC USE PERMITS | PUBLIC BLDGS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2 ,LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

Case Number: Z-07-021

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

Cliff Chalmers + Louis Dunnam — 432-528-2201
Applicant Name — Contact #s

Address — Zip Code

Bart Hotchkiss + Louis Dunnam — 432-620-0200
Property Owner Name — Contact #s

1701 Community Ln. — 79701
Address — Zip Code

Representative Name — Contact #s

Address — Zip Code

Street address and Legal Description of property (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal). Describe by tracts if more than one zoning district is requested:

Lots 1, 2, and 3, Block 17, 349 Ranch Estates, Sec. 3 and a 7.0 acre tract out of the NE/4, Block X, HP Hilliard Survey

PRESENT ZONE: AE — REQUESTED ZONE: PD
(List by tracts if more than one district is requested)

Reason for Zone Change or PD Amendment:

Present Use of Property:

Proposed Use of Property:

How will zone change affect the public health, safety and welfare?

Describe how conditions affecting the property have changed since present zoning designation:

Will a Specific Use Permit with Term for alcoholic beverages sales be needed: ____ Yes ____ No

APPLICATION FEES:

- Single, standard zone change: **$400**. Multiple, standard zone change: add **$100** per district.
- Single PD, Planned District zone change: **$550**. Multiple PD proposal: add **$100** per district.

80% of fee will be refunded if no P&Z public hearing is called; if no City Council public hearing is called, then 30% of fee will be refunded.

- If a Traffic Impact Analysis is required, a fee of up to $500.00 will be assessed.

SITE PLAN SUBMITTALS *(if applicable)*:

16 copies of the PD site plan: _____

Site Plan on a CD in .pdf and .jpg format: _____

SIGNATURE *(by property owner only - authorized agent must sign affidavit below)*

Property Owner (signature): Bart Hotchkiss Date: 5-6-07

If an Agent is authorized by the property owner to file and execute the application on behalf of the property owner, the Agent must complete the affidavit below.

STATE of TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (signature)

Subscribed and sworn to before me, this 7th day of MAY, 2007, to certify which witness my hand and seal of office.

DIANN FOWLER
MY COMMISSION EXPIRES
September 23, 2007

Diann Fowler
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY
Rec'd By: CW Date: 5/17/07
Assigned: CW DC
For: P+Z On: 6/4/07

****Application will not be considered for scheduling until reviewed by a planner.****

PLANNING AND ZONING COMMISSION

June 4, 2007

CASE: Z-07-021

REQUEST: Hold a public hearing and consider approval of a zone change from AE, Agriculture Estate District and from LR-2, Local Retail District to PD, Planned District for an Industrial District.

APPLICANT/OWNER: Cliff Chalmers and Louis Dunnam.

LEGAL DESCRIPTION: A 7.0 acre tract of land out of Section 11, Block "X" H.P. Hilliard Survey, and on Lots 1-3, Block 17, 349 Ranch Estates, City and County of Midland, Texas.

LOCATION: Both sides of N. Big Spring Street near Arapahoe.

CURRENT ZONING: AE, Agriculture Estate District and LR-2, Local Retail District.

ASSOCIATED CASE: N/A.

DETAILS OF REQUEST:

1. The property being requested for rezoning is located on both sides of N. Big Spring Street. A 7.0 acre tract is located on the west side and three vacant, but platted lots are located on the east side. The western tract is zoned AE, Agriculture Estate District. The eastern land is zoned LR-2 District and AE.

2. There are differences in the style of development on each side of Big Spring Street in this location. The east side is zoned LR-2 and has both older and new retail development. A north-south alley separates the neighborhood residences from the retail buildings. This is an ideal zoning boundary. The 7.0 acre tract on the west side of Big Spring Street was developed in the 1950's as a polo ground with accompanying horse stables. These stables are still in existence and are in reasonable condition. Adjacent to this acreage is a pet cemetery to the north and two residences to the south. Both

the pet cemetery and the residences have been present for decades. To the west of the 7.0 acre tract is the Midland Country Club. Recently, Patriot Oil drilled several wells on the Country Club land. One of these wells is located immediately west of the tract and is within 200 feet. Access to the residences is provided through a driveway located near the southern boundary of the 7.0 acre tract.

3. The applicants have expressed a desire to develop facilities that would serve the needs of contractors in the northern part of the City. Due to the rapid growth and construction in the north and west part of the city, they believe that a properly located facility would meet the needs of many building trades contractors. This would typically include room for indoor storage of materials such as electrical equipment, plumbing, roofing, insulation materials, etc. A small office and daily routing of fleet vehicles from a screened yard is also envisioned. The applicants have stated that the vehicle parking would be screened from public view by buildings and fences when they develop a site plan for the Commission and Council's review.

4. Staff has reviewed this proposal for rezoning. As pointed out earlier, there are differences between the development patterns on each side of N. Big Spring. The potential for residential development on the west side is limited by the oil well to the west and the pet cemetery to the north. These uses are not likely to be discontinued. The east side has developed with non-residential uses already so the proposed use would blend in more readily. The applicants have been advised that site plan approval involving public hearings will be required prior to any development. They have been made aware that the land they are proposing to rezone is located at a gateway into the City. Accordingly, when a site plan is prepared for review it should include proper architectural design and building materials that would suit the area's scale and pattern. In addition, a plat must be prepared for the western land prior to issuance of any building permit.

STAFF RECOMMENDATION:

We recommend approval of this request for a Planned District for an Industrial District, subject to the following conditions:

A. **Use of this property shall conform to the LR-2, Local Retail District use and development standards except as follows:**

B. **These properties may also be developed with indoor contractors shops and screened storage yards, warehouse/office combinations, a cabinet shop, welding shop, and paint shops with paint mixing. Covered self-storage facilities are also permitted.**

C. **No construction or development of said property shall occur prior to the approval of a site plan or site plans in the same manner as a zone change.**

D. **A minimum 50' front yard building setback shall be provided on the west side of N. Big Spring Street and such setback shall be shown on a site plan in accordance with condition C. above.**

Cameron Walker, AICP
Planning Division Manager
Department of Development Services

Attachments:

Application
Maps

City Council Agenda

26

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: June 26, 2007

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Z-07-021; Consider approval of a zone change to PD, Planned District for an Industrial District.

Purpose:
At 11:09 AM, hold a public hearing and consider an ordinance on a request by Clifford Chalmers and Louis Dunnam for a zone change from AE, Agriculture Estate District and from LR-2, Local Retail District to PD, Planned District for an Industrial District.

Recommended City Council Action:

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:
New business location(s) along N. Big Sprig Street.

Discussion:
The property being requested for rezoning is located on both sides of N. Big Spring Street near Arapahoe. A 7.0 acre tract is located on the west side and three vacant, but platted lots are located on the east side. The western tract is zoned AE, Agriculture Estate District. The eastern land is zoned LR-2 District and AE. There are differences in the style of development on each side of Big Spring Street in this area. The east side has both older and new retail development. A north-south alley separates the neighborhood residences from the retail buildings. The 7.0 acre tract on the west side of Big Spring Street was developed in the 1950's as a polo ground with accompanying horse stables. These stables are still in existence and are in reasonable condition. Adjacent to this acreage is a pet cemetery to the north and two residences to the south. Both the pet cemetery and the residences have been present for decades. To the west of the 7.0 acre tract is the Midland Country Club. Recently, Patriot Oil drilled several wells on the Country Club land. One of these wells is located immediately west of the subject tract and is within 200 feet. Access to the residences is provided through a driveway located near the southern boundary of the 7.0 acre tract.

The applicants have expressed a desire to develop facilities that would serve the needs of contractors in the northern part of the City. Due to the rapid growth and construction in the north and west part of the city, they believe that a properly located facility would meet the needs of many building trade contractors. The eventual construction would typically include room for indoor storage of materials such as electrical equipment, plumbing, roofing, insulation materials, etc. A small office and daily routing of fleet vehicles from a screened yard is also envisioned. The applicants have stated that the vehicle parking would be screened from public view by buildings and fences when they develop a site plan for the Commission and Council's review.

In our opinion, the potential for residential development on the west side is limited by the oil well to the west and the pet cemetery to the north. These uses are not likely to be discontinued. The east side has developed with non-residential uses already so the proposed use would blend in readily. The applicants have been advised that site plan approval involving public hearings will be required prior to any development. They have been made aware that the land they are proposing to rezone is located at a gateway into the City. Accordingly, when a site plan is prepared for review it should include proper architectural design and building materials that would suit the area's scale and pattern. In addition, a plat must be prepared for the western land prior to issuance of any building permit.

Attachments: Application, maps.

CDS









City Council Meeting

Item Number: 21

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Newton Engineering, PC is requesting a zone change from PD, Planned Development for a Transition District to Amended PD, Planned Development District for a Transition District, to develop a miniature golf course and arcade.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

PD, Planned Development District for a Transition District. (Ordinance No. 9590)

Surrounding Zoning and Land Use:

The properties to the north and west are zoned AE, Agricultural Estate District and the locations of a residence and vacant land respectively. The property to the east is zoned PD, Planned Development District for a Transition District and the location of a Dollar General. The property to the south is located outside of City limits and the location of a pump jack.

Analysis:

The applicant is requesting this zone change to develop a miniature golf course and arcade. Per the Planned Development District, regulated by Ordinance No. 9590, the use of this property as a miniature golf course is permitted; however, prior to any development or issuance of any building permit, a site plan must be submitted and approved in the same manner prescribed for a zone change. The applicant is amending the Planned Development District to adopt the site plan (Exhibit A).

As indicated on the site plan, the eastern lot of this property will be used as a miniature golf course. The western lot will have various uses including a 3,000 square foot arcade, a 750 square foot golf building, and a splash pad located just north of those buildings. Potential future development is also noted on this site plan and includes an outdoor amphitheater at the far north end of the western lot and five shade structures for picnic areas along the western boundary. The site meets all required setback regulations and has adequate parking (121 spaces) for the planned development.

This proposed zone change has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zoning/zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas issues.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area calls for Urban High uses. This designation calls for “regional attractors” and focuses on improving “economic performance and opportunities for social interaction.” The miniature golf course and arcade would create a local attraction for people to visit and enjoy themselves while also bringing economic activity to a region that is predominantly vacant.

This request was recommended for approval at the July 20, 2020 Planning and Zoning Commission meeting and approved at the August 11, 2020 City Council meeting.

Therefore, staff recommends approval of this zone change, subject to conditions A through D.

Conditions:

A. That the use and development of this property shall conform to the regulations of the LR, Local Retail District, except as stated below.

B. That the property shall significantly conform to the site plan, attached hereto and incorporated herein, as Exhibit A.

C. That the use of the property for a miniature golf course is permitted.

D. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

Letters of Objection:

Staff has not received any letters of objection as of August 5, 2020.

Attachments:

Site Plan (Exhibit A)
Application
Maps
Ordinance No. 9590

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 1A AND 5, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BUSINESS INTERSTATE 20, APPROXIMATELY 245 FEET WEST OF TODD DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lots 1A and 5, Block 1, Rolling Green Acres Addition, Section 3, City and County of Midland, Texas (the "Property") to an amended PD, Planned Development District for a Transition District and adopting a site plan therefor, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from PD, Planned Development District for a Transition District to an amended PD, Planned Development District for a Transition District.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the

LR, Local Retail District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "A" and incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the Property shall significantly conform to the site plan attached hereto as Exhibit "A".

B. That the use of the property for a miniature golf course is permitted.

C. That the landscaping shown in Exhibit "A" shall be considered illustrative. The landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

SECTION FOUR. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FIVE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars

($2,000.00).

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

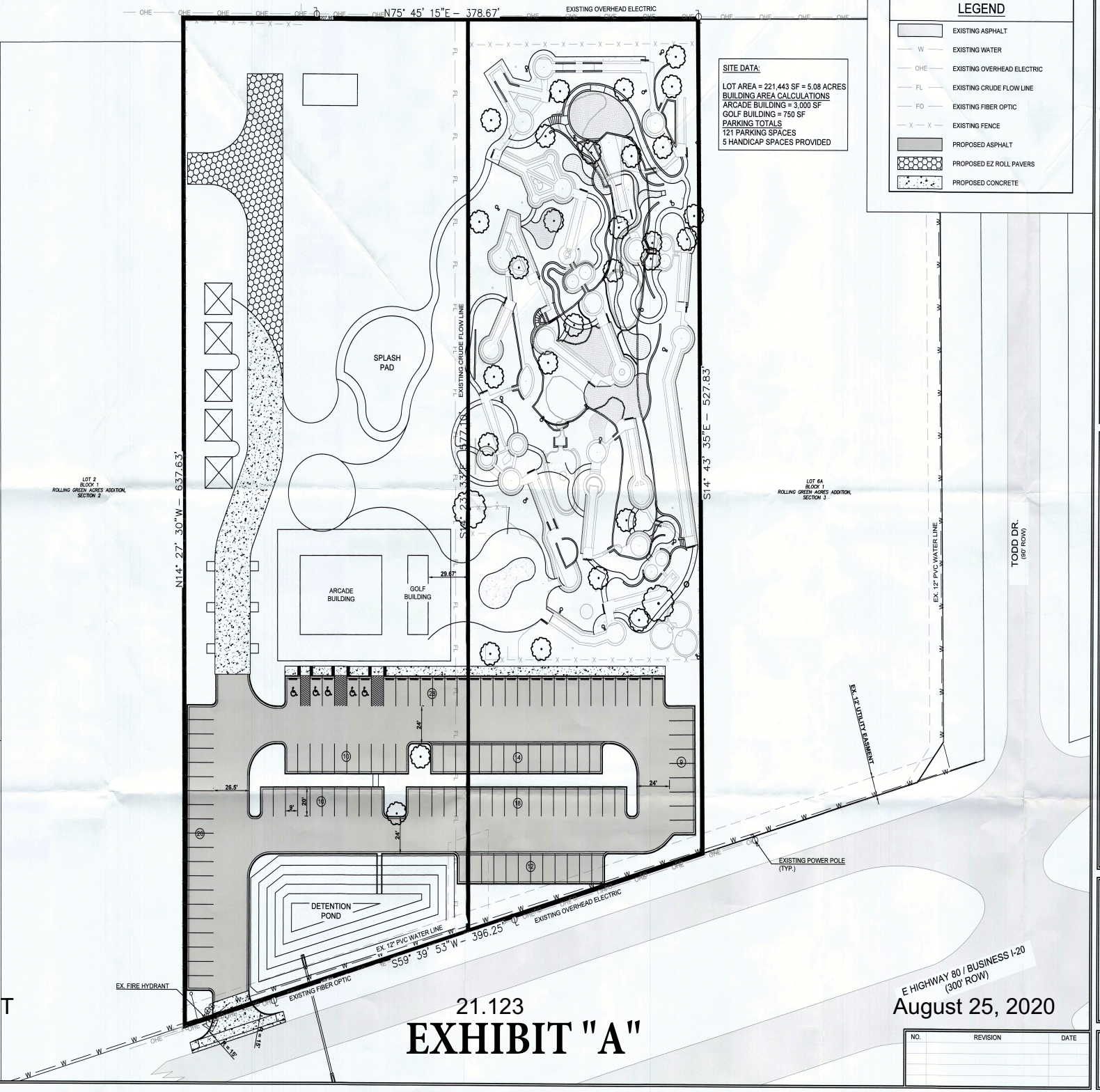
_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

RECEIVED
JUN 19 2020
BY: .....



PACKET

21.123

EXHIBIT "A"

August 25, 2020

NO.	REVISION	DATE

NEWTON ENGINEERING, PC
2500 E. 8th St.
Odessa, Texas 79761
(432) 550-0707
F-13856
3209 Caldera Blvd.
Midland, Texas 79705
(432) 770-0482

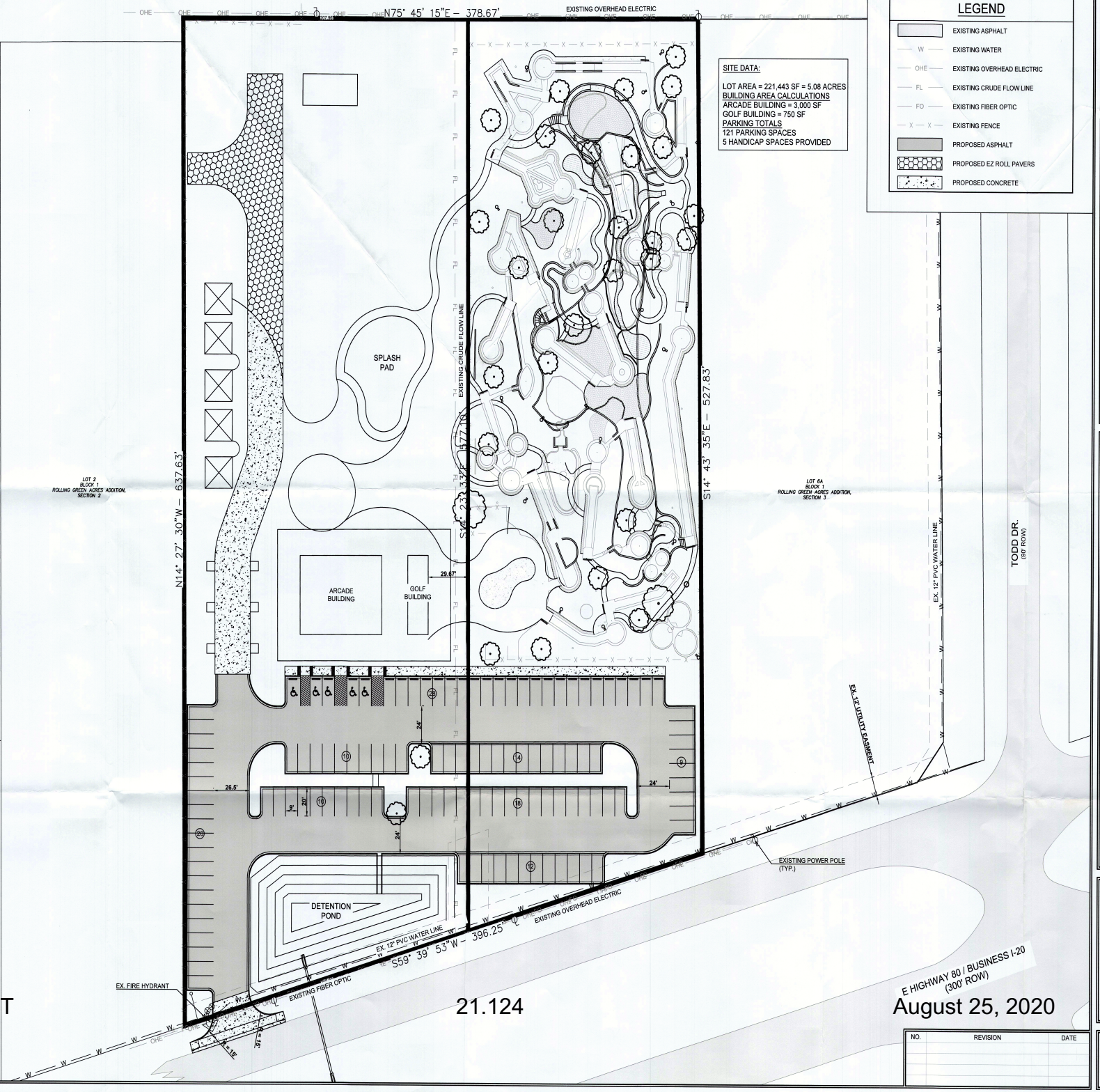
GREEN ACRES MINI GOLF
MIDLAND, TX

PLANNED DEVELOPMENT SITE PLAN

Project No.	20-ME02101
Date:	JUN 2020
Drawn By:	CBD
Checked By:	JMN
Scale:	

Sheet: 01

RECEIVED
JUN 19 2020
BY:



NEWTON ENGINEERING, PC
2500 E. 8th St.
Odessa, Texas 79761
(432) 550-0707
F-13856
3209 Caldera Blvd.
Midland, Texas 79705
(432) 770-0482

GREEN ACRES MINI GOLF
MIDLAND, TX

PLANNED DEVELOPMENT SITE PLAN

NO.	REVISION	DATE

Project No.	20-ME02101
Date:	JUN 2020
Drawn By:	CBD
Checked By:	JMN
Scale:	
Sheet:	01

PACKET 21.124 August 25, 2020

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0186

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone ( ) Email	
Printed Name: Green Acres Golf, LLC			
Address PO Box 52268	City Midland	State TX	Zip 79710

Property Owner		Phone ( ) Email	
Printed Name: Same as Applicant			
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)*		Phone (432)559-5128 Email	
Firm: Newton Engineering, PC			
Printed Name: Chase Dunnam		chase@newtoncivil.com	
Address 3209 Caldera Blvd.	City Midland	State TX	Zip 79705

Street Address: 2905 E. Hwy. 80

Legal Description
Lot: 1A & 5 Block: 1 Subdivision: Rolling Green Acres Addition, Section 3

Current Zoning: PD	**Proposed Zone:** PD *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: Site Plan Update

Present Use of Property: Miniature golf course and residence.

Proposed Use of Property: Miniature golf course/arcade.

How would this zone change affect the public health, safety and welfare? No change.

Describe how conditions affecting the property have changed since present zoning designation: No changes.

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
JUN 19 2020
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Jeffrey T. Beard	Date: 6/17/2020
Applicant (printed): Jeffrey T. Beard	
Property Owner (signature): Jeffrey T. Beard	Date: 6/17/2020
Property Owner (printed) : Jeffrey T. Beard	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear_____who, being by me duly sworn, upon oath says: That (s)he is the owner of _____or authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization ☑ Dimensioned Site Plan

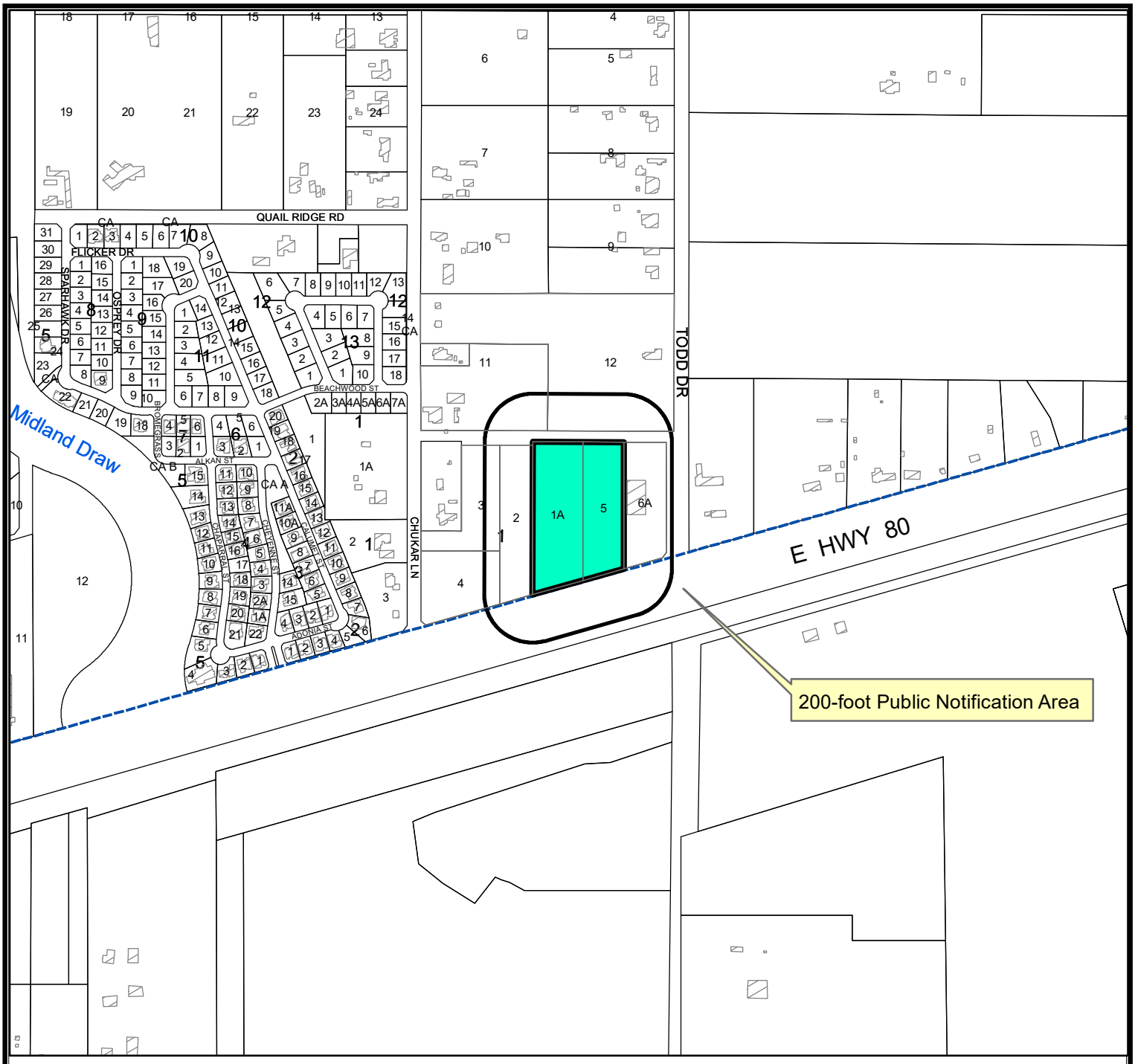
☑ Application Fee ☐ Plans in Digital Format (PDF/JPEG)

Check # CC

Received By: DL Date: RECEIVED JUN 19 2020

BY: .....

****Application will not be considered for scheduling until reviewed by a planner.****



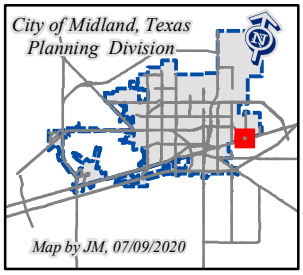
LOCATION MAP

Z-20-0186 **Scale: 1" = 400'**

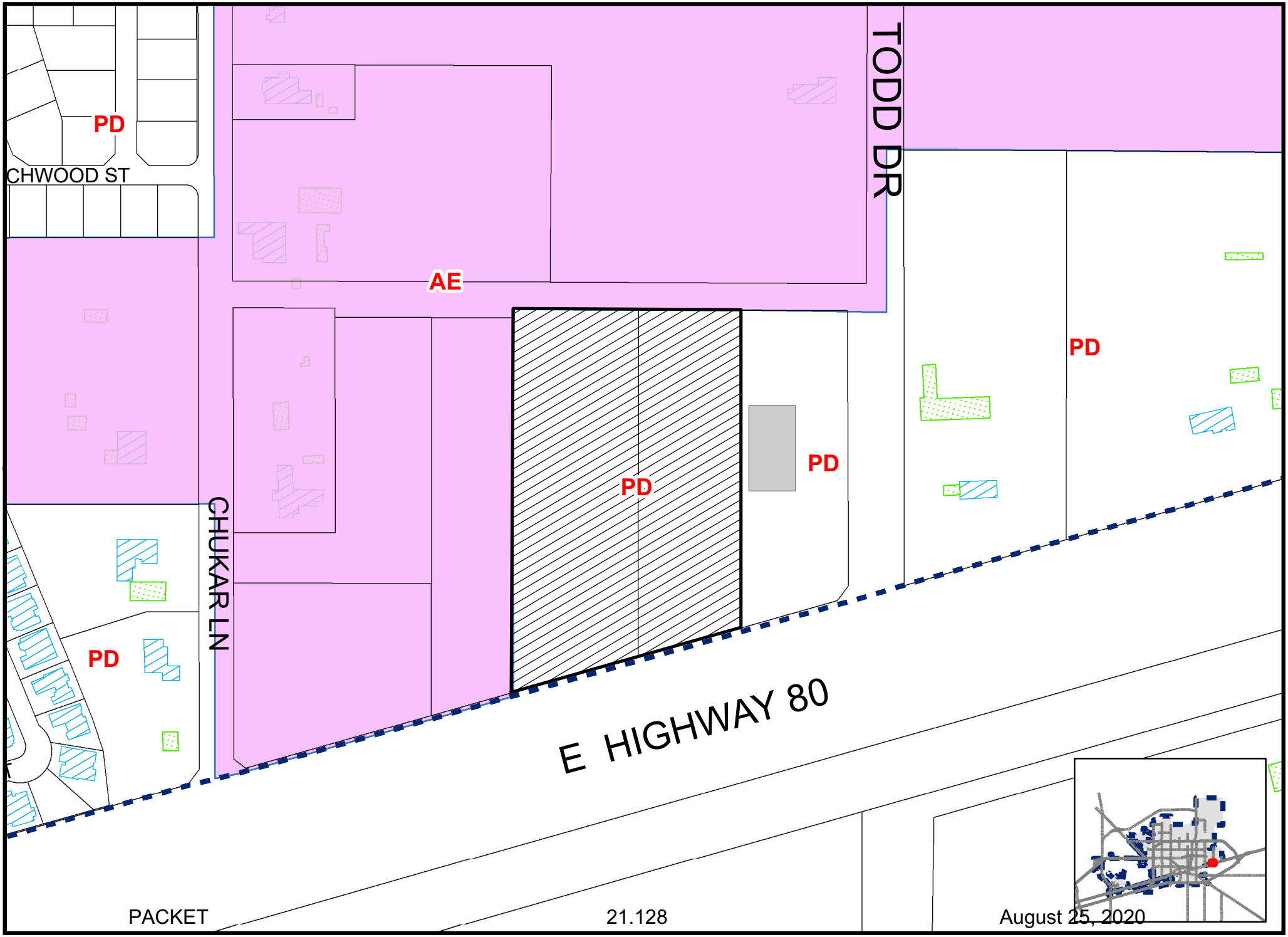
Consider a request by Newton Engineering, PC, for a zone change from PD, Planned Development for a transition district to Amended PD, Planned Development District for a Transition District, on Lots 1A and 5, Block 1, Rolling Green Acres Addition, Section 3, City and County of Midland, Texas. Generally located on the north side of East State Highway 80, approximately 245 feet west of Todd Drive. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 07/14/2020

Z-20-0186

Scale: 1" = 200'

ZONING MAP

© **THE CITY OF MIDLAND - 2020:** THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

ORDINANCE NO. 9590

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 7.45-ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION, AND A 6.25-ACRE TRACT OF LAND OUT OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED CE, COUNTRY ESTATE DISTRICT, IN PART, AND AE, AGRICULTURE ESTATE DISTRICT, IN PART, TO BE USED AS A PD, PLANNED DISTRICT FOR A TRANSITION DISTRICT (GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF TODD DRIVE AND EAST HIGHWAY 80); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of a PD, Planned District for a Transition District, as set out hereinafter and subject to the conditions and restrictions set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, and it shall be used as a PD, Planned District for a Transition District, said property being described as follows:

A 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, said 7.45-acre tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein.

SECTION TWO. That said property shall be subject to the following special conditions and restrictions:

A. That the use and development of this property shall conform to the regulations of the LR-1, Local Retail District, except as otherwise stated below.

B. That the use of the property for a miniature golf course is permitted.

C. That prior to any development or the issuance of any building permit, a site plan must be submitted and approved in the same manner prescribed for a zone change.

SECTION THREE. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 23rd day of August, A.D., 2016; and passed to second reading on motion of Council member Sparks, seconded by Council member Lacy, by the following vote:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Lacy, Robnett

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Lacy, seconded by Council member Hotchkiss, on the 13th day of September, A.D., 2016, at a regular meeting of the City Council:

Council members voting "AYE": Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett

Council members voting "NAY": None

PASSED AND APPROVED THIS 13th day of September, A.D., 2016.

Jerry E. Morales, Mayor

ATTEST:

Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

Frank Salvato, Assistant City Manager

Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

John Ohmemiller, City Attorney

EXHIBIT A

52.8

FIELD NOTE DESCRIPTION OF THE SURVEY OF A 7.45 ACRE TRACT OF LAND, BEING ALL OF LOT 1, BLOCK 1, ROLLING GREEN ACRES ADDITION AND 6.25 ACRE TRACT OF LAND OUT OF A 12.28 ACRE TRACT OF LAND OUT OF THE SOUTH/2 OF SECTION 42, BLOCK 38, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 7.45 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

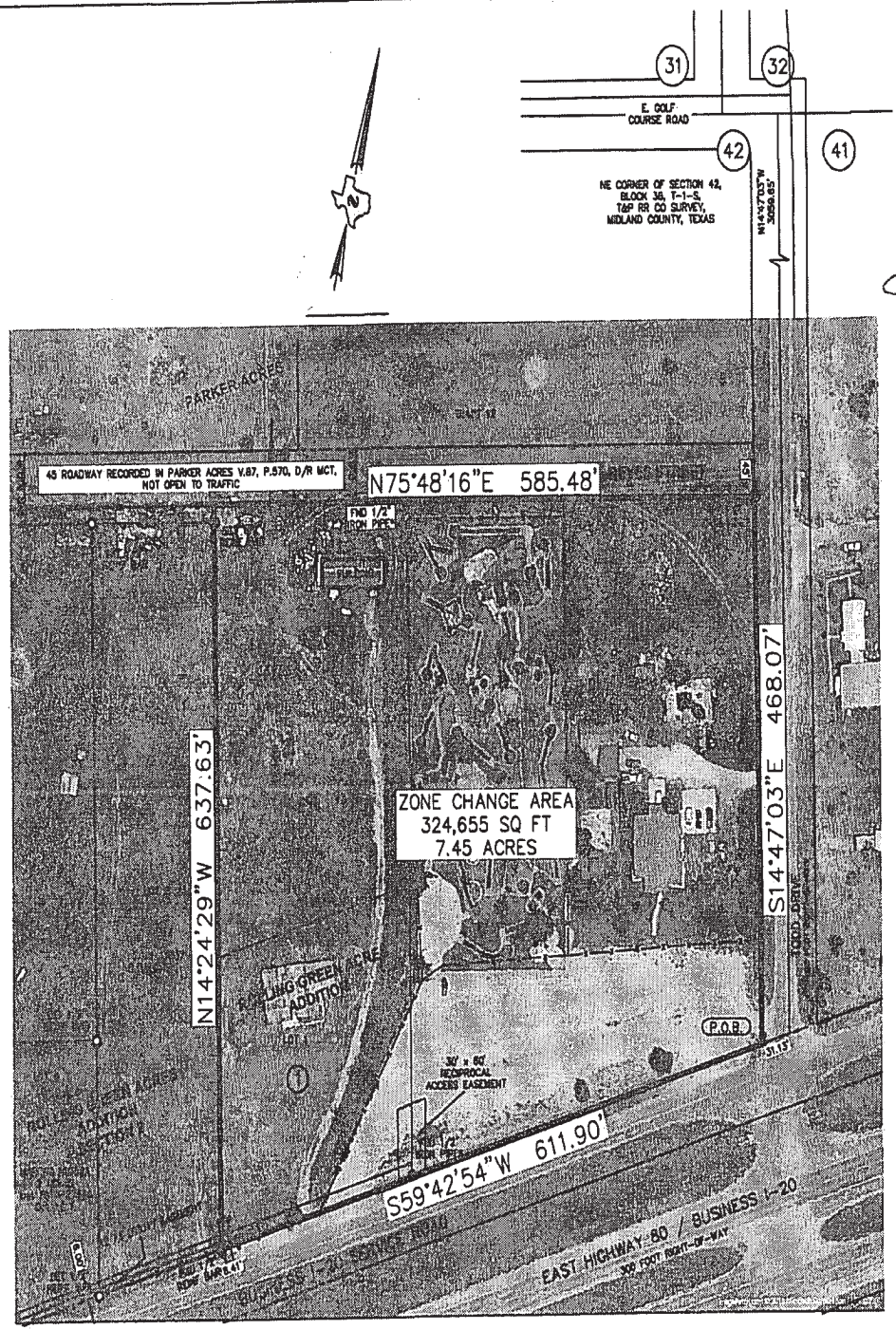
BEGINNING AT A POINT FOR THE SOUTHEAST CORNER OF THIS TRACT AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF TODD DRIVE WITH THE NORTH RIGHT OF WAY LINE OF BUSINESS 120 SERVICE ROAD, FROM WHICH THE NORTHEAST CORNER OF SIAD SECTION 42 BEARS NORTH 14°47'03" WEST 3059.65 FEET;

THENCE SOUTH 59°42'54" WEST 611.90 FEET ALONG THE NORTH RIGHT OF WAY LINE OF BUSINESS 120 SERVICE ROAD TO A 1/2" REINF BAR FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1;

THENCE NORTH 14°24'29" WEST 637.63 FEET TO A 1/2" REINF BAR FOUND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°48'16" EAST 585.48 FEET ALONG THE SOUTH LINE OF REYES STREET TO A 1" IRON PIPE FOUND IN THE WEST RIGHT OF WAY LINE OF TODD DRIVE FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 14°47'03" EAST 468.07 FEET ALONG THE WEST RIGHT OF WAY LINE OF YTODD DRIVE TO THE PLACE OF BEGINNING.



DATED THIS 10TH DAY OF MAY, 2016.

RJ DAUM
TEXAS RPLS 4826

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

SURVEY

A 7.45 ACRE TRACT OF LAND,

BEING ALL OF LOT 1, BLOCK 1,

ROLLING GREEN ACRES ADDITION

AND 6.25 ACRE TRACT

OF LAND OUT OF A 12.28 ACRE TRACT

OF LAND OUT OF THE SOUTH/2 OF

SECTION 42, BLOCK 38, T-1-S,

T&P RR CO SURVEY,

MIDLAND COUNTY, TEXAS

SCALE: 1" = 150'

PROJECT: 75201ZR
JOB NO.: 75,201-Z

SCHUMANN ENGINEERING CO., INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
Civil Engineering ~ Land Surveying
REGISTERED PROFESSIONAL CIVIL ENGINEERS

TEXAS FIRM No. F1880
TEXAS FIRM No. 10149500

408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504

Office (432) 684-5548
Fax (432) 684-6973

9590

City Council Agenda

APPROVED

Approved for Agenda:
fsalvato
City Manager's Office

MEETING DATE: September 13, 2016

TO: City Council / City Manager

FROM: Kierra Williams, Planner

SUBJECT: **Consider an ordinace on a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District, on a 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located northwest of the intersection of Todd Drive and E. Highway 80.)**

Purpose:

Consider an ordinance on a request by Johnny Reyes for a Zone Change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Directional / Informational

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The property is located northwest of the intersection of Todd Drive and E. Highway 80 in a CE, Country Estate District, in part, and AE, Agriculture Estate District, in part. The zoning to the north of the property is AE, Agriculture Estate District, and the location of a residence. Zoning to the East is PD, Planned District for a Transition District, and the location of a residence. The property to the south is located in the ETJ, Extraterritorial Jurisdiction, and is the location of Eastex Crude Company. Zoning to the west is AE, Agriculture Estate District, and is currently vacant.

The applicant's first request went before the Planning and Zoning Commission on June 6, 2016 to request a zone change from CE, Country Estate District, in part, and AE, Agriculture Estate District, in part, to LR-1, Local Retail District. The commission approved the request unanimously. The zone change request then went before City Council on June 28, 2016 with several oppositions. The applicant withdrew the application, on the floor on a request by Council, to apply again for a Planned District so that the City Council can revisit again for a site plan approval.

The applicant is now requesting a zone change to PD, Planned District for a Transition District for future retail use and to expand upon the Green Acres Golf Course. The subject area is currently serving as the site of two (2) residential properties and the mentioned golf course. The applicant is also in the process of platting the property.

The most recent approved action taken on the property was on the property currently designated as CE, Country Estate District, The lot was rezoned in 2009 to PD, Planned District for a Recreation Center, with an underlying zoning of LR-1, Local Retail District, with the intention of opening an indoor golf facility. Although, the use is permitted in the underlying zoning, the proposed full metal building façade was not, hence the planned district designation. The plans for the facility did not come to fruition, therefore, the property was rezoned again in 2014 to CE, Country Estate District to build a single-family home.

LR-1 is the most restrictive zoning classification to allow retail uses. The Planned District designation will allow the property to go before City Council to seek site plan approval and allow area residents to speak. The City code has design standards and setbacks in place to buffer residential districts from nonresidential districts if the circumstance arises. Todd Drive is projected to become a major arterial in the future. The intersection of Todd Drive and E. Highway 80 is an ideal location for retail uses.

Staff recommends approval of this zone change from CE, Country Estate District, in part, and AE, Agricultural Estate District, in part, to PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

Conditions:

A. That the use and development of this property shall conform to the regulations of the LR-1, Local Retail District, except as otherwise stated below.

B. That the use of the property for a miniature golf course shall be permitted.

C. That prior to any development or the issuance of any building permit, a Planned District Site Plan must be submitted and approved in the same manner prescribed for a zone change.

Letters of Objection:

As of August 19, 2016, staff has received eleven (11) letters of objection to this request. Only two (2) of the letters are within the 200-ft. notification area and accounts for a 43% oposition rate. This request will require a super majority vote to be approved.

Attachments:

Application
Maps
Metes and Bounds (Exhibit A)

Case Number: 2-16-0018

MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

I. APPLICATION

Applicant:

JOHNNY REYES	432-978-3346
(Name)	(Phone)
1722 E OAK ST	ZREYES@YAHOO.COM
(Address)	(Email)

Property Owner:

SAME AS ABOVE	
(Name)	(Phone)
(Address)	(Email)

Representative (*please see affidavit on page 2*):

Schumann Engineering Co, Inc.	432-684-5548
(Name)	(Phone)
408 N. Pecos St., Midland, TX 79701	ben@schumannonline.net
(Address)	(Email)

Street address:

Legal Description of property (complete Lot, Block, and Subdivision Name or if unplatted, attach a Metes and Bounds description with surveyor's seal, each district must be described separately):
See attached metes and bounds

Present Zone: AE Proposed Zone: PD-TD (underlying LR-1)
(List by tracts if more than one district is requested)

Reason for Zone Change Request: upgrades to existing miniature golf-course and potential retail

Present Use of Property: residential and a miniature-golf business

Proposed Use of Property: 1.) Retain residential and miniature golf business use, and
2.) Use the property at the intersection of Todd Rd and Hwy 80 for retail development; unknown at this time

How would this zone change affect the public health, safety and welfare?
no effect

Describe how conditions affecting the property have changed since present zoning designation:
The growth to the east of Midland has produced a need for more stores and shopping availability

II. APPLICATION FEES:

Single, standard zone change: **$400**, Multiple, standard zone change: add **$100** per additional district.
Single PD zone change: **$550**, Multiple PD proposal: add **$100** per district.

Total: $ _____

III. SITE PLAN SUBMITTALS *(if applicable)*:

5 FOLDED copies of the PD site plan: _____
Site Plan in digital format (PDF & JPEG): _____

VI. Signature

Property Owner (signature): _____ Date: _____

If an Agent is authorized by the property owner to file and execute the application on behalf of the property owner, the Agent must complete the affidavit below.

STATE of TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared **BEN SANCHEZ** who, being by me duly sworn, upon oath says: That (s)he is authorized by **JOHNNY REYES**, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Authorized Agent (signature)

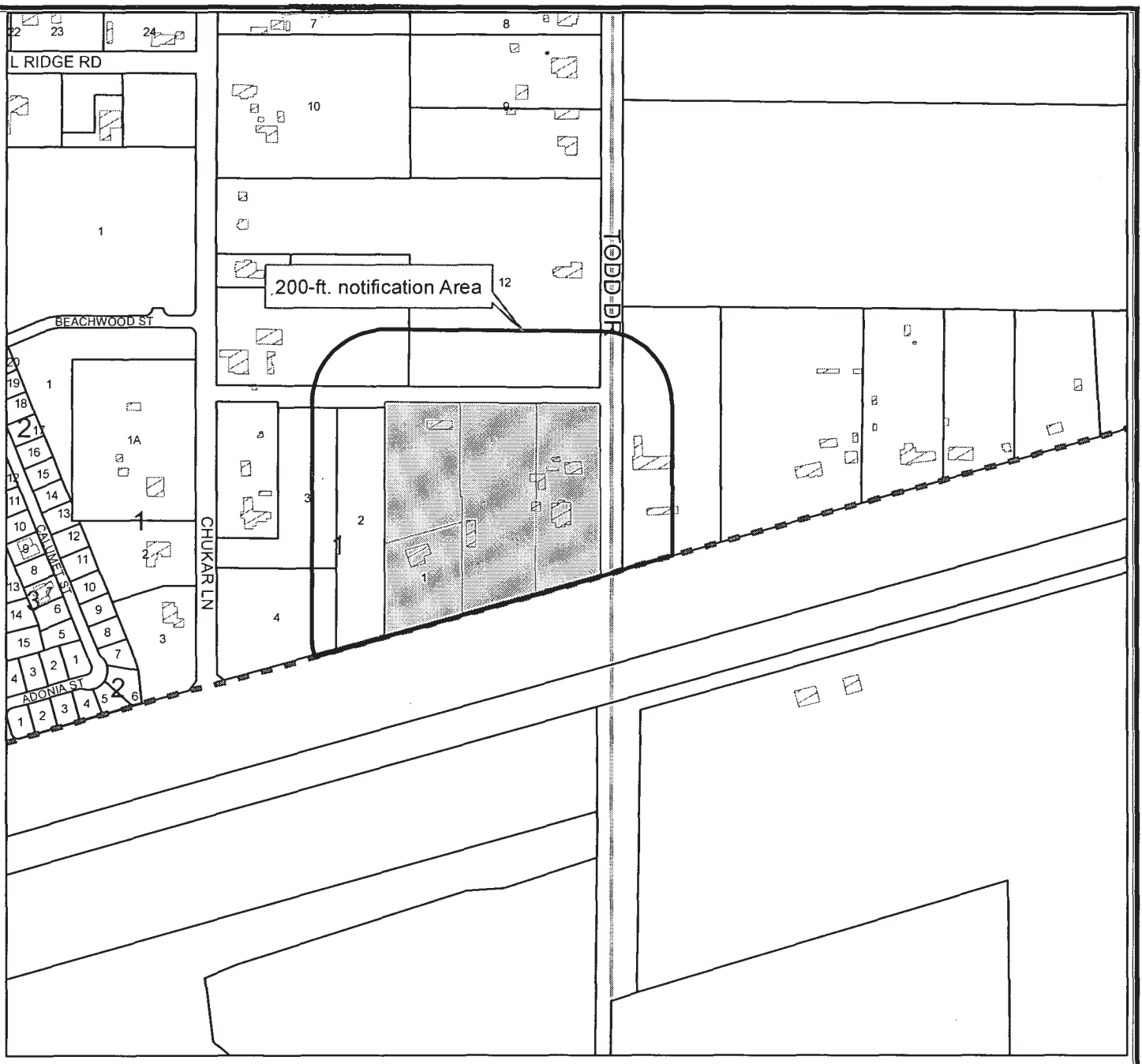
Subscribed and sworn to before me, this 1ST day of July, 20 16, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

PATRICIA Y SCHUMANN
Notary Public, State of Texas
My Commission Expires
February 4, 2018

FOR OFFICE USE ONLY
Rec'd By: _____ Date: _____
Assigned: _____
For: _____ On: _____

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

Z-16-0018 **Scale: 1" = 400'**

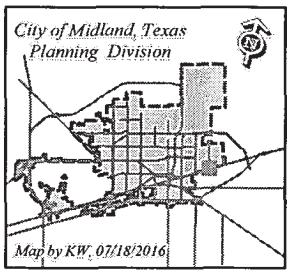
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Generally located northwest of the intersection of Todd Drive and E. Highway 80.

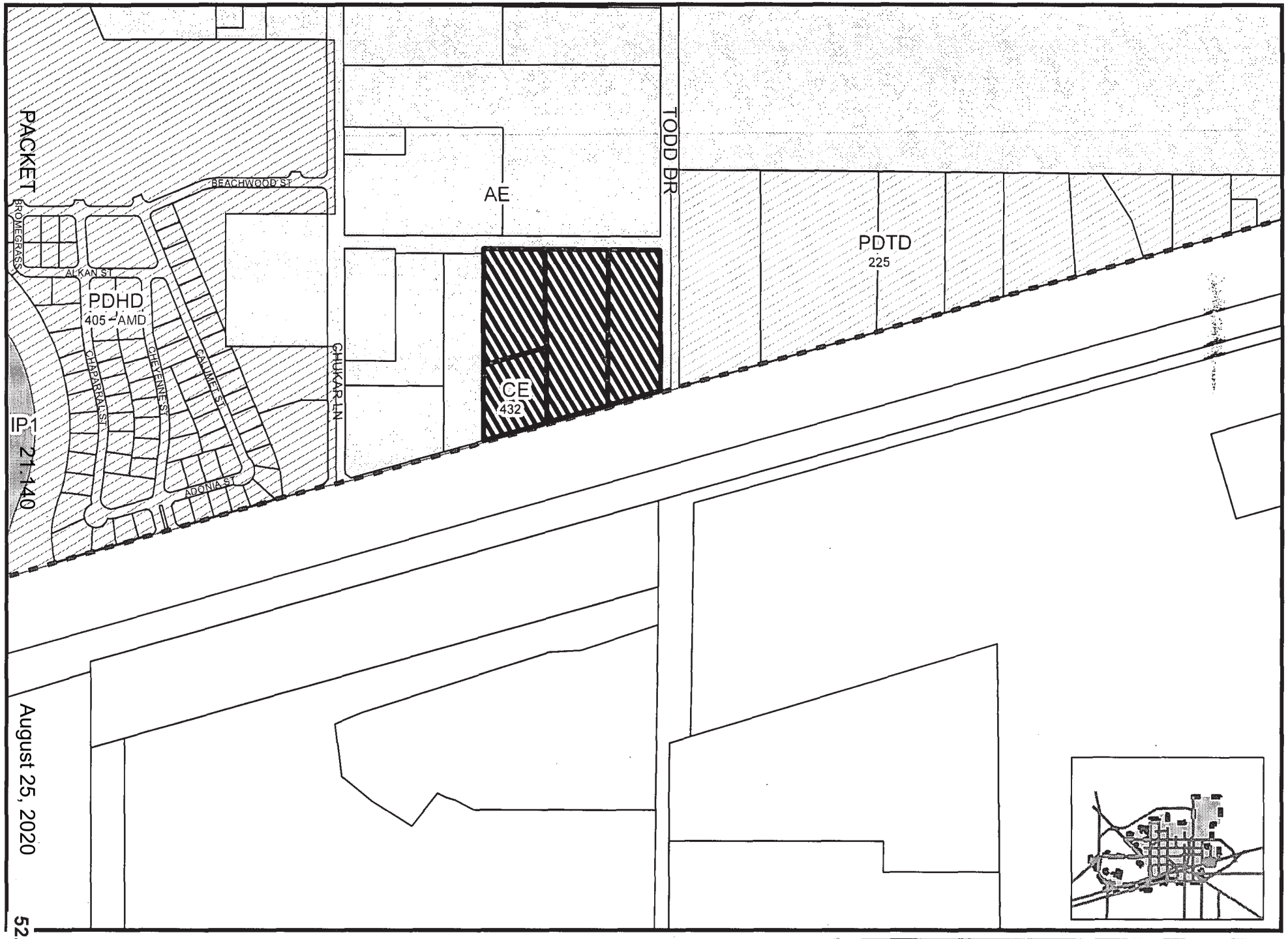
(Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND WILL NOT BE RESPONSIBLE FOR ANY DECISION MADE OR ACTION TAKEN BASED ON THE USE OF THIS DATA.



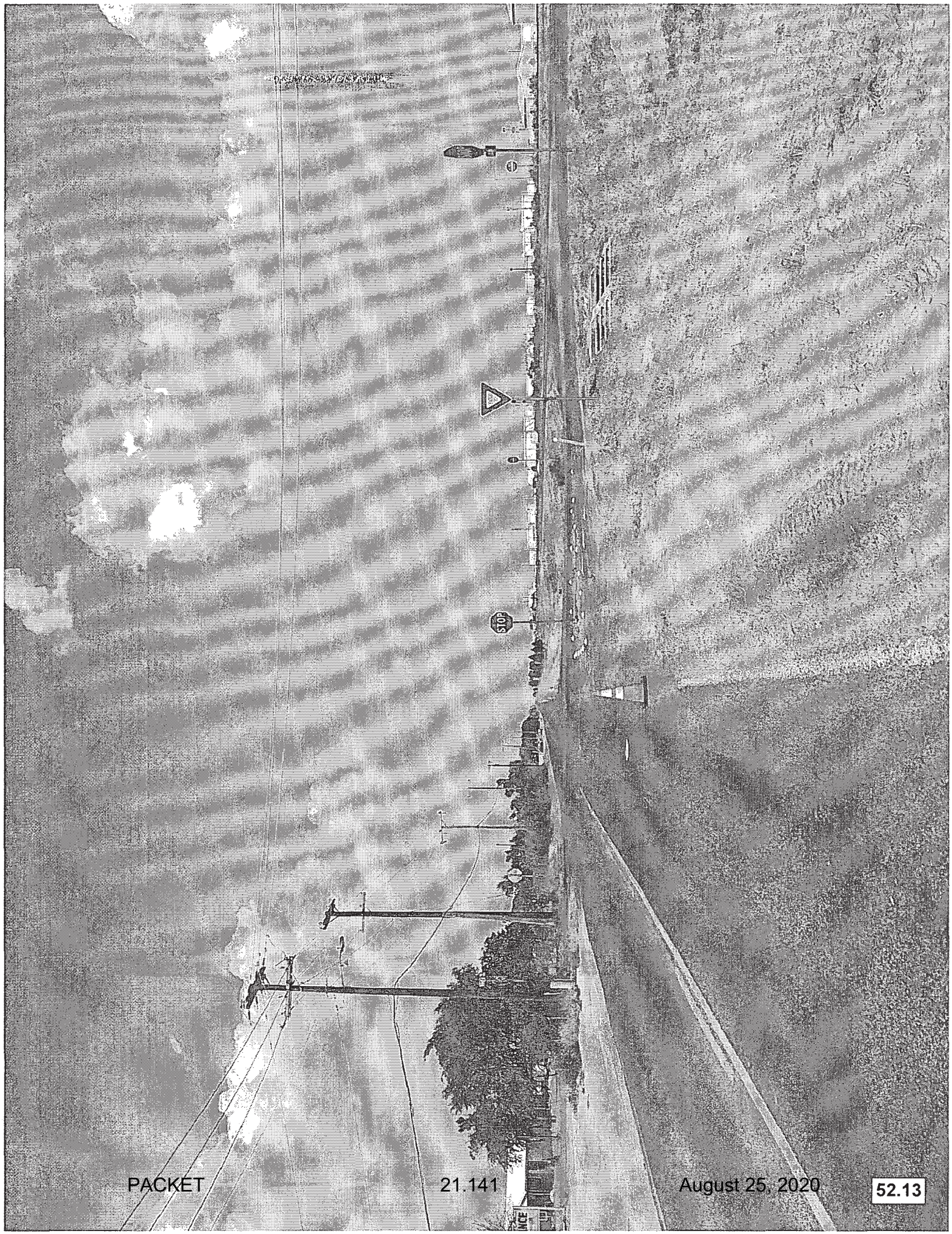
ap By KW, 7/21/2016

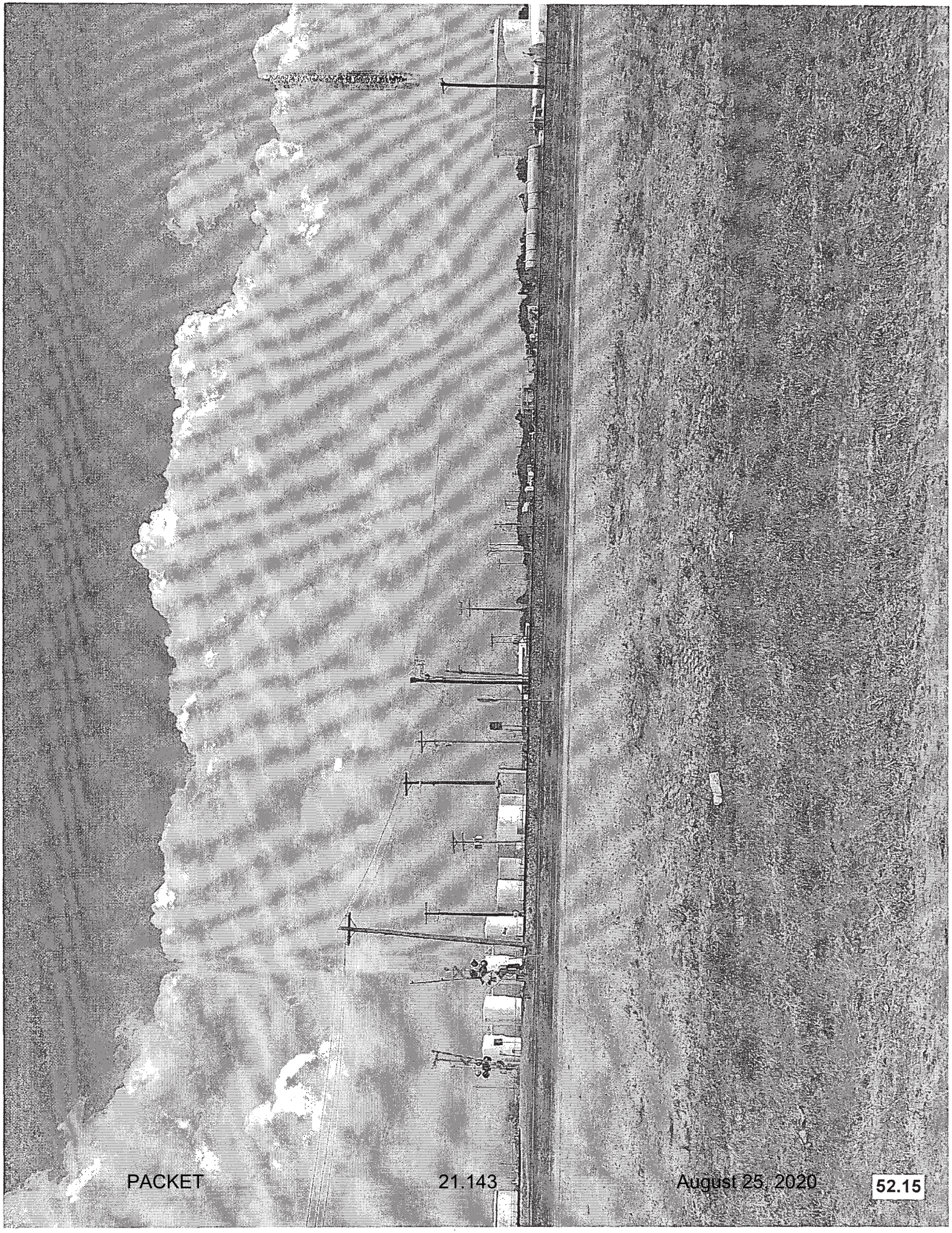
Z-16-0018

Scale: 1" = 400'

ZONING MAP

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STOP

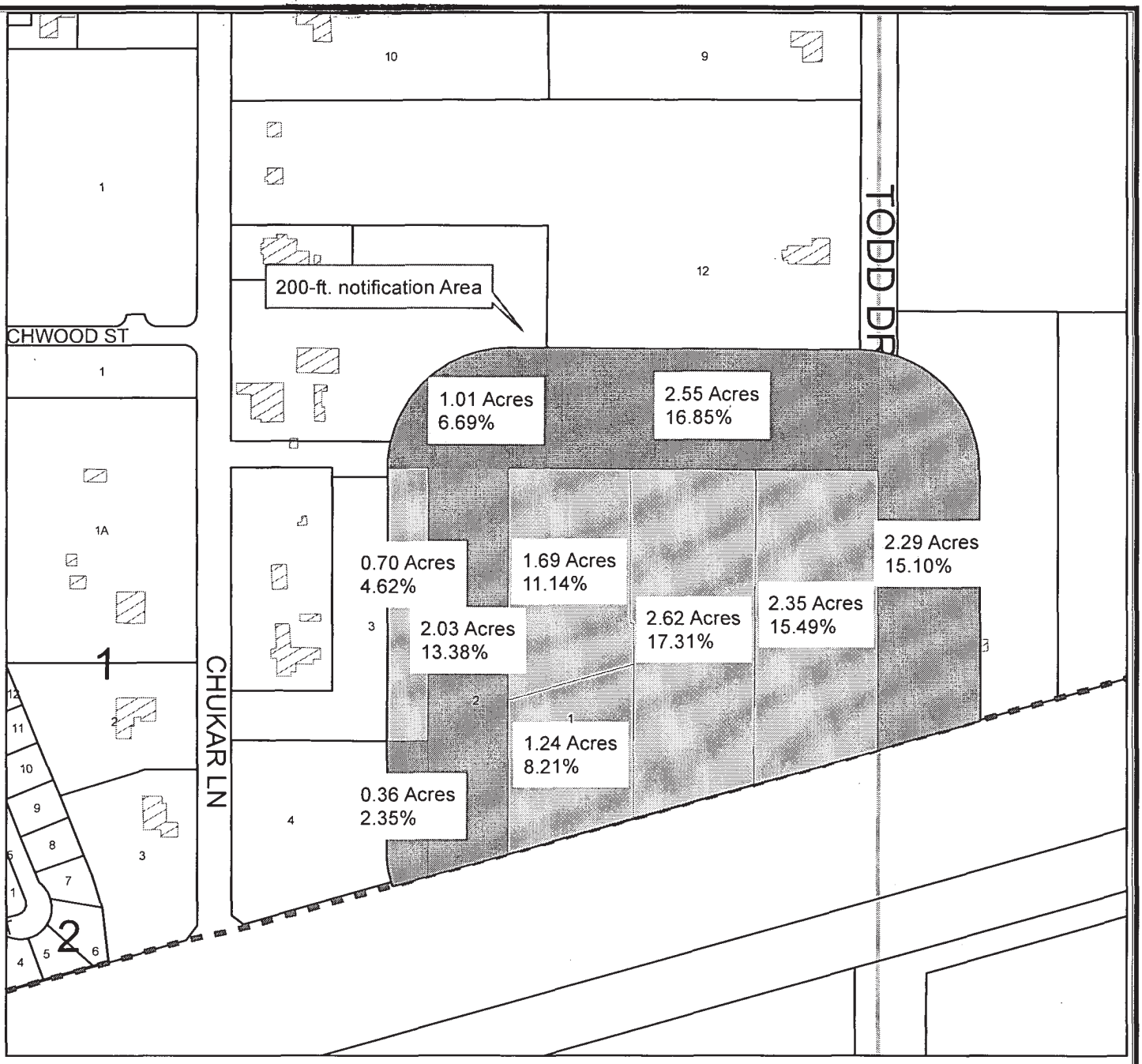




Johnny Reyes Zone Change Z-16-0018

Objection Table

ADDRESS	OWNER	Acreage	Percent	Opposed	Percent Against
1117 HICKORY AVE	NATIVIDAD RAYMUNDO G	2.29	27.78%	0	0.00%
1101 TODD DR	KETTER ROBERT J	2.55	30.98%	1	30.98%
1002 CHUKAR LN	DAVIS HAROLD E	1.01	12.30%	1	12.30%
P O BOX 1337	DOMINGUEZ EPIFANIO & ANDREA DOMIN	2.03	24.61%	0	0.00%
1909 E HUDSON	MUNGUIA MARCOS A & VERONICA MUNC	0.36	4.33%	0	0.00%
TOTAL:		8.24	100.00%		43.29%



JOHNNY REYES OBJECTION MAP

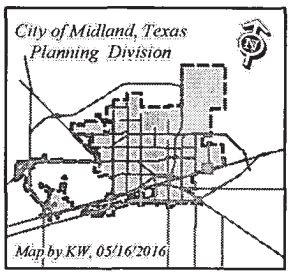
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MIDLAND
Planning Division

PUBLIC NOTICE

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I object to this request X Comments:
This will take away from our quiet ~~Neighborhood~~ Neighborhood

Required Information:

Alicia Fult — Gary Fulton — AliciaFulton — 2701 Quail Ridge Rd.
Property Owner's Signature — Printed Name — Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Planning Division Manager
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989.

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I object to this request X Comments:

Required Information Rachelle Taylor Rachelle Taylor

Property Owner's Signature | Dustin B. Taylor Printed Name | 2512 E. Golfcourse Rd Property Address (**No P. O. Boxes**)

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I object to this request X Comments:

Required Information:

Property Owner's Signature | Jackie Taylor / Joyce Taylor (Printed Name) | 1213 Chukar Lane 79701 (Property Address (No P. O. Boxes))

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I object to this request ~~IS B~~ **Comments:**

Required Information:

Tonya S Brandon | Tonya S Brandon | 904 Chukar Ln
Property Owner's Signature | Printed Name | Property Address (No P. O. Boxes)

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Notices Mailed: 6
Date Mailed: July 22, 2016
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Jessica Carpenter
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I object to this request ✓ Comments:
do not want a store or the increased traffic in our neighborhood.

Required Information:

Property Owner's Signature	Printed Name	Property Address (No P. O. Boxes)
[signature]	Justin Cerdes	901 chukar ln.

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[signature]
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I object to this request X Comments: TO MUCH ADDED TRAFFIC & CRIME

Required Information:

Paul Perry — Property Owner's Signature
PAUL PERRY — Printed Name
905 CHUKAR Ln. — Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
Planning Division Manager
Department of Development Services

The meeting facility is accessible to disabled persons. A wheelchair entry ramp is located at the southeast entrance to City Hall. A parking space designated for use by disabled persons is available near the southeast entrance doors. Any disabled person needing special accommodations or hearing impaired persons wishing to have an interpreter should request services through the Administrative Services Department at least 48 hours prior to the scheduled meeting by contacting Compliance Coordinator for the City of Midland at (432) 685-7251. If communication via TDD is required, please call 1-800-735-2989.

300 N. Loraine, Midland TX 79701 • 432-685-7400 • fax 432-686-1609

MIDLAND
Planning Division

PUBLIC NOTICE

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LEGAL DESCRIPTION: A 7.45-acre tract of land, being all of Lot 1, Block 1, Rolling Green Acres Addition, and a 6.25-acre tract of land out of Section 42, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas.

LOCATION: Generally located northwest of the intersection of Todd Drive and E. Highway 80.

PROPOSED ZONING: **From:** CE, Country Estate District, in part, and AE, Agricultural Estate District, in part.
To: PD, Planned District for a Transition District, with an underlying zoning of LR-1, Local Retail District.

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I object to this request. YES Comments: I do NOT WANT the added traffic.

Required Information:

Property Owner's Signature — Richard C Bate (Printed Name) — 1401 TODD RD (Property Address (No P. O. Boxes))

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

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I object to this request ___X___ Comments: THIS IS A NEIGHBORHOOD, NOT A BUSINESS DISTRICT. NUISANCE ROUS AS THEY ZONES CURRENTLY EXIST IN THE CITY OF MIDLAND. THE DESTRUCTION OF A PEACEFUL AND QUIET NEIGHBORHOOD AND THE PRIVACY OF PEOPLES HOMES FOR REVENUE MAKES NO SENSE.

Required Information: Johnnie Lowe 1203 Tobo Rd

Property Owner's Signature Printed Name Property Address (No P. O. Boxes)

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MIDLAND
Planning Division

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I object to this request X **Comments:** This is no business district!

Required Information:

Marian V. Jones | Marian V. Jones | 1307 Todd

Property Owner's Signature | Printed Name | Property Address (No P. O. Boxes)

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
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MIDLAND
Planning Division

KETTER ROBERT J
1101 TODD DR
MIDLAND TX 79706-4348

7/25/16

PUBLIC NOTICE

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I object to this request XXX **Comments:**

Required Information:

Robert Ketter | Robert Ketter | 1101 Todd Dr.

Property Owner's Signature | Printed Name | Property Address (**No P. O. Boxes**)

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
Case Name: Johnny Reyes
KW Planner's Initials

Jessica Carpenter
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MIDLAND
Planning Division

DAVIS HAROLD E
1002 CHUKAR LN
MIDLAND TX 79706 4327

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I object to this request X **Comments:**

Required Information:

Property Owner's Signature | Harold Davis (Printed Name) | 1002 Chukar Ln. (Property Address (No P. O. Boxes))

If any further information is desired, please contact the Planning Division, at 685-7400. Si ud. desea más información en Español sobre esta cuestión, llame al : 685-7400.

Notices Mailed: 6
Date Mailed: July 22, 2016
Case Number: Z-16-0018
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City Council Meeting

Item Number: 22

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Zhiguan Yu, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, at 3303 North Midkiff Road, Suite # 129.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north and west are zoned SF-2, Single Family Dwelling District and the locations of single-family houses. The properties to the east and south are zoned RR, Regional Retail District and PD, Planned Development District for a Shopping Center, and the locations of a shopping center and a grocery store, respectively.

Analysis:

This property is located in the RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a specific use designation with term.

The site is located at 3303 North Midkiff Road, Suite #129, and does not currently have a Specific Use Designation for sale and on premises consumption of alcoholic beverages. The site currently has adequate parking and restroom facilities. The proposed hours of operation are the following:

Monday through Sunday from 11:00 a.m. to 10:00 p.m.

The applicant is requesting the same hours for alcohol service. The sale and on-premises consumption of alcoholic beverages will be limited to a 940-square foot portion of the restaurant, which includes the dining area.

Per Midland City Code 5.4.4. –Prohibited place of business

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Building Code: (Approved)

The SUD for Korean Oppa is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint.

The property must adhere to the current maximum occupant load of 55 persons. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) Korean Oppa will create a vibrant atmosphere where residents can feel relaxed and enjoy drinks with their meals

This request was recommended for approval at the July 20, 2020 Planning and Zoning Commission meeting and approved at the August 11, 2020 City Council meeting.

This request meets all requirements; therefore, staff recommends approval of the request for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Condition A through F.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 940 square feet as shown in Exhibit “B”, which is attached hereto and incorporated herein for all purposes.

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

C. That the establishment shall meet all requirements of the Fire Department and Code Administration.

D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

E. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Monday through Sunday from 11:00 a.m. to 10:00 p.m.

F. That in accordance with Section 9.07.E.3 of the Zoning Ordinance, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 1,700-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 150 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 1,700-square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and County of Midland, Texas, as shown in Exhibit "A", which is attached hereto and incorporated herein (the "Property"), as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 940 contiguous square feet as shown in Exhibit "B", which is attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to Monday through Sunday from 11:00 a.m. to 10:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

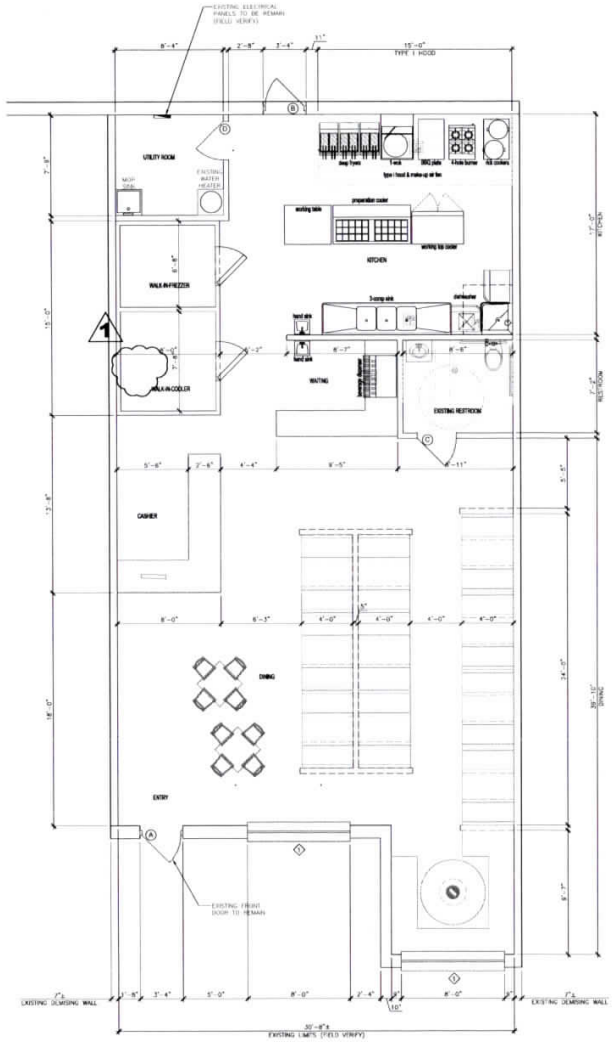
APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney



JUN 23 2020

EXHIBIT "A"



01 PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"

FINISH-OUT NOTES:

1. QUARRY TILED FLOOR WITH A TILE COVED BASE IS REQUIRED IN ALL WET AREAS INCLUDING: ENTIRE KITCHEN/SERVICE, WALK-IN COOLER, AND FOOD STORAGE/PREPARATION AREAS. NO SEALED CONCRETE IN THESE AREAS.
2. CERAMIC TILED FLOOR WITH A TILE BASE BOARD IS REQUIRED IN ALL RESTROOMS. NO SEALED CONCRETE IN THESE AREAS.
3. ALL HAND SINKS WITHIN 18 INCHES OF EQUIPMENT OR FOOD PREPARATION SURFACES MUST HAVE A SPLASH GUARD.
4. ALL EQUIPMENT MUST BE COMMERCIAL-GRADE AND "NSF"-CERTIFIED. REFER TO MANUFACTURER'S SPECIFICATIONS & INSTALLATION REQUIREMENTS.
5. MOP HANGERS REQUIRED ABOVE MOP SINK FOR PROPER DRYING.
6. STAINLESS STEEL SHEETING IS REQUIRED ON ENTIRE BACK LENGTH AND SIDE(S) OF WALLS UNDER VENT-A-HOOD.
7. WALLS IN KITCHEN AND FOOD STORAGE/PREPARATION REQUIRE "FRP" OR TILE COVERAGE UP TO CEILING. RESTROOM WALLS REQUIRE "FRP" OR CERAMIC TILE UP TO 8'-0" OR TO CEILING.
8. ALL LIGHTS REQUIRE SHIELDING ABOVE FOOD AREAS, INCLUDING CAN LIGHTS.
9. FLOOR SHALL BE SMOOTH AND EASILY CLEANABLE IN THE SERVICE STATION AND STORAGE AREAS.
10. CEILING SHALL BE SMOOTH AND EASILY CLEANABLE IN THE SERVICE STATION, KITCHEN, STORAGE, PREPARATION, AND RESTROOMS.
11. WALLS AND CEILINGS SHALL BE LIGHT IN COLOR IN THE KITCHEN AND STORAGE/PREPARATION AREAS.
12. ALL EXIT DOORS SHALL BE SELF-CLOSING.
13. PROVIDE TRAP PRIMERS AS REQUIRED FOR ALL FLOOR DRAINS AND FLOOR SINKS.

PLAN NOTES:

1. FIELD VERIFY SITE/SPACE CONDITION AND ALL DIMENSIONS PRIOR TO NEW CONSTRUCTION.
2. ALL CONTRACTOR SHALL VERIFY WITH BUSINESS FOR FINAL MATERIALS AND SPECIFICATIONS FOR THIS STORE FINISH-OUT CONSTRUCTION NEEDS PRIOR TO MATERIAL ORDERS AND/OR ANY WORK STARTING.
3. INTERIOR DEMISING WALL MAY BE FRAMED WITH MINIMUM 18-GAGE 3⅝" STRUCTURAL METAL STUDS @ 16" O.C. UP TO BUILDING METAL DECK.
4. ANY INTERIOR PARTITION WALLS MAY BE FRAMED WITH MINIMUM 20-GA 3⅝" DRYWALL METAL STUDS @ 16" O.C. UP TO SUSPENDED CEILING OR METAL DECK.
5. LEGEND:
   - EXISTING WALL TO REMAIN
   - EXISTING STOREFRONT WALL TO REMAIN
   - IF ANY, EXISTING WALL TO BE REMOVED
   - IF ANY, NEW WALL UP TO DECK OR SUSPENDED CEILING
   - PROPOSED HALF-WALL, 48" HEIGHT MINIMUM A.F.F. OR U.N.O.
   - EXISTING DOOR
   - IF ANY, PROPOSED DOOR
   - FLOOR DRAINS, FD
   - FLOOR SINK, FS

DOOR ○ AND WINDOW ◇ SCHEDULES

MARK	DOOR	QUANTITY	REMARKS	HARDWARE
Ⓐ	3'-0" X 7'-0"	1	EXTERIOR - EXISTING STOREFRONT DOOR TO REMAIN	PANIC DEVICE, LOCK, CLOSURE
Ⓑ	3'-0" X 7'-0"	1	EXTERIOR - EXISTING STEEL SOLID BACK DOOR TO REMAIN	PANIC DEVICE, LOCK, CLOSURE
Ⓒ	3'-0" X 7'-0"	1	INTERIOR - RESTROOM, EXISTING HOLLOW DOOR	PRIVATE LOCK, CLOSURE
Ⓓ	3'-0" X 7'-0"	1	INTERIOR - UTILITY ROOM, EXISTING HOLLOW DOOR	
TOTAL		4		
	WINDOW			
◇1	EXISTING	VARIES	EXISTING STOREFRONT WINDOWS TO REMAIN (FIELD VERIFY)	ALL EXISTING
TOTAL				

NOTES:
1. EXISTING PERIMETER CONDITION WITH WINDOWS OR DOORS ARE TO REMAIN UNLESS NOTICE OTHERWISE ON FLOOR PLAN.
2. ALL EXISTING PANIC HARDWARE AND LOCKS ON THE EGRESS DOORS ARE TO REMAIN. FIELD VERIFY TO MEET CURRENT CITY CODES.

INTERIOR FINISH SCHEDULE

ROOM NAME	FLOOR	BASE BOARD	WALL	CEILING	REMARKS
DINING / ENTRY	CERAMIC TILE	6" TILE	DRYWALL TEXTURE	2X4 ACOUSTICAL TILE, 10'-0"(+/-) A.F.F.	SEE PLAN
CASHIER / WAITING	QUARRY TILE	6" QUARRY TILE	FULL HT CERAMIC TILE / "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
KITCHEN	QUARRY TILE	6" QUARRY TILE	FULL HEIGHT "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
UTILITY ROOM	QUARRY TILE	6" QUARRY TILE	FULL HEIGHT "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
RESTROOM	CERAMIC TILE	6" TILE	FULL HT CERAMIC TILE / "FRP"	2X4 WASHABLE TILE, 9'-0"(+/-) A.F.F.	1, 2

NOTES:
1. LIGHT COLORED (WHITE, OFF-WHITE, IVORY) FLOORS, WALLS, AND CEILINGS.
2. QUARRY OR CERAMIC TILE FLOORS WITH A TILE COVED BASE ARE REQUIRED IN ALL WET AREAS, INCLUDING SERVICE AREA, ENTIRE KITCHEN, FOOD STORAGE AND RESTROOMS. NO SEALED CONCRETE IN THE ABOVE AREAS.

FIELD NOTE:

GENERAL CONTRACTORS AND/OR SUBCONTRACTORS SHOULD VERIFY WITH BUSINESS OWNERS FOR A COMPLETE LIST OF THE EQUIPMENT. ALL KITCHEN EQUIPMENT MUST BE COMMERCIAL-GRADE AND "NSF" CERTIFIED PRODUCTS AND INSTALL IN ACCORDING TO MANUFACTURER'S SHOP DRAWINGS OR SPECIFICATIONS AND CURRENT LOCAL CODES AND THE CITY'S RELATED ORDINANCES.

JUN 2 3 2020

BC STRUCTURAL BROKERS, LLC
• Consulting • Planning
• Design • Forensic Evaluation
• Construction Support
857 Fairoaks Drive
Allen, TX 75013
PHONE: (214) 801-6117
FAX: (214) 383-2757
Email: xbsmei_bai@sbcglobal.com

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INTERIOR FLOOR PLAN ONLY FOR:
KOREAN NO X
3303 N MIDKIFF ROAD, SUITE #129, MIDLAND, TEXAS 79705

SEAL: 06/22/2020
STATE OF TEXAS
XUESONG BAI
89538
REGISTERED PROFESSIONAL ENGINEER
REGISTRATION: F-10842

REVISIONS

NO.	DATE	DESCRIPTION

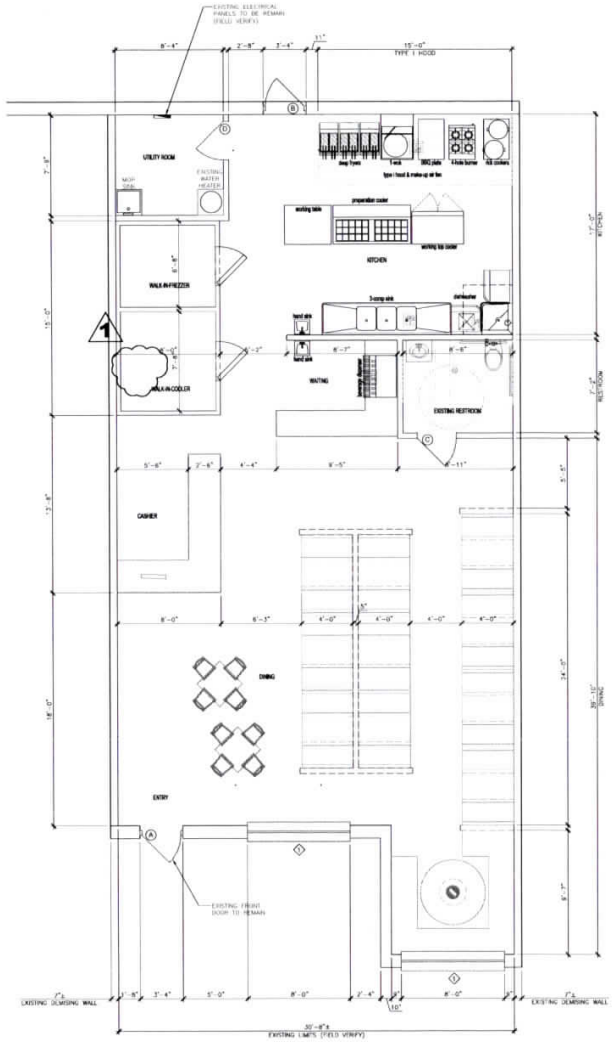
ISSUE FOR PERMIT
06-22-2020
PROJECT NO.
2020-B076-01
PROPOSED FLOOR PLAN
SHEET
A-1

EXHIBIT "B"

PACKET
22.171
August 25, 2020


MAXWELL
PROVIDENCE
N MIDKIFF
3304
3303
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3325
3331
3211
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JUN 2 3 2020



01 PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0" [2,487+/- SQ FT]

FINISH-OUT NOTES:

1. QUARRY TILED FLOOR WITH A TILE COVED BASE IS REQUIRED IN ALL WET AREAS INCLUDING: ENTIRE KITCHEN/SERVICE, WALK-IN COOLER, AND FOOD STORAGE/PREPARATION AREAS. NO SEALED CONCRETE IN THESE AREAS.
2. CERAMIC TILED FLOOR WITH A TILE BASE BOARD IS REQUIRED IN ALL RESTROOMS. NO SEALED CONCRETE IN THESE AREAS.
3. ALL HAND SINKS WITHIN 18 INCHES OF EQUIPMENT OR FOOD PREPARATION SURFACES MUST HAVE A SPLASH GUARD.
4. ALL EQUIPMENT MUST BE COMMERCIAL-GRADE AND "NSF"-CERTIFIED. REFER TO MANUFACTURER'S SPECIFICATIONS & INSTALLATION REQUIREMENTS.
5. MOP HANGERS REQUIRED ABOVE MOP SINK FOR PROPER DRYING.
6. STAINLESS STEEL SHEETING IS REQUIRED ON ENTIRE BACK LENGTH AND SIDE(S) OF WALLS UNDER VENT-A-HOOD.
7. WALLS IN KITCHEN AND FOOD STORAGE/PREPARATION REQUIRE "FRP" OR TILE COVERAGE UP TO CEILING. RESTROOM WALLS REQUIRE "FRP" OR CERAMIC TILE UP TO 8'-0" OR TO CEILING.
8. ALL LIGHTS REQUIRE SHIELDING ABOVE FOOD AREAS, INCLUDING CAN LIGHTS.
9. FLOOR SHALL BE SMOOTH AND EASILY CLEANABLE IN THE SERVICE STATION AND STORAGE AREAS.
10. CEILING SHALL BE SMOOTH AND EASILY CLEANABLE IN THE SERVICE STATION, KITCHEN, STORAGE, PREPARATION, AND RESTROOMS.
11. WALLS AND CEILINGS SHALL BE LIGHT IN COLOR IN THE KITCHEN AND STORAGE/PREPARATION AREAS.
12. ALL EXIT DOORS SHALL BE SELF-CLOSING.
13. PROVIDE TRAP PRIMERS AS REQUIRED FOR ALL FLOOR DRAINS AND FLOOR SINKS.

PLAN NOTES:

1. FIELD VERIFY SITE/SPACE CONDITION AND ALL DIMENSIONS PRIOR TO NEW CONSTRUCTION.
2. ALL CONTRACTOR SHALL VERIFY WITH BUSINESS FOR FINAL MATERIALS AND SPECIFICATIONS FOR THIS STORE FINISH-OUT CONSTRUCTION NEEDS PRIOR TO MATERIAL ORDERS AND/OR ANY WORK STARTING.
3. INTERIOR DEMISING WALL MAY BE FRAMED WITH MINIMUM 18-GAGE 3⅝" STRUCTURAL METAL STUDS @ 16" O.C. UP TO BUILDING METAL DECK.
4. ANY INTERIOR PARTITION WALLS MAY BE FRAMED WITH MINIMUM 20-GA 3⅝" DRYWALL METAL STUDS @ 16" O.C. UP TO SUSPENDED CEILING OR METAL DECK.
5. LEGEND:
   - EXISTING WALL TO REMAIN
   - EXISTING STOREFRONT WALL TO REMAIN
   - IF ANY, EXISTING WALL TO BE REMOVED
   - IF ANY, NEW WALL UP TO DECK OR SUSPENDED CEILING
   - PROPOSED HALF-WALL, 48" HEIGHT MINIMUM A.F.F. OR U.N.O.
   - EXISTING DOOR
   - IF ANY, PROPOSED DOOR
   - FLOOR DRAINS, FD
   - FLOOR SINK, FS

DOOR ○ AND WINDOW ◇ SCHEDULES

MARK	DOOR	QUANTITY	REMARKS	HARDWARE
A	3'-0" X 7'-0"	1	EXTERIOR - EXISTING STOREFRONT DOOR TO REMAIN	PANIC DEVICE, LOCK, CLOSURE
B	3'-0" X 7'-0"	1	EXTERIOR - EXISTING STEEL SOLID BACK DOOR TO REMAIN	PANIC DEVICE, LOCK, CLOSURE
C	3'-0" X 7'-0"	1	INTERIOR - RESTROOM, EXISTING HOLLOW DOOR	PRIVATE LOCK, CLOSURE
D	3'-0" X 7'-0"	1	INTERIOR - UTILITY ROOM, EXISTING HOLLOW DOOR	
TOTAL		4		
	WINDOW			
1	EXISTING	VARIES	EXISTING STOREFRONT WINDOWS TO REMAIN (FIELD VERIFY)	ALL EXISTING
TOTAL				

NOTES:
1. EXISTING PERIMETER CONDITION WITH WINDOWS OR DOORS ARE TO REMAIN UNLESS NOTICE OTHERWISE ON FLOOR PLAN.
2. ALL EXISTING PANIC HARDWARE AND LOCKS ON THE EGRESS DOORS ARE TO REMAIN. FIELD VERIFY TO MEET CURRENT CITY CODES.

INTERIOR FINISH SCHEDULE

ROOM NAME	FLOOR	BASE BOARD	WALL	CEILING	REMARKS
DINING / ENTRY	CERAMIC TILE	6" TILE	DRYWALL TEXTURE	2X4 ACOUSTICAL TILE, 10'-0"(+/-) A.F.F.	SEE PLAN
CASHIER / WAITING	QUARRY TILE	6" QUARRY TILE	FULL HT CERAMIC TILE / "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
KITCHEN	QUARRY TILE	6" QUARRY TILE	FULL HEIGHT "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
UTILITY ROOM	QUARRY TILE	6" QUARRY TILE	FULL HEIGHT "FRP"	2X4 WASHABLE TILE, 10'-0"(+/-) A.F.F.	1, 2
RESTROOM	CERAMIC TILE	6" TILE	FULL HT CERAMIC TILE / "FRP"	2X4 WASHABLE TILE, 9'-0"(+/-) A.F.F.	1, 2

NOTES:
1. LIGHT COLORED (WHITE, OFF-WHITE, IVORY) FLOORS, WALLS, AND CEILINGS.
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JUN 2 3 2020

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INTERIOR FLOOR PLAN ONLY FOR:

KOREAN NO X

3303 N MIDKIFF ROAD, SUITE #129, MIDLAND, TEXAS 79705

SEAL: 06/22/2020

STATE OF TEXAS
XUESONG BAI
89538
REGISTERED PROFESSIONAL ENGINEER

REGISTRATION: F-13842

REVISIONS

NO.	DATE	DESCRIPTION

ISSUE FOR PERMIT
06-22-2020

PROJECT NO.
2020-B076-01

PROPOSED FLOOR PLAN

SHEET
A-1

PACKET
22.173
August 25, 2020

MIDLAND Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUP-20-0078

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name:			Phone ( ) Email
Address 3303 N Midkiff RD #129	City Midland	State TX	Zip 79705
Property Owner Printed Name: Fulang zhang			Phone (605) 858-9535 Email gbddzfl@gmail.com
Address 5206 Belaire DR	City Midland	State TX	Zip 79703
Representative *(if different from Applicant or Property Owner)* Firm: Printed Name: Zhiguan Yu			Phone (626) 264 3963 Email haosunmcjf@gmail.com
Address 315 Willowood DR	City Midland	State TX	Zip 79703

Street Address:

Business Name: Korean BBQ

Legal Description
Lot: Block: Subdivision:

Current Zoning: RR

Reason for Request: to obtain alcohol permit

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: restaurant

Proposed/Current Days and Hours of Operation: ~~7~~ every day 11am 10pm

Proposed Days and Hours of Alcohol Service: 11am 10pm

Total Square Footage of Business: 1700 sq ft

Square Footage of Alcohol Serviceable Area: 940 sq ft

Restroom Fixtures: *Men*	**Toilets/Urinals:** 1	**Bathroom Sinks:** 1
Women	**Toilets:** 1	**Bathroom Sinks:** 1

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):	Date: 06/22/20
Applicant (printed): Fuliang Zhang	
Property Owner (signature): Zhigang Yu	Date: 06/22/20
Property Owner (printed): Zhi gang Yu	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Zhang Fuliang who, being by me duly sworn, upon oath says: That (s)he is authorized by ~~Zhigang~~ Jay Yu, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

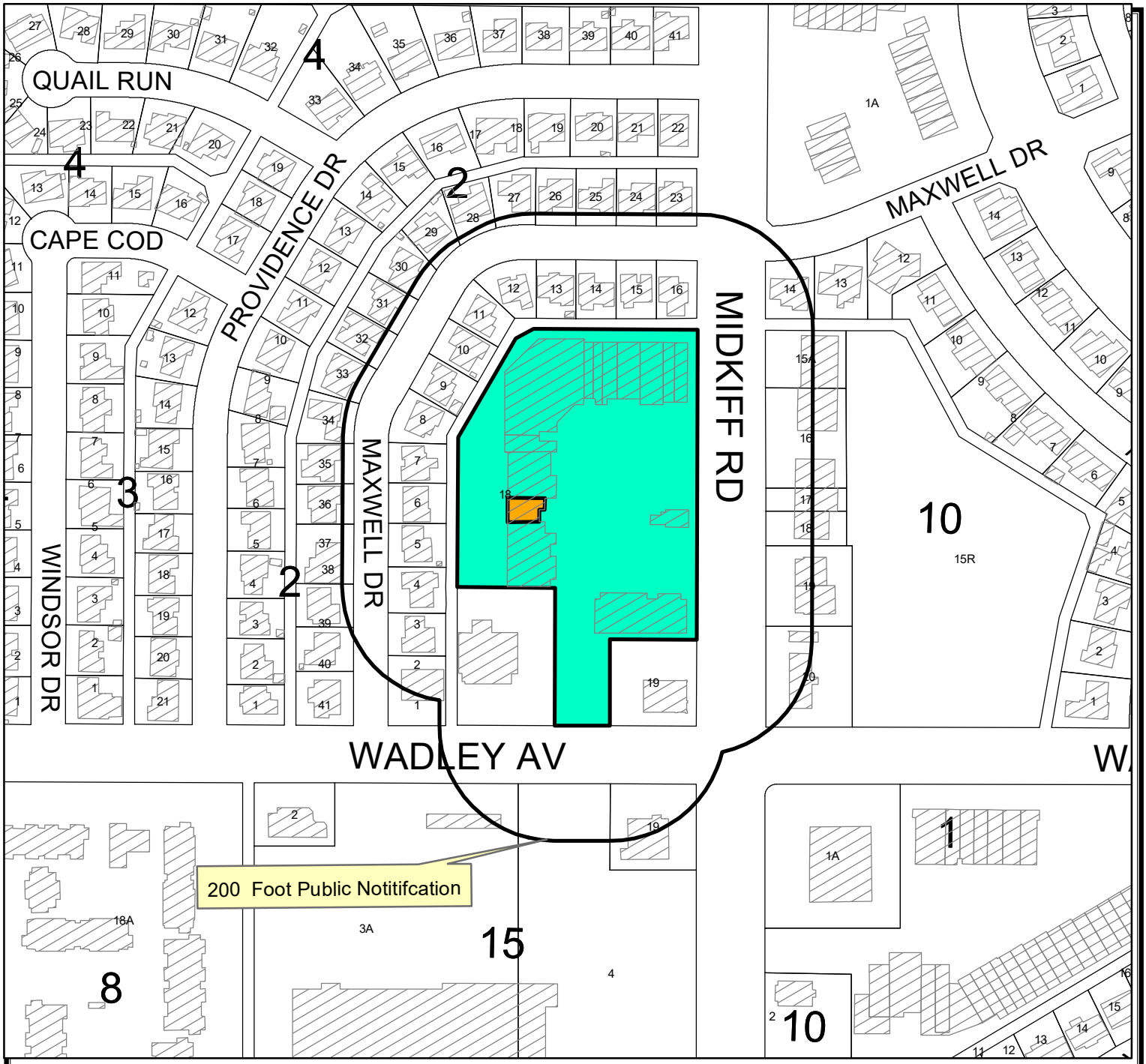
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 23 day of June, 20 20, to certify which witness my hand and seal of office.

MIRNA A. GRANADOS
Notary Public, State of Texas
Comm. Expires 04-07-2024
Notary ID 130610784

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

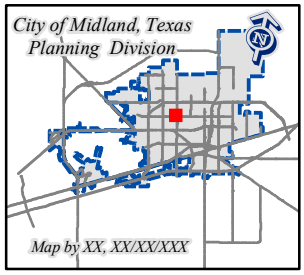
SUD-20-0078 **Scale: 1" = 250'**

Consider a request by Zhiguan Yu for a Specific Use Designation with Term for the Sale of all alcoholic beverages for on-premesis consumption in a restaurant on a 1,700 square foot portion of Lot 18, Block 1, Providence Park Addition, Section 2, City and OCunty of Midland, Texas.

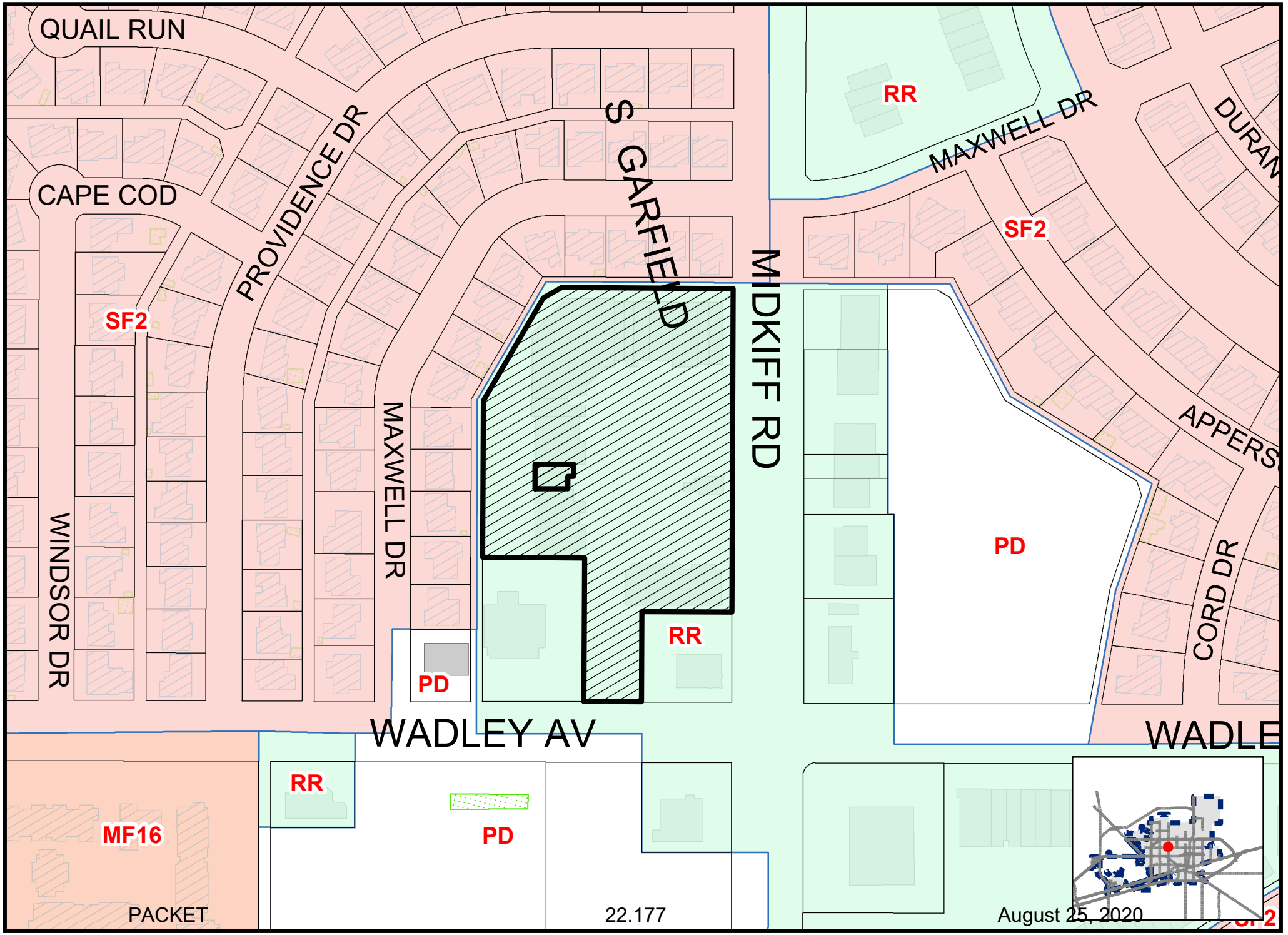
Generally located on the west side of North Midkiff Road, approximately 150 feet north of West Wadley Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 07/14/2020

SUD-20-0078

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.




A&A NAILS


CNB
Community National Bank
ATM



City Council Meeting

Item Number: 23

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Aimee Valenzuela, is requesting a Specific Use Designation with Term for the sale of all alcoholic beverages, for on premises consumption, in a restaurant, at 3322 North Loop 250 West, Suite 300.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The properties to the north and west are zoned PD, Planed Development Districts for Shopping Centers, and the locations of a bank and a shopping centers, respectively. The properties to the south and east are zoned RR, Regional Retail District and the locations of a car wash and a shopping center, respectively.

Analysis:

This property is located in the RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a specific use designation with term.

The site is located at 3322 North Loop 250 West, Suite 300, and does not currently have a Specific Use Designation for the sale and on premises consumption of alcoholic beverages. The site currently has adequate parking and restroom facilities. The proposed hours of operation are:

Monday through Friday from 7:00 a.m. to 10:00 p.m.
Saturday through Sunday from 8:00 a.m. to 10:00 p.m.

The applicant is requesting alcohol service hours as the following:

Monday through Saturday 10:00 a.m. to 10:00 p.m.
Sunday from 12:00 p.m. (noon) to 10:00 p.m.

The sale and on-premises consumption of alcoholic beverages will be limited to a 1,303-square foot portion of the restaurant, which includes the dining area.

Per Midland City Code 5.4.4. –Prohibited place of business

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches, private schools, public schools, public school grounds, athletic stadium, public hospital within 300 feet measurement along the property lines of the street fronts, and from the front door in a direct line across intersection where they occur within this site.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Building Code: (Approved)

The SUD for La Jaiba is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint. The property must adhere to the maximum occupant load that was provided with the original building permit and submittal documents. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) La Jaiba will create a vibrant atmosphere where residents can feel relaxed and enjoy drinks with their meals

This request was recommended for approved at the July 20, 2020 Planning and Zoning Commission meeting and approved at the August 11, 2020 City Council meeting with the amendment that alcohol service hours be changed to 11:00 a.m. to 10:00 p.m. on Mondays through Saturdays.

This request meets all requirements; therefore, staff recommends approval of the request for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Condition A through F.

Conditions:

A. That the serviceable area of the restaurant shall be limited to approximately 1,303 square

feet as shown in Exhibits “A and B”, which is attached hereto and incorporated herein for all purposes.

B. That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

C. That the establishment shall meet all requirements of the Fire Department and Code Administration.

D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

E. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Monday through Saturday 11:00 a.m. to 10:00 p.m.
Sunday from 12:00 p.m. (noon) to 10:00 p.m.

F. That in accordance with Section 9.07.E.3 of the Zoning Ordinance, the establishment shall receive a certificate of occupancy within 120 days from the final adoption date of this ordinance.

Letters of Objection:

As of August 5, 2020, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Floor Plan (Exhibit B)
Application
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,233-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH LOOP 250 WEST AND TREMONT AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 2,233-square foot portion of Lot 23B, Block 40, Fairmont Park Addition, Section 39, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant (the "Establishment"), together with the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and

restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 1,303 contiguous square feet as shown in Exhibits "A" and "B", which are attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Saturday from 11:00 a.m. to 10:00 p.m.; and
Sunday from 12:00 p.m. (noon) to 10:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

SMILING MOOSE DELI

MIDLAND MARKETPLACE

3322 NORTH LOOP 250 WEST, SUITE 300

MIDLAND, TEXAS 79707

BREAKDOWN OF RESPONSIBILITIES

ITEM	FURNISHED LL IG.C/TEN	INSTALLED LL IG.C/TEN	REMARKS
01 GENERAL REQUIREMENTS			
PERMITS AND FEES	G		
INSPECTIONS	G		
TEMPORARY ENCLOSURE & CLEANUP	G	T	VERIFY REQUIREMENTS WITH LANDLORD
FINAL AS-BUILT DRAWINGS	G		PROVIDE 1 SET EA TO LANDLORD, OWNER & ARCHITECT
02 SITE WORK			
DEMOLITION	T	T	
SITE CONSTRUCTION	T	T	
WEIGHT TREATMENT	T	T	IF NECESSARY
FLOOR PREPARATION	T	T	
03 CONCRETE			
SLAB / FLOATING FOUNDATION	T	T	
CUTTING AND PATCHING	T	T	EXISTING
04 MASONRY			NOT APPLICABLE
05 METALS			
STRUCTURAL STEEL FRAMING	T	T	EXISTING STRUCTURE / BASE BUILDING
FURRING WALL STUDS	T	T	REFURBISH/REPLACE AS REQ'D TO MEET LOCAL CODES
FURRING WALL STUDS	T	T	
MISCELLANEOUS STEEL	T	T	
SPECIAL TRIM & FINISHES	T	T	
06 WOOD, PLASTICS & COMPOSITES			
ROUGH CARPENTRY - BY OTHERS	T	T	
FINISH CARPENTRY AND TRIMS	T	T	
PLASTIC LAMINATE	T	T	
ARCHITECTURAL MILLWORK	T	T	
07 THERMAL & MOISTURE PROTECTION			
WATERPROOFING - BY OTHERS	T	T	WHERE APPLIC; SEE CONCURRENT APPROVED ROOFING CONT
ROOF ACCESSORIES	T	T	
SEALANT / CAULKING	T	T	
08 DOORS AND WINDOWS			
EXTERIOR DOORS, FRAMES & TRANSOM UNITS	T	T	SEE DOOR SCHEDULE
INTERIOR DOORS AND FRAMES	T	T	SEE DOOR SCHEDULE
GLASS	T	T	
09 FINISHES			
FURRING WALL STUD 3/8"	T	T	
GYPSUM WALLBOARD	T	T	
PAINT & FLOOR TILE	T	T	
CARPET TILE FLOORING & BASE	T	T	SEE FINISH SCHEDULE
EPOXY & WATERPROOFING	T	T	
PAINT	T	T	
SUSPENDED CEILING SYSTEMS	T	T	
ACOUSTICAL CEILING	T	T	
PAINTING & FINISHES	T	T	AS REQUIRED AFTER CONSTRUCTION
10 SPECIALTIES			
TOILET PARTITIONS	T	T	
TOILET ACCESSORIES	T	T	
SIGNAGE	T	T	SHOP DRAWINGS TO BE SUPPLIED BY OTHERS
FIRE EXTINGUISHERS	T	T	
KNOX BOX	T	T	
11 EQUIPMENT			
KITCHEN EQUIPMENT	T	T	SEE EQUIPMENT SCHEDULE
12 FURNISHINGS			
VENTILE & CHAIRS	T	T	
13 SPECIAL CONSTRUCTION			
14 CONVEYING SYSTEMS			
15 MECHANICAL			
PLUMBING			
HVAC AIR DISTRIBUTION	T	T	EXISTING TO REMAIN
CONTROLS / THERMOSTAT	T	T	
ELECTRICAL PANEL	T	T	
PLUMBING ROUGH-IN	T	T	
PLUMBING FIXTURES	T	T	
WATER HEATER	T	T	
SPRINKLER SYSTEM	T	T	BY SPRINKLER CONTRACTOR
16 ELECTRICAL			
TELECOMM & SYSTEMS	T	T	
MAIN & SUB DISTRIBUTION	T	T	
SERVICE ENTRANCE	T	T	
PANELS	T	T	
TRANSFORMERS	T	T	
DISTRIBUTION	T	T	
HVAC CONTROLS	T	T	
LIGHT FIXTURES	T	T	NOT APPLICABLE
LAMPS	T	T	
EMERGENCY WIDEUP	T	T	
EMERGENCY CIRCUIT	T	T	
TEMPORARY POWER	T	T	
SPRINKLER SYSTEM	T	T	COORDINATE BY OWNER
17 MISCELLANEOUS			COORDINATE BY OWNER
JOB TRAILER	T	T	

ITEM	FURNISHED LL IG.C/TEN	INSTALLED LL IG.C/TEN	REMARKS

DRAWING INDEX

A0.1	COVER SHEET
A0.2	GENERAL SPECIFICATIONS
A0.3	GENERAL SPECIFICATIONS
A0.4	ADA SPECIFICATIONS
A1.1	FLOOR PLAN - DOOR SCHEDULE - WALL TYPES
A1.2	FINISH PLAN - FINISH SCHEDULE
A2.1	RCP - LIGHTING FIXTURE SCHEDULE
A3.1	ENLARGED RR PLAN- ACCESSORIES SCHEDULE - RR ELEV
A4.1	BUILDING SECTIONS & PLAN DETAILS
A5.1	EXTERIOR & INTERIOR ELEVATIONS
SD-1	FLOOR PLAN & BACKING PLAN
SD-2	EQUIPMENT SCHEDULE
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SD-6	ELECTRICAL ROUGH-IN PLAN
KH-1	CAPTIVAIRE HOOD DRAWING
KH-2	KITCHEN HOOD DRAWING
MW-1	MILLWORK DRAWING
MW-2	MILLWORK DRAWING
MW-3	MILLWORK DRAWING
MSP-1	MSP SPECIFICATIONS
MSP-2	MSP SPECIFICATIONS
M-1	MECHANICAL FLOOR PLAN
M-2	MECHANICAL SCHEDULES/DETAILS
P-1	PLUMBING FLOOR PLAN
E-1	LIGHTING FLOOR PLAN
E-2	POWER SIGNAL FLOOR PLAN
E-3	ONELINE DIAGRAM

GENERAL NOTES

1. ALL WORK IS TO BE DONE BY THE GENERAL CONTRACTOR, EXCEPT AS NOTED OTHERWISE
2. THE CONTRACTOR SHALL WARRANT ALL WORK, TIME AND MATERIALS AND EQUIPMENT IN FULL ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, AND LAWS OF THE CITY AND STATE. THE CONTRACTOR SHALL ALSO COMPLY WITH ALL RULES AND REGULATIONS OF THE LANDLORD
3. CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS, BOTH EXISTING AND OF CONSTRUCTION, AND ALL UNDERWRITERS, TO THE ARCHITECT BEFORE BEGINNING ANY PHASE OF CONSTRUCTION. IN CASE OF DISCREPANCY, DO NOT SCALE TO SAME FOR LACK OF FULL KNOWLEDGE OF EXISTING CONDITIONS UNDER WHICH WORK IS TO BE EXECUTED TO OPERATE. CONFORMS SHOWN ON THESE DOCUMENTS ARE BASED ON INFORMATION SUPPLIED BY THE LANDLORD
4. WHERE FIGURES OR DIMENSIONS HAVE BEEN PLACED ON THE DRAWINGS, THE DRAWINGS SHALL NOT BE SCALED. THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE ARCHITECT OR OWNER OF ANY DISCREPANCIES.
5. THE GENERAL CONTRACTOR IS TO PROVIDE BARRICADES AS PER LANDLORD STANDARD, TEMPORARY LIGHT, TELEPHONE, CLEAN-UP SERVICE, AND REMOVE ALL TEMPORARY WORK PRIOR TO COMPLETION OF JOB
6. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ENSURING THE SUBCONTRACTORS COORDINATE THEIR WORK WITH THE WORK OF THE OTHER TRADES BEING PUT IN THE CONTRACT
7. THE CONTRACTOR IS TO FILE FOR, AND SECURE ALL APPROVALS, PERMITS, TESTS, INSPECTIONS AND CERTIFICATES OF COMPLIANCE AS REQUIRED.
8. THE GENERAL CONTRACTOR SHALL COORDINATE HIS ACTIVITIES DURING CONSTRUCTION WITH THE LANDLORD'S NON-DEFT MANAGER
9. THE CONTRACTOR IS TO KEEP A FULL SET OF UP-TO-DATE PLANS AVAILABLE AT THE JOB SITE AT ALL TIMES.
10. THE CONTRACTOR IS RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS AND PRIVACY FOR COMPLETION OF WORK
11. SPECIFIED ITEMS HAVE BEEN SELECTED BECAUSE THEY REFLECT THE ESTABLISHED OF QUALITY DESIRED. ON PURPOSE IT IS NOT INTENDED TO PREVENT THE OBTAINING OF EQUALITY PRODUCTS. THE ARCHITECT RESERVES THE RIGHT TO REQUIRE THE USE OF THE SPECIFIED ITEM. ANY REQUESTS FOR ALTERNATES FOR SPECIFIED ITEMS MUST BE SUBMITTED TO THE ARCHITECT IN TIME TO ALLOW, TOGETHER WITH PROOF OF THE QUALITY OF SUCH ITEMS IN ALL CASES, THE BURDEN OF PROOF OF EQUALITY SHALL BE WITH THE BIDDER AND THE DECISION OF THE ARCHITECT SHALL BE FINAL.
12. THE OWNER, ARCHITECT, OR ENGINEERS WILL NOT BE RESPONSIBLE FOR ANY VERBAL INSTRUCTIONS
13. ALL DEBRIS FROM WOODEN, CRATING, PAPER, AND SIMILAR TYPES OF TRASH ARE TO BE REMOVED FROM THE SITE ON A DAILY BASIS. TRASH IS NOT TO BE ALLOWED TO ACCUMULATE
14. ALL MATERIALS AND LABOR TO BE GUARANTEED FOR ONE YEAR FROM THE DATE OF FINAL PAYMENT CONTRACTOR TO PROVIDE SUPPLY AND INSTALL ALL ADDITIONAL LABOR SERVICES, AND MATERIALS NECESSARY FOR THE COMPLETE APPROVED INSTALLATION OF THE SYSTEMS AS CALLED FOR.
15. ALL MATERIALS, CONSTRUCTION, AND FINISHES TO BE FIRE RATED, FIREPROOFED AND FIRE RETARDANT TO MEET LOCAL, STATE, AND APPLICABLE NATIONAL FIRE CODES. ALL MATERIALS TO BE APPROVED BY THE BUILT DEPARTMENT HAVING JURISDICTION. NO COMBUSTIBLE MATERIALS ARE TO BE INSTALLED ABOVE CEILING GRID.
16. TENANT'S CONTRACTOR SHALL VERIFY WITH THE OWNER ALL FIXTURES BY OTHERS.
17. THE CONTRACTOR SHALL KEEP ALL WARRANTIES, IMPRESSIONS AND KEY IN A MARKED ENVELOPE. ALL KEYS TO BE TAGGED WITH PROPER LOCATIONS. THIS ENVELOPE SHOULD BE TURNED OVER TO THE STORE OPERATIONS MANAGER UPON CERTIFICATE OF OCCUPANCY.
18. IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO MAKE A CAREFUL INSPECTION OVER THE CONSTRUCTION AS IT WORK IS ASSEMBLED AND AT THE COMPLETION OF THE WORK TO INSURE THAT THE PROJECT IS READY FOR FINAL ACCEPTANCE BEFORE CALLING UPON THE DESIGNER AND OWNER TO MAKE A FINAL INSPECTION
19. THE PERMIT, GLAZING, CONTRACTOR, SUBCONTRACTORS, AND OTHER REPRESENTATIVES SHALL BE FAMILIAR WITH ALL PORTIONS OF THE LEASE AGREEMENT WHICH CONTAIN THE DESIGN OF THE LEASED PREMISES. THE CONTRACTOR SHALL OBTAIN AND REVIEW A SET OF ALL RULES AND REGULATIONS PRIOR TO SUBMITTING A BID.
20. G.C. SHALL INSTALL BACKBOXES AS NEEDED AT ALL BUILT-IN COUNTERS AT LOCATIONS OF ELECTRICAL OUTLETS (TYPICAL THROUGHOUT)
21. G.C. SHALL FURNISH AND INSTALL ALL MATERIALS AS REQUIRED TO COMPLETE CONSTRUCTION OF THIS PROJECT, EXCEPT AS EXPLICITLY IN THE "EXCLUSIONS RESPONSIBILITIES"
22. G.C. SHALL PREPARE A RECORD SET OF AS-BUILT DRAWINGS WHICH REFLECT ANY CHANGES ADDITIONS OR DELETIONS TO THE LANDLORD APPROVED SET OF DRAWINGS AND TURN THEM OVER TO THE TENANT UPON COMPLETION OF THE PROJECT
23. G.C. SHALL ARRANGE AN ON-SITE MEETING WITH LOCAL MANAGEMENT PRIOR TO STARTING ANY PORTION OF THE WORK, MANAGEMENT TO LANDLORD'S CONSTRUCTION RULE BOOK
24. THE LANDLORD'S ON-SITE REPRESENTATIVE RESERVES THE RIGHT TO MAKE CHANGES TO THE LANDLORD APPROVED PLANS
25. G.C. MUST CONTRACT WITH LANDLORD APPROVED SPRINKLER CONTRACTOR AT G.C.'S EXPENSE COORDINATE WITH LOCAL MANAGEMENT

CODE ANALYSIS

1. SCOPE OF WORK:
TENANT IMPROVEMENTS FOR A RESTAURANT FACILITY IN A PREVIOUSLY UNOCCUPIED LEASE SPACE INCLUDES INTERIOR DESIGN, ELECTRICAL & MECHANICAL
2. GOVERNING CODES:
ALL WORK SHALL BE IN CONFORMANCE WITH, BUT NOT LIMITED TO, THE REQUIREMENTS OF THE FOLLOWING AND ANY OTHER FEDERAL, STATE & LOCAL CODE LAWS & ORDINANCES THAT APPLY:
- BUILDING - 2009 INTERNATIONAL BUILDING CODE W/ AMENDMENTS
- MECHANICAL - 2009 INTERNATIONAL MECHANICAL CODE W/ AMENDMENTS
- ELECTRICAL - 2009 NATIONAL ELECTRICAL CODE
- ENERGY - 2009 INTERNATIONAL ENERGY CONSERVATION CODE WITH 2010 WITH LOCAL AMENDMENTS
- FIRE PROTECTION - 2009 INTERNATIONAL FIRE CODE W/ AMENDMENTS
- PLUMBING - 2009 UNIFORM PLUMBING CODE W/ AMENDMENTS
- ACCESSIBILITY 2007 TEXAS ACCESSIBILITY STANDARDS W/ AMENDMENTS
3. BUILDING DEPARTMENT:
CITY OF MIDLAND DEVELOPMENT SERVICES DEPARTMENT
300 N. LORAINE
MIDLAND, TEXAS 79702
(432) 685-7356
4. CONSTRUCTION TYPE:
TYPE V-B SPRINKLED
5. OCCUPANCY GROUP:
GROUP "A2" - ASSEMBLY USES INTENDED FOR FOOD AND/OR DRINK BUT NOT LIMITED TO: BANQUET HALLS, NIGHT CLUBS, RESTAURANT TAVERNS AND BARS
6. AREA
GROSS AREA (+-) 2300SD FT

DEFINITIONS

L.I.	REPRESENTS WORK TO BE PERFORMED BY THE L.I. THE L.I. G.C. OR SUBCONTRACTORS FOR THE L.I.'S G.C.
C.C.	REPRESENTS WORK TO BE PERFORMED BY THE TENANT'S G.C. OR SUBCONTRACTORS FOR THE TENANT'S G.C.
TBR	REPRESENTS WORK OR ITEMS TO BE FURNISHED & INSTALLED BY THE TENANT OR SUBCONTRACTORS WORKING DIRECTLY FOR THE TENANT

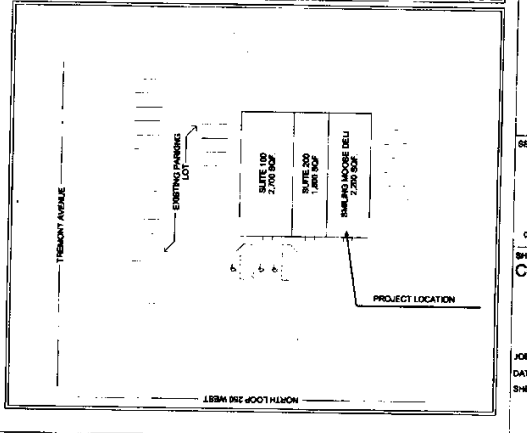
CONTACT LIST

TENANT	SMILING MOOSE DELI 4815 S. NICHOLAS BLVD. STE. #300 LOUISVILLE, COLORADO 80027 EMAIL:
	CONTACT COLTEN LANGE
STORE ADDRESS	MIDLAND MARKETPLACE 3322 NORTH LOOP 250 WEST, SUITE 300 MIDLAND, TEXAS 79707
SITE MANAGEMENT	JAMES L. WALKER 3120 ROSEWALK RD., SUITE 190 HOUSTON, TX 77042 713-510-3922
PROJECT ARCHITECT	PAUL ANTHONY - ASSOCIATES 8303 IH-10 WEST, SUITE 1010 SAN ANTONIO, TEXAS 78201 PH: (210)979-7700 F: (210)979-7784 CONTACT: PAUL SANCHEZ
PROJECT ENGINEERING	PAUL ANTHONY - ASSOCIATES 8303 IH-10 WEST, SUITE 1010 SAN ANTONIO, TEXAS 78201 PH: (210)979-7700 F: (210)979-7784 CONTACT: PAUL SANCHEZ

ABBREVIATIONS

A.F.F.	ABOVE FINISH FLOOR	H.C.	HOLLOW CORE
CRT.	CARPET	LAV.	LAVATORY
C.	CENTERLINE	MAX.	MAXIMUM
C.O.	CLEANOUT	MIN.	MINIMUM
CONC.	CONCRETE	MT.	MARBLE
CONT.	CONTINUOUS	MTL.	METAL
CPT.	CARPET	N.I.C.	NOT IN CONTRACT
CTR'TP.	COUNTERTOP	NO.	NUMBER
DN.	DOWN	O.C.	ON CENTER
DW.	DRAWER	O.D.	OUTSIDE DIMENSION
DRG.(S).	DRAWING (S)	O.H.	OVERHEAD
EA.	EACH	OPNG.	OPENING
EL.	ELEVATION	PLYWD.	PLYWOOD
EXIST.	EXISTING	RAD.	RADIUS
EXP.	EXPANSION	REF.	REFERENCE
F.P.	FIRE PROOF	REINF.	REINFORCED
FIN.	FINISH	S.C.	SOLID CORE
GA.	GAUGE	SPEC.	SPECIFICATION
GYP. BD.	GYPSUM BOARD	T.A.T.	SUSPENDED ACOUSTICAL TILE
H.C.	HANDICAP CONTRACTOR	TYP.	TYPICAL
H.M.F.	HOLLOW METAL FRAME	U.O.N.	UNLESS NOTED OTHERWISE
HR.	HOUR	V.C.T.	VINYL COMPOSITION TILE
HDW.	HARDWARE	W.	WITH
HGT.	HEIGHT	WD.	WOOD
H.M.	HOLLOW METAL	W.	WT

LOCATION MAP / SITE PLAN



paa
ARCHITECTURE ENGINEERING INTERIORS

PAUL ANTHONY + ASSOCIATES, L.L.C.
8303 IH 10 WEST SUITE 1010
SAN ANTONIO, TX 78230
O: (210) 979-7700 F: (210) 979-7784

ISSUE:
02/03/2011 PERMIT SET

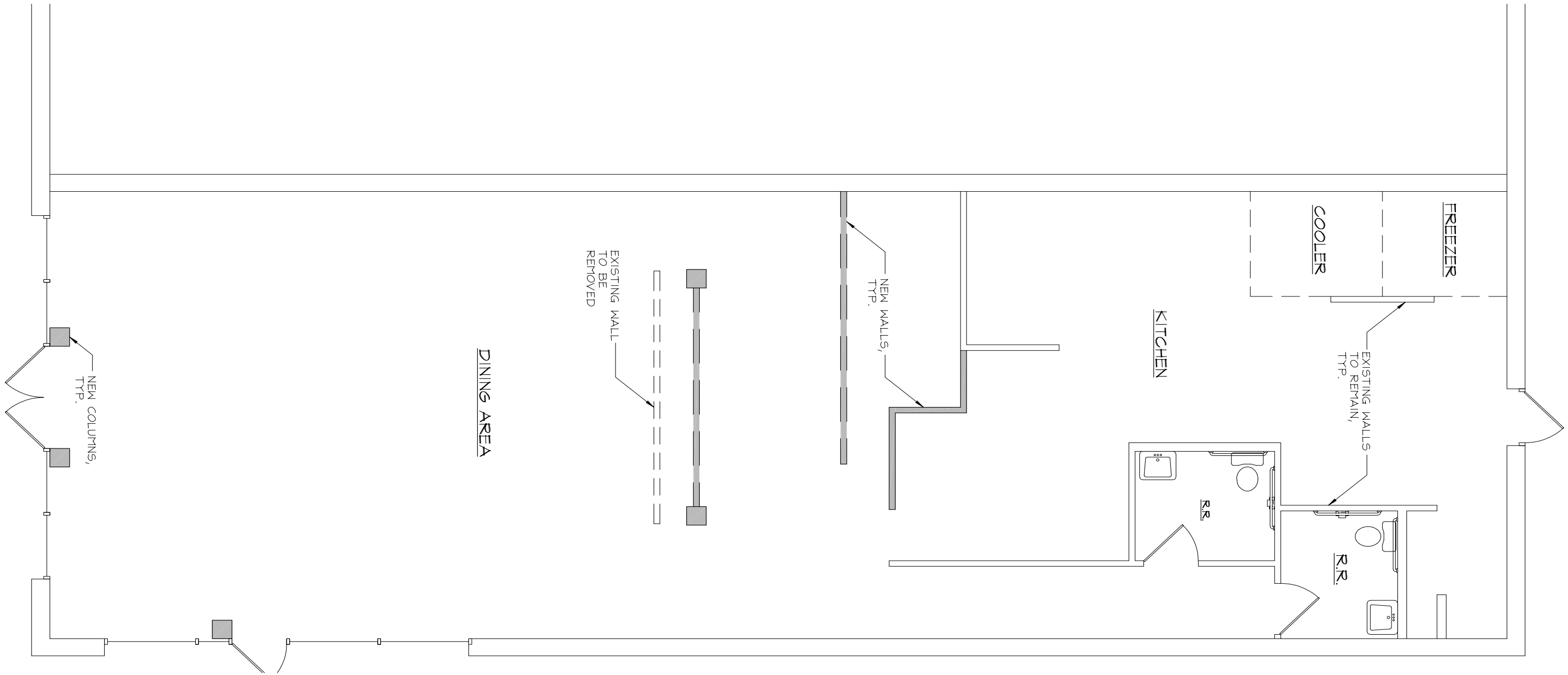
SMILING MOOSE DELI
MIDLAND MARKETPLACE
3322 NORTH LOOP 250 WEST, STE. 300
MIDLAND, TEXAS 79707

SEAL:

02/03/11

SHEET TITLE:
COVERSHEET

JOB: 10-019
DATE: FEB 03, 2011
SHEET:
A0.1



PACKET
23.191
August 25, 2020

PREPARED BY:
DRAFTING & DESIGN
NEW BUILDING FOR:
LA JAIVA
3322 N LOOP 250 W
SUITE C
MIDLAND TEXAS

© 2020 FEDERAL COPYRIGHT PROTECTION COPYRIGHT, J M DRAFTING & DESIGN EXTENDING TO DERIVATIVE PLANS, IS APPLICABLE TO INTENTIONAL AND UNINTENTIONAL INFRINGEMENTS AND PROVIDES FOR SPECIFIC STATUTORY DAMAGES BOTH CIVIL AND CRIMINAL. UNAUTHORIZED REPRODUCTION IN ANY FORM IS STRICTLY PROHIBITED AND FORBIDDEN.

DATE:
MAY 29, 2020
DWG2020/ALEXQUEZADA/LAJAIVA-A1
JOB # JM120051

A FLOOR PLAN
SCALE 3/16" = 1'-0"

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-20-0080

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Alex Quezada		Phone (432) 770-6605 Email alexquezada2552@gmail.com	
Address 5216 Tremont Apt. 505	City Midland	State TX	Zip 79707

Property Owner Printed Name: RAAS Texas Ventures, LLC		Phone (972)465-8400 Email allison@realspacetexas.com	
Address 3990 East Side Avenue	City Dallas	State TX	Zip 75226

Representative *(if different from Applicant or Property Owner)* Firm: Aimee Valenzuela LLC Printed Name: Aimee Valenzuela		Phone (432) 694-7000 Email aimee@avllc.org	
Address 1401 N. Garfield St.	City Midland	State TX	Zip 79701

Street Address: 3322 North Loop 250 West, Suite 300

Business Name: La Jaiba, LLC/Trade Name: La Jaiba -Mexican Grill & Seafood

Legal Description
Lot: 23B Block: 40 Subdivision: Fairmont Park Addition Section 39

Current Zoning: RR, Regional Retail District

Reason for Request: Opening new bar and restaurant, TABC license requires city secretary seal

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: restaurant

Proposed/Current Days and Hours of Operation: Monday - Friday 7:00 a.m. to 10:00 p.m.
Saturday - Sunday 8:00 a.m. to 10:00 p.m.

Proposed Days and Hours of Alcohol Service: Monday - Saturday 10:00 a.m to 10:00 p.m.
Sunday 12:00 p.m. to 10:00 p.m.

Total Square Footage of Business: 2233 sq ft.

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures: 1 *Men*	**Toilets/Urinals:** 1 toilet for men	**Bathroom Sinks:** 1 for men
1 *Women*	**Toilets:** 1 toilet for women	**Bathroom Sinks:** 1 for women

RECEIVED
JUN 2 4 2020

BY: .....

RECEIVED
JUN 2 4 2020
BY: .....

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):	Date: 6/24/2020
Applicant (printed): Alejandro Quezada	
Property Owner (signature): authorized agent	Date: 6-24-20
Property Owner (printed): Jason Morahan	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Jason Morahan who, being by me duly sworn, upon oath says: That (s)he is authorized by RAAS Texas Ventures, LLC the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Authorized Agent (*signature*)

Subscribed and sworn to before me, this 24th day of June, 2020, to certify which witness my hand and seal of office.

ANA LAZALDE
Notary Public, State of Texas
Comm. Expires 08-29-2021
Notary ID 3979010

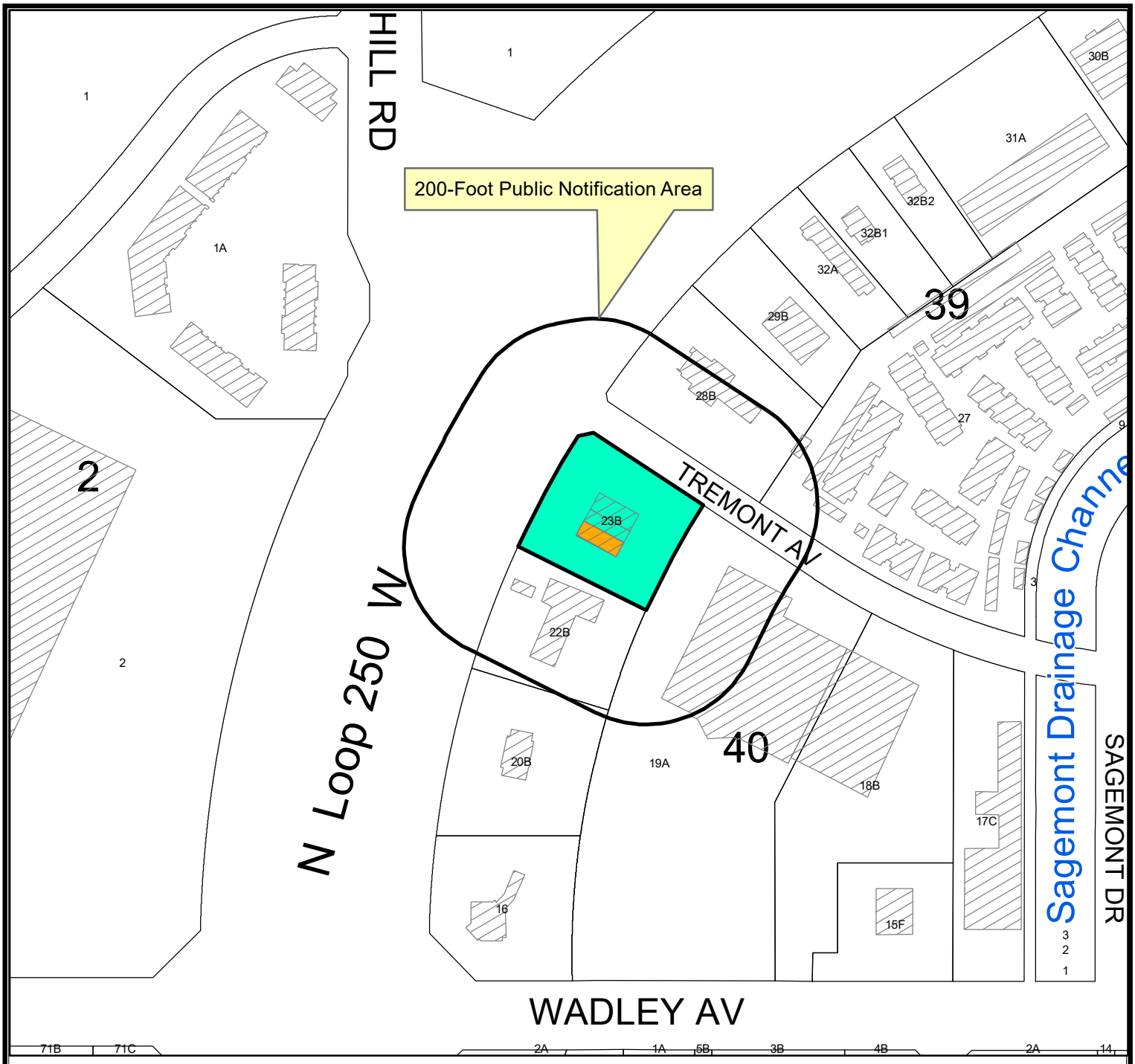
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****Application will not be considered for scheduling until reviewed by a planner.****

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Floor Plan
☒ Application Fee	☐ Site Plan
Check # 179	☒ Plans in Digital Format (PDF/JPEG)
Received By: DL	Date: JUN 2 4 2020

RECEIVED
BY: DL

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

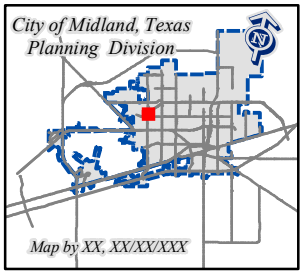
SUD-20-0080 **Scale: 1" = 250'**

Consider a request by Aimee Valenzuela for a Specific Use Designation, with Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant on a 2,233 square foot portion of Lot 23B, Block 40, Fairmont Park Addition, Section 39, City and County of Midland, Texas.

Generally located on the southeast corner of the intersection of North Loop 250 West and Tremont Avenue. (Council District 1)

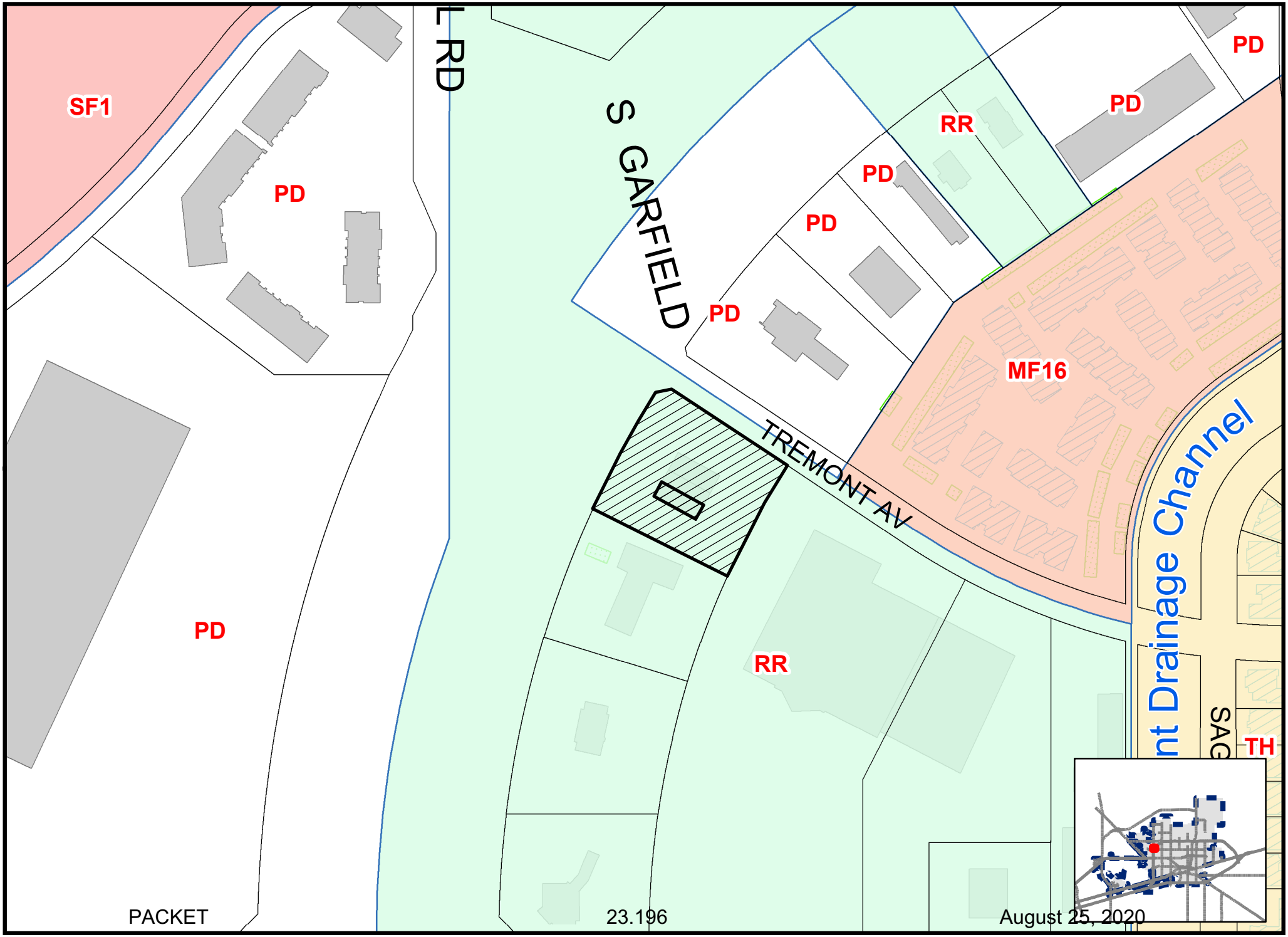
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

August 25, 2020



Map By JM, 07/14/2020

SUD-20-0080

Scale: 1" = 200'

ZONING MAP

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OVER 1 TON
FedEx


complete HEALTH





City Council Meeting

Item Number: 24

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Elizabeth Shaughnessy, Senior Planner

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 310 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A SPECIAL EVENTS CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Keysha Kidd, is requesting a Specific Use Designation with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a Special Events Center known as The Studio by Kidd's and Canvas located at 3211 W. Wadley, Suite 5.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Current Zoning:

RR, Regional Retail District.

Surrounding Zoning and Land Use:

The properties to the north, east, and west are zoned RR, Regional Retail District, and the location of Imperial Shopping Center, which consists of various retail stores. The properties to the south are zoned SF-2, Single-Family Dwelling District, and the location single-family houses.

Analysis:

The property located at 3211 W. Wadley, Suite 5 is currently zoned RR, Regional Retail District, which permits the sale of alcoholic beverages for on-premises consumption with the approval of a Specific Use Designation.

The floor plan provided, attached hereto as Exhibit A, shows the proposed alcohol serviceable area will have a total square footage of 2,900 square feet.

The applicant is requesting the following alcohol serviceable hours.

Monday through Thursday from 10:00 a.m. to 10:00 p.m.,
Friday and Saturday from 10:00 a.m. to 12:00 a.m. (midnight) and
Sunday from 1:00 p.m. to 7:00 p.m.

The operating hours for the Art Studio are the same as mentioned above.

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no schools or churches within 300 feet of the property using the front door to door distance measurement.

This request has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Engineering: (Approved)

No objection.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objection.

Code Administration: (Approved)

The SUD is acceptable provided that no major changes have taken place including increased sizing of the dining/seating area or increases to the building footprint. The property must adhere to the current maximum occupant load of 89 persons in accordance to the plans provided. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to* "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137).

This request was recommended for approval at the August 3, 2020 Planning and Zoning Commission Meeting.

This request meets all requirements; therefore, staff recommends approval of the Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a Special Events Center, subject to Conditions A thought E.

Conditions:

A. **That the alcoholic serviceable area of the Special Events Center shall be limited to approximately 2,900 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**

B. **That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**

C. **That the establishment shall meet all requirements of the Fire Department and Code Administration.**

D. That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.

E. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Monday through Thursday from 10:00 a.m. to 10:00 p.m.,
Friday and Saturday from 10:00 a.m. to 12:00 a.m. (midnight) and
Sunday from 1:00 p.m. to 7:00 p.m

Letters of Objection:

As of August 19, 2020, staff has not received any letters of objections.

Attachments:

Site Plan and Floor Plan (Exhibit A)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF BLOCK 1, LESS THE 250-FOOT BY 150-FOOT NORTHWEST CORNER AND LESS THE 224-FOOT BY 150-FOOT SOUTHWEST CORNER, REPLAT OF BLOCKS 1 AND 2, IMPERIAL HEIGHTS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF WEST WADLEY AVENUE, APPROXIMATELY 310 FEET EAST OF NORTH MIDKIFF ROAD), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A SPECIAL EVENTS CENTER FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 3,000-square foot portion of Block 1, less the 250-foot by 150-foot northwest corner and less the 224-foot by 150-foot southwest corner, Replat of Blocks 1 and 2, Imperial Heights Addition, City and County of Midland, Texas (the "Property") as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of

all alcoholic beverages for on-premises consumption in a special events center (the "Establishment"), together with the uses permitted in the present RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 2,900 contiguous square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Thursday from 10:00 a.m. to 10:00 p.m.;
Friday and Saturday from 10:00 a.m. to 12:00 a.m. (midnight); and
Sunday from 1:00 p.m. to 7:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

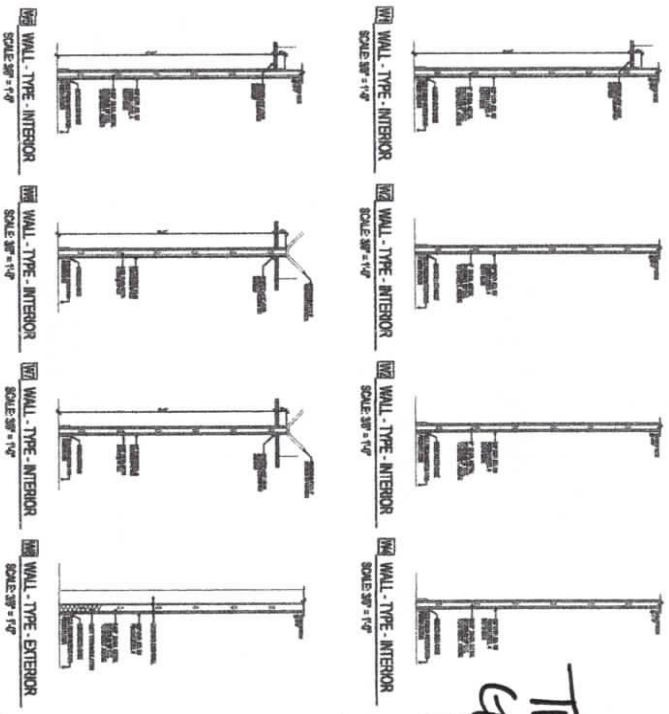
APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

RECEIVED
JUN 2 6 2020

BY: .....



DOOR AND FRAME SCHEDULE

MARK	SIZE WD	SIZE HGT	SIZE THK	MATERIAL	FRAME MATL	HARDWARE KEYSIDE RM NO	NOTES
1	6'-0"	7'-0"	1 3/4"		METAL		
2	3'-0"	7'-0"	1 3/4"		METAL		
3	3'-0"	7'-0"	1 3/4"		METAL		
4	3'-0"	7'-0"	1 3/4"		METAL		
5	3'-0"	7'-0"	1 3/4"		METAL		
6	3'-0"	7'-0"	1 3/4"		METAL		
7	3'-0"	7'-0"	1 3/4"		METAL		
8	3'-0"	7'-0"	1 3/4"		METAL		
9	3'-0"	7'-0"	1 3/4"		METAL		
10	3'-0"	7'-0"	1 3/4"		METAL		
11	3'-0"	7'-0"	1 3/4"		METAL		
12	3'-0"	7'-0"	1 3/4"		METAL		
13	3'-0"	7'-0"	1 3/4"		METAL		
14	3'-0"	7'-0"	1 3/4"		METAL		
15	3'-0"	7'-0"	1 3/4"		METAL		
16	3'-0"	7'-0"	1 3/4"		METAL		

ROOM FINISH SCHEDULE

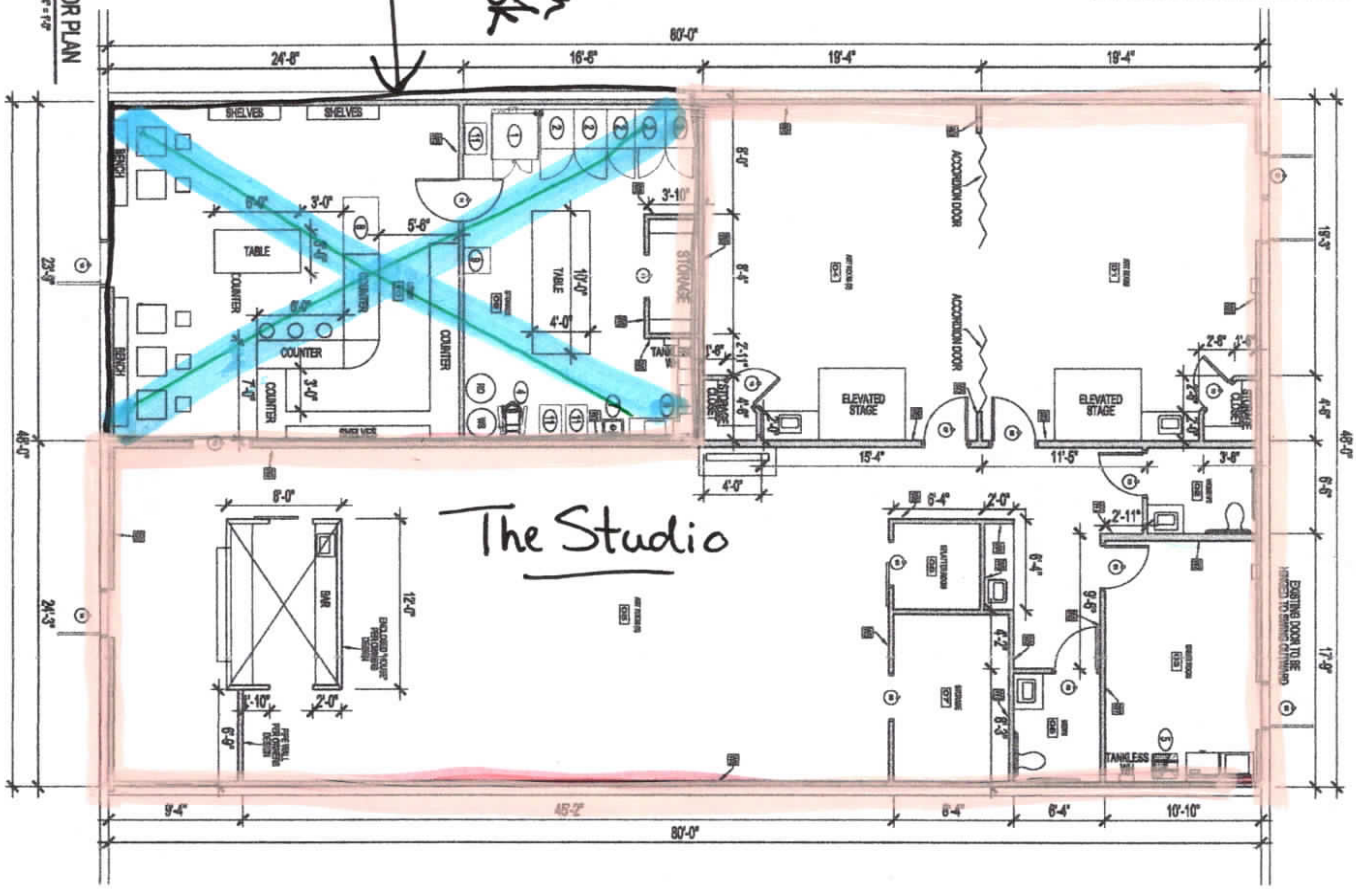
ROOM NO	ROOM NAME	FLOOR	Area	CEILING MAT'L	Wall Finish	Base Color	Base Mat'l	NOTES
01	ART ROOM (S)	CONC.	447.917	DECK				
02	BREAK ROOM	CONC.	127.896	DECK				
03	ART ROOM	CONC.	447.917	DECK				
04	ART ROOM (S)	CONC.	1498.42	DECK				
05	WOMEN'S	CONC.	49.9	DRYWALL				
06	MEN'S	CONC.	49.9	DRYWALL				
07	STORAGE	CONC.	58	DRYWALL				
08	SPLASHDOWN STORAGE	CONC.	58	DRYWALL				
09		CONC.	369.472	DRYWALL				

FURNITURE SCHEDULE

ITEM	DESCRIPTION	SIZE	QTY
1	CONCESSION DISPLAY	7'-0" / 7'-3" / 4'-0" / 7'-0"	1
1	RECEIVING/WORKBENCH	7'-0" / 7'-3" / 4'-0" / 7'-0"	1
1	TEACHER DESK	5'-0" / 2'-3" / 2'-6" / 5'-0"	1
1	4 DRAWER FILE	1'-4" / 2'-3" / 4'-2" / 1'-4"	1
1	CHAIR	2'-3" / 2'-6" / 4'-0" / 2'-3"	1
1	CREDENZA	5'-0" / 2'-3" / 1'-6" / 5'-0"	1
1	CONFERENCE TABLE	8'-0" / 3'-6" / 2'-3" / 8'-0"	1
1	36" SQUARE COFFEE TABLE	3'-0" / 3'-0" / 1'-6" / 3'-0"	1
1	SOFA	6'-0" / 2'-6" / 2'-6" / 6'-0"	1
1	LOVE SEAT	4'-0" / 2'-6" / 2'-6" / 4'-0"	1
1	SIDE CHAIR	2'-0" / 2'-0" / 3'-0" / 2'-0"	1
1	ARM CHAIR	2'-6" / 2'-6" / 3'-0" / 2'-6"	1
1	BOOKSHELF	3'-0" / 1'-0" / 6'-0" / 3'-0"	1
1	BOOKSHELF	3'-0" / 1'-0" / 6'-0" / 3'-0"	1
1	SPEAKER/PODIUM/DESK	3'-0" / 1'-6" / 4'-0" / 3'-0"	1
1	COFFEE GRINDER	1'-0" / 1'-0" / 1'-0" / 1'-0"	1
1	KEG 1	1'-0" / 1'-0" / 1'-0" / 1'-0"	1
1	KEG/BARREL	1'-0" / 1'-0" / 1'-0" / 1'-0"	1

A-1.0 FLOOR PLAN
SCALE: 1/8" = 1'-0"

The Golden Whisk



1	FINAL PLANS	01/28/20

KIDD'S AND CANVAS-GOLDEN WHISK
3211 W WADLEY SUITE 5
MIDLAND, TEXAS
LOT: 0010, BLOCK: 001
IMPERIAL HEIGHTS

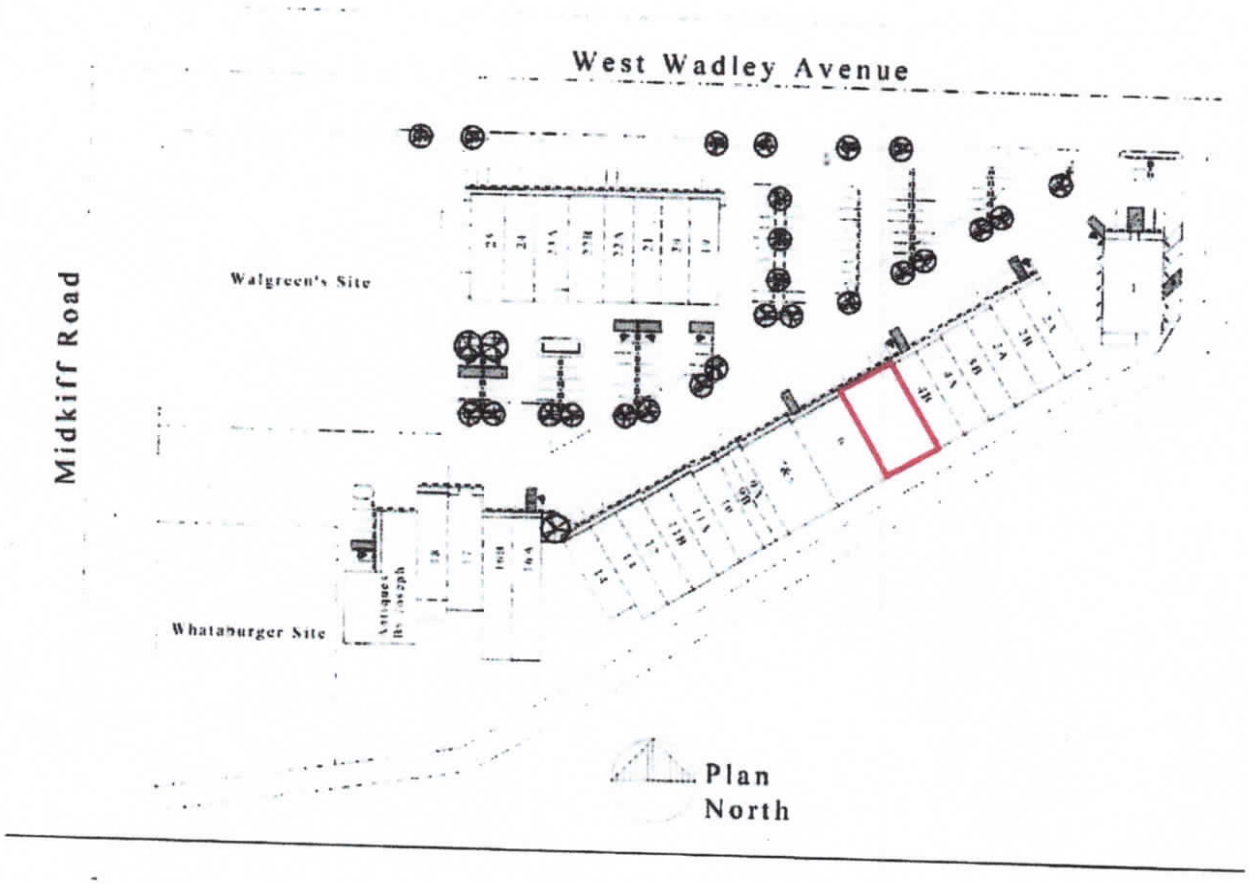
CHAD WALTERS
432-563-0788
CHAD@MIDLAND-DCI.COM
WWW.MIDLAND-DCI.COM

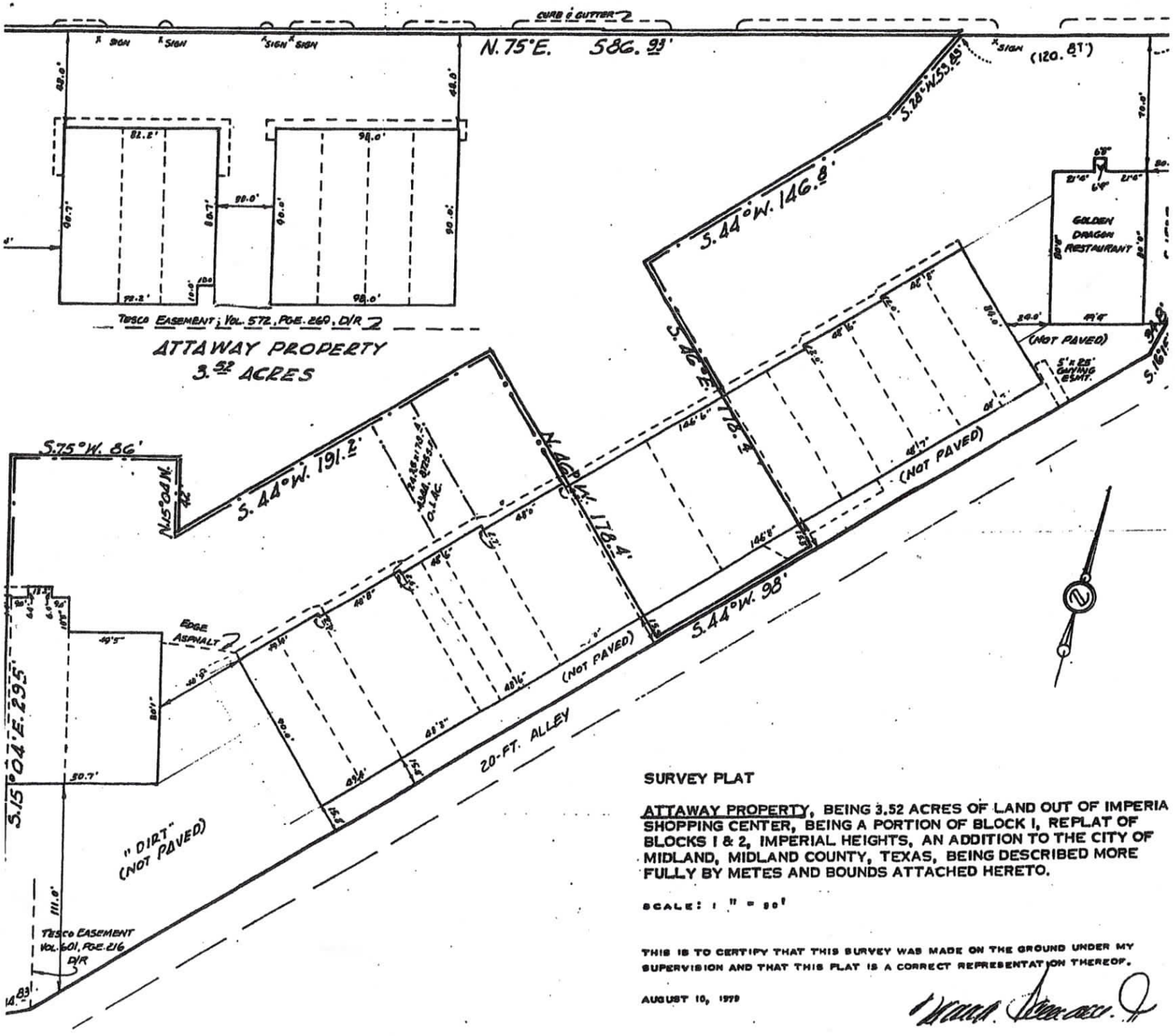
A-1

PARKING + LOT

EXHIBIT A

LEASING PLAN





SURVEY PLAT

ATTAWAY PROPERTY, BEING 3.52 ACRES OF LAND OUT OF IMPERIA SHOPPING CENTER, BEING A PORTION OF BLOCK I, REPLAT OF BLOCKS I & 2, IMPERIAL HEIGHTS, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS, BEING DESCRIBED MORE FULLY BY METES AND BOUNDS ATTACHED HERETO.

SCALE: 1" = 50'

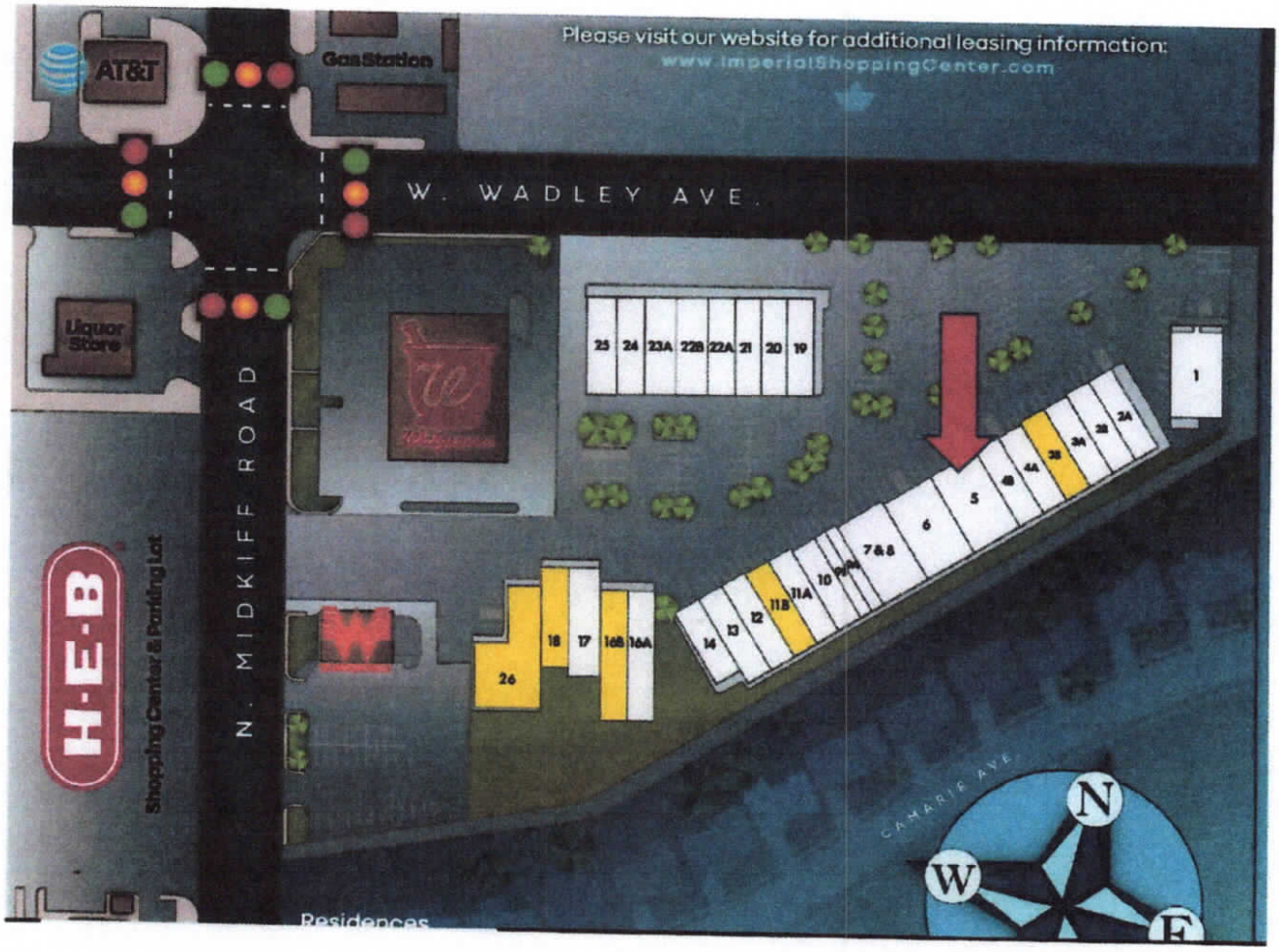
THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF.

AUGUST 10, 1979

RECEIVED
JUN 26 2020
BY:
24.11 PACKET
August 25, 2020

EXHIBIT A

LEASE PLAN



RECEIVED
JUN 26 2020
BY:

DOOR AND FRAME SCHEDULE

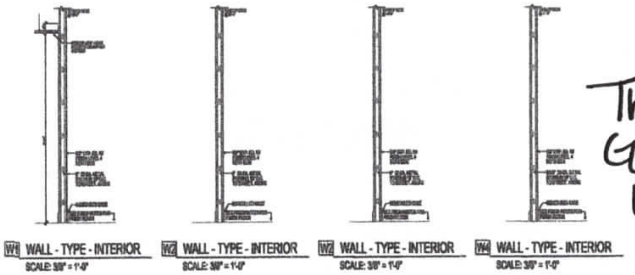
MARK	DOOR SIZE WD	HGT	THK	MATERIAL	FRAME MATL	HARDWARE KEYSIDE RM NO	NOTES
1	6'-0"	7'-0"	1 3/4"	-	METAL	-	EXISTING
2	3'-0"	7'-0"	1 3/4"	-	METAL	-	EXISTING
3	3'-0"	7'-0"	1 3/4"	-	METAL	-	-
4	3'-0"	7'-0"	1 3/4"	-	METAL	-	-
5	3'-0"	7'-0"	1 3/4"	-	METAL	-	-
6	2'-0"	7'-0"	1 3/4"	-	METAL	-	-
7	2'-6"	7'-0"	1 3/4"	-	METAL	-	-
8	5'-0"	7'-0"	NA	-	METAL	-	W SHOW DOOR
9	3'-0"	7'-0"	NA	-	METAL	-	-
10	2'-0"	7'-0"	NA	-	METAL	-	-
11	3'-0"	7'-0"	1 1/2"	-	METAL	-	-
12	4'-0"	7'-0"	NA	-	METAL	-	-
13	3'-0"	7'-0"	1 3/4"	-	METAL	-	EXISTING
14	3'-0"	7'-0"	1 3/4"	-	METAL	-	EXISTING
15	2'-6"	7'-0"	1 3/4"	-	METAL	-	-
16	2'-6"	7'-0"	1 3/4"	-	METAL	-	-

FURNITURE SCHEDULE

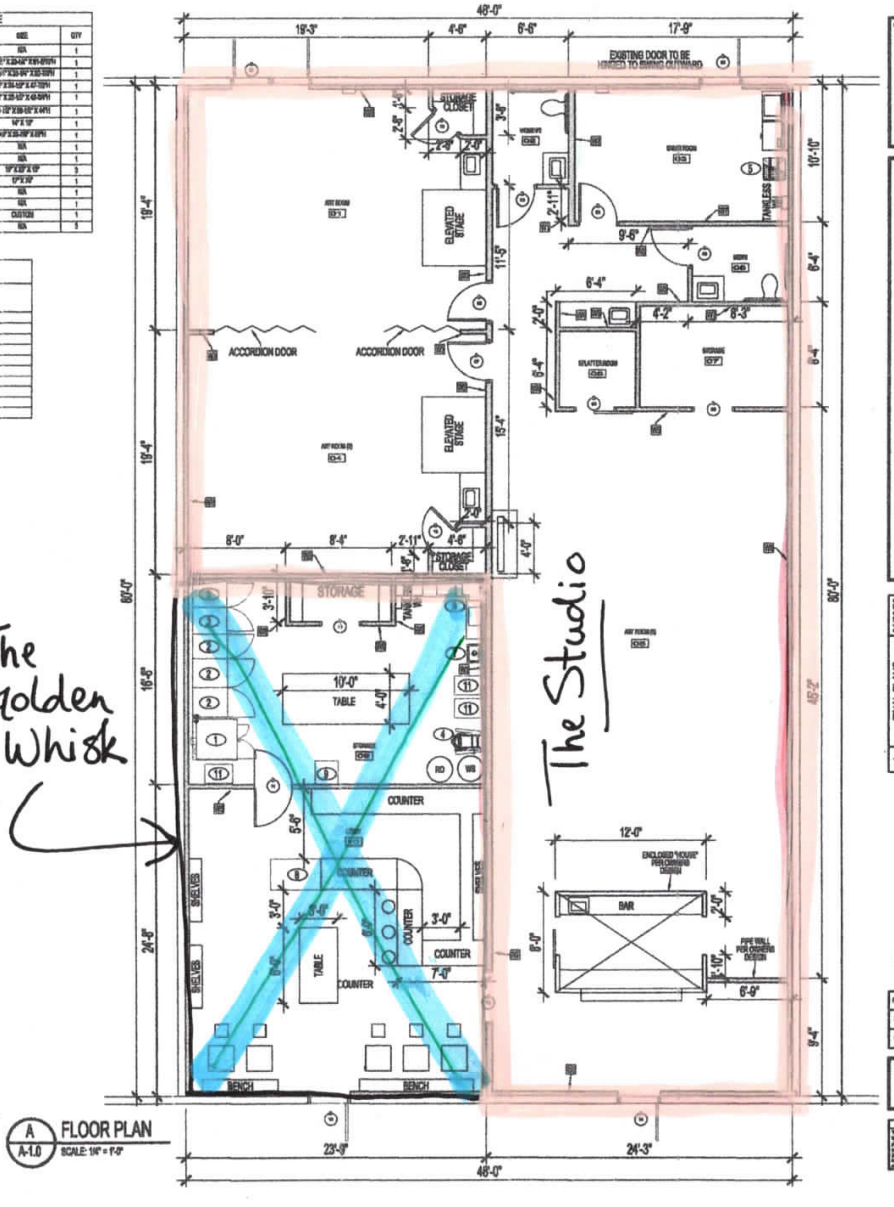
ITEM	DESCRIPTION	SIZE	QTY
1	CONVECTION OVEN, ELECTRIC	N/A	1
2	REACH-IN REFRIGERATOR	27-0" X 32-3/4" X 81-0 5/8"H	1
3	REACH-IN FREEZER	27-0" X 32-3/4" X 81-0 5/8"H	1
4	PLATE/BATTERY WASH	72" X 34-1/2" X 47-1/2"H	1
5	ONE COMPARTMENT SINK	24" X 20-1/2" X 43-3/4"H	1
6	CORNER SINK	18-1/2" X 18-1/2" X 44"H	1
7	HAND SINK	14" X 10"	1
8	DISPLAY CASE, REFRIGERATED BAKERY	48" X 30-3/8" X 60"H	1
9	ICE MAKER, CUBE STYLE	N/A	1
10	MICROWAVE OVEN	N/A	1
11	UNIVERSAL WORKBOX	18" X 30" X 10"	3
12	COUNTER SHEETER	17" X 78"	1
13	DISPENSED CAPPUCCINO MACHINE	N/A	1
14	COFFEE GRINDER	N/A	1
15	HOOD 1	CUSTOM	1
16	HOOD 2	N/A	1

ROOM FINISH SCHEDULE

ROOM NO	ROOM NAME	FLOOR	Area	CEILING MATL	Wall Finish	Base Color	Base Matl	NOTES
04	ART ROOM (2)	CONC.	444.817	DECK	-	-	-	-
10	LOBBY	CONC.	982	DECK	-	-	-	-
03	BREAK ROOM	CONC.	177.826	LAY-IN	-	-	-	-
01	ART ROOM	CONC.	444.917	DECK	-	-	-	-
05	ART ROOM (3)	CONC.	1495.42	DECK	-	-	-	-
02	WOMEN'S	CONC.	48.5	DRYWALL	-	-	-	-
09	MEN'S	CONC.	46.6	DRYWALL	-	-	-	-
07	STORAGE	CONC.	84	LAY-IN	-	-	-	-
06	SPLATTER ROOM	CONC.	36	DRYWALL	-	-	-	-
08	STORAGE	CONC.	382.472	LAY-IN	-	-	-	-



The Golden Whisk



A / A-1.0 FLOOR PLAN
SCALE: 1/4" = 1'-0"

KIDD'S AND CANVAS-GOLDEN WHISK
3211 W WADLEY SUITE 5
MIDLAND, TEXAS
LOT: 0010, BLOCK: 001
IMPERIAL HEIGHTS

1	FINAL PLANS	01/26/20

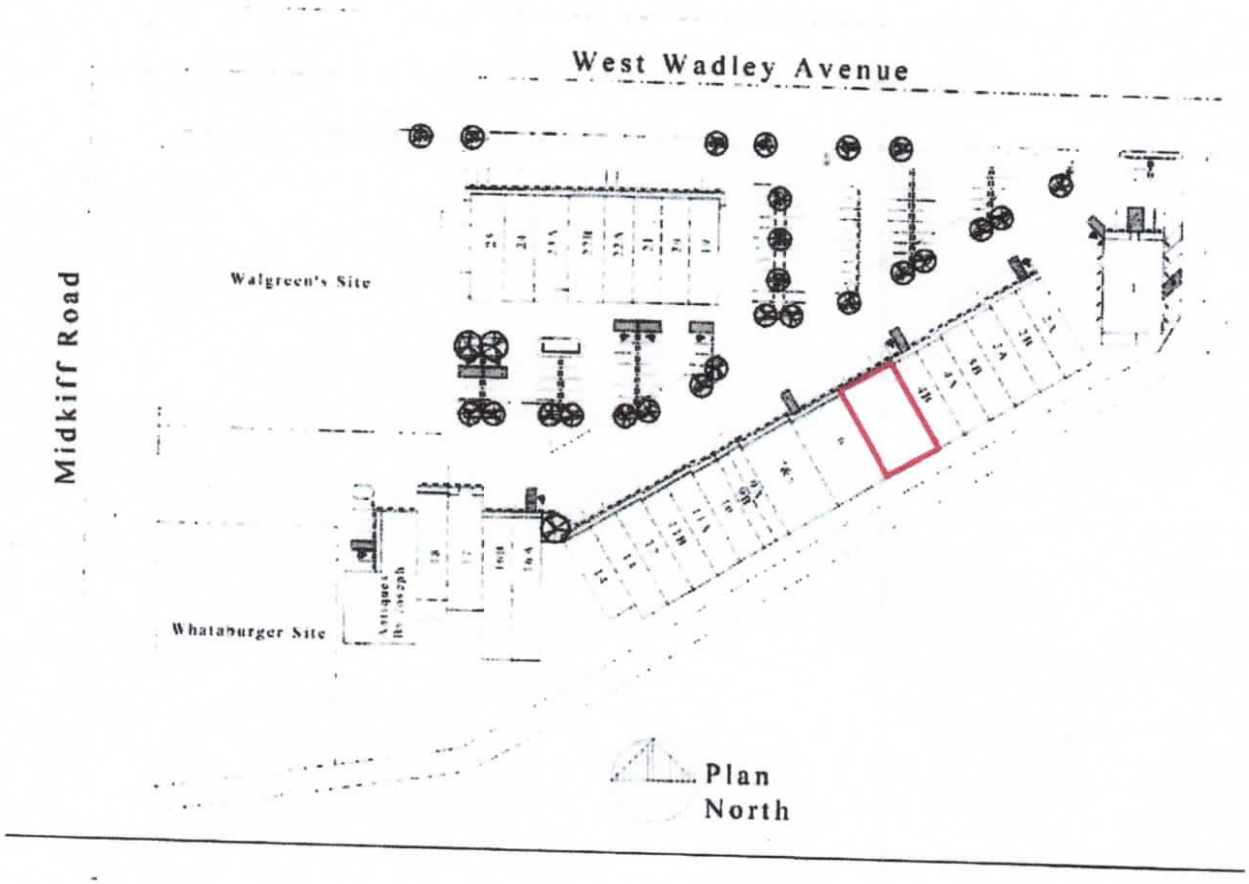
DCI
CHAD WALTERS
432-352-0788
CHAD@MIDLAND-DCI.COM
WWW.MIDLAND-DCI.COM

A-1.0

PARKING + LOT

EXHIBIT A

LEASING PLAN



MIDLAND Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUP-20-0081

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: KEYSHA KIDD - THE STUDIO by KIDD'S + CANVAS		Phone (432) 978-8894 Email 432-312-0273 Keysha@thestudiomtx.com	
Address 3211 W. WADLEY AVE STE 5	City MIDLAND	State TX	Zip 79705

Property Owner Printed Name: IMPERIAL SHOPPING CENTER I, LTD		Phone (432) 697-6401 Email debi@imperialshoppingcenter.com	
Address 3211 W. WADLEY AVE	City MIDLAND	State TX	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 3211 W. Wadley Ave. Ste 5

Business Name: THE STUDIO by KIDD'S + CANVAS

Legal Description
Lot: A 0.20 Block: 1 Subdivision: Imperial Heights

Current Zoning: RR

Reason for Request: Wine & Canvas (similar to)

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: ART ENTERTAINMENT

Proposed/Current Days and Hours of Operation: M-TH 10 AM - 10PM, F+S 10 AM - 12 AM, SUN 1PM - 7PM

Proposed Days and Hours of Alcohol Service: MON - TH 10 AM - 10 PM F+SAT 10 AM to 12 AM, SUN 1 PM - 7PM

Total Square Footage of Business: 3000 Sq ft.

Square Footage of Alcohol Serviceable Area: 2900 sft

Restroom Fixtures:	*Men*	**Toilets/Urinals:**	1 /	**Bathroom Sinks:**	1
	Women	**Toilets:**	1	**Bathroom Sinks:**	1

RECEIVED
JUN 26 2020
BY: DK

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature): Keysha K Bb Date: 6-11-2020

Applicant (printed): KEYSHA KYBD

Property Owner (signature): Daniel A Molloy Date: 6/13/20

Property Owner (printed): Daniel A. Molloy

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

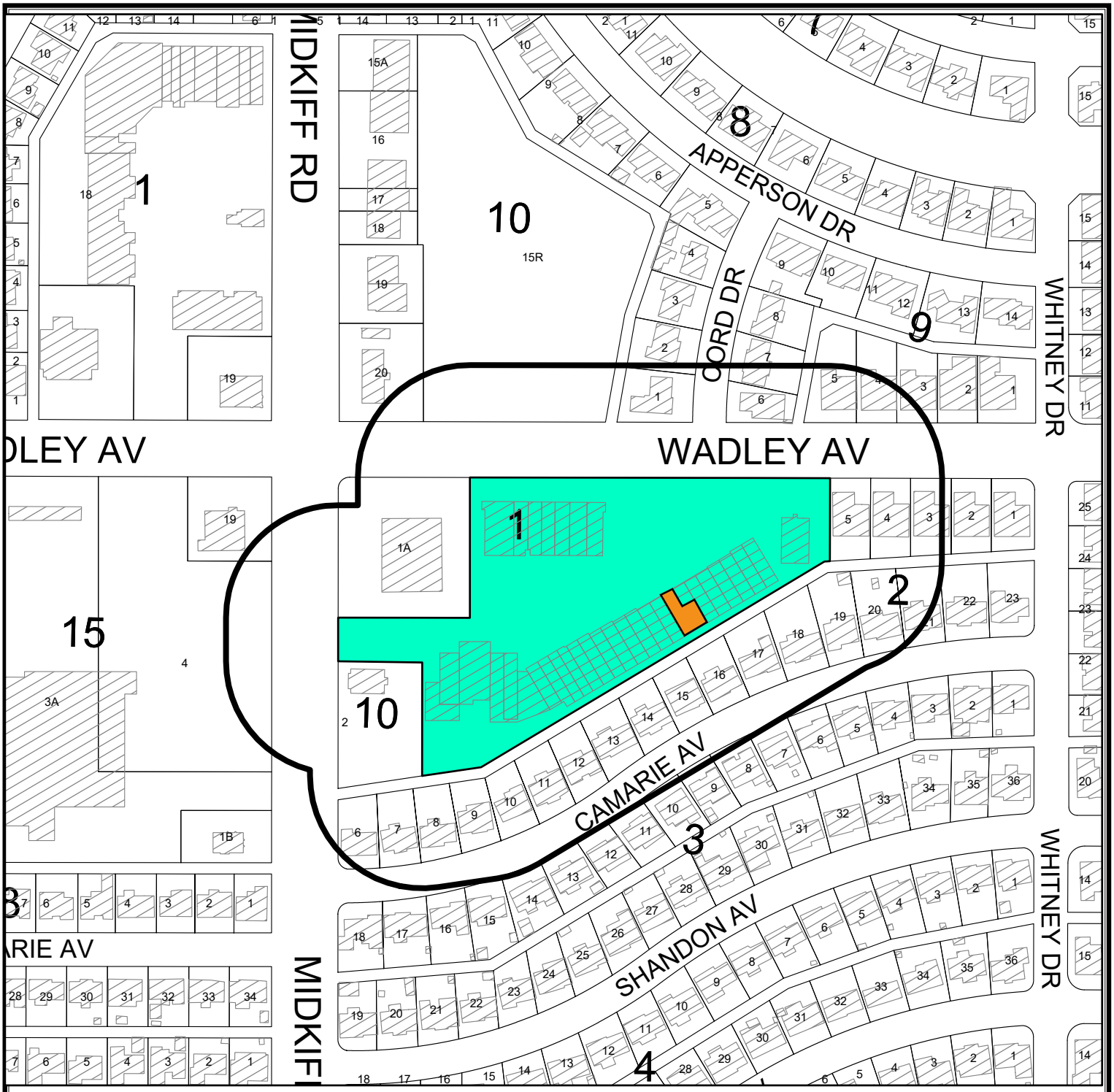
Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

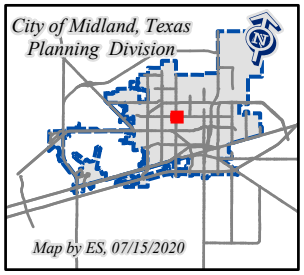
SUD-20-0081 **Scale: 1" = 250'**

Consider an ordinance on a request by Keysha Kidd, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a Special Events Center on a 3,000 square foot portion of Block 1, less the 250 x 150 NW corner and less the 224 x 150 SW corner, Re-plat of Blocks 1 and 2, Imperial Heights Addition, City and County of Midland, Texas.

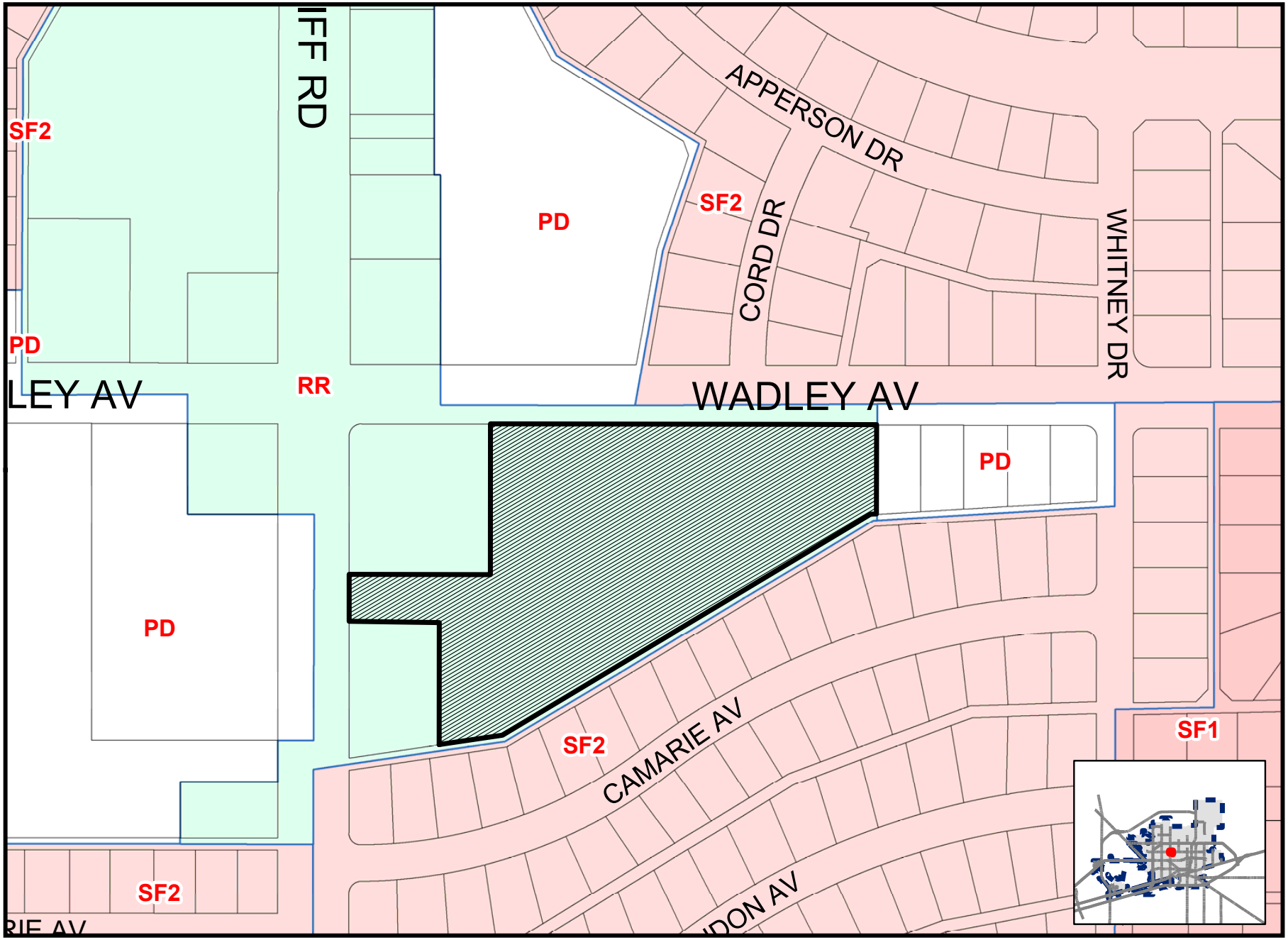
Generally located on the south side of West Wadley Avenue, approximately 310 feet east of North Midkiff Road. Council District 3

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



August 25, 2020



Map By ES, 7/15/2020

SUD-20-0081

Scale: 1" = 200'

ZONING MAP

PACKET
24.18
August 25, 2020




E-RIDER
BUS
STOP


PENGUINN
REFRIGERATION, INC.



City Council Meeting

Item Number: **25**

Meeting Date: **August 25, 2020**

To: **City Council / City Manager**

From: **Joseph Marynak, Planner**

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6A, BLOCK 12, KELVIEW HEIGHTS ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND WEST PECAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Maverick Engineering, is requesting a zone change from PD, Planned Development for an Office and Shopping Center as a Transition District to RR, Regional Retail District, to develop a retail facility at 2600 Loma Drive.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

PD, Planned Development District for an Office and Shopping Center as a Transition District.

(Ordinance No. 6048)

Surrounding Zoning and Land Use:

The property to the north is zoned PD, Planned Development District for and Office and Shopping Center as a Transition District and is the location of an office. The properties to the east are zoned PD, Planned Development District for a Transition District and RR, Regional Retail District and the locations of retail businesses. The property to the south is zoned PD, Planned Development District for a Transition District and the location of a restaurant. The property to the west is zoned MF-16, Multiple Family Dwelling District and the location of a single family residence.

Analysis:

The property located at 2600 Loma Drive is currently zone PD, Planned Development District for an Office and Shopping Center as a Transition District (regulated by Ordinance No. 6048), which allows for the development of an office per the adopted site plan. The applicant, 5 Figure Five, LLC, is requesting a zone change to RR, Regional Retail District to develop a retail establishment with a drive-thru. If approved, the development will need to conform to Section 5.05, Nonresidential Zoning District Dimensional Regulations and Section 6.01 through 6.05, Zoning Development Regulations of the Zoning Ordinance.

This proposed zone change has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objections to zoning/zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted

well radius of location on plat.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area is called for Urban Medium. This district calls for “vibrant urban areas that draw customers and employees from outside the immediate area.”

The prevailing land uses in this area are residential to the west and office and retail uses to the north, east, and south. This retail establishment would fit into the character of the area and will provide a new retail service, which will increase economic activity in the area.

This request was recommended for approval at the August 3, 2020 Planning and Zoning Commission meeting.

Therefore, staff recommends approval of this zone change, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the RR, Regional Retail District.**

Letters of Objection:

Staff has not received any letters of objection as of August 19, 2020.

Attachments:

Application
Maps
Proposed Site Plan
Ordinance No. 6048

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 6A, BLOCK 12, KELVIEW HEIGHTS ADDITION, SECTION 11, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOMA DRIVE AND WEST PECAN AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 6A, Block 12, Kelview Heights Addition, Section 11, City and County of Midland, Texas (the "Property") to RR, Regional Retail District, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from PD, Planned Development District for an Office and Shopping Center as a Transition District to RR, Regional Retail District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as

that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

pr

ORDINANCE NO. 6048

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "LR-2", LOCAL RETAIL DISTRICT, "MF-1", MULTIPLE-FAMILY DWELLING DISTRICT, AND "2F", TWO-FAMILY DWELLING DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR AN OFFICE AND SHOPPING CENTER AS A TRANSITION DISTRICT; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; ADDING A PORTION OF THE PROPERTY DESCRIBED HEREIN TO THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the state law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of the "Planned District" as set out hereinafter and subject to the conditions and restrictions set out hereinafter; and

WHEREAS, the Council, by Ordinance No. 4531, created a Fire District within the City limits of Midland, Texas, and adopted a Fire District Map, appropriately shaded; and

WHEREAS, because of the less restrictive zoning being established for the property involved herein, the Council finds it to be in the public interest to amend the Fire District so as to add a portion of the premises described in Section One hereof hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That Chapter One, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned "LR-2", Local Retail District, "MF-1", Multiple-Family Dwelling District, and "2F", Two-Family Dwelling District, and it shall be used as a "Planned District" for an Office and Shopping Center as a Transition District, subject to the special conditions and restrictions hereinafter set out:

Said property is described as follows:

Lots 1, 2, 6, 7, 8, 9 and 10, Block 12, Kelview Heights Addition to the City of Midland, Midland County, Texas.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

1. That the use and development of Lots 1 and 2 shall conform to all regulations applicable to an "LR-2", Local Retail District, except as specified otherwise on the attached site plan.

2. That the use and development of Lots 6 through 10 shall conform to all regulations applicable to an "O-1", Office District, except as specified otherwise on said attached site plan.

3. That the development of said property shall conform to said site plan, landscape plan and elevations consisting of four (4) sheets, in all respects.

SECTION THREE. That the Fire District be amended so as to add thereto a portion of the premises described in Section One hereof, to wit: Lots 6 through 12, Block 12, Kelview Heights Addition to the City of Midland, and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

SECTION FOUR. That definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FIVE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein;

provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the general penalty provision contained in Section 1-3-1 of the City Code of Midland, Texas, in the manner and for the length of time prescribed by law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 10th day of August, A.D., 1982; and passed to second reading on motion of Councilman Sloan, seconded by Councilman Hatfield, by the following vote:

Councilmen voting "AYE":	Sloan, Hatfield, Marcum, and Davidson
Councilmen voting "NAY":	None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Councilman Sloan, seconded by Councilman Hatfield, on the 24th day of August, A.D., 1982, at a regular meeting of the City Council:

Councilmen voting "AYE": Sloan, Hatfield, Thomas, and Marcum

Councilmen voting "NAY": None
Councilmen ABSTAINING: Akins
PASSED AND APPROVED THIS 24th day of August, A.D., 1982.

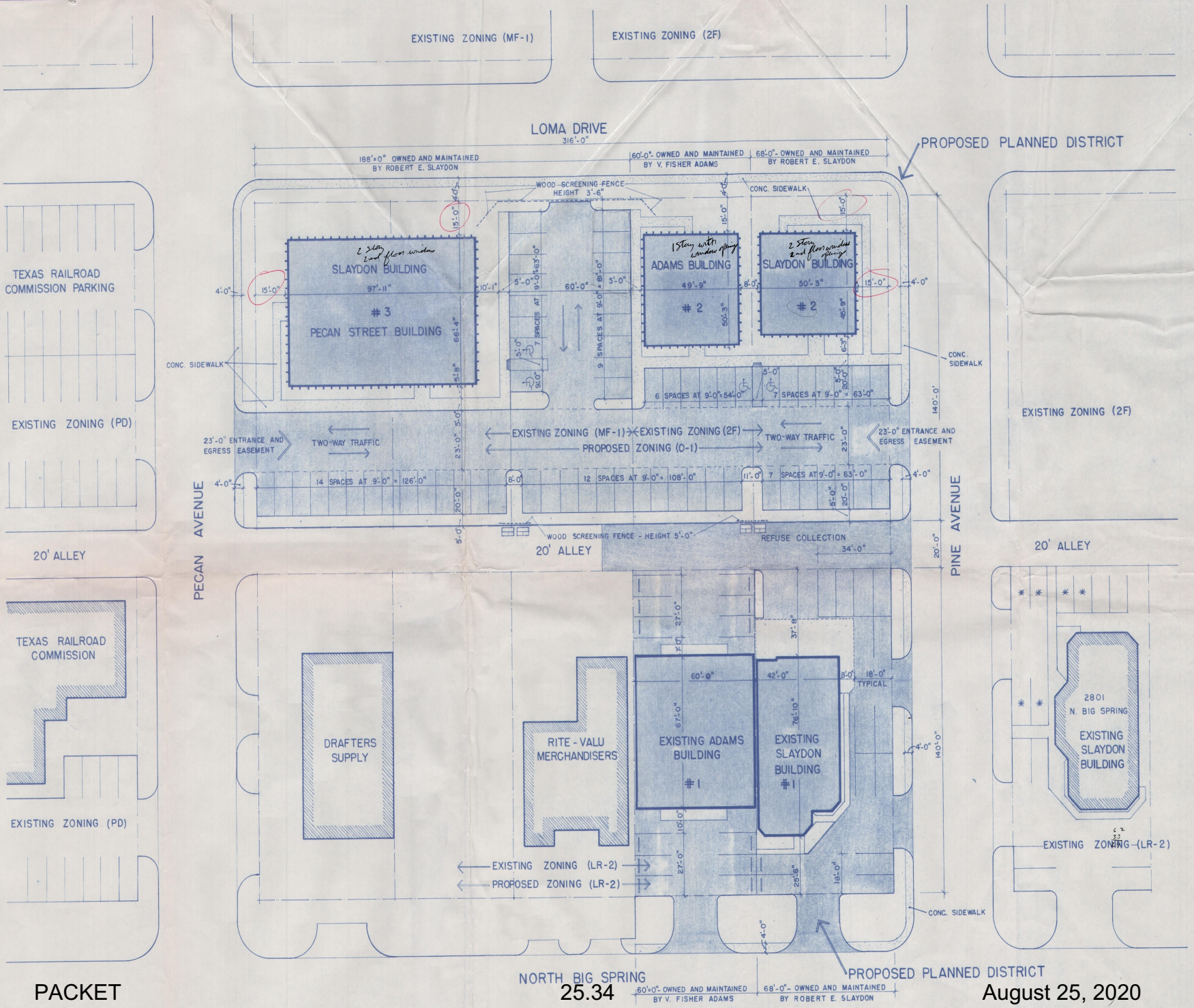
G. Thane Akins, Mayor

ATTEST:

J. W. McCullough, City Secretary

APPROVED AS TO FORM:

J. M. Nuessle, City Attorney



NOTE: ✳ DENOTES PARKING SPACES DEDICATED TO THE EXISTING SLAYDON BUILDING #1.

SLAYDON-ADAMS REZONING - SITE PLAN

SCALE 1" = 20'-0"

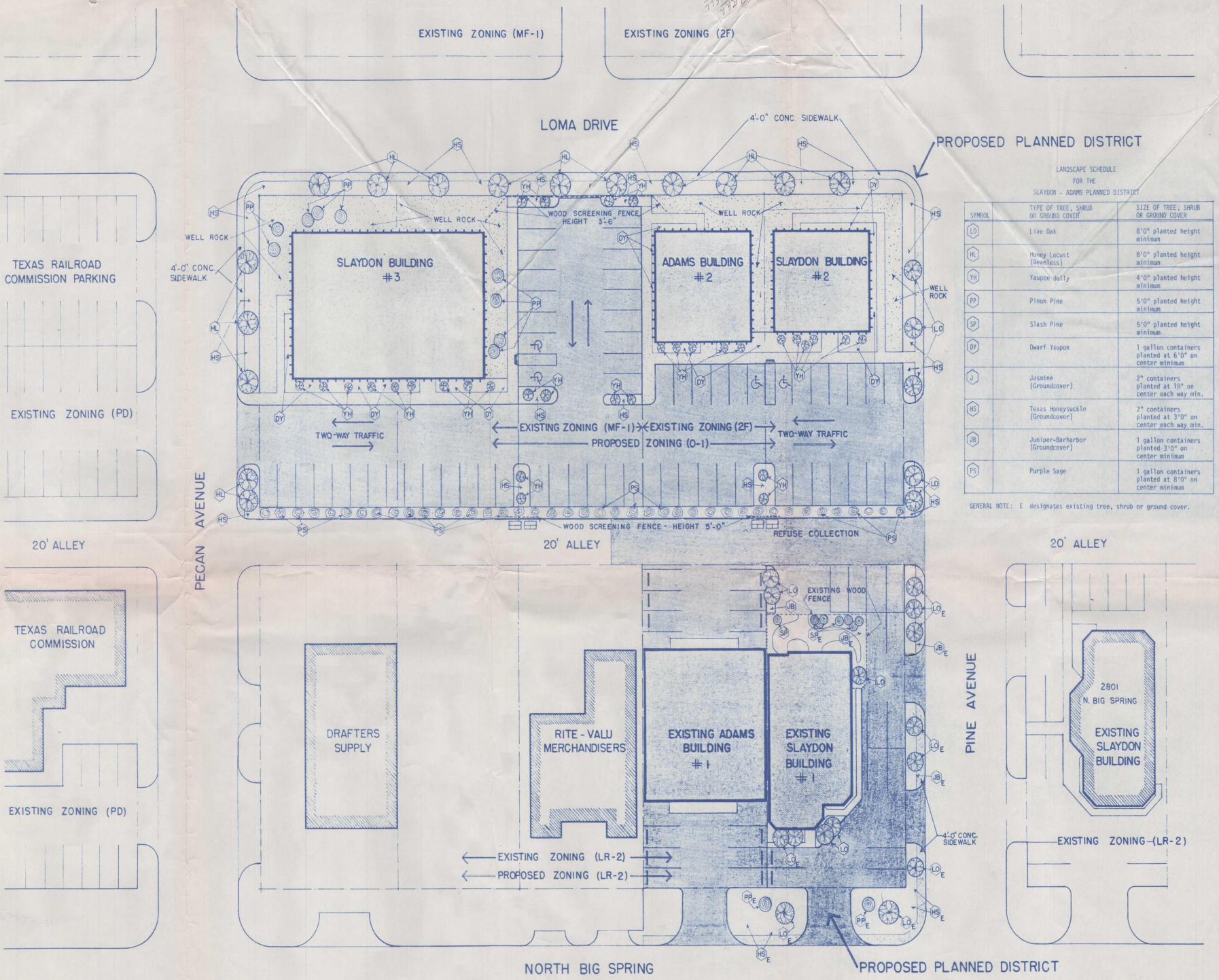
Pate - McLaughlin Architects
1030 Andrews Highway Suite 211
(915) 697-3175 Midland, Texas 79701

SLAYDON-ADAMS REZONING
MIDLAND, TEXAS

DATE	ISSUED/REVISED
7/7/82	SUBMITTED FOR APPROVAL
7/21/82	REVISED & SUBMITTED FOR COUNCIL APPROVAL
8/5/82	REVISED & RESUBMITTED AS PER PLANNING & ZONING REQUESTS FOR COUNCIL APPROVAL

2-62-081
PATE McLAUGHLIN

SHEET NUMBER
OF SHEET
JOB NO.



LANDSCAPE SCHEDULE
FOR THE
SLAYDON - ADAMS PLANNED DISTRICT

SYMBOL	TYPE OF TREE, SHRUB OR GROUND COVER	SIZE OF TREE, SHRUB OR GROUND COVER
LO	Live Oak	8'0" planted height minimum
HL	Honey Locust (Beanless)	8'0" planted height minimum
YH	Yaupon Holly	4'0" planted height minimum
PP	Pinon Pine	5'0" planted height minimum
SP	Slash Pine	5'0" planted height minimum
DY	Dwarf Yaupon	1 gallon containers planted at 6'0" on center minimum
J	Jasmine (Groundcover)	2" containers planted at 18" on center each way min.
HS	Texas Honeysuckle (Groundcover)	2" containers planted at 3'0" on center each way min.
JB	Juniper-Barharbor (Groundcover)	1 gallon containers planted 3'0" on center minimum
PS	Purple Sage	1 gallon containers planted at 8'0" on center minimum

GENERAL NOTE: E designates existing tree, shrub or ground cover.

PMA
Pate - McLaughlin Architects
1030 Andrews Highway Suite 211
(915) 697-3175 Midland, Texas 79701

SLAYDON - ADAMS REZONING
MIDLAND, TEXAS

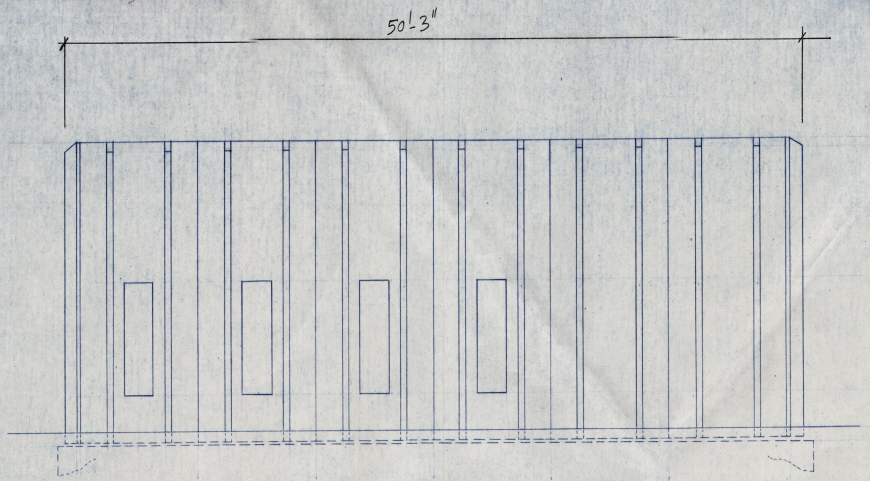
DATE	ISSUED/REVISED
7/7/82	SUBMITTED FOR APPROVAL
7/21/82	REVISED & SUBMITTED FOR COUNCIL APPROVAL
8/5/82	REVISED & RESUBMITTED AS PER PLANNING & ZONING REQUESTS FOR COUNCIL APPROVAL

SHEET NUMBER
OF SHEET
JOB NO.

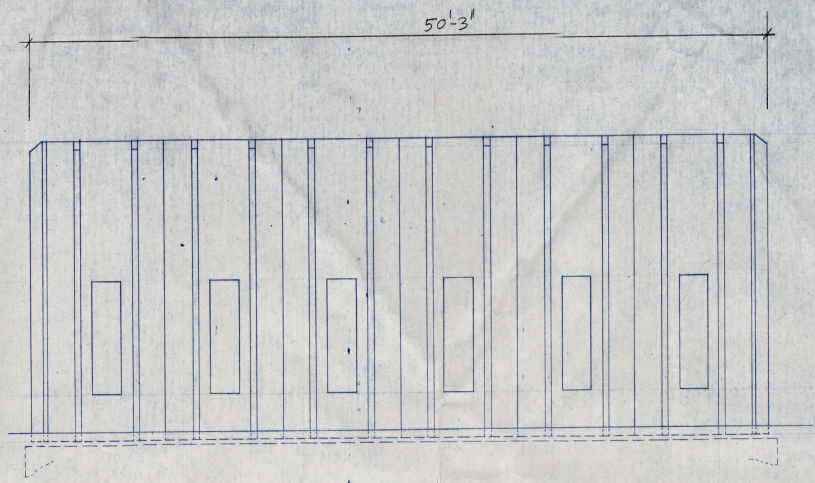
NORTH

SLAYDON - ADAMS REZONING - LANDSCAPE PLAN

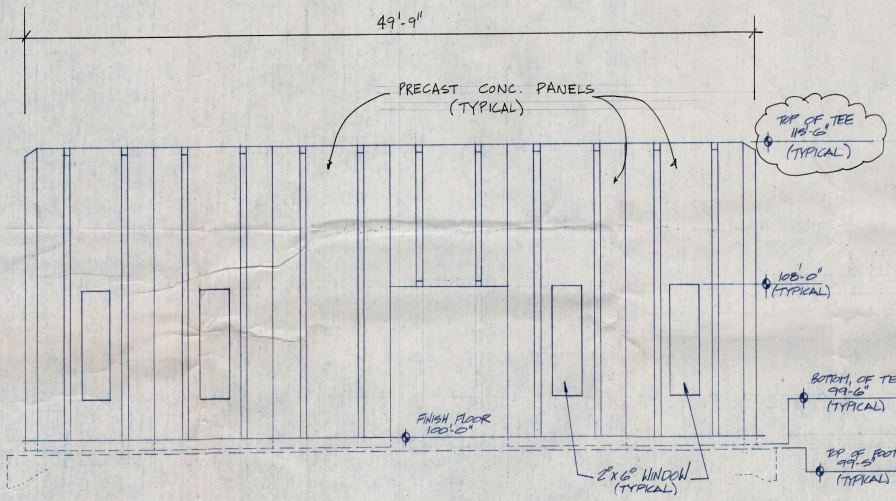
SCALE 1" = 20'-0"



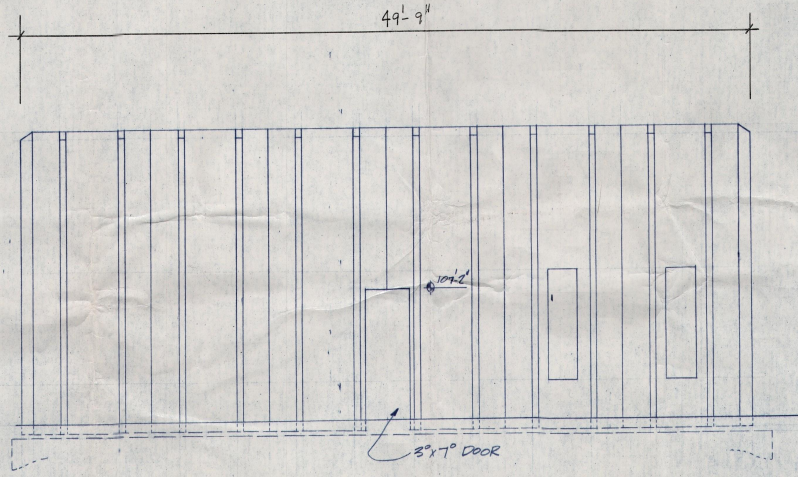
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

NOTES: ALL TYPICAL 2'-0"x6'-0" WINDOWS TO BE HOLLOW METAL FRAMES W/ TINTED GLASS.

ALL ENTRIES & EXITS TO CONSIST OF HOLLOW METAL STOREFRONT SYSTEM W/ TINTED GLASS

ADAM'S BUILDING #2

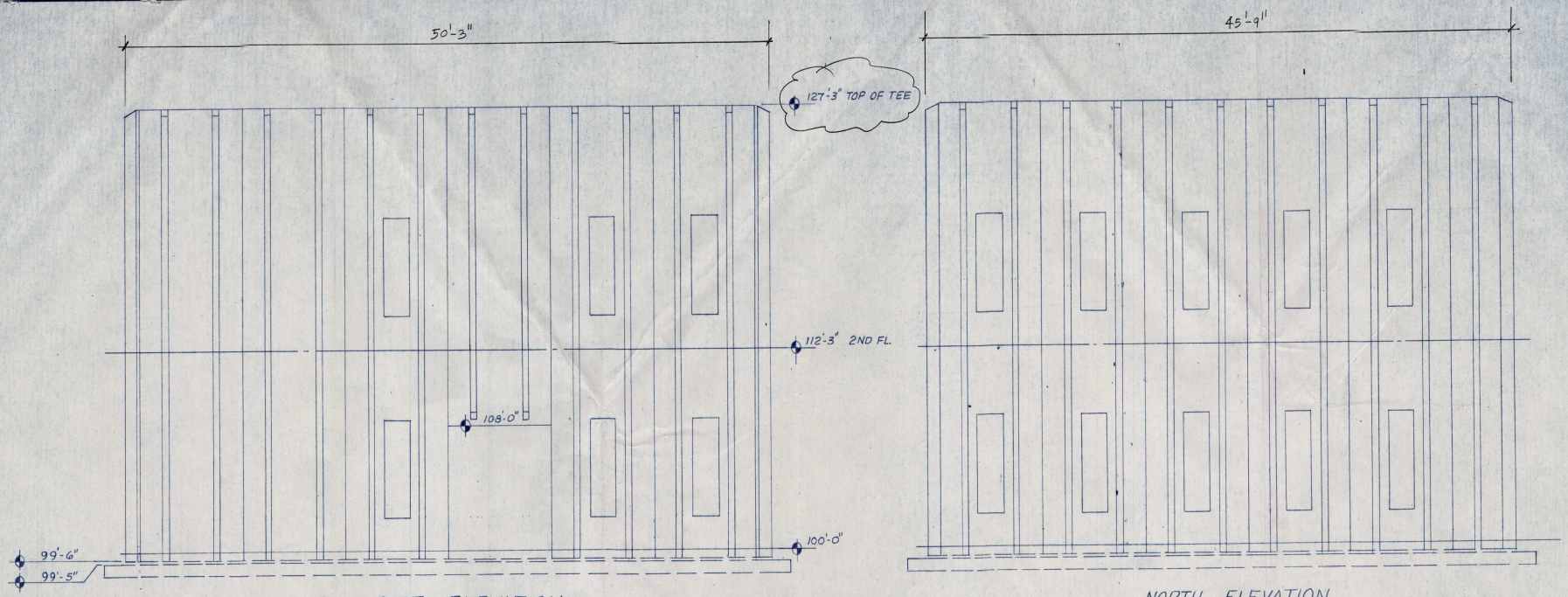
REVISED & SUBMITTED FOR COUNCIL APPROVAL 7/21/82

RECEIVED
JUL 22 1982
PLANNING, INSP. & C.D.
CITY OF MIDLAND

ARCHITECT'S APPROVAL
☐ APPROVED
☐ APPROVED AS CORRECTED
☐ MAKE CORRECTIONS SHOWN & RESUBMIT
SIGNED _____ DATE _____
CONTRACTOR'S APPROVAL
VERIFY DIMENSIONS AND QUANTITIES
APPROVED BY _____ DATE _____
PRODUCTION CAN NOT BE SCHEDULED UNTIL APPROVED SHOP DRAWINGS ARE RECEIVED.

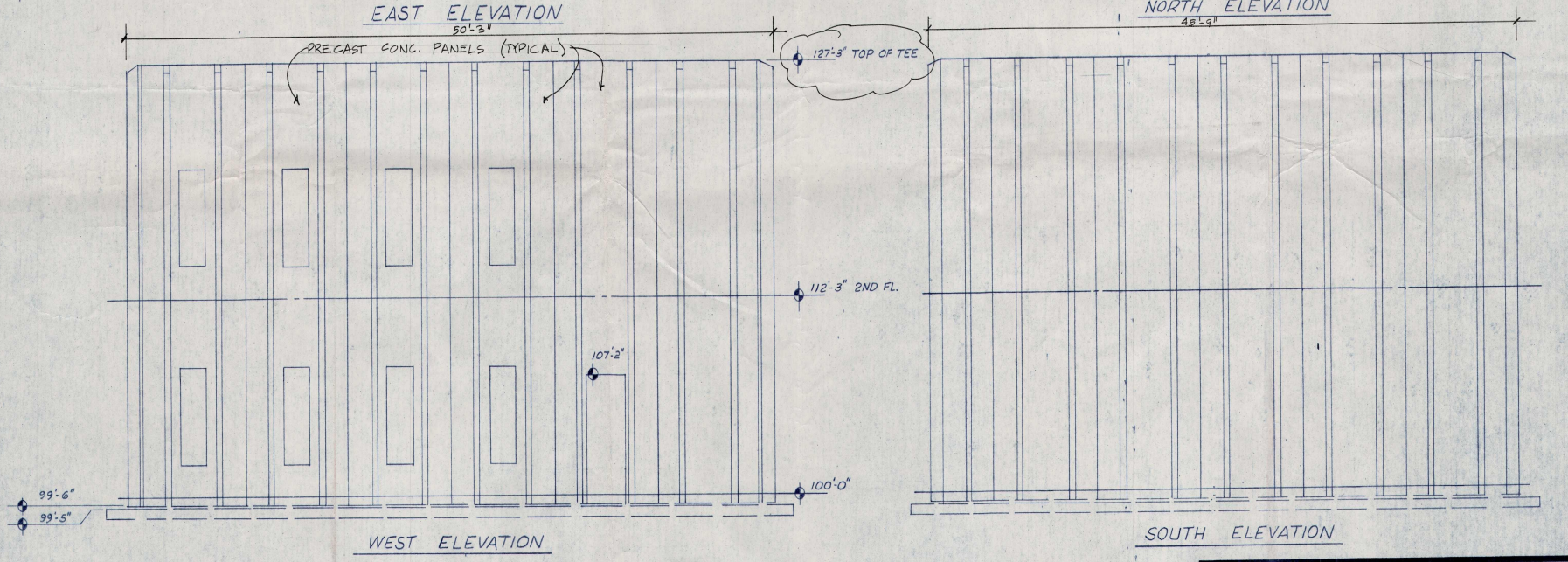
PROJECT: FISHER ADAMS OFFICE BLDG MIDLAND, TEXAS
FOR: BOB SLAYDON MIDLAND, TEXAS
CROWE-GULDE INC.
BOX 9026 AMARILLO TEXAS 79105
AC 806 373-4205
PRECAST / PRESTRESSED DIVISION
ELEVATIONS

JOB NO.
DATE:
SCALE: NTS
DESIGN BY:
DRAWN BY: JWC
CHECKED BY:
DWG. NO. 3336
SHT. 3 OF
REVISIONS:



EAST ELEVATION

NORTH ELEVATION



WEST ELEVATION

SOUTH ELEVATION

RECEIVED
JUL 22 1982
PLANNING, INSP. & C.D.
CITY OF MIDLAND

SLAYDON BUILDING #2

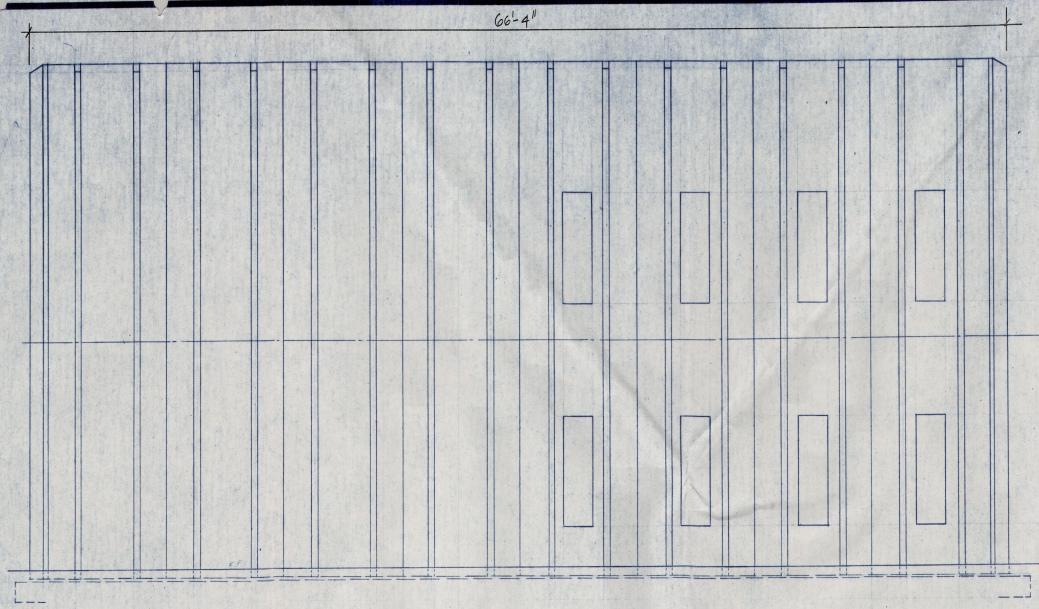
REVISED & SUBMITTED FOR COUNCIL APPROVAL 7/21/82

NOTES: ALL TYPICAL 2'×6' WINDOWS TO BE HOLLOW METAL FRAMES W/ TINTED GLASS.

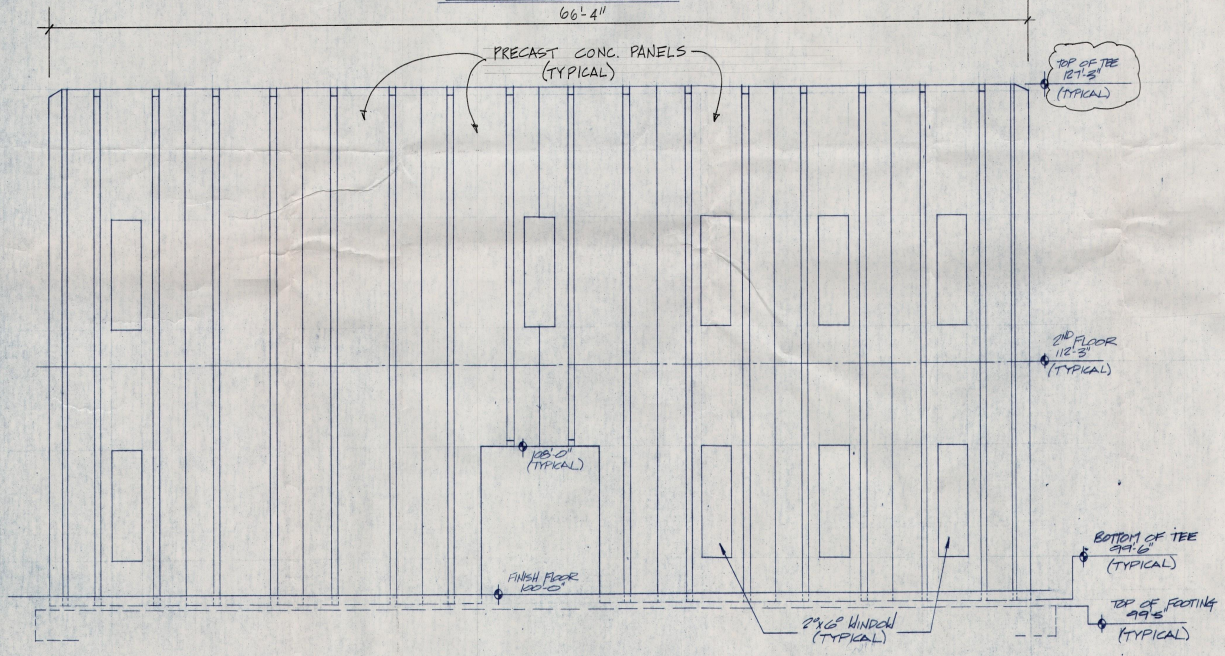
ALL ENTRIES & EXITS TO CONSIST OF HOLLOW METAL STOREFRONT SYSTEM W/ TINTED GLASS.

ARCHITECT'S APPROVAL	PROJECT: PINE STREET BUILDING, MIDLAND, TEXAS	JOB NO.
☐ APPROVED ☐ APPROVED AS CORRECTED ☐ MAKE CORRECTIONS SHOWN & RESUBMIT		DATE: 6-29-82
SIGNED _____ DATE _____	FOR: BOB SLAYDON, MIDLAND, TEXAS	SCALE: N.T.S.
CONTRACTOR'S APPROVAL VERIFY DIMENSIONS AND QUANTITIES	CROWE-GULDE INC. PRECAST / PRESTRESSED DIVISION	DESIGN BY:
APPROVED BY _____ DATE _____		DRAWN BY: RWM
PRODUCTION CAN NOT BE SCHEDULED UNTIL APPROVED SHOP DRAWINGS ARE RECEIVED.		CHECKED BY:
		DWG. NO. 338
		SHT. ___ OF ___
		REVISIONS:

PACKET 2537 August 25, 2011



NORTH ELEVATION



SOUTH ELEVATION

NOTES: ALL TYPICAL 2'x6' WINDOWS TO BE HOLLOW METAL FRAMES W/ TINTED GLASS

ALL ENTRIES & EXITS TO CONSIST OF HOLLOW METAL STOREFRONT SYSTEM W/ TINTED GLASS

SLAYDON BUILDING #3

REVISED & SUBMITTED FOR COUNCIL APPROVAL 7/21/82

RECEIVED
JUL 22 1982
PLANNING, INSP. & C.D.
CITY OF MIDLAND

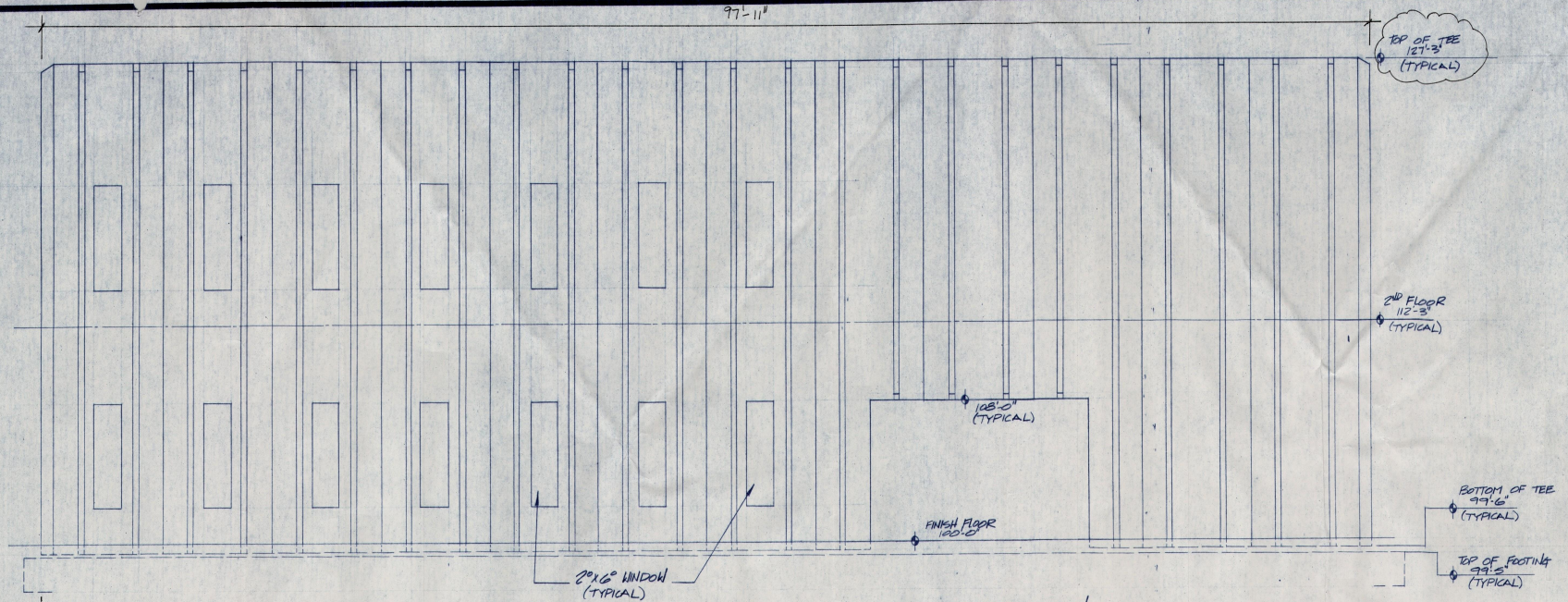
ARCHITECT'S APPROVAL
☐ APPROVED
☐ APPROVED AS CORRECTED
☐ MAKE CORRECTIONS SHOWN & RESUBMIT
SIGNED _____ DATE _____
CONTRACTOR'S APPROVAL
VERIFY DIMENSIONS AND QUANTITIES
APPROVED BY _____ DATE _____
PRODUCTION CAN NOT BE SCHEDULED UNTIL APPROVED SHOP DRAWINGS ARE RECEIVED.

PROJECT: PECAN STREET BLDG. MIDLAND, TEXAS.
FOR: BOB SLAYDON MIDLAND, TEXAS.

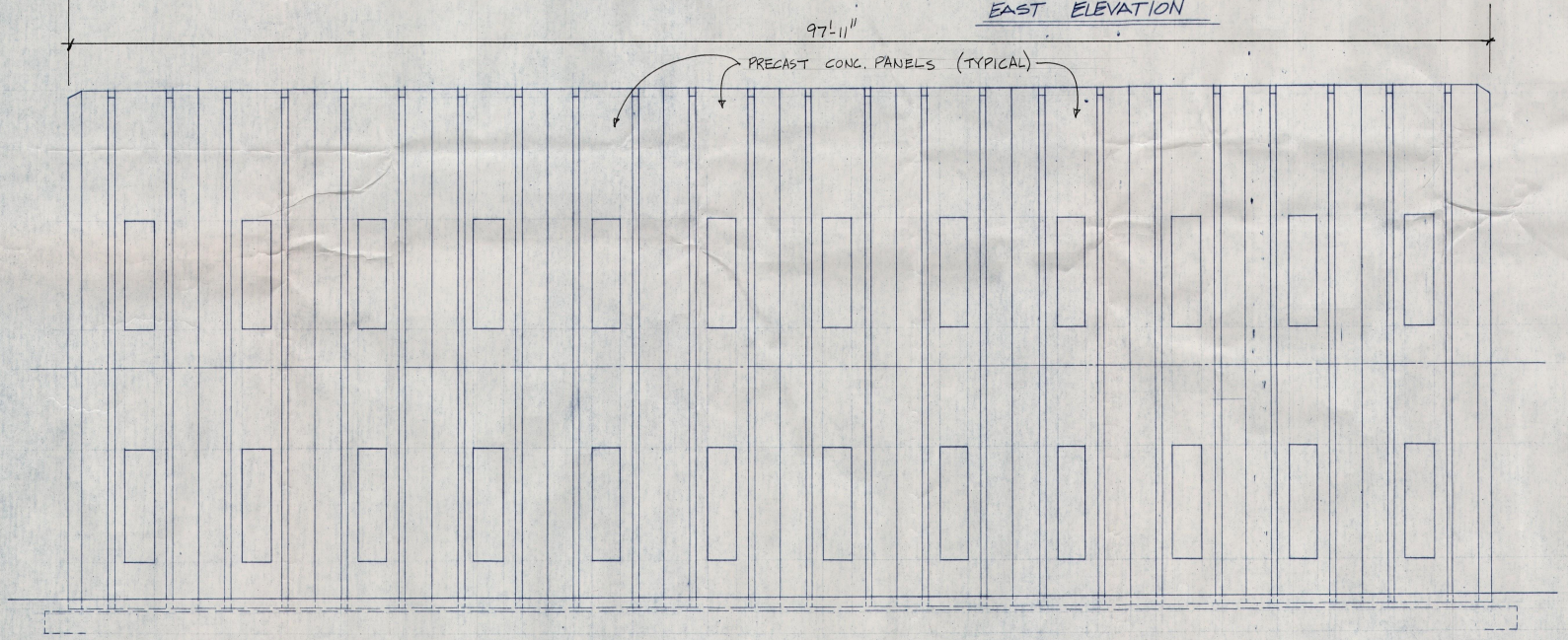
CGI CROWE-GULDE INC.
PRECAST / PRESTRESSED DIVISION
BOX 9026 AMARILLO TEXAS 79105
AC 806 373-4205

ELEVATIONS

JOB NO.
DATE:
SCALE: NTS
DESIGN BY:
DRAWN BY: WK
CHECKED BY:
DWG. NO. 3337
SHT. 3 OF
REVISIONS:



EAST ELEVATION



WEST ELEVATION

SLAYDON BUILDING #3

REVISED & SUBMITTED FOR COUNCIL APPROVAL 7/21/82

NOTES: ALL 2'-0"x6'-0" WINDOWS TO BE HOLLOW METAL FRAMES W/ TINTED GLASS

ALL ENTRIES & EXITS TO CONSIST OF HOLLOW METAL STOREFRONT SYSTEMS W/ TINTED GLASS.

RECEIVED
JUL 22 1982
PLANNING, INSP. & C.D.
CITY OF MIDLAND

ARCHITECT'S APPROVAL
☐ APPROVED
☐ APPROVED AS CORRECTED
☐ MAKE CORRECTIONS SHOWN & RESUBMIT
SIGNED _____ DATE _____
CONTRACTOR'S APPROVAL
VERIFY DIMENSIONS AND QUANTITIES
APPROVED BY _____ DATE _____
PRODUCTION CAN NOT BE SCHEDULED UNTIL APPROVED SHOP DRAWINGS ARE RECEIVED.

PROJECT: PECAN STREET BLDG. MIDLAND, TEXAS
FOR: BOB SLAYDON MIDLAND, TEXAS
JOB NO.
DATE:
SCALE: 1/8"=1'-0"
DESIGN BY:
DRAWN BY: JMC
CHECKED BY:
DWG. NO. 3337
SHT. 4 OF
REVISIONS:

CROWE-GULDE INC.
PRECAST / PRESTRESSED DIVISION
BOX 9026 AMARILLO TEXAS 79105
AC 806 373-4205

ELEVATIONS

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0188

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: 5 Figure Five, LLC		Phone ( ) Email	
Address 2600 Loma Drive	City Midland	State TX	Zip 79705

Property Owner Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Maverick Engineering Printed Name: Paladin Huckaba		Phone (432-) 266-8289 Email phuckaba@maverick-eng.com	
Address 1909 W. Wall St. Suite K	City Midland	State TX	Zip 79701

Street Address: 2600 Loma Drive

Legal Description
Lot: 6A Block: 12 Subdivision: Kelview Heights, Section 11

Current Zoning: PD

Proposed Zone: RR
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Advance the development of site as proposed.

Present Use of Property: Vacant parking facilities

Proposed Use of Property: Retail

How would this zone change affect the public health, safety and welfare?
Zone change will improve retail facilities for the developer's current business operations in serving the public.

Describe how conditions affecting the property have changed since present zoning designation: Parking lot improvements

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): John C. Scharbauer	Date: 6/17/2020
Property Owner (printed): John C. Scharbauer	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L. Meller who, being by me duly sworn, upon oath says: That (s)he is authorized by 5 Figure Five LLC, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Andrew L. Meller
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 30th day of June, 2020, to certify which witness my hand and seal of office.

Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

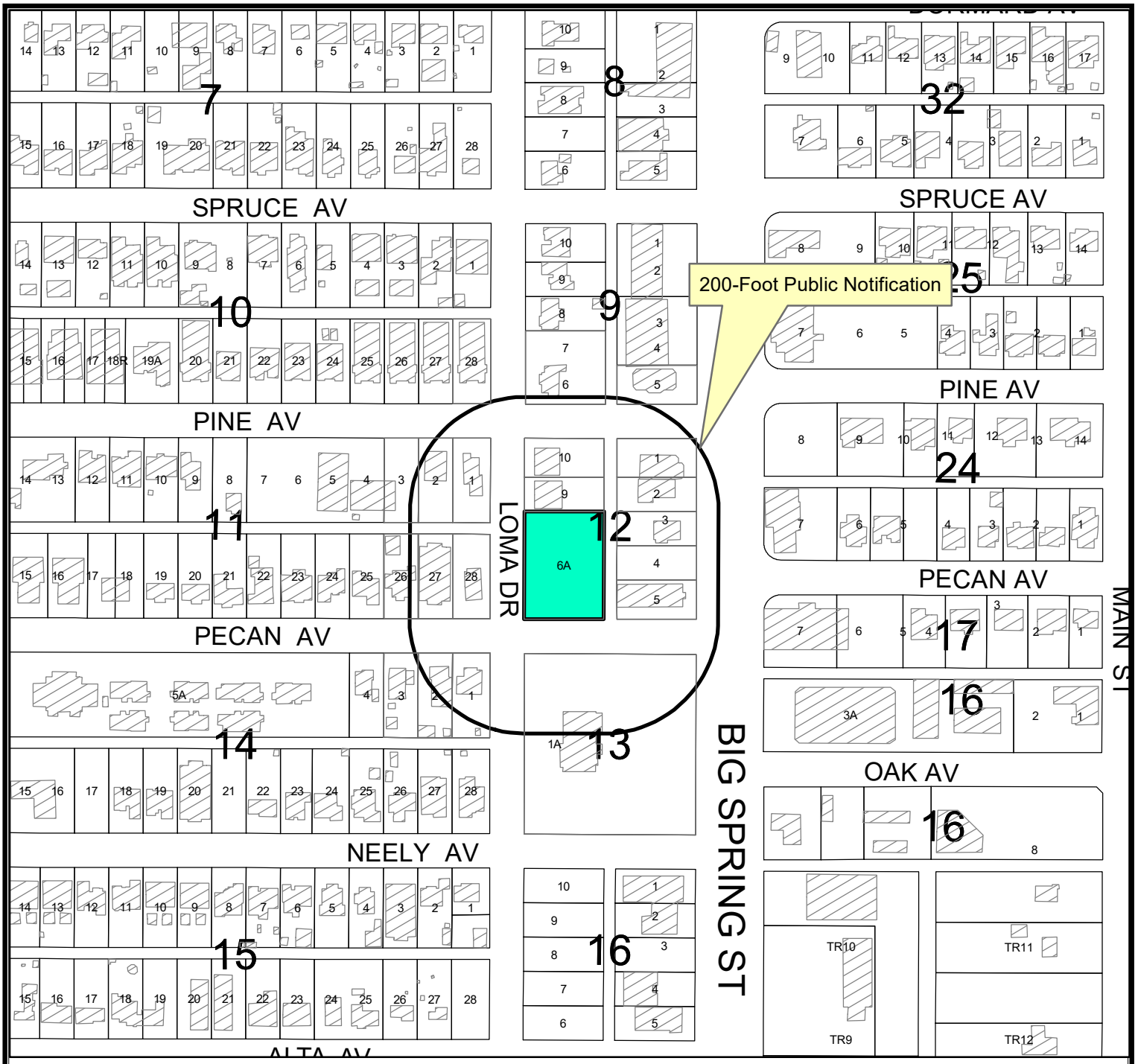
NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # 3176	
Received By:	Date: 07/01/2020

RECEIVED
JUL 01 2020
BY:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

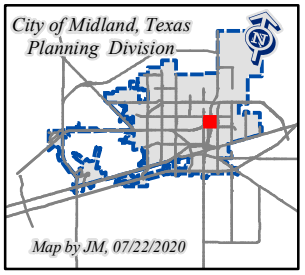
Z-20-0188 **Scale: 1" = 250'**

Consider a request by Maverick Engineering for a zone change from PD, Planned Development District for an Office and Shopping Center as a Transition District to RR, Regional Retail District on Lot 6A, Block 12, Kelview Heights, Section 11, City and County of Midland, Texas.

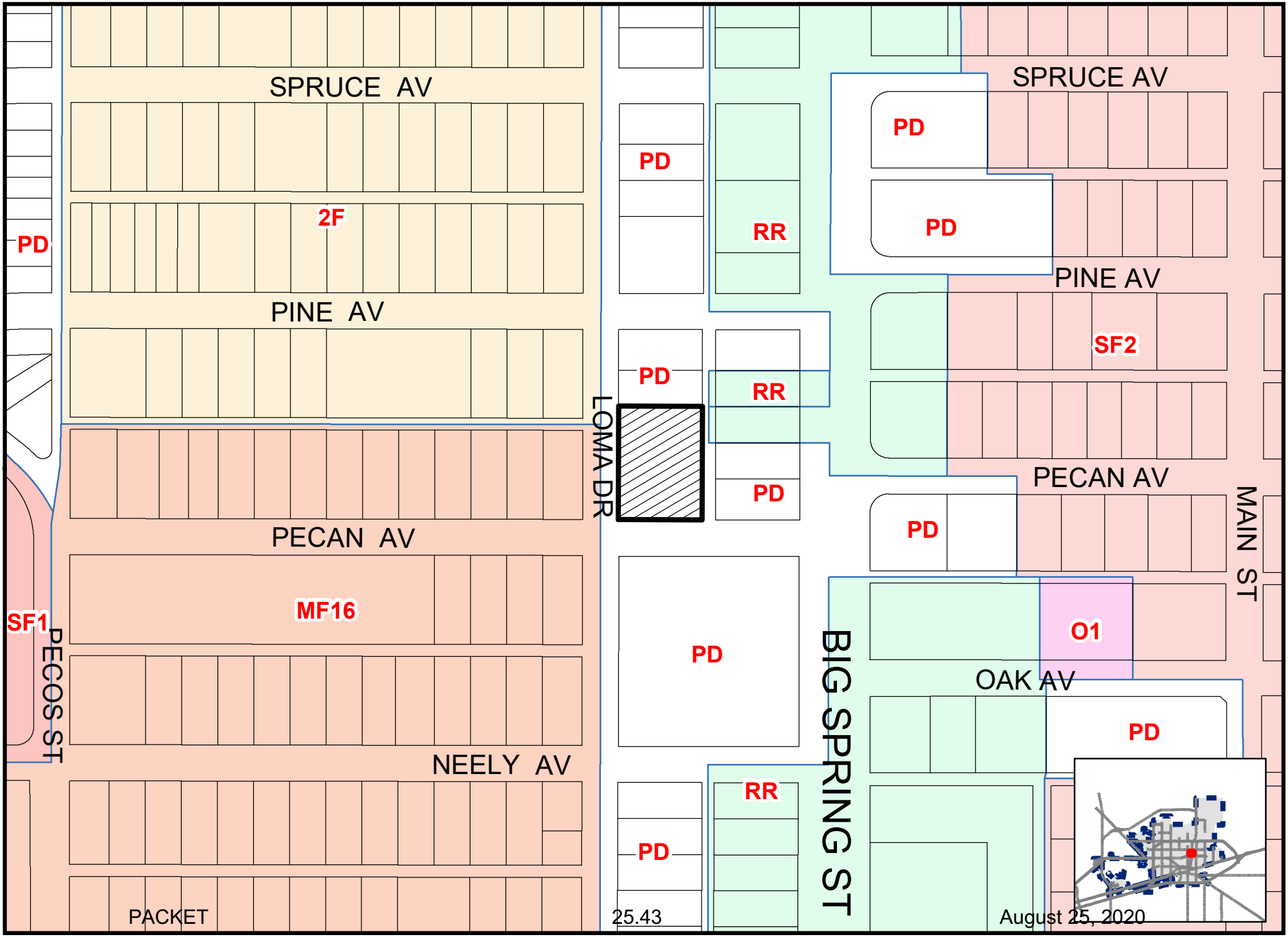
Generally located on the northeast corner of the intersection of Loma Drive and West Pecan Avenue. (Council District 5)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2020
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY DOCUMENT NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



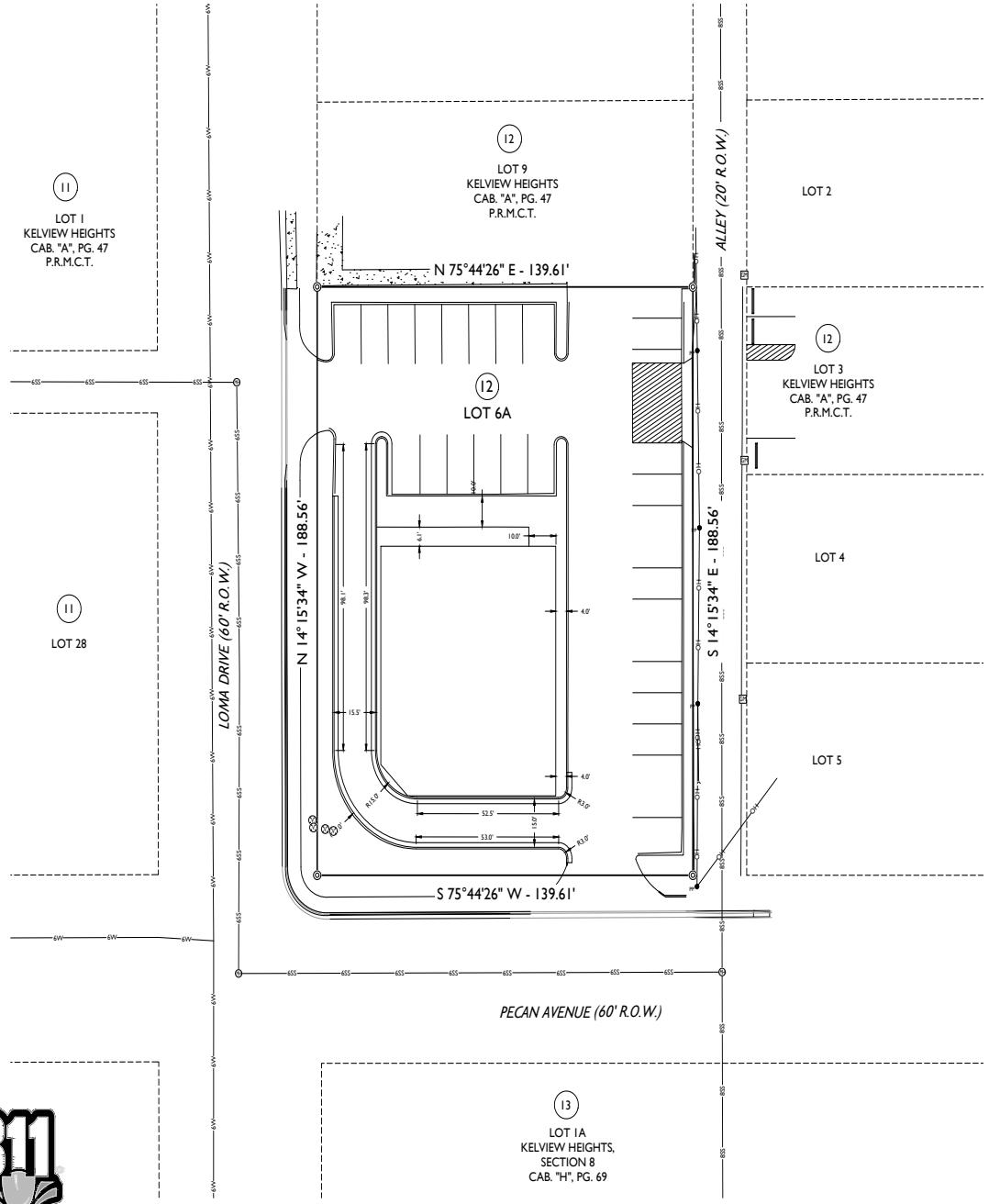
Map By Jm, 07/28/2020

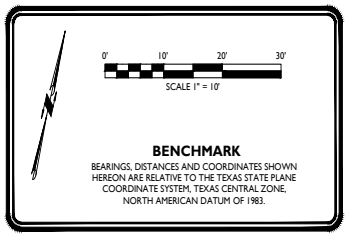
Z-20-0188

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2020: THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.





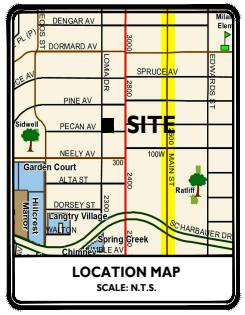
BENCHMARK

BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

GENERAL:	SITE PLAN OF A PROPOSED 0.604 ACRE RETAIL DEVELOPMENT IN MIDLAND TEXAS, ON THE NORTH WEST SIDE OF THE INTERSECTION OF PECAN AVE. AND LOMA DRIVE. AND AVALON DR. THE DEVELOPMENT WILL CONSIST OF 1 RETAIL BUILDING (RESTRAINT).
ACCESS:	PRIMARY SITE ACCESS WILL BE A DRIVEWAY ONTO LOMA DRIVE THIS DRIVEWAY. A SECONDARY DRIVEWAY ONTO PECAN AVE.
BLDG HEIGHT:	THE RETAIL BUILDINGS WILL HAVE ONE STORIES.
PARKING :	30 TOTAL PARKING SPACES PROVIDED
UTILITIES:	THE SITE WILL CONNECT TO THE PUBLIC WATER AND SEWER LINES CURRENTLY LOCATED ON SITE PROVIDED SH.
TRASH :	DUMPSTERS WILL BE PLACED AS SHOWN. ENCLOSURES WILL BE CONSTRUCTED TO MATCH THE COLOR AND STYLE OF THE BUILDINGS.
DRAINAGE :	DRAINAGE WILL BE ROUTED INTO AN EXISTING PLAYA LAKE LOCATED IN LOT 2, JUST NORTHEAST OF THE SITE. THE PLAYA WILL BE DESIGNATED AS A REGIONAL DRAINAGE AREA FOR THE SUBDIVISION, AND WILL BE ENLARGED AS NECESSARY TO ACCOMMODATE THE INCREASED RUNOFF FROM THE DEVELOPMENT.
FIRE LANES :	24' FIRE LANES HAVE BEEN PROVIDED AS SHOWN THROUGH THE SITE. THE FIRE LANES WILL BE IDENTIFIED BY PAINTED STRIPES AND CURBS PER THE CITY OF MIDLAND'S REQUIREMENTS.
LANDSCAPE:	LANDSCAPING AND SHADE TREES WILL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIDLAND LANDSCAPE ORDINANCE.

NOTICE TO CONTRACTOR

1. ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
2. ALL PROPOSED SIDEWALKS ARE TO BE 5.0' UNLESS NOTED OTHERWISE.



FEMA FIRM NOTES:

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM	ZONE
48329	0089	F	07/07/2014	SHADED X

811 Know what's below. Call before you dig.

PACKET

© COPYRIGHT 2020 ALL RIGHTS RESERVED 20200078-FIVE FIGURE 5-MEAT COMPANY DRIVE THRU REF 180031DAWINGS\EXHIBITS\PD SITE PLAN.DWG

MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 W Wall St, Ste. "K", Midland, TX 79701
Tel: (432) 262-0999 Fax: (432) 262-0989
ENGINEER FIRM #: F-13089
SURVEY FIRM #: 10194452
www.Maverick-Eng.com

BY	APPR.	DATE

REVISIONS

DRAWN BY:	CAD
CHECKED BY:	ALM
APPROVED BY:	ALM
DATE:	06.01.2020
JOB:	200078

ZONING SITE PLAN

MIDLAND MEAT MARKET DRIVE-THRU

LOT 6A, BLOCK 12 KELVIEW HEIGHTS, SECTION 11
CITY AND COUNTY OF MIDLAND, TEXAS

PRELIMINARY REVIEW:

THESE PLANS ARE RELEASED UNDER THE SEAL OF ANDREW L. MELLEN, P.E. #136572 AND MAVERICK ENGINEERING (FIRM # F-13089) ON THIS DAY 06/23/2020, FOR THE PURPOSES OF INTERIM/PRELIMINARY REVIEW. THEY SHALL NOT BE USED FOR THE PURPOSES OF CONSTRUCTION.

PD-SP 01






Rosa's
Cafe



City Council Meeting

Item Number: 26

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Joseph Marynak, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.17-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MH, MANUFACTURED HOUSING DISTRICT, IN PART, RR, REGIONAL RETAIL DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK DISTRICT, IN PART, TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 714 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DEVELOPMENT SERVICES)

Purpose:

The applicant, Landgraf, Crutcher, & Associates is requesting a zone change to MF-22, Multiple Family Dwelling District on a 19.17-acre tract of land located in Section 1, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas, to develop an apartment complex.

Recommended City Council Action:

Approve

Fiscal Impact:

Processing this request does not require any City funds.

Discussion:

Current Zoning:

MF-16, Multiple Family Dwelling District, in part; MH, Manufactured Housing District, in part; RR, Regional Retail District, in part; and BP, I-20 Business Park District, in part.

Surrounding Zoning and Land Use:

The property to the north is zoned MF-16, Multiple Family Dwelling District and the location of an apartment complex. The property to the east is zoned MF-16, Multiple Family Dwelling District, in part; MH, Manufactured Housing District, in part; and BP, I-20 Business Park District, in part; and the location of vacant land. The properties to the south are zoned BP, I-20 Business Park District and RR, Regional Retail District and the location of a pump jack and vacant land. The properties to the west are zoned RR, Regional Retail District and the location of vacant land.

Analysis:

The applicant is requesting this zone change to develop multi-family housing in an area east of South Lamesa Road between Latta Street and Interstate 20. This property is currently raw land and is zoned a variety of residential and nonresidential zoning districts. The applicant, Landgraf Crutcher & Associates, is requesting a zone change to MF-22, Multiple Family Dwelling District to bring the property under one zoning district and to build apartments. If approved, the development will need to conform to the adopted site plan and other regulations and standards required by the Zoning Ordinance.

The site plan shows nine (9) buildings consisting of 342 units of which 120 will be one bedroom, one bath units; 84 will be two bedroom, two bath units; 18 will be three bedroom, two bath units; and 120 will be studio or micro units. The proposed density of the development is approximately 18 units per acre. Amenities such as a clubhouse, pool, and dog park are also being proposed. The parking required for this development is 518 spaces; however, the site plan shows 531 spaces provided, including the required amount of garages. Adequate storage is also being proposed within the garage buildings.

The elevations provided illustrate three-story buildings with a proposed maximum height of 36 feet, 4 inches, which is below the allowed maximum height of the MF-22, Multiple Family Dwelling District.

This proposed zone change has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Engineering: (Approved)

No objection to zone change.

Depending on the nature and scale of the proposed development, a Pressure and Volume study and a Capacity study for new developments tying to the public water distribution system and public wastewater collection system MAY be required prior to approval of construction drawings.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Transportation: (Approved)

Depending on the nature and scale of the proposed development, a Traffic Impact Analysis MAY be required prior to approval of construction drawings.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

This proposed development fits with Chapter 3, An Integrated Land Use Vision, Future Land Use Map of the Tall City Tomorrow comprehensive plan as this area calls for Employment Reserve uses. This designation calls for multi-family housing when integrated with holistic development. Based on pre-development meetings conducted for this project, plans exist to expand the scope of this property into a mixed use development that integrates housing and employment opportunities. Additionally, the access to a major arterial in North Lamesa Road and access to Interstate 20 make this an ideal place to locate higher density housing. Access to these large and established transportation routes will allow for quick and direct transportation to trip destinations across the area.

The prevailing land uses in this area are multi-family housing and vacant land. Therefore, this development would be consistent with the character and be compatible with the surrounding

land uses.

This request was recommended for approval at the August 3, 2020 Planning and Zoning Commission meeting.

Therefore, staff recommends approval of this zone change, subject to conditions A through C.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the MF-22, Multiple Family Dwelling District, except as stated below.**

B. **That the development of this site will significantly follow the site plan, attached hereto and incorporated herein, as Exhibit B.**

C. **That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**

Letters of Objection:

Staff has not received any letters of objection as of August 19, 2020.

Attachments:

Metes and Bounds (Exhibit A)
Site Plan (Exhibit B)
Building Plans
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 19.17-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, MH, MANUFACTURED HOUSING DISTRICT, IN PART, RR, REGIONAL RETAIL DISTRICT, IN PART, AND BP, I-20 BUSINESS PARK DISTRICT, IN PART, TO MF-22, MULTIPLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF EAST INTERSTATE 20, APPROXIMATELY 714 FEET EAST OF SOUTH LAMESA ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning a 19.17-acre tract of land out of Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas, said tract being more specifically described by metes and bounds in Exhibit "A", which is attached hereto and incorporated herein (the "Property") to MF-22, Multiple-Family Dwelling District and adopting a site plan therefor, as set out hereinafter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-16, Multiple-Family Dwelling District, in part, MH, Manufactured Housing District, in part, RR, Regional Retail District, in part, and BP, I-20 Business Park District, in part, to MF-22, Multiple-Family Dwelling District.

SECTION TWO. That a site plan, which is attached hereto as Exhibit "B" and

incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the use and development of the Property shall conform to (1) the regulations of the MF-22, Multiple-Family Dwelling District and (2) the site plan attached as Exhibit "B".

B. That the landscaping shown in Exhibit "B" shall be considered illustrative. The landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

SECTION THREE. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Robert Patrick, Assistant City Manager

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

lca@lcaodessa.com
521 N. Texas Ave. • Odessa, Texas 79761
(432) 332-5058 or 580-8812 • Fax (432) 332-8812
Engineering Firm# 001363 • Surveying Firm# 10034300

METES & BOUNDS DESCRIPTION
OF A 19.17-ACRE TRACT
LOCATED IN SECTION 1, BLOCK 39, T-2-S
T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS

BEING A 19.17-ACRE REMAINDER OF THAT CERTAIN 101.49-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-4195 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, LOCATED IN SECTION 1 BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT (Y=10,687,919.78' & X= 1,761,676.41') A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF LAMESA ROAD AND ALBERT AVENUE AS DESCRIBED ON THAT CERTAIN PLAT OF TAHOE LAKES ADDITION, AS RECORDED IN CABINET I, PAGE 190 OF THE MIDLAND COUNTY PLAT RECORDS AND ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN 0.16-ACRE TRACT, ALSO KNOWN AS (AKA) LOT 26, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AS DESCRIBED IN DOCUMENT NO. 2011-401 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE NORTH 75°39'45" EAST WITH THE NORTH LINE OF SAID AKA LOT 26 OF THE NORTH LINE OF LOT 1 OF BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID ALBERT AVENUE A DISTANCE OF 270.54 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (Y= 10,687,986.78' & X= 1,761,938.53') FOUND ON THE EAST LINE OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY OF SAID ALBERT AVENUE AND TO THE POINT OF THE BEGINNING OF THIS SURVEY;

THENCE NORTH 75°39'43" EAST PASS THE SOUTHEAST CORNER OF SAID ALBERT AVENUE AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID TAHOE LAKES ADDITION AT 61.21 FEET, CONTINUING WITH THE SOUTH LINE OF SAID LOT 1, A TOTAL DISTANCE OF 649.23 FEET TO A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT A POINT OF DEFLECTION OF THIS SURVEY;

THENCE NORTH 32°04'31" EAST WITH THE SOUTHERN LINE OF SAID LOT 1, PASS THE A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT THE EASTERNMOST SOUTHEAST CORNER OF SAID LOT 1 AND AT 605.40 FEET, CONTINUING FOR A TOTAL DISTANCE OF 667.33 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE NOTHERNMOST NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 22°42'31" EAST, A DISTANCE OF 86.39 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 556.30 FEET, A DELTA ANGLE OF 44°23'54", AN ARC LENGTH OF 431.07 FEET, A CHORD LENGTH OF 420.37 FEET BEARING SOUTH 00°30'36" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE SOUTH 21°41'20" EAST, A DISTANCE OF 522.76 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 530.00 FEET, A DELTA ANGLE OF 27°47'11", AN ARC LENGTH OF 257.03 FEET, A CHORD LENGTH OF 254.52 FEET BEARING SOUTH 07°47'45" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT ON SAID CURVE;

THENCE NORTH 75°37'36" EAST, A DISTANCE OF 333.79 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON A CURVE TO THE LEFT;

THENCE SOUTH 14°19'58" EAST, A DISTANCE OF 424.98 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON THE CURVED NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, FOR THE SOUTHEAST CORNER OF THIS TRACT HAVING A RADIAL BEARING OF NORTH 16°35'48" WEST;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 11,309.20 FEET, A DELTA ANGLE OF 00°15'13", AN ARC LENGTH OF 50.03 FEET, A CHORD LENGTH OF 50.03 FEET BEARING SOUTH 73°31'49" WEST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°19'58" WEST, A DISTANCE OF 376.81 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 75°37'36" WEST, A DISTANCE OF 238.69 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 14°37'56" EAST, A DISTANCE OF 123.46 FEET TO A A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

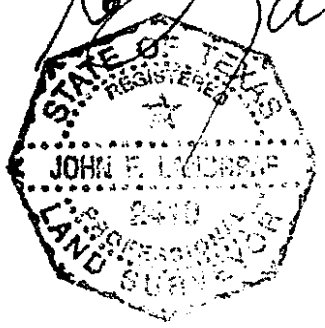
THENCE SOUTH 75°41'31" WEST, PASS A ½" IRON ROD WITH CAP (CONTROL MONUMENT) FOUND AT A POINT OF TANGENCY OF THAT CERTAIN 3.30-ACRE TRACT AS DESCRIBED IN VOLUME 1198 PAGE 204 OF SAID DEED RECORDS OF MIDLAND COUNTY TEXAS AT 349.07 FEET, IN ALL A TOTAL DISTANCE OF 687.02 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX", WHENCE A ½" IRON ROD BEARS SOUTH 75°41' WEST, A DISTANCE OF 0.9 FEET;

THENCE NORTH 14°20'29" WEST WITH THE EAST LINE OF LOTS 13 THRU 1, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, A DISTANCE OF 865.18 FEET TO THE POINT OF THE BEGINNING CONTAINING 19.17 SURFACE ACRES.

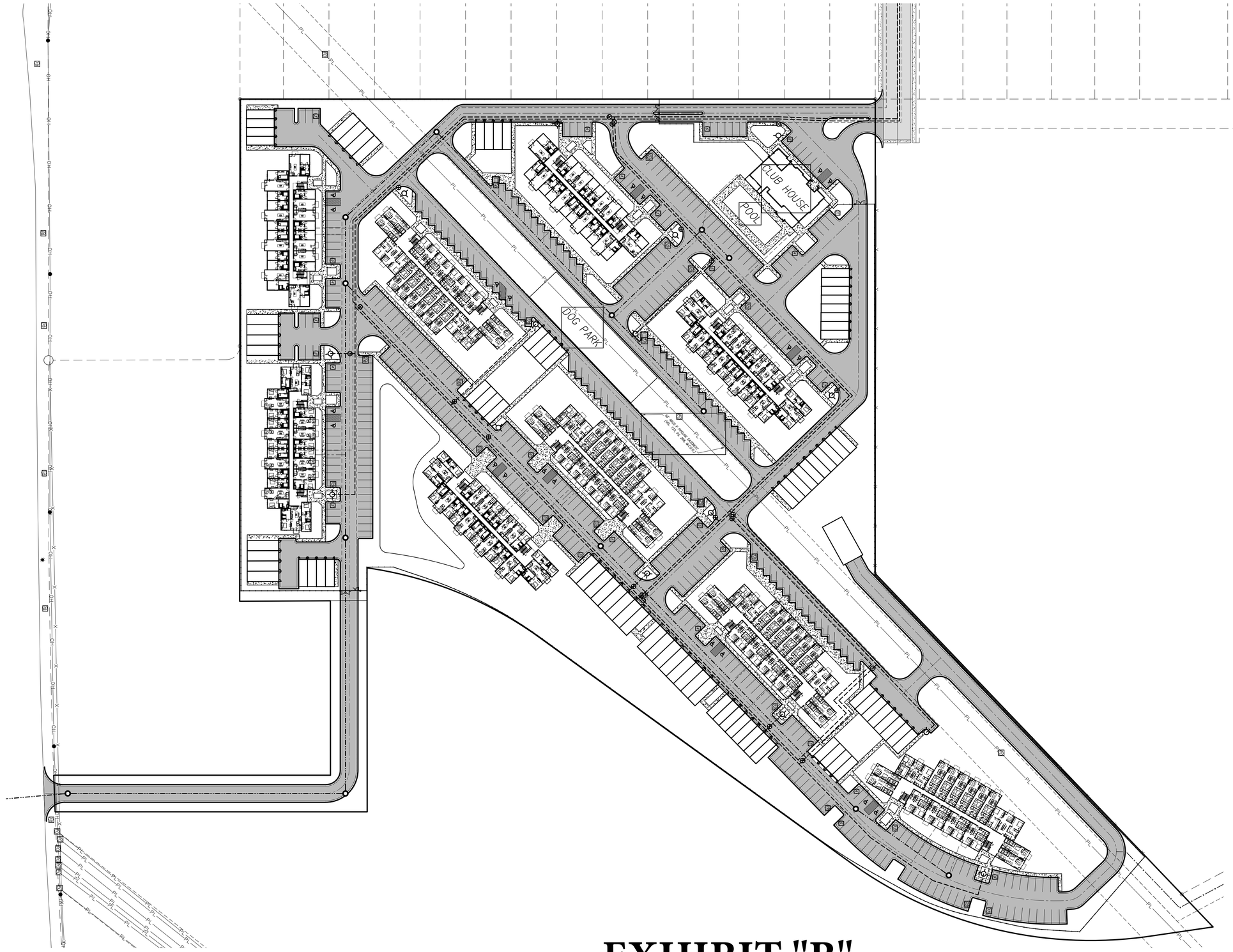
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LCA

John F. Landgraf, RPLS 2410
6 July 2020



LCA Project no. 2020-038



PARKING TABULATION

UNITS TYPE	UNITS QUANTITY	PARKING REQUIRED
1/1	120	180
2/2	84	168
3/2	18	45
EXTRA SPACES FOR 3/2 AT 1/FOUR UNITS		5
STUDIO/MICRO	120	120
TOTAL UNITS	342	
TOTAL SPACES REQUIRED		**518**
SPACES PROVIDED/SURFACE		445
SPACES PROVIDED/GARAGE		86
TOTAL SPACES PROVIDED		**531**

GARAGE & STORAGE TABULATION

Storage Units Required	342
Storage Units Provided	342
Garages Required	86
Garage Provided	86

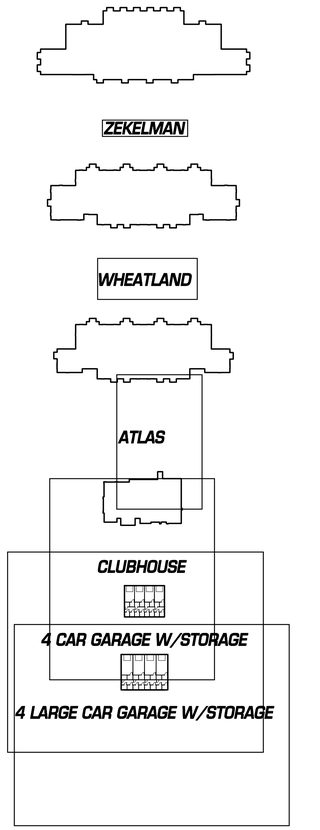


EXHIBIT "B"

ENG. _____ E.T. _____
SVY. _____ DFT. _____
LCA JOB No. 0000.000

LCA ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
Personal Service, Today and Tomorrow
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com

E:\2020\2020-038\E-Mail\Sent\2020-07-16 (CAD File)\2020-038 Base.dwg, 7/30/2020 8:29:20 AM, AutoCAD PDF (General Documentation).pc3

LCA

ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING

lca@lcaodessa.com
521 N. Texas Ave. • Odessa, Texas 79761
(432) 332-5058 or 580-8812 • Fax (432) 332-8812
Engineering Firm# 001363 • Surveying Firm# 10034300

METES & BOUNDS DESCRIPTION
OF A 19.17-ACRE TRACT
LOCATED IN SECTION 1, BLOCK 39, T-2-S
T&P RR CO. SURVEY
MIDLAND COUNTY, TEXAS

BEING A 19.17-ACRE REMAINDER OF THAT CERTAIN 101.49-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-4195 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, LOCATED IN SECTION 1 BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT (Y=10,687,919.78' & X= 1,761,676.41') A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF LAMESA ROAD AND ALBERT AVENUE AS DESCRIBED ON THAT CERTAIN PLAT OF TAHOE LAKES ADDITION, AS RECORDED IN CABINET I, PAGE 190 OF THE MIDLAND COUNTY PLAT RECORDS AND ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN 0.16-ACRE TRACT, ALSO KNOWN AS (AKA) LOT 26, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AS DESCRIBED IN DOCUMENT NO. 2011-401 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE NORTH 75°39'45" EAST WITH THE NORTH LINE OF SAID AKA LOT 26 OF THE NORTH LINE OF LOT 1 OF BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID ALBERT AVENUE A DISTANCE OF 270.54 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (Y= 10,687,986.78' & X= 1,761,938.53') FOUND ON THE EAST LINE OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY OF SAID ALBERT AVENUE AND TO THE POINT OF THE BEGINNING OF THIS SURVEY;

THENCE NORTH 75°39'43" EAST PASS THE SOUTHEAST CORNER OF SAID ALBERT AVENUE AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID TAHOE LAKES ADDITION AT 61.21 FEET, CONTINUING WITH THE SOUTH LINE OF SAID LOT 1, A TOTAL DISTANCE OF 649.23 FEET TO A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT A POINT OF DEFLECTION OF THIS SURVEY;

THENCE NORTH 32°04'31" EAST WITH THE SOUTHERN LINE OF SAID LOT 1, PASS THE A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT THE EASTERNMOST SOUTHEAST CORNER OF SAID LOT 1 AND AT 605.40 FEET, CONTINUING FOR A TOTAL DISTANCE OF 667.33 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE NOTHERNMOST NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 22°42'31" EAST, A DISTANCE OF 86.39 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 556.30 FEET, A DELTA ANGLE OF 44°23'54", AN ARC LENGTH OF 431.07 FEET, A CHORD LENGTH OF 420.37 FEET BEARING SOUTH 00°30'36" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE SOUTH 21°41'20" EAST, A DISTANCE OF 522.76 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 530.00 FEET, A DELTA ANGLE OF 27°47'11", AN ARC LENGTH OF 257.03 FEET, A CHORD LENGTH OF 254.52 FEET BEARING SOUTH 07°47'45" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT ON SAID CURVE;

THENCE NORTH 75°37'36" EAST, A DISTANCE OF 333.79 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON A CURVE TO THE LEFT;

THENCE SOUTH 14°19'58" EAST, A DISTANCE OF 424.98 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON THE CURVED NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, FOR THE SOUTHEAST CORNER OF THIS TRACT HAVING A RADIAL BEARING OF NORTH 16°35'48" WEST;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 11,309.20 FEET, A DELTA ANGLE OF 00°15'13", AN ARC LENGTH OF 50.03 FEET, A CHORD LENGTH OF 50.03 FEET BEARING SOUTH 73°31'49" WEST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°19'58" WEST, A DISTANCE OF 376.81 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 75°37'36" WEST, A DISTANCE OF 238.69 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 14°37'56" EAST, A DISTANCE OF 123.46 FEET TO A A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

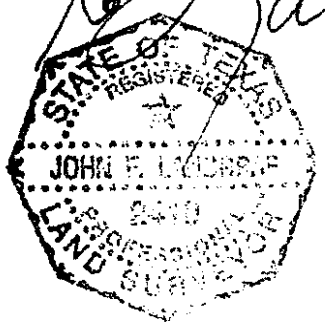
THENCE SOUTH 75°41'31" WEST, PASS A ½" IRON ROD WITH CAP (CONTROL MONUMENT) FOUND AT A POINT OF TANGENCY OF THAT CERTAIN 3.30-ACRE TRACT AS DESCRIBED IN VOLUME 1198 PAGE 204 OF SAID DEED RECORDS OF MIDLAND COUNTY TEXAS AT 349.07 FEET, IN ALL A TOTAL DISTANCE OF 687.02 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX", WHENCE A ½" IRON ROD BEARS SOUTH 75°41' WEST, A DISTANCE OF 0.9 FEET;

THENCE NORTH 14°20'29" WEST WITH THE EAST LINE OF LOTS 13 THRU 1, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, A DISTANCE OF 865.18 FEET TO THE POINT OF THE BEGINNING CONTAINING 19.17 SURFACE ACRES.

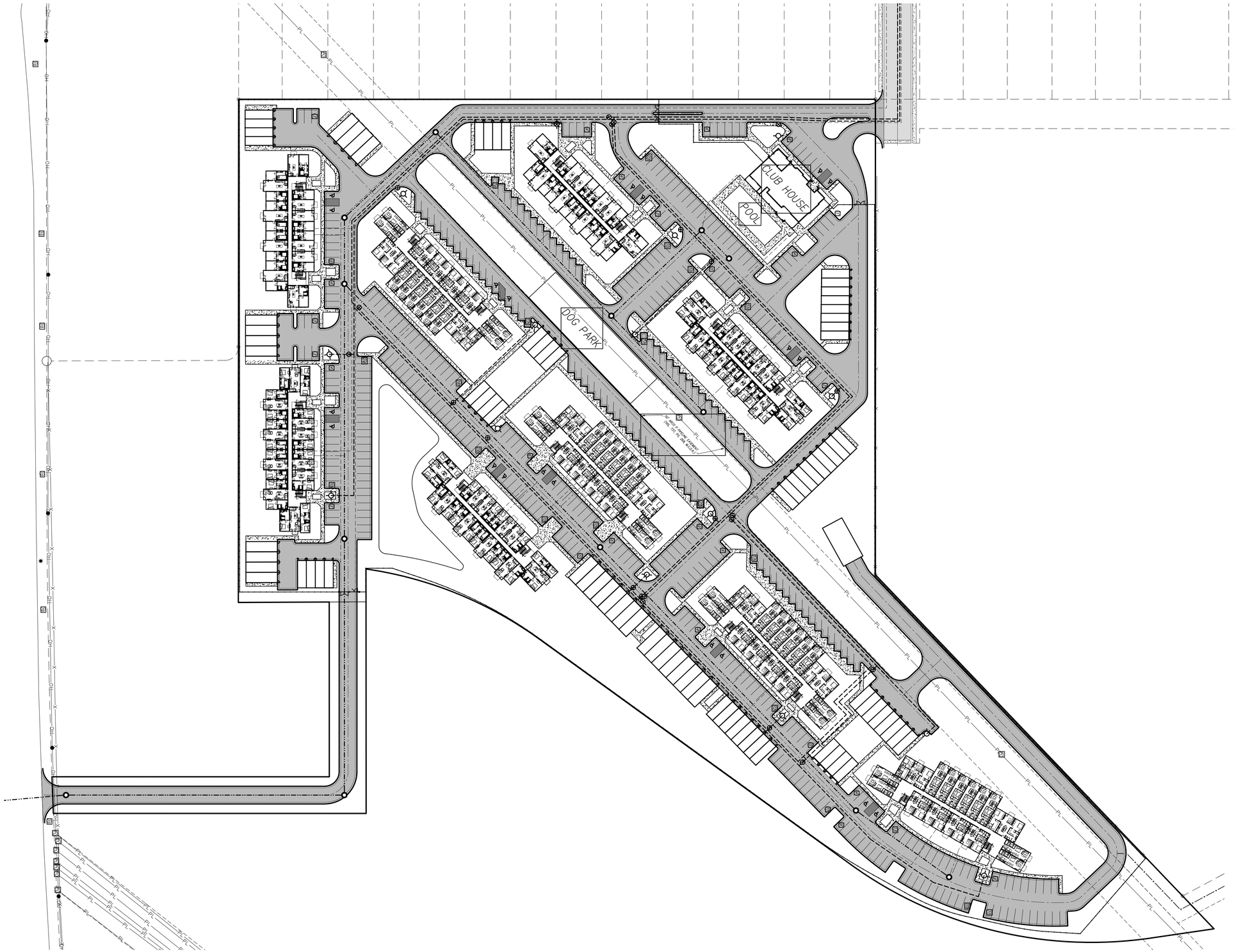
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

LCA

John F. Landgraf, RPLS 2410
6 July 2020



LCA Project no. 2020-038

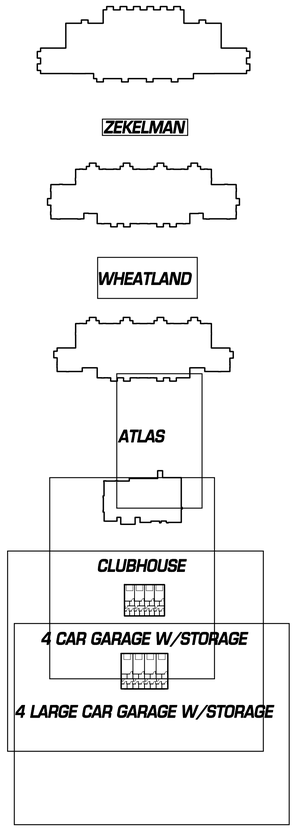


PARKING TABULATION

UNITS TYPE	UNITS QUANTITY	PARKING REQUIRED
1/1	120	180
2/2	84	168
3/2	18	45
EXTRA SPACES FOR 3/2 AT 1/FOUR UNITS		5
STUDIO/MICRO	120	120
TOTAL UNITS	342	
TOTAL SPACES REQUIRED		**518**
SPACES PROVIDED/SURFACE		445
SPACES PROVIDED/GARAGE		86
TOTAL SPACES PROVIDED		**531**

GARAGE & STORAGE TABULATION

Storage Units Required	342
Storage Units Provided	342
Garages Required	86
Garage Provided	86



ENG. _____ E.T. _____
SVY. _____ DFT. _____
LCA JOB No. 0000.000

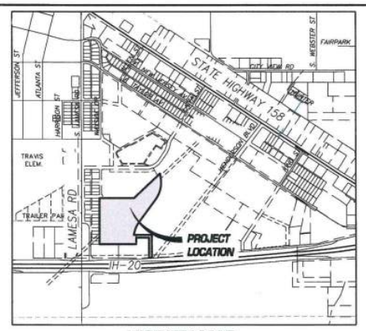
LCA ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com
Personal Service, Today and Tomorrow

E:\2020\2020-038\E-Mail\Sent\2020-07-16 (CAD File)\2020-038 Base.dwg, 7/30/2020 8:29:20 AM, AutoCAD PDF (General Documentation).pc3

PRELIMINARY PLAT

TAHOE LAKES ADDITION, SECTION 2

19.17 ACRE TRACT LOCATED IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY
CITY AND COUNTY OF MIDLAND, TEXAS



VICINITY MAP
SCALE: N.T.S.

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEING A 19.17-ACRE REMAINDER OF THAT CERTAIN 101.49-ACRE TRACT AS DESCRIBED IN DOCUMENT NO. 2010-4195 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS, LOCATED IN SECTION 1 BLOCK 39, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT (Y=10,687,919.78' & X= 1,761,676.41') A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (CONTROL MONUMENT) FOUND AT THE SOUTHEAST CORNER OF LAMESA ROAD AND ALBERT AVENUE AS DESCRIBED ON THAT CERTAIN PLAT OF TAHOE LAKES ADDITION, AS RECORDED IN CABINET 1, PAGE 198 OF THE MIDLAND COUNTY PLAT RECORDS AND ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN 0.16-ACRE TRACT, ALSO KNOWN AS (ALE-1) LOT 24, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AS DESCRIBED IN DOCUMENT NO. 2011-401 OF SAID OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE NORTH 75°39'45" EAST WITH THE NORTH LINE OF SAID AKA LOT 24 OF THE NORTH LINE OF LOT 1 OF BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY LINE OF SAID ALBERT AVENUE A DISTANCE OF 270.34 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" (Y= 10,687,986.78' & X= 1,761,938.53') FOUND ON THE EAST LINE OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, AND THE SOUTH RIGHT-OF-WAY OF SAID ALBERT AVENUE AND TO THE POINT OF THE BEGINNING OF THIS SURVEY;

THENCE NORTH 75°39'43" EAST PASS THE SOUTHEAST CORNER OF SAID ALBERT AVENUE AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID TAHOE LAKES ADDITION AT 61.21 FEET; CONTINUING WITH THE SOUTH LINE OF SAID LOT 1, A TOTAL DISTANCE OF 649.23 FEET TO A 5/8" IRON ROD (CONTROL MONUMENT) FOUND AT A POINT OF DEFLECTION OF THIS SURVEY;

THENCE NORTH 32°04'31" EAST WITH THE SOUTHERN LINE OF SAID LOT 1, PASS THE A 3/8" IRON ROD (CONTROL MONUMENT) FOUND AT THE EASTERNMOST SOUTHEAST CORNER OF SAID LOT 1 AND AT 605.48 FEET, CONTINUING FOR A TOTAL DISTANCE OF 667.33 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR THE NOTHERNMOST NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 22°42'31" EAST, A DISTANCE OF 86.39 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 556.38 FEET, A DELTA ANGLE OF 44°23'54", AN ARC LENGTH OF 431.07 FEET, A CHORD LENGTH OF 420.37 FEET BEARING SOUTH 00°30'36" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF TANGENCY;

THENCE SOUTH 21°41'28" EAST, A DISTANCE OF 522.74 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET AT THE POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG SAID CURVE TO THE LEFT IN A SOUTHEASTERLY DIRECTION, HAVING A RADIUS LENGTH OF 530.00 FEET, A DELTA ANGLE OF 27°47'11", AN ARC LENGTH OF 257.03 FEET, A CHORD LENGTH OF 254.52 FEET BEARING SOUTH 07°47'45" EAST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET AT THE POINT ON SAID CURVE;

THENCE NORTH 75°53'36" EAST, A DISTANCE OF 333.79 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON A CURVE TO THE LEFT;

THENCE SOUTH 14°19'58" EAST, A DISTANCE OF 424.98 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET ON THE CURVED NORTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, FOR THE SOUTHEAST CORNER OF THIS TRACT HAVING A RADIAL BEARING OF NORTH 14°15'48" WEST;

THENCE ALONG SAID CURVE TO THE RIGHT IN A SOUTHWESTERLY DIRECTION, HAVING A RADIUS LENGTH OF 11,309.20 FEET, A DELTA ANGLE OF 00°51'31", AN ARC LENGTH OF 50.83 FEET, A CHORD LENGTH OF 50.83 FEET BEARING SOUTH 75°31'49" WEST TO A ½" IRON ROD WITH PLASTIC CAP MARKED "LCA ODESSA TX" SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 14°19'58" WEST, A DISTANCE OF 376.81 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 75°17'34" WEST, A DISTANCE OF 218.69 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

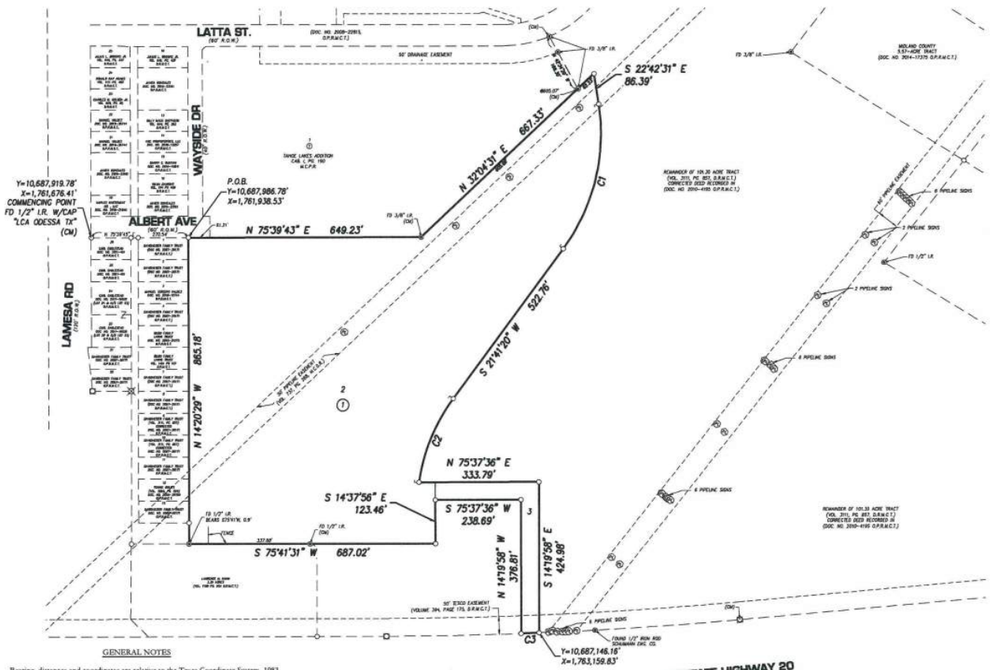
THENCE SOUTH 14°57'56" EAST, A DISTANCE OF 123.46 FEET TO A A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX" SET FOR AN ELL CORNER OF THIS TRACT;

THENCE SOUTH 75°41'31" WEST, PASS A ½" IRON ROD WITH CAP (CONTROL MONUMENT) FOUND AT A POINT OF TANGENCY OF THAT CERTAIN 1.38-ACRE TRACT AS DESCRIBED IN VOLUME 1198 PAGE 304 OF SAID DEED RECORDS OF MIDLAND COUNTY TEXAS AT 549.67 FEET; IN ALL A TOTAL DISTANCE OF 687.02 FEET TO A ½" IRON ROD WITH CAP MARKED "LCA ODESSA TX", WHENCE A ½" IRON ROD BEARS SOUTH 75°41' WEST, A DISTANCE OF 8.9 FEET;

THENCE NORTH 14°20'29" WEST WITH THE EAST LINE OF LOTS 13 THRU 1, BLOCK 7 OF SAID CAROL CREST ADDITION, AN UNRECORDED SUBDIVISION, A DISTANCE OF 865.18 FEET TO THE POINT OF THE BEGINNING CONTAINING 19.17 SURFACE ACRES.

CURVE TABLE					
Curve #	DELTA	RADIUS	LENGTH	CD. BEARING	CD. DIST.
C1	44°23'54"	556.30'	431.07'	S 00°30'36" E	420.37'
C2	27°47'11"	530.00'	257.03'	S 07°47'45" W	254.52'
C3	00°51'31"	11,309.20'	50.03'	S 75°31'49" W	50.03'

ENG. _____ S.V. _____
SVY. _____ DFT. _____
LCA_TLS No. 2020-028





LEGEND

- ● FOUND 1/2" I.R. W/CAP MARKED "LCA ODESSA TX" UNLESS OTHERWISE NOTED
- ○ SET 1/2" I.R. W/CAP MARKED "LCA ODESSA TX"
- □ TXDOT R.O.W. MONUMENT
- ⊠ BROKEN TXDOT R.O.W. MONUMENT
- Ⓟ EXISTING PIPELINE MARKER
- (CM) CONTROL MONUMENT
- ⌂ PC OR PT

GENERAL NOTES

1. Bearing, distances and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone, Based on the City of Midland GPS Control Monument "LAM 20". (Y=10,686,841.66' and X=1,761,908.42', Elevation = 2775.01 NAVD 29) with a Theta Angle of -00°53'17" with a Combined Grid Factor of 0.9998936573 as published in US Survey Feet. Elevations are NAVD 29.
2. This property lies in Zone X per the FEMA/FIRM map number 48329C0206F, dated September 16, 2005.
3. Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the building permit process. Additional impact fees or increase in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.
4. "Comply with the existing drainage analysis titled XXXXXXXXXXX, sealed by XXXXXXXX, P.E., and approved by the City of Midland on XXXXXXXXXXX, or any revisions, corrections, amendments, or replacements of this drainage analysis that are approved by the City of Midland."
5. Selling a portion of this addition by metes and bounds may be a violation of city ordinance and state law subject to fines and withholding of utilities and building permits.
6. Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before building permit(s) may be obtained.
7. Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the building permit process. Additional impact fees or increase in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases.
8. Approval of a site plan by the City of Midland may be required before these lot(s) may be developed and before building permit(s) may be obtained.

CERTIFICATE OF APPROVAL

For approval by the Commission:

This is to certify that the above and foregoing Plat of Tahoe Lake Addition, Section 2, was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas

on this _____ day of _____, 2020.

SIGNED: _____
CHAIRMAN OF PLANNING & ZONING
JOSH SPARKS

SIGNED: _____
SECRETARY OF PLANNING & ZONING
CHRISTINA ODENBORG BURNS

THE UTILITY COMPANIES CERTIFICATE

This plat has been checked for accessibity of utilities

_____ ATMOS ENERGY
_____ AT&T TELEPHONE COMPANY
_____ ONCOR ELECTRIC
_____ SUDDENLINK COMMUNICATIONS
_____ GRANDE COMMUNICATIONS

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, XXXXXXX, do hereby adopt this plat designating the herein described property as Tahoe Lake Addition, Section 2, and do hereby dedicate to the public use forever the streets, alley and easements shown thereon for the purpose and consideration therein expressed, and an easement of egress and ingress for trash collection, and location and maintenance of trash containers, and as a condition of said easement that no construction shall commence on the said lot or lots until the exact location of said containers there with have been selected and approved by the Director of Utilities.

WITNESS our hands at Midland, Texas this the ____ day of _____ 2020.

_____
DAVIDHEISER FAMILY TRUST
XXXXXXX

THE STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____ 2020.

My commission expires: _____

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS:

That I, John F. Landgraf, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plat was prepared from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Midland, Texas.

PRELIMINARY
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.
JOHN F. LANDGRAF, R.P.L.S. # 2410

OWNER: DAVIDHEISER FAMILY TRUST
1222 CALLE LAS CASAS
THOUSAND OAKS, CA 91360

ENGINEER: LCA
521 NORTH TEXAS
ODESSA, TEXAS 79761-5131
PHONE: (432) 332-5058

TAHOE LAKE ADDITION, SECTION 2

LCA *ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING*
521 North Texas, Odessa Tx. 79761 F-001368 F-10034300
Phone # (432) 333-5058 E-Mail : lca@laodessa.com
Pleasant Service, Today and Tomorrow

ZONING EXHIBIT

TAHOE LAKE ADDITION, SECTION 2

19.17 ACRE TRACT LOCATED IN SECTION 1, BLOCK 39, T-2-S, T&P RR CO. SURVEY
CITY AND COUNTY OF MIDLAND, TEXAS

Y=10,687,919.78'
X=1,761,676.41'COMMENCING POINT
FD 1/2" I.R. W/CAP"LCA ODESSA TX" (CM)

ALBERT AVE (60' R.O.W.)

N 14°20'29" W 865.18'

WAYSIDE DR (40' R.O.W.)

P.O.B.
Y=10,687,986.78'
X=1,761,938.53'

LATTA ST. (60' R.O.W.)

INTERSTATE HIGHWAY 20 (VARIABLE WIDTH R.O.W.)

LAWRENCE H. HAHN 3.30 ACRES (VOL. 1156 PG. 304 O.R.M.C.T.)

LOT 1, BLOCK 1 KJRC ADDITION CAB. F, PG. 177, M.C.P.R.

TAHOE LAKES ADDITION CAB. I, PG. 190 M.C.P.R.

(DOC. NO. 2008-22815, O.P.R.M.C.T.)

LOT 1, BLOCK 1 PALERMO ADDITION CAB. I, PG. 30, M.C.P.R.

50' DRAINAGE EASEMENT

S 75°41'31" W 687.02'

N 75°39'42" E 649.24'

MF-16, RR, MH, & BP
TO
MF-22
(ACREAGE=18.18)

RR

BP

MH

MF-16

S 14°37'56" E 123.46'

S 75°37'36" W 238.69'

N 14°19'58" W 376.81'

C3

S 14°19'58" E 424.98'

Y=10,687,146.16'
X=1,763,159.83'

50' TESCO EASEMENT (VOL. 394, PG 175, D.R.M.C.T.)

FOUND 1/2" IRON ROD SCHUMANN ENG. CO.

REMAINDER OF 101.30 ACRE TRACT (VOL. 3111, PG. 857, D.R.M.C.T.) CORRECTED DEED RECORDED IN (DOC. NO. 2010-4195 O.P.R.M.C.T.)

C2

N 75°37'36" E 333.79'

S 21°41'20" W 522.76'

N 32°04'31" E 667.32'

C1

MH

N 42°34'29" W 166.30'

(R2)

FD 3/8" I.R.

S 22°42'31" E 86.39'

REMAINDER OF 101.30 ACRE TRACT (VOL. 3111, PG. 857, D.R.M.C.T.) CORRECTED DEED RECORDED IN (DOC. NO. 2010-4195 O.P.R.M.C.T.)

200' 0 200'
SCALE : 1" = 200'

LEGEND

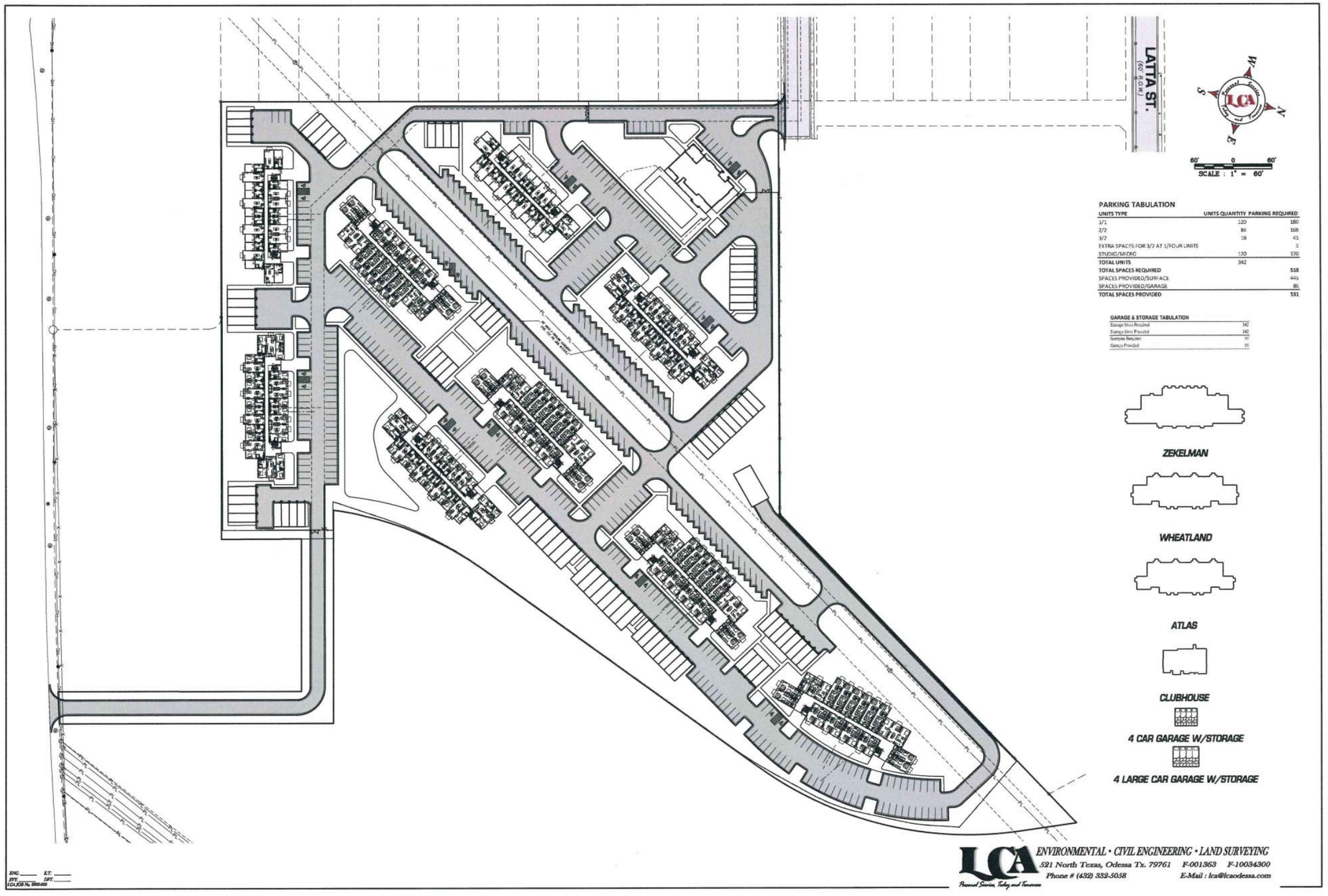
MF-16	MF-16 TO MF-22
RR	RR TO MF-22
MH	MH TO MF-22
BP	BP TO MF-22

ENG. _____ E.T. _____
SVY. _____ DFT. _____

LCA JOB No. 2020-038

ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5038 E-Mail : lca@lcaodessa.com
Personal Service, Today and Tomorrow

2020\2020-038\Dwg\Drafting\Exhibit\2020-038 Zoning Exhibitt.dwg, 7/6/2020 3:56:08 PM, IASkalfa 32521



PARKING TABULATION

UNITS TYPE	UNITS QUANTITY	PARKING REQUIRED
1/1	120	180
2/2	84	168
3/2	18	45
EXTRA SPACES FOR 3/2 AT 1/FOUR UNITS		5
STUDIO/MICRO	120	120
TOTAL UNITS	342	
TOTAL SPACES REQUIRED		518
SPACES PROVIDED/SURFACE		445
SPACES PROVIDED/GARAGE		86
TOTAL SPACES PROVIDED		531

GARAGE & STORAGE TABULATION

Garage Units Required	342
Garage Units Provided	342
Garages Required	86
Garage Provided	86

ZEKELMAN

WHEATLAND

ATLAS

CLUBHOUSE

4 CAR GARAGE W/STORAGE

4 LARGE CAR GARAGE W/STORAGE

ENVIRONMENTAL • CIVIL ENGINEERING • LAND SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com
Personal Service, Today and Tomorrow

ENG. _____ E.T. _____
SVY. _____ DFT. _____
LCA JOB No. 0000-00



Z Modular™
A DIVISION OF ZEKELMAN INDUSTRIES

TEXAS

PROJECT NO: B4-179-1902

BASE4

BASE4
2901 CLINT MOORE ROAD, #114
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Seal:

REGISTERED ARCHITECT
RICARDO J. MUNIZ-GUILLET
26199
STATE OF TEXAS

Owner:

Z Modular™
A DIVISION OF ZEKELMAN INDUSTRIES

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Z MODULAR GARDENSTYLE
APARTMENT
1/2 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
3	A3	2019.10.23	ADDENDUM#2

CURRENT ISSUE

ISSUED FOR PERMIT

CURRENT ISSUE DATE
2019.11.07

DRAWN BY
SJ

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PROJECT NO.
B4-179-1902

SHEET NAME

TITLE SHEET

DRAWINGS NO.

G-000

PROJECT GENERAL NOTES

GENERAL

1. THE INFORMATION HEREIN IS OF A PROPRIETARY NATURE AND IS SUBMITTED IN CONFIDENCE FOR USE BY BASE4 ARCHITECTS, INC. CLIENTS ONLY. IT HAS BEEN PREPARED FOR THIS PROJECT AT THIS SITE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE, LOCATION OR OWNER WITHOUT WRITTEN CONSENT OF BASE4 ARCHITECTS, INC. UNAUTHORIZED REPRODUCTION, PUBLICATION OR DISSEMINATION, IN WHOLE OR IN PART IS EXPRESSLY PROHIBITED. INFORMATION CONTAINED HEREIN REMAINS PROPERTY OF BASE4 ARCHITECTS, INC., AND RECEIPT OR POSSESSION OF THIS INFORMATION CONFERS NO RIGHT IN OR LICENSE TO USE OR DISCLOSE TO OTHERS THE SUBJECT MATTER CONTAINED HEREIN FOR ANY BUT AUTHORIZED PURPOSES. ALL RIGHTS RESERVED.
2. THE CONTRACT DOCUMENTS CONSIST OF THE AGREEMENT BETWEEN OWNER AND CONTRACTOR, CONDITIONS OF THE CONTRACT (GENERAL, SUPPLEMENTARY, AND OTHER CONDITIONS), DRAWINGS, SPECIFICATIONS, ADDENDA ISSUED PRIOR TO AGREEMENT AND MODIFICATIONS ISSUED AFTER EXECUTION OF THE CONTRACT.
3. ANY DOCUMENT IN THIS SET WHICH HAS BEEN PREPARED BY ANY SUBCONTRACTOR, DESIGNER, AND/OR SUBCONSULTANT WHO IS UNDER A CONTRACT DIRECTLY WITH THE OWNER AND/OR CONTRACTOR IS ONLY INCLUDED IN THIS SET FOR PURPOSES OF REFERENCE AND COORDINATION. BASE4 ARCHITECTS DISCLAIMS ALL LIABILITY RELATING TO THE DRAWING AND CONSTRUCTION OF THE IMPROVEMENTS OR SYSTEMS IT DEPICTS EXCEPT AS EXPECIFICALLY ASSUMED IN A WRITTEN CONTRACT SIGNED BY BASE4 AND THE OWNER.
4. THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS, INCLUDING THOSE IN ELECTRONIC FORM, PREPARED BY THE ARCHITECT, AND THE ARCHITECT'S CONSULTANTS ARE INSTRUMENTS OF SERVICE THROUGH WHICH THE WORK TO BE EXECUTED BY THE CONTRACTOR IS DESCRIBED. UNLESS INDICATED OTHERWISE, THE ARCHITECT AND ARCHITECTS CONSULTANTS SHALL BE DEEMED THE AUTHORS OF THEM AND WILL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, IN ADDITION TO THE COPYRIGHTS.
5. IF COORDINATION OF ARCHITECTURAL, CIVIL, LANDSCAPE, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING AND SPRINKLER ELEMENTS RESULT IN CONFLICT, GC SHALL NOTIFY ARCHITECT IN WRITING IMMEDIATELY PRIOR TO COMMENCING ANY WORK OF ELEMENTS RESULTING CONFLICTS.
6. SLOPE ALL GRADES AT PLANTING AREAS, SIDEWALKS AND ASPHALT PARKING PAVING WITHIN 5' OF A BUILDING AWAY FROM THE BUILDING. IF CONFLICTS OCCUR, NOTIFY ARCHITECT IMMEDIATELY. SEE CIVIL DRAWINGS FOR FINISHED GRADES ADJACENT TO BUILDINGS.
7. CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS AND SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF CONSTRUCTION UNTIL FINAL COMPLETION. SEE STRUCTURAL DRAWINGS.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION AND COORDINATION OF SUBCONTRACTOR WORK, COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS, AND ACCURATE LOCATION OF STRUCTURAL MEMBERS, OPENINGS FOR MECHANICAL, ELECTRICAL, AND MISCELLANEOUS EQUIPMENT. CONTRACTOR SHALL VERIFY DIMENSIONS AND OPENING SIZES (CLEARANCES REQUIRED) FROM THE MANUFACTURERS PRIOR TO CONSTRUCTION OF OR INSTALLATION OF EQUIPMENT, FURNISHINGS, AND ACCESSORIES.
9. PROVIDE ACCESS PANELS AS REQUIRED. PROVIDE RATED ACCESS PANELS WITH THE SAME RATING AS THE ASSEMBLY IN WHICH THEY ARE INSTALLED. ACCESS PANELS IN SHAFT WALLS, RATED FLOORCEILINGS OR RATED ROOFCEILINGS SHALL BE SMOKE SEALED.
10. THE FRANCHISE BRAND STANDARDS DESIGN DOCUMENT SHALL BE CONSIDER AS AN INTEGRAL PART OF THE CONSTRUCTION DOCUMENTS. ALL CONTRACTORS SHALL ENSURE THEY OBTAIN, READ, AND FAMILIARIZE THEMSELVES WITH THE BRAND STANDARD DOCUMENT BEFORE BIDDING AND ALSO THROUGHOUT THE CONSTRUCTION STAGES. IF THERE ARE ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND THE FRANCHISE BRAND STANDARDS, THE CONTRACTOR SHALL ISSUE AN RFI TO THE AOR AND EOR.

SPECIFICATIONS

1. 1. SEE SPECIFICATION FOR GENERAL BUILDING ELEMENTS, FINISHES, MATERIALS, BUILDING ACCESSORIES, TOILET AND BATHROOM ACCESSORIES, TOILET PARTITIONS AND URINAL SCREENS, ETC UNLESS NOTED OTHERWISE. MATERIALS, PRODUCTS, SYSTEMS ETC IDENTIFIED ON THE DRAWINGS WITH "(XYP-1, EXP-JT-2) , ETC", REFER TO THE SPECIFICATION FOR SPECIFIC PRODUCT SELECTIONS AND OTHER REQUIREMENTS.

DRAWINGS

1. PLANS, SECTIONS AND ELEVATIONS INDICATE SPEQIFIC INFORMATION, SEE TYPICAL MOUNTING HEIGHTS, PARTITION DETAILS, DOOR DETAILS, CASEWORK TYPES AND DETAILS, TOP TYPES, SHELF TYPES, NOTES AND TYPICAL DETAILS FOR TYPICAL INFORMATION, INSTALLATION AND CONSTRUCTION UNLESS INDICATED OTHERWISE.
2. ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, PROJECT MANUAL/SPECIFICATION, PROJECT PRODUCT MANUAL, THESE NOTES, DRAWING SYMBOLS, MATERIAL LEGEND, REFLECTED CEILING LEGEND AND GENERAL INFORMATION ON THIS SHEET AND ABBREVIATIONS.
3. DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS ONLY. VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK. VERIFY ALL DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND/OR ENGINEER TO OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT AND/OR ENGINEER WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

DIMENSIONS

1. DIMENSIONS ARE SHOWN TO FACE OF STUD, FACE OF CONCRETE, FACE OF MASONRY, GRID/COLUMN LINE, CENTERLINE OF ELEMENT, COUNTERTOP EDGE, OR AS NOTED.
2. DIMENSION NOTED AS CLEAR, ARE FROM WALL FINISH TO WALL FINISH.
3. DIMENSIONS TAKE PRECEDENCE OVER DRAWINGS, DO NOT SCALE DRAWINGS, NOTIFY ARCHITECT, IN WRITING, OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.

VERIFY CONDITIONS

1. VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK TO LOCATE ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

COORDINATION

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE THE ENTIRE PROJECT INCLUDING ALL BUILDING ELEMENTS, SITE, EQUIPMENT, FITTINGS, FIXTURES, FURNITURE, MECH AND ELEC ITEMS.
2. VERIFY AND COORDINATE THE FOLLOWING WITH THE RESPECTIVE DISCIPLINES AND TRADES:
   A. VERIFY ALL EXISTING CONDITIONS, SIZES AND LOCATIONS OF MECH AND/OR ELEC PENETRATIONS PRIOR TO COMMENCEMENT OF ANY WORK.
   B. LOCATIONS FOR BACKING/BLOCKING REQUIRED FOR MOUNTING ARCH, MECH AND/OR ELEC EQUIPMENT, OWNER FURNISHED EQUIPMENT, FURNITURE, ARTWORK AND SYSTEMS.
   C. CUTTING AND PATCHING FOR WORK REQUIRED BY MECH AND/OR ELEC.
   D. SIZES AND LOCATIONS OF MECH AND/OR ELEC CONCRETE CURBS AND HOUSE KEEPING PADS. SEE ALSO TYPICAL INTERIOR CONCRETE DETAILS UNO.
   E. SIZES AND LOCATIONS OF MECH AND/OR ELEC EXTERIOR WALL, CEILING AND ROOF EQUIPMENT, DEVICES AND PENETRATIONS.

LIFE SAFETY

1. LIFE SAFETY PLANS INDICATE FIRE AND SMOKE RATED PARTITIONS. SEE LIFE SAFETY PLANS FOR PARTITION RATING AND ASSEMBLY DETAILS FOR PARTITION TYPES AND CONSTRUCTION.
2. ALL SLEEVES, OPENINGS, PENETRATIONS, ETC. FOR CONDUITS, CABLE TRAYS, PIPES AND DUCTS, ETC. THROUGH RATED PARTITIONS, FLOORS AND ROOF SLABS ARE TO BE FIRE STOPPED IN ACCORDANCE WITH THE REQUIRED FIRE RATED ASSEMBLY DESIGN, APPLICABLE CODES AND LOCAL FIRE AUTHORITY REQUIREMENTS.
3. ALL FIRE EXITS SHALL BE KEPT CLEAR AND ACCESSIBLE AT ALL TIMES.

SPRINKLER SYSTEM

1. SPRINKLER HEADS SHOWN ON THE RCP'S ARE THOSE OF DESIGN CONCERN. ALL AREAS ARE REQUIRED TO BE SPRINKLERED. SPRINKLER HEADS AT GYPSUM BOARD CEILINGS MUST BE FULLY RECESSED AND COVERED WITH METAL PLATES FINISHED TO MATCH ADJACENT SURFACE.

ROOM OPENINGS

1. FLOOR PLANS INDICATE ROOM OPENING NUMBERS. FOR DOOR AND DOOR BORROWED LIGHT FRAME TYPES, FRAME PROFILES, NOTES AND TYPICAL DETAILS. SEE ROOM DOOR SCHEDULE AND A713.
2. LOCATE DOORS AND OTHER OPENINGS IN PARTITIONS ADJACENT TO PERPENDICULAR WALLS. MAINTAIN MINIMUM ACCESSIBILITY DOOR LATCH SIDE CLEARANCE REQUIREMENTS. PUSH SIDE 12" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER AND PULL SIDE 1'-6" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER.

CASEWORK AND MILLWORK

1. CASEWORK TYPES, TOP TYPES, SHELF TYPES, NOTES AND SPECIFIC DETAILS ARE AS SHOWN ON PLANS AND INTERIOR ELEVATIONS, SEE A830 FOR TYPICAL COUNTER TOP TYPES, UNDERCOUNTER TASK LIGHTING, SUPPORT BRACKET TYPES, COUNTER TOP CORNER, GROMMET, GYSPUM SOFFIT TYPES, NOTES AND DETAILS, ROOM FINISHES SCHEDULE AND/OR FINISHES PLANS.
2. CASEWORK FINISHES, SEE ROOM FINISHES SCHEDULE AND NOTES.

ROOM FINISHES

1. FINISHES ARE INDICATED IN THE FINISH SCHEDULE AND/OR FINISH PLANS, SEE TYPICAL FINISH TRANSITION DETAILS.

FLOOR DRAINS

1. SET FLOOR DRAINS AND FLOOR SINKS WITH TOP OF FINISH TILE/POURED FLOOR. SEE PLUMBING DRAWINGS.
2. SLOPE CONCRETE FLOOR AT 1/8" PER FOOT TOWARDS FLOOR DRAINS AND AWAY FROM ALL WALLS.

FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES

1. FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND THE TYPICAL MOUNTING HEIGHT SHEET UNO.
2. REFER TO FURNITURE AND EQUIPMENT DRAWINGS AND INSTRUCTIONS FOR INSTALLATION RESPONSIBILITIES. PROVIDE ALL BLOCKING & ANCHORAGE AS NECESSARY FOR PROPER INSTALLATION OF ANY WALL MOUNTED OR HUNG ITEMS, SEE PARTITION BLOCKING DETAILS.

CURBS AND PADS

1. CONCRETE CURBS AND PADS FOR EQUIPMENT, LOCATIONS MAY BE NOTED ON THE ARCHITECTURAL AND/OR CIVIL DRAWINGS. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR LOCATIONS AND SPECIFIC SIZE AND CONFIGURATION OF THE EQUIPMENT TO CONFIRM SIZE OF PAD OR CURB PRIOR TO INSTALL.
2. GC SHALL CONTACT AND COORDINATE WITH LOCAL MUNICIPALITY FOR SITE OR EQUIPMENT SPECIFIC REQUIREMENTS FOR CURB AND PADS.

PARTITIONS

1. ALIGN PARTITIONS WITH FACE OF OTHER PARTITIONS OR COLUMNS, UNLESS NOTED OTHERWISE. THE FACE OF EVERY PARTITION SHALL BE FLUSH WITHOUT OFFSETS. CHANGES IN PARTITION THICKNESS SHALL OCCUR AT CORNERS. PARTITION INTERSECTIONS OR OTHER FEATURES WHICH INTERRUPT THE PLANE OF THE PARTITION. FACE OF CORRIDOR PARTITIONS SHALL BE FLUSH FOR THE ENTIRE LENGTH OF THE CORRIDOR REGARDLESS OF CHANGES IN PARTITION THICKNESS. ALL ADJUSTMENTS SHALL BE MADE TO THE ROOM SIDE OF THE CORRIDOR PARTITION AND AT CORNERS.
2. FLOOR PLANS INDICATE PARTITION TYPES, SEE PARTITION NOTES AND DETAILS FOR TYPICAL CONSTRUCTION UNLESS INDICATED OTHERWISE.

WALL BLOCKING AND ANCHORAGE

1. PROVIDE PLYWOOD WALL BLOCKING WHERE ARTWORK, MARKER BOARDS (MBD) AND TACKBOARDS (TBD) ARE SHOWN. EXTENT OF BLOCKING TO MATCH SIZE OF ARTWORK, MARKER BOARDS (MBD) AND TACKBOARDS (TBD). SEE PARTITION BLOCKING DETAILS.
2. PROVIDE WALL BLOCKING FOR FURNITURE, EQUIPMENT, FITTINGS, FIXTURES AND ACCESSORIES IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND REQUIREMENTS. SEE PARTITION BLOCKING DETAILS. DESIGN LOAD FOR FITTINGS AND FIXTURES MUST INCLUDED MIN. 250 LB VERTICAL AND HORIZONTAL FORCES.

WALL PROTECTION

1. CORNER GUARDS AND OTHER WALL PROTECTION TYPES AS INDICATED ON THE DRAWINGS.
2. CORNER GUARDS ARE MOUNTED ABOVE FLOOR FINISH BASE AND UP TO UNDERSIDE OF CEILING OR CEILING BULKHEAD, WHICH EVER IS APPLICABLE.
3. FOR INSTALLATION OF CORNER GUARDS, WALL PROTECTION, HANDRAILS, CRASH RAILS, ETC, SEE MANUFACTURERS INSTRUCTIONS.

CEILINGS

1. CEILING HEIGHT: SEE RCP FOR GUESTROOMS, ELEVATOR LOBBIES, CORRIDORS, PASSAGES, ETC. ABOVE FLOOR LEVEL UNLESS OTHERWISE NOTED. SEE ALSO ROOM FINISH SCHEDULE.
2. COORDINATE AND VERIFY ALL CEILING ACCESS PANEL SIZES AND LOCATIONS WITH MECH AND ELEC CONTRACTORS. PROVIDE FLUSH ACCESS PANELS AT ALL EQUIPMENT, VALVES, DAMPERS, CONTROLS, CLEANOUTS, ETC. PAINT TO MATCH CEILING FINISH..
3. CENTER CEILING GRID IN ROOM UNLESS NOTED OTHERWISE.
4. CENTER SPRINKLER HEADS, DIFFUSERS, LIGHT FIXTURES, AND OTHER RECESSED OR SURFACE MOUNTED ITEMS IN CEILING TILES UNLESS NOTED OTHERWISE.

FIRE PROTECTION REQUIREMENTS

1. GC SHALL PERFORM AND PROVIDE ALL FIRE PROTECTION AS REQRED BY CODE, WHETHER OR NOT ALL REQUIREMENTS ARE INDICATED ON THE DRAWINGS.
2. FIRE PROTECTION SHALL INCLUDE BUT NOT BE LIMITED TO: FIRE SUPPRESSION SYSTEMS, PARTITIONS, FLOOR ASSEMBLIES, ROOFS, STRUCTURAL STEEL, GLAZING, CONCEALED SPACES, ETC. AS INDICATED IN BUILDING CODE EVALUATION SUMMARY SHEET.
3. REFER TO IBCES TABLE 601 FOR REQUIRED FIRE RESISTANCE RATINGS OF MAIN BUILDING ELEMENTS.
4. REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS. REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS.
5. GC SHALL NOTIFY ARCHITECT IN WRITING OF ANY DISCREPANCIES OR QUESTIONS IN FIRE PROTECTION DOCUMENTATION PRIOR TO PROCEED.

BLOCKING

1. GC SHALL PROVIDE ALL ADDITIONAL, NON-PROTOTYPICAL BLOCKING (NOT SHOWN IN ELEVATIONS) AS REQUIRED TO ENSURE ADEQUATE FASTENING OF RELATED ELEMENT (SHOWER ROD, SHELVING, SIGNAGE, ETC.)

FIRE SEPARATION DISTANCES

1. MINIMUM DISTANCE FROM ADJACENT BUILDING IS 30'.

SCOPE OF WORK

1. THIS BUILDING IS FACTORY MODULAR ROOMS AND SITE BUILT FOUNDATION SYSTEMS.

OTHER NOTES

1. FUEL SUPPLY IS DESIGNED FOR NATURAL GAS.
2. SPECIAL CONDITIONS AND/OR LIMITATIONS : COMPLETION OF VISUAL INSPECTION OR BLOWER DOOR TEST. IF VISUAL INSPECTION IS USED, THE RESCHECK INSPECTION CHECKLIST NEEDS TO BE COMPLETED IN THE FIELD AND RETURNED TO OAK TREE. TESTING OF DUCT SYSTEM FOR COMPLETED SYSTEM ON SITE BY OTHERS.
3. THIS STRUCTURE HAS NOT BEEN DESIGNED TO BE LOCATED WITHIN THE FLOOD HAZARD LOCATIONS, OR COASTAL A ZONES. WHEN SITE IS LOCATED IN A FLOOD HAZARD AREA AS DETERMINED BY THE LOCAL AUTHORITY HAVING JURISDICTION OR FLOOD HAZARD MAPS, THE UNIT SHALL HAVE THE LOWEST FLOOR ELEVATED ABOVE THE DESIGN FLOOD ELEVATION. FOULDATION AND ANCHORAGE DESIGNERS SHALL BE PROVIDED BY A LOCAL ENGINEER IN CONFORMANCE WITH LOCALLY ADAPTED BUILDING CODES AND ASCE-SH-14. THIS BUILDING HAS NOT BEEN DESIGNED FOR LOCATIONS DESIGNATED AS CATASTROPHE AREA AS DEFINED BY THE TEXAS DEPARTMENT OF INSURANCE (TDI). IF HOME LOCATED WITHIN CATASTROPHE AREA, HOME SHALL NOT BE DESIGNED BY OTHERS TO ALSO COMPLY WITH THE TDI ADAPTED CODES AND AMENDMENTS.

PROJECT DIRECTORY

Contractors shall send all bidding questions and RFI's to the general contractor. The GC shall then forward inquiries to the appointed Base4 Construction Administration Project Manager, who will be introduced at the beginning of bidding and construction phase. Please reference the project number and project title in your email subject line to ensure that your request is forwarded to the proper team.

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INTERIOR DESIGN CONTACT
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Chris Schmidt
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COMMUNICATION FEATURES
1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 233.3.1.2 RESIDENTIAL DWELLING UNITS WITH COMMUNICATION FEATURES AT LEAST 2 PERCENT, BUT NO FEWER THAN ONE UNIT. OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE COMMUNICATION FEATURES.

MOBILITY FEATURES
1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 233.3.1.1 RESIDENTIAL DWELLING UNITS WITH MOBILITY FEATURES AT LEAST 5 PERCENT, BUT NO FEWER THAN ONE UNIT, OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE MOBILITY FEATURES.

STRUCTURAL DESIGN CRITERIA

CODES:

1. INTERNATIONAL BUILDING CODE (IBC) - 2015
2. AMERICAN SOCIETY OF CIVIL ENGINEERS - MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES - ASCE 7-10

ROOF LOADING:

DESIGN ROOF LIVE LOAD: 20 PSF

GROUND SNOW LOAD: 20 PSF
FLAT ROOF SNOW LOAD: 20 PSF
SNOW EXPOSURE FACTOR, Ce = 1.1
SNOW LOAD IMPORTANCE FACTOR, Is = 1.0
THERMAL FACTOR, Ct = 1.0
SNOW DRIFTING EFFECTS WERE NOT ADDED
RAIN LOAD: 20.8 PSF

FLOOR LOADING:

LIVE LOAD: 40 PSF IN PRIVATE AREAS
100 PSF IN PUBLIC AREAS

WIND LOADING:

WIND SPEED: 115 MPH
WIND IMPORTANCE FACTOR: 1.0
RISK CATEGORY: II
WIND EXPOSURE CATEGORY: C
INTERNAL PRESSURE COEFFICIENT: ± 0.18

DESIGN WIND PRESSURE TO BE USED FOR EXTERIOR COMPONENT AND CLADDING MATERIALS - SEE COMPONENT AND CLADDING WIND LOADING DIAGRAM ON THIS DRAWING

SEISMIC:

RISK CATEGORY: II
SEISMIC IMPORTANCE FACTOR, Ie = 1.0

MAPPED SPECTRAL RESPONSE ACCELERATIONS
SHORT PERIOD, S.S2
ONE SECOND PERIOD, S = 0.12

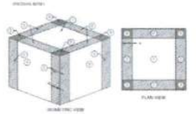
SEISMIC DESIGN CATEGORY: B

RESPONSE MODIFICATION FACTOR, R = 3.0

SEISMIC RESPONSE COEFFICIENT, Cs = 0.053

BASE SHEAR
NORTH - SOUTH DIRECTION: 91 KIPS
EAST - WEST DIRECTION: 91 KIPS
ANALYSIS PROCEDURE: EQUIVALENT LATERAL FORCE

COMPONENT AND CLADDING WIND LOAD DIAGRAM







PROJECT INFORMATION

UNIT MATRIX

ROOM NAME	LEVEL	ROOM COUNT
1ST FLOOR		
ONE BEDROOM	1ST FLOOR	5
ONE BEDROOM ACCESSIBLE	1ST FLOOR	1
TWO BEDROOM	1ST FLOOR	3
TWO BEDROOM ACCESSIBLE	1ST FLOOR	1
1ST FLOOR: 10		10
2ND FLOOR		
ONE BEDROOM	2ND FLOOR	6
TWO BEDROOM	2ND FLOOR	4
2ND FLOOR: 10		10
3RD FLOOR		
ONE BEDROOM	3RD FLOOR	6
TWO BEDROOM	3RD FLOOR	4
3RD FLOOR: 10		10
		30

UNIT MIX

ROOM NAME	ROOM COUNT	ROOM MIX	AREA	AVG. ILLUMINATION PERCENTAGE	AVG. VENTILATION PERCENTAGE
ONE BEDROOM	17	57%	772 SF	12.06%	6.03%
ONE BEDROOM ACCESSIBLE	1	3%	774 SF	12.1%	6.06%
	18	60%			
TWO BEDROOM	11	37%	1137 SF	10.9%	5.5%
TWO BEDROOM ACCESSIBLE	1	3%	1130 SF	11.03%	5.5%
	12	40%			
Grand total	30	100%			

GROSS AREA

LEVEL	AREA
1ST FLOOR	11,601 SF
2ND FLOOR	11,588 SF
3RD FLOOR	11,588 SF
TOTAL: 3	34,778 SF

UNIT MIX - ROOM NUMBER

ROOM NAME	TOTAL ROOMS	NUMBER
ONE BEDROOM	17	
ONE BEDROOM ACCESSIBLE	1	101
	18	
TWO BEDROOM	11	
TWO BEDROOM ACCESSIBLE	1	102
	12	
Grand total	30	

NOTE:-
ROOM NUMBER 101 HAS BEEN DESIGNATED AS A COMMUNICATION ROOM IN THE BUILDING.

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ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
10	A10	2020.02.19	CB3
9	A9	2020.01.17	CB2
8	A8	2020.01.07	CB1
2	A2	2019.09.26	NTA COMMENTS

CURRENT ISSUE

ISSUED FOR PERMIT

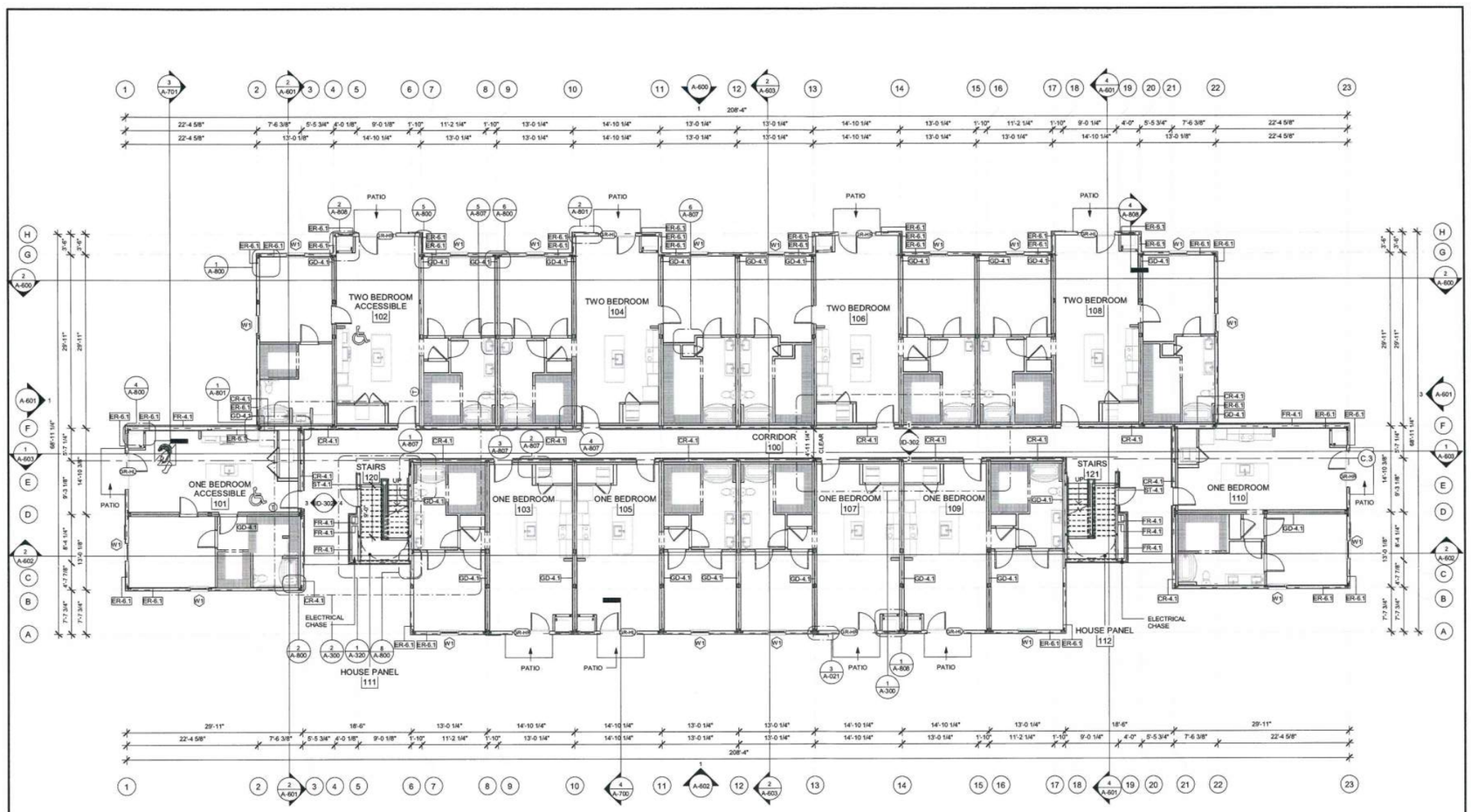
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PROJECT NO.: B4-179-1902

SHEET NAME

PROJECT INFORMATION AND GENERAL NOTES

DRAWINGS NO.

G-002



1 A-100 1ST FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX. O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION. THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

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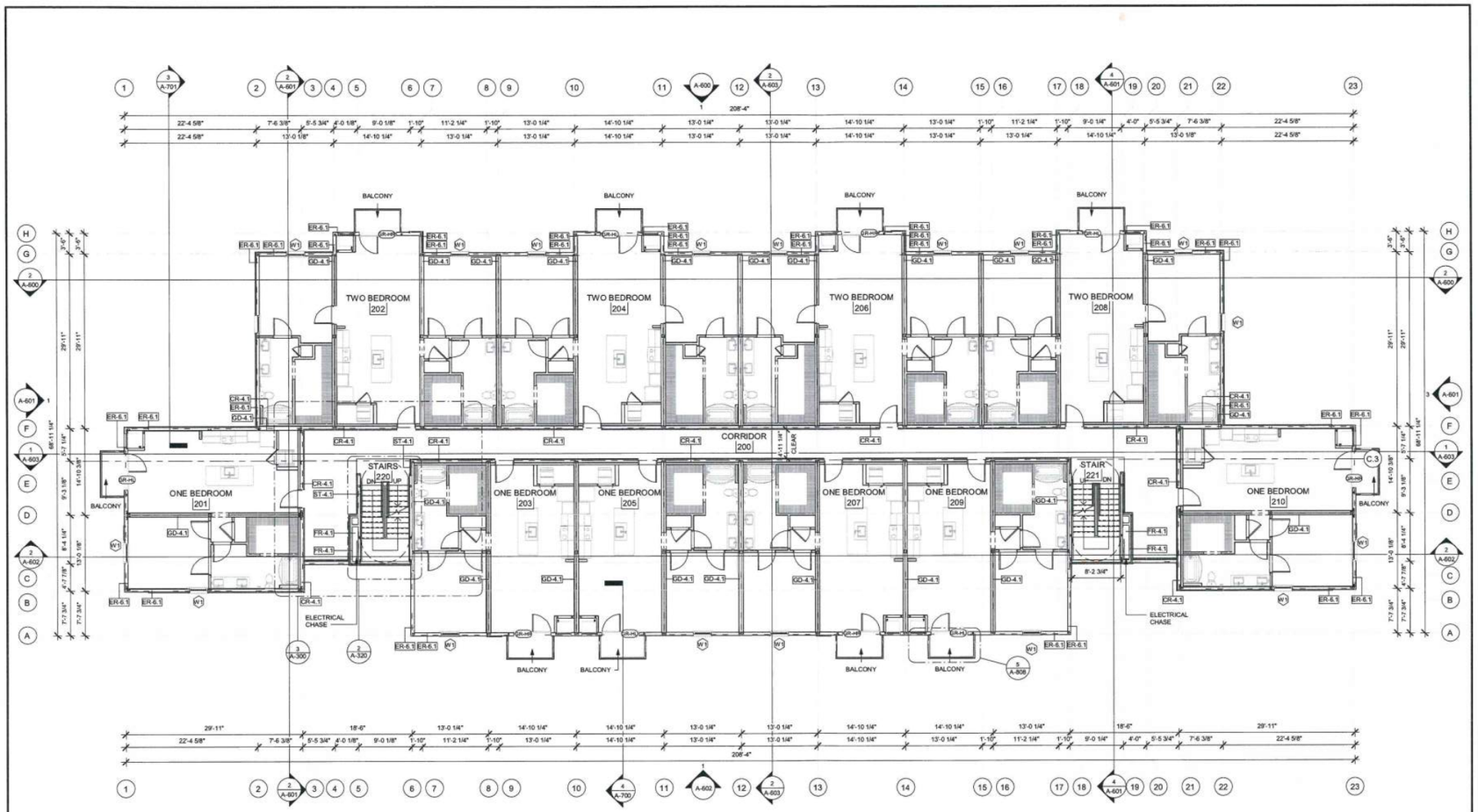
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Z MODULAR GARDENSTYLE APARTMENT
1/2 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
10	A10	2020.02.19	CB3
9	A9	2020.01.17	CB2
8	A8	2020.01.07	CB1
5	A5	2019.11.06	NTA COMMENTS
3	A3	2019.10.23	ADDENDUM#2
1	A1	2019.09.26	ADDENDUM#1

CURRENT ISSUE
ISSUED FOR PERMIT

CURRENT ISSUE DATE: 2019.11.07
DRAWN BY: SJ
CHECKED BY: JGC/ NBL
PROJECT NO.: B4-179-1902
SHEET NAME: 1ST FLOOR PLAN
DRAWINGS NO.: **A-100**



1 A-101 2ND FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF ARCAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION.THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

BASE4
2901 CLINT MOORE ROAD, #114
BOCA RATON, FLORIDA 33496
888-901-8008 www.base-4.com

RICARDO J. MUNIZ - GUILLET, AIA
5453 NW 106TH DR
CORAL SPRINGS, FL 33076

Seal:

REGISTERED ARCHITECT RICARDO J. MUNIZ-GUILLET 26199 STATE OF TEXAS

Owner:

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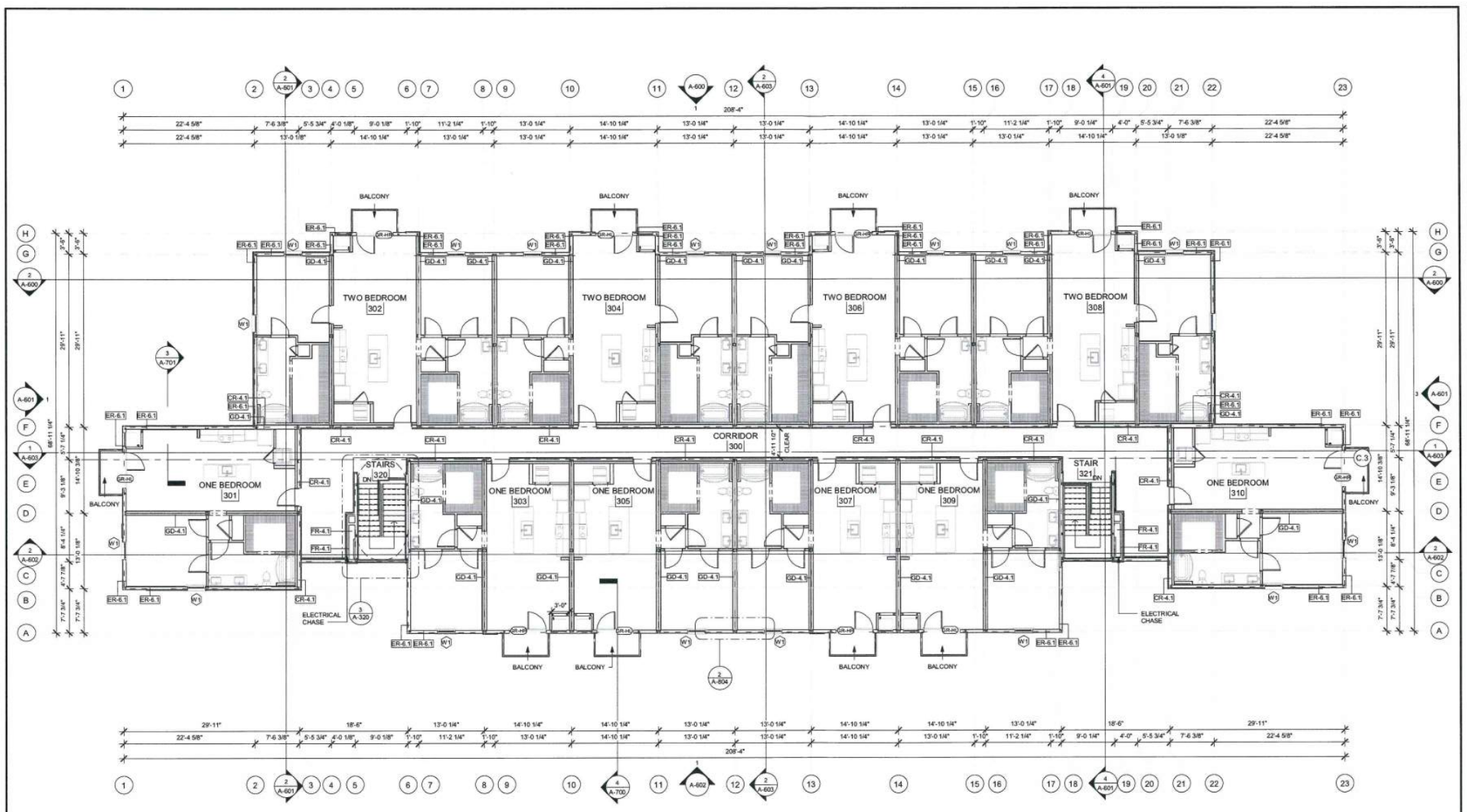
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SHEET NAME

2ND FLOOR PLAN

DRAWINGS NO.

A-101



1 A-102 3RD FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION. THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

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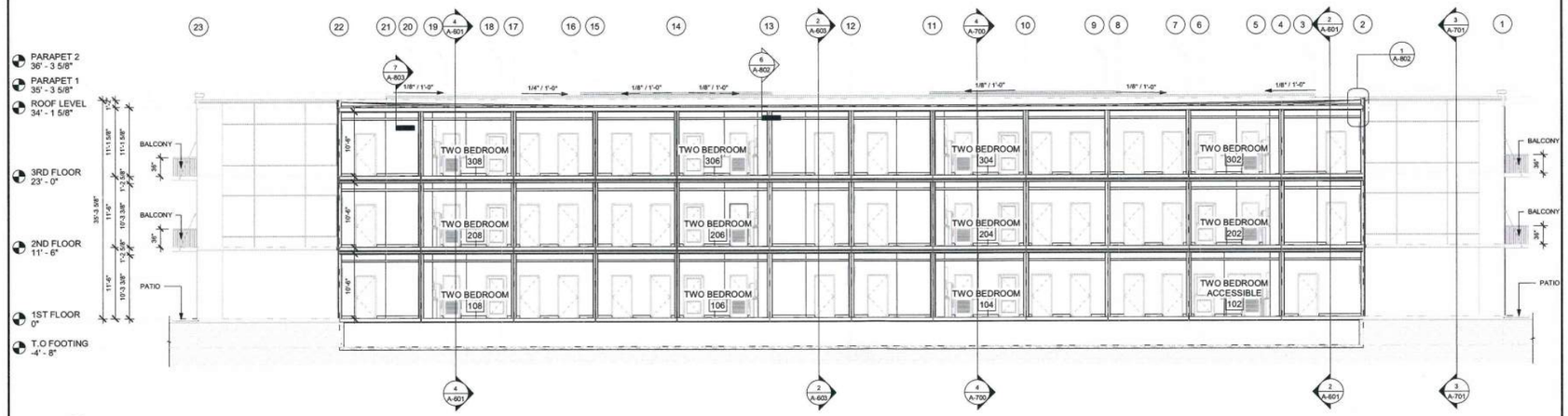
3RD FLOOR PLAN

DRAWINGS NO.

A-102



1 A-600 BUILDING ELEVATION - 1
1/8" = 1'-0"



2 A-600 BUILDING SECTION - 1
1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT.VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING.GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LUE OF FULL SIZE WINDOW.
3. ALL EXTERIOR VENTS, GRILLES, MECHANICAL LOUVERS AND EXTERIOR HOLLOW METAL DOORS TO BE FINISHED TO MATCH ADJACENT EXTERIOR MATERIAL.
4. ALL BUILDING PERMITS TO BE CONSISTENT WITH THE APPROVED SITE PLAN. THE PLANNING DEPARTMENT DOES NOT REVIEW BUILDING PERMIT PLAN SETS, SO IT IS THE DEVELOPER'S RESPONSIBILITY TO ENSURE THAT ELEVATIONS SUBMITTED IN THE BUILDING PERMIT SET MATCH THOSE APPROVED DURING THE SITE PLAN REVIEW PROCESS. IF THE ELEVATIONS DO NOT MATCH THOSE IN THE SITE PLAN, IT WILL DELAY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AT THE END OF CONSTRUCTION, AND MAY NECESSITATE MODIFICATIONS TO THE CONSTRUCTED BUILDING.
5. ALL VENT PIPES, ETC. EXTENDING ABOVE THE ROOF SURFACE MUST BE PAINTED A COLOR THAT BLENDS WITH THE ROOF COLOR.
6. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

ENERGY CODE INFORMATION

REFER TO SHEET G-003 FOR MORE INFORMATION.

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING - KHAKI BROWN	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-02	STUC-O-FLEX	PT06 (L/D)	
TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

A11

GENERAL BUILDING SECTION NOTES

1. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS.
2. REFER TO BALCONY SHOP DRAWINGS FOR BALCONIES AND RAILING DETAILS.

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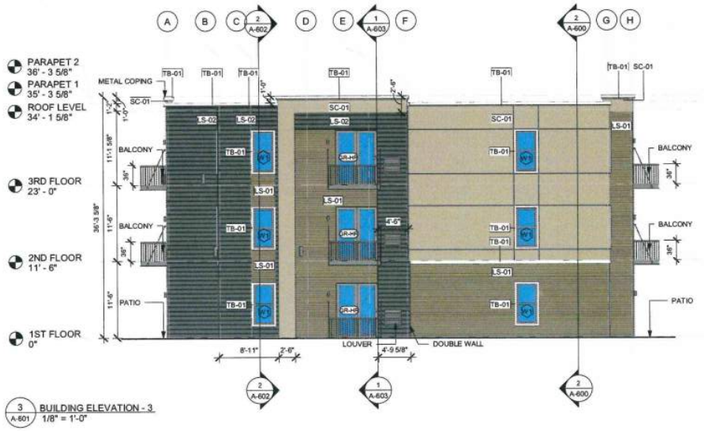
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SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-1

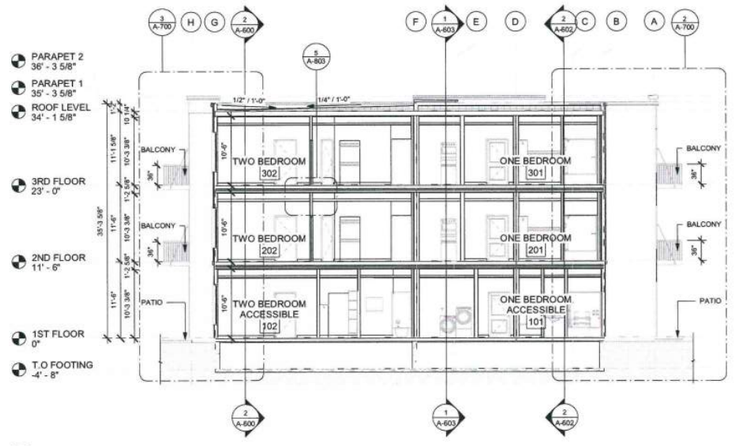
DRAWINGS NO.
A-600



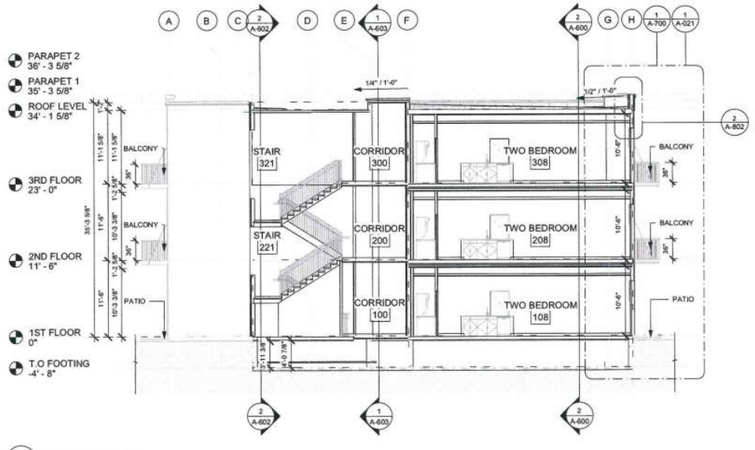
1 A-601 BUILDING ELEVATION - 2
1/8" = 1'-0"



3 A-601 BUILDING ELEVATION - 3
1/8" = 1'-0"



2 A-601 BUILDING SECTION - 2
1/8" = 1'-0"



4 A-601 BUILDING SECTION - 3
1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT. VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LUE OF FULL SIZE WINDOW.
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6. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

ENERGY CODE INFORMATION

REFER TO SHEET G-003 FOR MORE INFORMATION.

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING - KHAKI BROWN	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-02	STUC-O-FLEX	PT06 (LJO)	
TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

A11

GENERAL BUILDING SECTION NOTES

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2. REFER TO BALCONY SHOP DRAWINGS FOR BALCONIES AND RAILING DETAILS.

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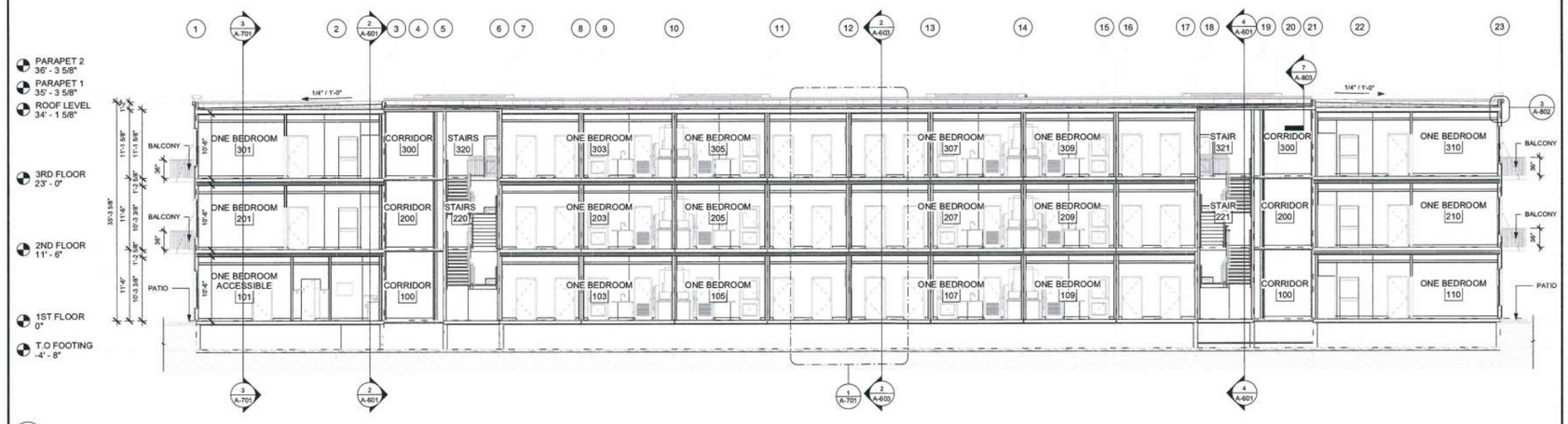
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SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-2

DRAWINGS NO.
A-601



1 A-602 BUILDING ELEVATION - 4
1/8" = 1'-0"



2 A-602 BUILDING SECTION - 4
1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT. VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
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ENERGY CODE INFORMATION

REFER TO SHEET G-003 FOR MORE INFORMATION.

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	IMAGE
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LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-02	STUC-O-FLEX	PT06 (L/D)	
TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

A11

GENERAL BUILDING SECTION NOTES

1. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS.
2. REFER TO BALCONY SHOP DRAWINGS FOR BALCONIES AND RAILING DETAILS.

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SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-3

DRAWINGS NO.
A-602



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TEXAS

PROJECT NO: B4-179-1902

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STATE OF TEXAS

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MODULAR PLANT CONTACT

KILLEEN TEXAS PLANT
710 Swanner Loop, Killeen, TX 76543

CHANDLER ARIZONA PLANT
6205 South Arizona Avenue, Chandler, AZ 85248

Z MODULAR GARDENSTYLE APARTMENT
1/2/3 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
1	A0	2019.11.29	ISSUED FOR PERMIT

CURRENT ISSUE

ISSUED FOR PERMIT

CURRENT ISSUE DATE
2019.11.29

DRAWN BY
SJ

CHECKED BY
JGC/ NBL

PROJECT NO.
B4-179-1902 (A)

SHEET NAME

TITLE SHEET

DRAWINGS NO.

G-000

PROJECT GENERAL NOTES

GENERAL

1. THE INFORMATION HEREIN IS OF A PROPRIETARY NATURE AND IS SUBMITTED IN CONFIDENCE FOR USE BY BASE4 ARCHITECTS, INC. CLIENTS ONLY. IT HAS BEEN PREPARED FOR THIS PROJECT AT THIS SITE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE, LOCATION OR OWNER WITHOUT WRITTEN CONSENT OF BASE4 ARCHITECTS, INC. UNAUTHORIZED REPRODUCTION, PUBLICATION OR DISSEMINATION, IN WHOLE OR IN PART IS EXPRESSLY PROHIBITED. INFORMATION CONTAINED HEREIN REMAINS PROPERTY OF BASE4 ARCHITECTS, INC., AND RECEIPT OR POSSESSION OF THIS INFORMATION CONFERS NO RIGHT IN OR LICENSE TO USE OR DISCLOSE TO OTHERS THE SUBJECT MATTER CONTAINED HEREIN FOR ANY BUT AUTHORIZED PURPOSES. ALL RIGHTS RESERVED.
2. THE CONTRACT DOCUMENTS CONSIST OF THE AGREEMENT BETWEEN OWNER AND CONTRACTOR, CONDITIONS OF THE CONTRACT (GENERAL, SUPPLEMENTARY, AND OTHER CONDITIONS), DRAWINGS, SPECIFICATIONS, ADDENDA ISSUED PRIOR TO AGREEMENT AND MODIFICATIONS ISSUED AFTER EXECUTION OF THE CONTRACT.
3. ANY DOCUMENT IN THIS SET WHICH HAS BEEN PREPARED BY ANY SUBCONTRACTOR, DESIGNER, AND/OR SUBCONSULTANT WHO IS UNDER A CONTRACT DIRECTLY WITH THE OWNER AND/OR CONTRACTOR IS ONLY INCLUDED IN THIS SET FOR PURPOSES OF REFERENCE AND COORDINATION. BASE4 ARCHITECTS DISCLAIMS ALL LIABILITY RELATING TO THE DRAWING AND CONSTRUCTION OF THE IMPROVEMENTS OR SYSTEMS IT DEPICTS EXCEPT AS SPECIFICALLY ASSUMED IN A WRITTEN CONTRACT SIGNED BY BASE4 AND THE OWNER.
4. THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS, INCLUDING THOSE IN ELECTRONIC FORM, PREPARED BY THE ARCHITECT, AND THE ARCHITECT'S CONSULTANTS ARE INSTRUMENTS OF SERVICE THROUGH WHICH THE WORK TO BE EXECUTED BY THE CONTRACTOR IS DESCRIBED. UNLESS INDICATED OTHERWISE, THE ARCHITECT AND ARCHITECTS CONSULTANTS SHALL BE DEEMED THE AUTHORS OF THEM AND WILL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, IN ADDITION TO THE COPYRIGHTS.
5. IF COORDINATION OF ARCHITECTURAL, CIVIL, LANDSCAPE, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING AND SPRINKLER ELEMENTS RESULT IN CONFLICT, GC SHALL NOTIFY ARCHITECT IN WRITING IMMEDIATELY PRIOR TO COMMENCING ANY WORK OF ELEMENTS RESULTING CONFLICTS
6. SLOPE ALL GRADES AT PLANTING AREAS, SIDEWALKS AND ASPHALT PARKING PAVING WITHIN 5' OF A BUILDING AWAY FROM THE BUILDING. IF CONFLICTS OCCUR, NOTIFY ARCHITECT IMMEDIATELY. SEE CIVIL DRAWINGS FOR FINISHED GRADES ADJACENT TO BUILDINGS.
7. CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS AND SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF CONSTRUCTION UNTIL FINAL LATERAL AND VERTICAL CARRYING SYSTEMS ARE COMPLETED.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION AND COORDINATION OF SUBCONTRACTOR WORK, COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS, AND ACCURATE LOCATION OF STRUCTURAL MEMBERS, OPENINGS FOR MECHANICAL, ELECTRICAL, AND MISCELLANEOUS EQUIPMENT. CONTRACTOR SHALL VERIFY DIMENSIONS AND OPENING SIZES (CLEARANCES REQUIRED) FROM THE MANUFACTURERS PRIOR TO CONSTRUCTION OF OR INSTALLATION OF EQUIPMENT, FURNISHINGS, AND ACCESSORIES.
9. PROVIDE ACCESS PANELS AS REQUIRED. PROVIDE RATED ACCESS PANELS WITH THE SAME RATING AS THE ASSEMBLY IN WHICH THEY ARE INSTALLED ACCESS PANELS IN SHAFT WALLS, RATED FLOOR/CEILINGS OR RATED ROOF/CEILINGS SHALL BE SMOKE SEALED.
10. THE FRANCHISE BRAND STANDARDS DESIGN DOCUMENT SHALL BE CONSIDER AS AN INTEGRAL PART OF THE CONSTRUCTION DOCUMENTS. ALL CONTRACTORS SHALL ENSURE THEY OBTAIN, READ, AND FAMILIARIZE THEMSELVES WITH THE BRAND STANDARD DOCUMENT BEFORE BIDDING AND ALSO THROUGHOUT THE CONSTRUCTION STAGES. IF THERE ARE ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND THE FRANCHISE BRAND STANDARDS, THE CONTRACTOR SHALL ISSUE AN RFI TO THE AOR AND EOR.

SPECIFICATIONS

1. 1. SEE SPECIFICATION FOR GENERAL BUILDING ELEMENTS, FINISHES, MATERIALS. BUILDING ACCESSORIES, TOILET AND BATHROOM ACCESSORIES, TOILET PARTITIONS AND URINAL SCREENS, ETC UNLESS NOTED OTHERWISE. MATERIALS, PRODUCTS, SYSTEMS ETC IDENTIFIED ON THE DRAWINGS WITH "GYP-11, EXP-JT-21, ETC". REFER TO THE SPECIFICATION FOR SPECIFIC PRODUCT SELECTIONS AND OTHER REQUIREMENTS.

DRAWINGS

1. PLANS, SECTIONS AND ELEVATIONS INDICATE SPECIFIC INFORMATION, SEE TYPICAL MOUNTING HEIGHTS, PARTITION DETAILS, DOOR DETAILS, CASEWORK TYPES AND DETAILS, TOP TYPES, SHELF TYPES, NOTES AND TYPICAL DETAILS FOR TYPICAL INFORMATION, INSTALLATION AND CONSTRUCTION UNLESS INDICATED OTHERWISE.
2. ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER DRAWINGS, PROJECT MANUAL, SPECIFICATION, PROJECT PRODUCT MANUAL, THESE NOTES, DRAWING SYMBOLS, MATERIAL LEGEND, REFLECTED CEILING LEGEND AND GENERAL INFORMATION ON THIS SHEET AND ABBREVIATIONS.
3. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK. VERIFY ALL DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND/OR ENGINEER TO OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT AND/OR ENGINEER WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

DIMENSIONS

1. DIMENSIONS ARE SHOWN TO FACE OF STUD, FACE OF CONCRETE, FACE OF MASONRY, GRID/COLUMN LINE, CENTERLINE OF ELEMENT, COUNTERTOP EDGE, OR AS NOTED.
2. DIMENSION NOTED AS CLEAR, ARE FROM WALL FINISH TO WALL FINISH.
3. DIMENSIONS TAKE PRECEDENCE OVER DRAWINGS, DO NOT SCALE DRAWINGS. NOTIFY ARCHITECT, IN WRITING, OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.

VERIFY CONDITIONS

1. VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK TO LOCATE ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

COORDINATION

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE THE ENTIRE PROJECT INCLUDING ALL BUILDING ELEMENTS, SITE, EQUIPMENT, FITTINGS, FIXTURES, FURNITURE, MECH AND ELEC ITEMS.
2. VERIFY AND COORDINATE THE FOLLOWING WITH THE RESPECTIVE DISCIPLINES AND TRADES:
   A. VERIFY ALL EXISTING CONDITIONS, SIZES AND LOCATIONS OF MECH AND/OR ELEC PENETRATIONS PRIOR TO COMMENCEMENT OF ANY WORK.
   B. LOCATIONS FOR BACKING/BLOCKING REQUIRED FOR MOUNTING AIRCH., MECH AND/OR ELEC EQUIPMENT, OWNER FURNISHED EQUIPMENT, FURNITURE, ARTWORK AND SYSTEMS
   C. CUTTING AND PATCHING FOR WORK REQUIRED BY MECH AND/OR ELEC.
   D. SIZES AND LOCATIONS OF MECH AND/OR ELEC CONCRETE CURBS AND HOUSE KEEPING PADS. SEE ALSO TYPICAL INTERIOR CONCRETE DETAILS UNO.
   E. SIZES AND LOCATIONS OF MECH AND/OR ELEC EXTERIOR WALL, CEILING AND ROOF EQUIPMENT, DEVICES AND PENETRATIONS.

LIFE SAFETY

1. LIFE SAFETY PLANS INDICATE FIRE AND SMOKE RATED PARTITIONS. SEE LIFE SAFETY PLANS FOR PARTITION RATING AND ASSEMBLY DETAILS FOR PARTITION TYPES AND CONSTRUCTION.
2. ALL SLEEVES, OPENINGS, PENETRATIONS, ETC. FOR CONDUITS, CABLE TRAYS, PIPES AND DUCTS, ETC. THROUGH RATED PARTITIONS, FLOORS AND ROOF SLABS ARE TO BE FIRE STOPPED IN ACCORDANCE WITH THE REQUIRED FIRE RATED ASSEMBLY DESIGN, APPLICABLE CODES AND LOCAL FIRE AUTHORITY REQUIREMENTS.
3. ALL FIRE EXITS SHALL BE KEPT CLEAR AND ACCESSIBLE AT ALL TIMES.

SPRINKLER SYSTEM

1. SPRINKLER HEADS SHOWN ON THE RCP'S ARE THOSE OF DESIGN CONCERN. ALL AREAS ARE REQUIRED TO BE SPRINKLERED. SPRINKLER HEADS AT GYPSUM BOARD CEILINGS MUST BE FULLY RECESSED AND COVERED WITH METAL PLATES FINISHED TO MATCH ADJACENT SURFACE.

ROOM OPENINGS

1. FLOOR PLANS INDICATE ROOM OPENING NUMBERS. FOR DOOR AND DOOR BORROWED LIGHT FRAME TYPES, FRAME PROFILES, NOTES AND TYPICAL DETAILS, SEE ROOM DOOR SCHEDULE AND A712.
2. LOCATE DOORS AND OTHER OPENINGS IN PARTITIONS ADJACENT TO PERPENDICULAR WALLS. MAINTAIN MINIMUM ACCESSIBILITY DOOR LATCH SIDE CLEARANCE REQUIREMENTS. PUSH SIDE 12" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER AND PULL SIDE 1'-6" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER.

CASEWORK AND MILLWORK

1. CASEWORK TYPES, TOP TYPES, SHELF TYPES, NOTES AND SPECIFIC DETAILS ARE AS SHOWN ON PLANS AND INTERIOR ELEVATIONS. SEE A830 FOR TYPICAL COUNTER TOP TYPES. UNDERCOUNTER TASK LIGHTING. SUPPORT BRACKET TYPES, COUNTER TOP CORNER, GROMMET, GYP/PLAM SOFFIT TYPES, NOTES AND DETAILS. ROOM FINISHES SCHEDULE AND/OR FINISHES PLANS.
2. CASEWORK FINISHES, SEE ROOM FINISHES SCHEDULE AND NOTES.

ROOM FINISHES

1. FINISHES ARE INDICATED IN THE FINISH SCHEDULE AND/OR FINISH PLANS. SEE TYPICAL FINISH TRANSITION DETAILS.

FLOOR DRAINS

1. SET FLOOR DRAINS AND FLOOR SINKS WITH TOP OF FINISH TILE/POURED FLOOR. SEE PLUMBING DRAWINGS.
2. SLOPE CONCRETE FLOOR AT 1/8" PER FOOT TOWARDS FLOOR DRAINS AND AWAY FROM ALL WALLS.

FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES

1. FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND THE TYPICAL MOUNTING HEIGHT SHEET UNO.
2. REFER TO FURNITURE AND EQUIPMENT DRAWINGS AND INSTRUCTIONS FOR INSTALLATION RESPONSIBILITIES. PROVIDE ALL BLOCKING & ANCHORAGE AS NECESSARY FOR PROPER INSTALLATION OF ANY WALL MOUNTED OR HUNG ITEMS, SEE PARTITION BLOCKING DETAILS.

CURBS AND PADS

1. CONCRETE CURBS AND PADS FOR EQUIPMENT, LOCATIONS MAY BE NOTED ON THE ARCHITECTURAL AND/OR CIVIL DRAWINGS. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR LOCATIONS AND SPECIFIC SIZE AND CONFIGURATION OF THE EQUIPMENT TO CONFIRM SIZE OF PAD OR CURB, PRIOR TO INSTALL.
2. GC SHALL CONTACT AND COORDINATE WITH LOCAL MUNICIPALITY FOR SITE OR EQUIPMENT SPECIFIC REQUIREMENTS FOR CURB AND PADS.

PARTITIONS

1. ALIGN PARTITIONS WITH FACE OF OTHER PARTITIONS OR COLUMNS, UNLESS NOTED OTHERWISE. THE FACE OF EVERY PARTITION SHALL BE FLUSH WITHOUT OFFSETS. CHANGES IN PARTITION THICKNESS SHALL OCCUR AT CORNERS. PARTITION INTERSECTIONS OR OTHER FEATURES WHICH INTERRUPT THE PLANE OF THE PARTITION. FACE OF CORRIDOR PARTITIONS SHALL BE FLUSH FOR THE ENTIRE LENGTH OF THE CORRIDOR REGARDLESS OF CHANGES IN PARTITION THICKNESS. ALL ADJUSTMENTS SHALL BE MADE TO THE ROOM SIDE OF THE CORRIDOR PARTITION AND AT CORNERS.
2. FLOOR PLANS INDICATE PARTITION TYPES, SEE PARTITION NOTES AND DETAILS FOR TYPICAL CONSTRUCTION UNLESS INDICATED OTHERWISE.

WALL BLOCKING AND ANCHORAGE

1. PROVIDE PLYWOOD WALL BLOCKING WHERE ARTWORK, MARKER BOARDS (MBD) AND TACKBOARDS (TBD) ARE SHOWN. EXTENT OF BLOCKING TO MATCH SIZE OF ARTWORK, MARKER BOARDS (MBD) AND TACKBOARDS (TBD). SEE PARTITION BLOCKING DETAILS.
2. PROVIDE WALL BLOCKING FOR FURNITURE, EQUIPMENT, FITTINGS, FIXTURES AND ACCESSORIES IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND REQUIREMENTS. SEE PARTITION BLOCKING DETAILS. DESIGN LOAD FOR FITTINGS AND FIXTURES MUST INCLUDED MIN. 250 LB VERTICAL AND HORIZONTAL FORCES.

WALL PROTECTION

1. CORNER GUARDS AND OTHER WALL PROTECTION TYPES AS INDICATED ON THE DRAWINGS.
2. CORNER GUARDS ARE MOUNTED ABOVE FLOOR FINISH BASE AND UP TO UNDERSIDE OF CEILING OR CEILING BULKHEAD, WHICH EVER IS APPLICABLE.
3. FOR INSTALLATION OF CORNER GUARDS, WALL PROTECTION, HANDRAILS, CRASH RAILS, ETC. SEE MANUFACTURERS INSTRUCTIONS.

CEILINGS

1. CEILING HEIGHT: SEE RCP FOR GUESTROOMS, ELEVATOR LOBBIES, CORRIDORS, PASSAGES, ETC. ABOVE FLOOR LEVEL UNLESS OTHERWISE NOTED. SEE ALSO ROOM FINISH SCHEDULE.
2. COORDINATE AND VERIFY ALL CEILING ACCESS PANEL SIZES AND LOCATIONS WITH MECH AND ELEC CONTRACTORS. PROVIDE FLUSH ACCESS PANELS AT ALL EQUIPMENT, VALVES, DAMPERS, CONTROLS, CLEANOUTS, ETC. PAINT TO MATCH CEILING FINISH..
3. CENTER CEILING GRID IN ROOM UNLESS NOTED OTHERWISE.
4. CENTER SPRINKLER HEADS, DIFFUSERS, LIGHT FIXTURES, AND OTHER RECESSED OR SURFACE MOUNTED ITEMS IN CEILING TILES UNLESS NOTED OTHERWISE.

FIRE PROTECTION REQUIREMENTS

1. GC SHALL PERFORM AND PROVIDE ALL FIRE PROTECTION AS REQRED BY CODE, WHETHER OR NOT ALL REQUIREMENTS ARE INDICATED ON THE DRAWINGS.
2. FIRE PROTECTION SHALL INCLUDE BUT NOT BE LIMITED TO: FIRE SUPPRESSION SYSTEMS, PARTITIONS, FLOOR ASSEMBLIES, ROOFS, STRUCTURAL STEEL, GLAZING, CONCEALED SPACES, ETC. AS INDICATED IN BUILDING CODE EVALUATION SUMMARY SHEET.
3. REFER TO BCES TABLE 601 FOR REQUIRED FIRE RESISTANCE RATINGS OF MAIN BUILDING ELEMENTS.
4. REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS.
5. GC SHALL NOTIFY ARCHITECT IN WRITING OF ANY DISCREPANCIES OR QUESTIONS IN FIRE PROTECTION DOCUMENTATION PRIOR TO PROCEED.

BLOCKING

1. GC SHALL PROVIDE ALL ADDITIONAL, NON-PROTOTYPICAL BLOCKING (NOT SHOWN IN ELEVATIONS) AS REQUIRED TO ENSURE ADEQUATE FASTENING OF RELATED ELEMENT (SHOWER ROD, SHELVING, SIGNAGE, ETC.)

FIRE SEPARATION DISTANCES

1. MINIMUM DISTANCE FROM ADJACENT BUILDING IS 30'.

SCOPE OF WORK

1. THIS BUILDING IS FACTORY MODULAR ROOMS AND SITE BUILT FOUNDATION SYSTEMS.

OTHER NOTES

1. FUEL SUPPLY IS DESIGNED FOR NATURAL GAS.
2. SPECIAL CONDITIONS AND/OR LIMITATIONS - COMPLETION OF VISUAL INSPECTION OR BLOWER DOOR TEST. IF VISUAL INSPECTION IS USED, THE RESCHECK INSPECTION CHECKLIST NEEDS TO BE COMPLETED IN THE FIELD AND RETURNED TO OAK TREE. TESTING OF DUCT SYSTEM FOR COMPLETED SYSTEM ON SITE BY OTHERS.
3. THIS STRUCTURE HAS NOT BEEN DESIGNED TO BE LOCATED WITHIN THE FLOOD HAZARD LOCATIONS, OR COASTAL A ZONES. WHEN SITE IS LOCATED IN A FLOOD HAZARD AREA AS DETERMINED BY THE LOCAL AUTHORITY HAVING JURISDICTION OR FLOOD HAZARD MAPS, THE UNIT SHALL HAVE THE LOWEST FLOOR ELEVATED ABOVE THE DESIGN FLOOD ELEVATION. FOULDATION AND ANCHORAGE DESIGNERS SHALL BE PROVIDED BY A LOCAL ENGINEER IN CONFORMANCE WITH LOCALLY ADAPTED BUILDING CODES AND ASCE-24-14. THIS BUILDING HAS NOT BEEN DESIGNED FOR LOCATIONS DESIGNATED AS CATASTROPHE AREA AS DEFINED BY THE TEXAS DEPARTMENT OF INSURANCE (TDI). IF HOME LOCATED WITHIN CATASTROPHE AREA, HOME SHALL NOT BE DESIGNED BY OTHERS TO ALSO COMPLY WITH THE TDI ADAPTED CODES AND AMENDMENTS.

PROJECT DIRECTORY

Contractors shall send all bidding questions and RFI's to the general contractor. The GC shall then forward inquiries to the appointed Base4 Construction Administration Project Manager, who will be introduced at the beginning of bidding and construction phase. Please reference the project number and project title in your email subject line to ensure that your request is forwarded to the proper team.

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warren.hayes@zekelman.com

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Chris Schmidt
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COMMUNICATION FEATURES
1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 233.3.1.2 RESIDENTIAL DWELLING UNITS WITH COMMUNICATION FEATURES AT LEAST 2 PERCENT, BUT NO FEWER THAN ONE UNIT, OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE COMMUNICATION FEATURES.

MOBILITY FEATURES
1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 233.3.1.1 RESIDENTIAL DWELLING UNITS WITH MOBILITY FEATURES AT LEAST 4 PERCENT, BUT NO FEWER THAN ONE UNIT, OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE MOBILITY FEATURES.

STRUCTURAL DESIGN CRITERIA

CODES:

1. INTERNATIONAL BUILDING CODE (IBC) - 2015
2. AMERICAN SOCIETY OF CIVIL ENGINEERS - MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES - ASCE 7-10

ROOF LOADING:

DESIGN ROOF LIVE LOAD: 20 PSF

GROUND SNOW LOAD: 20 PSF
FLAT ROOF SNOW LOAD: 20 PSF
SNOW EXPOSURE FACTOR, Ce: 1.1
SNOW LOAD IMPORTANCE FACTOR, Is: 1.0
THERMAL FACTOR: 1.0
SNOW DRIFTING EFFECTS WERE NOT ADDED
WIND LOAD: 20.6 PSF

FLOOR LOADING:

LIVE LOAD: 40 PSF IN PRIVATE AREAS
100 PSF IN PUBLIC AREAS

WIND LOADING:

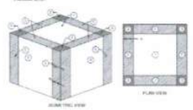
WIND SPEED: 115 MPH
WIND IMPORTANCE FACTOR: 1.0
RISK CATEGORY: II
WIND EXPOSURE CATEGORY: C
INTERNAL PRESSURE COEFFICIENT: ±0.18

DESIGN WIND PRESSURE TO BE USED FOR EXTERIOR COMPONENT AND CLADDING MATERIALS - SEE COMPONENT AND CLADDING WIND LOADING DIAGRAM ON THIS DRAWING

SEISMIC:

RISK CATEGORY: II
SEISMIC IMPORTANCE FACTOR, Ie: 1.0
MAPPED SPECTRAL RESPONSE ACCELERATIONS:
SHORT PERIOD, Ss: 0.32
ONE SECOND PERIOD, S1: 0.12
SEISMIC DESIGN CATEGORY: D
RESPONSE MODIFICATION FACTOR, R = 2.0
SEISMIC RESPONSE COEFFICIENT, Cs = 0.0513
BASE SHEAR:
NORTH - SOUTH DIRECTION: 91 KIPS
EAST - WEST DIRECTION: 91 KIPS
ANALYSIS PROCEDURE: EQUIVALENT LATERAL FORCE

COMPONENT AND CLADDING WIND LOAD DIAGRAM









PROJECT INFORMATION

UNIT MATRIX

ROOM NAME	LEVEL	ROOM COUNT
1ST FLOOR		
ONE BEDROOM	1ST FLOOR	3
ONE BEDROOM ACCESSIBLE	1ST FLOOR	1
THREE BEDROOM	1ST FLOOR	1
THREE BEDROOM ACC	1ST FLOOR	1
TWO BEDROOM	1ST FLOOR	3
TWO BEDROOM ACCESSIBLE	1ST FLOOR	1
1ST FLOOR: 10		10
2ND FLOOR		
ONE BEDROOM	2ND FLOOR	4
THREE BEDROOM	2ND FLOOR	2
TWO BEDROOM	2ND FLOOR	4
2ND FLOOR: 10		10
3RD FLOOR		
ONE BEDROOM	3RD FLOOR	4
THREE BEDROOM	3RD FLOOR	2
TWO BEDROOM	3RD FLOOR	4
3RD FLOOR: 10		10
		30

UNIT MIX

ROOM NAME	ROOM MIX	AVG. ILLUMINATION PERCENTAGE	AVG. VENTILATION PERCENTAGE
ONE BEDROOM	26%	12.6%	6.3%
	26%		
ONE BEDROOM ACCESSIBLE	2%	12.2%	6.1%
	2%		
THREE BEDROOM	21%	11.7%	
THREE BEDROOM	14%	11.7%	5.8%
	36%		
THREE BEDROOM ACC	7%	11.9%	5.9%
	7%		
TWO BEDROOM	26%	10.9%	5.5%
	26%		
TWO BEDROOM ACCESSIBLE	2%	11.03%	5.5%
	2%		
Grand total	100%		

GROSS AREA

LEVEL	AREA
1ST FLOOR	12,860 SF
2ND FLOOR	12,842 SF
3RD FLOOR	12,842 SF
TOTAL: 3	38,545 SF

UNIT MIX - ROOM NUMBER

ROOM NAME	TOTAL ROOMS	NUMBER
ONE BEDROOM ACCESSIBLE	1	103
	1	
TWO BEDROOM ACCESSIBLE	1	102
	1	

NOTE -
ROOM NUMBER 101 HAS BEEN DESIGNATED AS A COMMUNICATION ROOM IN THE BUILDING.

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Z MODULAR GARDENSTYLE APARTMENT
1/2/3 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
6	A5	2020.02.19	CB2
5	A4	2020.02.05	CB1
4	A3	2020.01.27	ADDENDUM #2
2	A1	2020.01.03	ADDENDUM #1
1	A0	2019.11.29	ISSUED FOR PERMIT

CURRENT ISSUE

ISSUED FOR PERMIT

CURRENT ISSUE DATE
2019.11.29

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SJ

CHECKED BY
JGC/ NBL

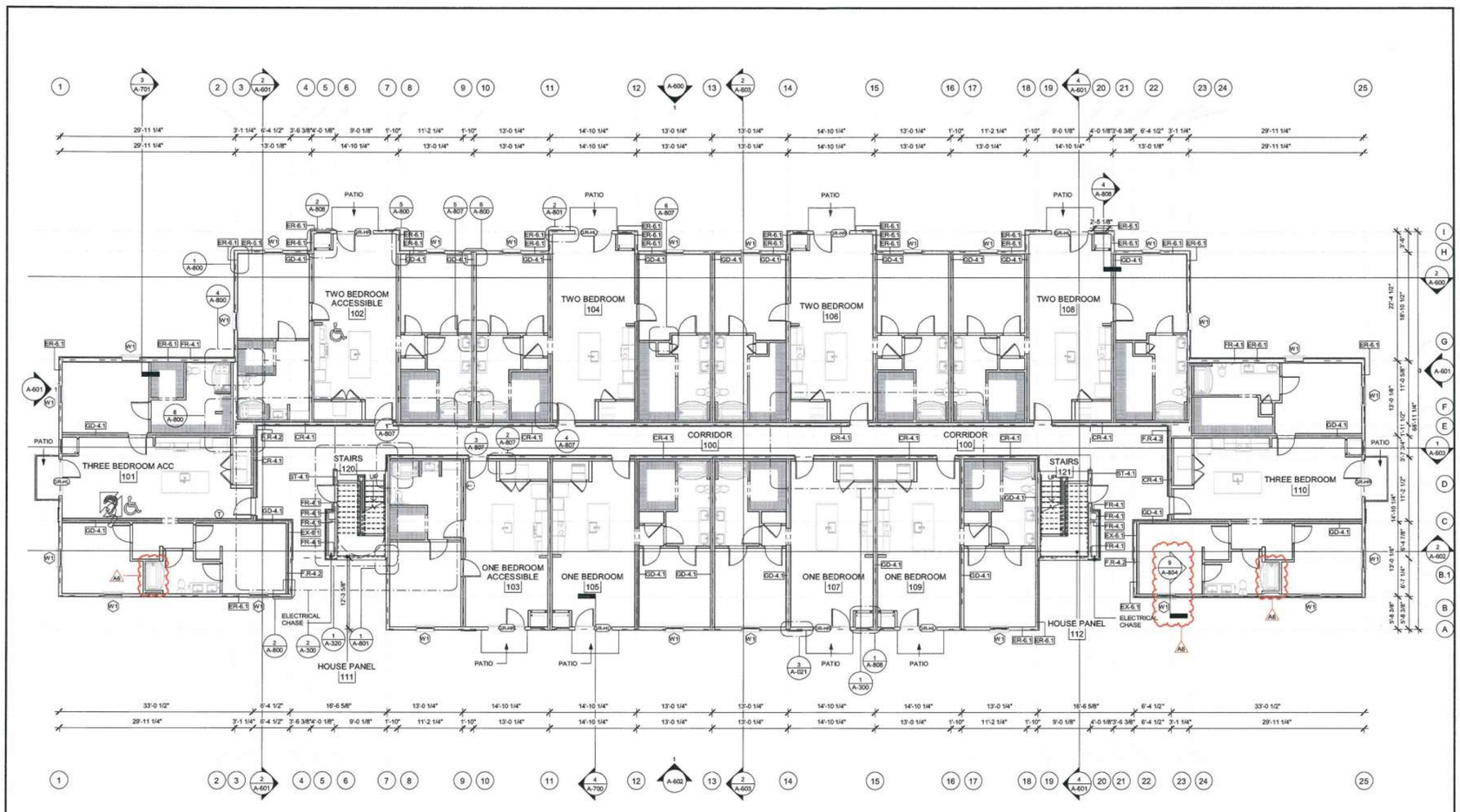
PROJECT NO
B4-179-1902 (A)

SHEET NAME

PROJECT INFORMATION AND GENERAL NOTES

DRAWINGS NO.

G-002



1 A-100 1ST FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION. THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

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Owner:

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1/2/3 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
7	A6	2020.06.29	CB3
6	A5	2020.02.19	CB2
5	A4	2020.02.05	CB1
4	A3	2020.01.27	ADDENDUM #2
2	A1	2020.01.03	ADDENDUM #1
1	A0	2019.11.29	ISSUED FOR PERMIT

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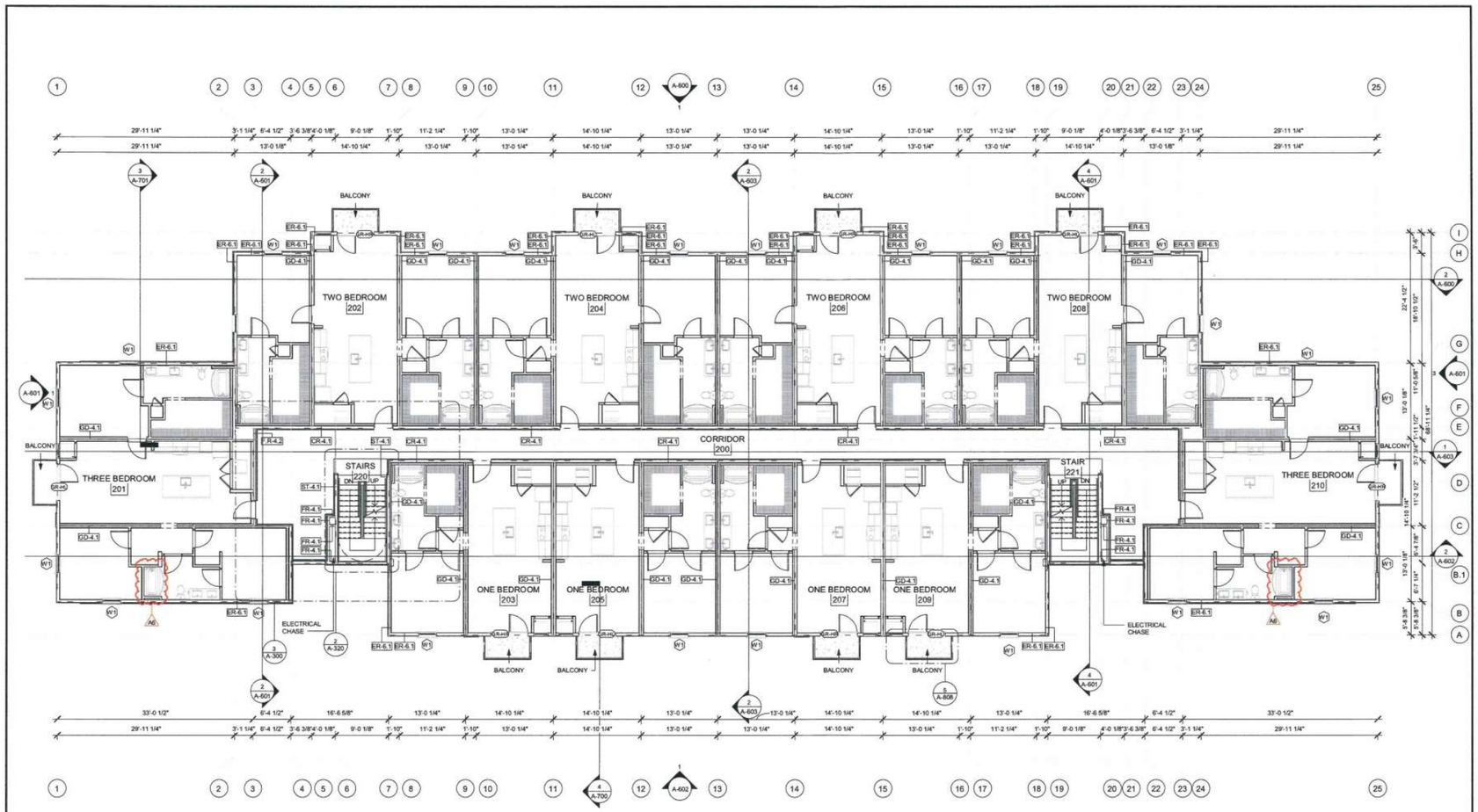
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PROJECT NO.: B4-179-1902 (A)
SHEET NAME

1ST FLOOR PLAN

DRAWINGS NO.

A-100



1 A-101 2ND FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION.THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

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Owner:

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Z MODULAR GARDENSTYLE APARTMENT
1/2/3 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
7	A6	2020.05.29	CB3
6	A5	2020.02.19	CB2
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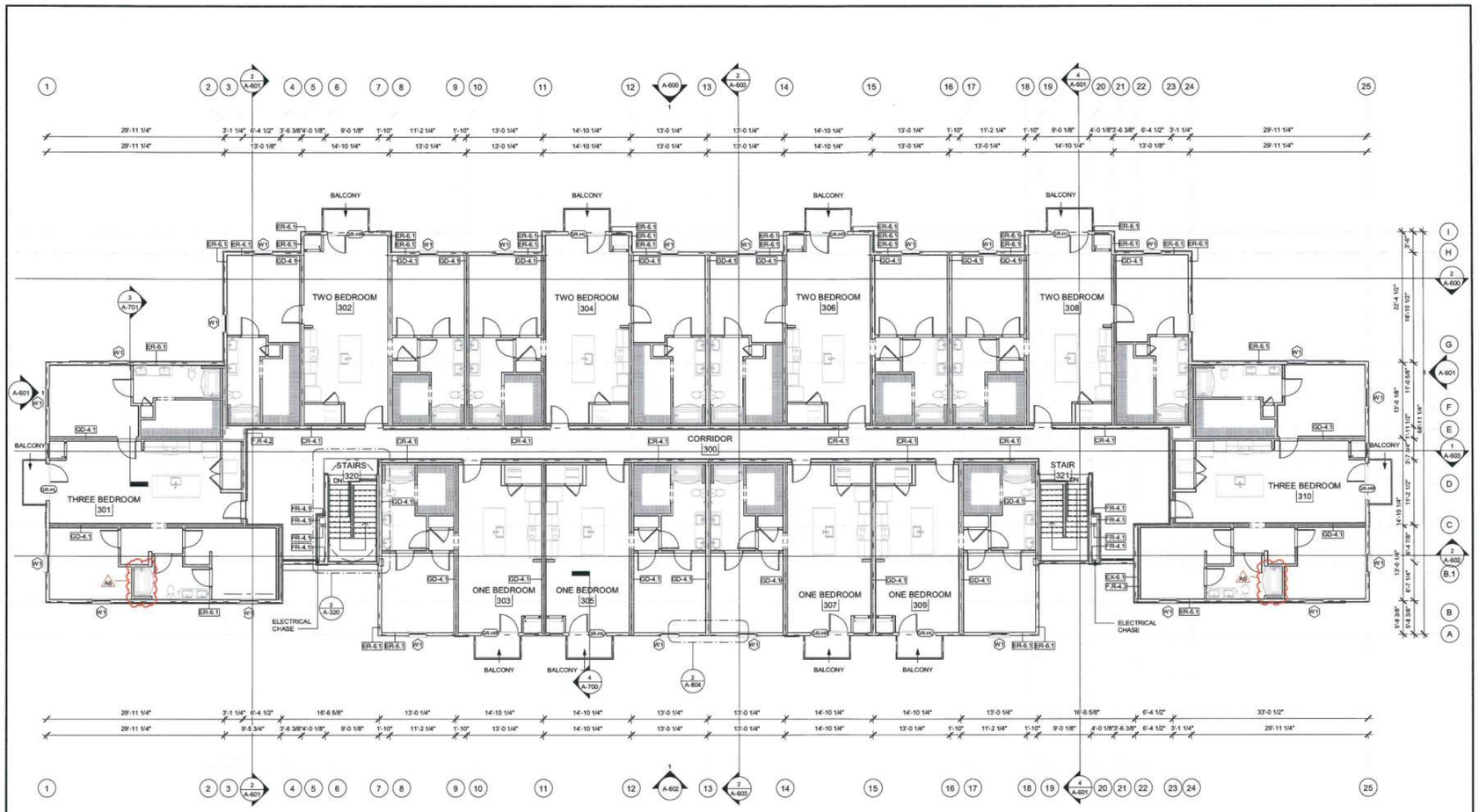
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DRAWN BY: SJ
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PROJECT NO.: B4-179-1902 (A)
SHEET NAME

2ND FLOOR PLAN

DRAWINGS NO.

A-101



1 / A-102 3RD FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION.THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.

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Seal:

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Owner:

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CHANDLER ARIZONA PLANT
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Z MODULAR GARDENSTYLE APARTMENT
1/2/3 BEDROOM OPTION 30 UNITS

ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
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2	A1	2020.01.03	ADDENDUM #1
1	A0	2019.11.29	ISSUED FOR PERMIT

CURRENT ISSUE

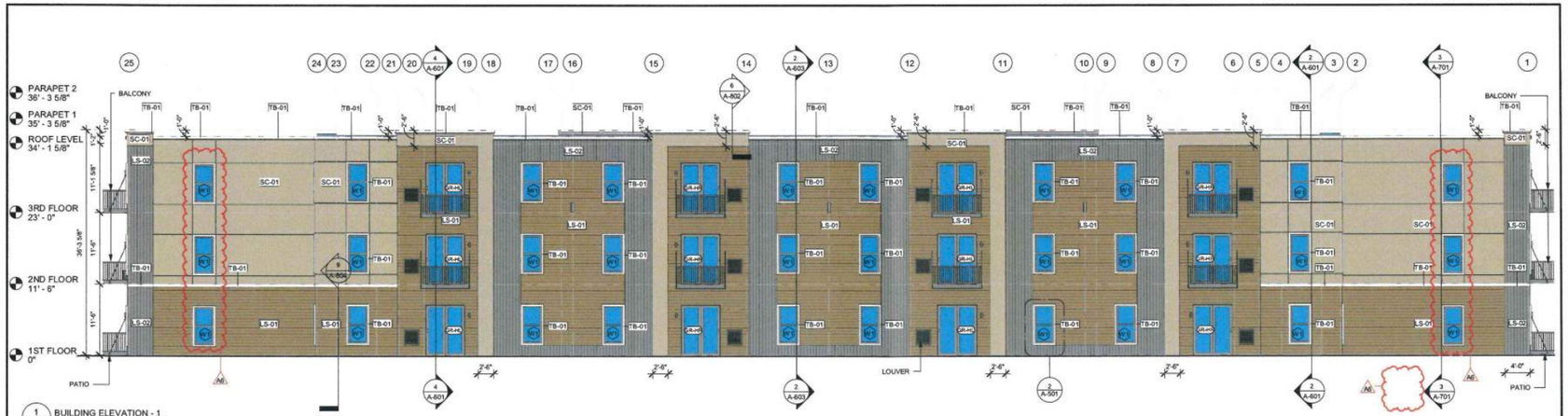
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PROJECT NO: B4-179-1902 (A)
SHEET NAME

3RD FLOOR PLAN

DRAWINGS NO.

A-102



1 A-600 BUILDING ELEVATION - 1
1/8" = 1'-0"



2 A-600 BUILDING SECTION - 1
1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT.VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING.GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LIE OF FULL SIZE WINDOW.
3. ALL EXTERIOR VENTS, GRILLES, MECHANICAL LOUVERS AND EXTERIOR HOLLOW METAL DOORS TO BE FINISHED TO MATCH ADJACENT EXTERIOR MATERIAL.
4. ALL BUILDING PERMITS TO BE CONSISTENT WITH THE APPROVED SITE PLAN. THE PLANNING DEPARTMENT DOES NOT REVIEW BUILDING PERMIT PLAN SETS, SO IT IS THE DEVELOPER'S RESPONSIBILITY TO ENSURE THAT ELEVATIONS SUBMITTED IN THE BUILDING PERMIT SET MATCH THOSE APPROVED DURING THE SITE PLAN REVIEW PROCESS. IF THE ELEVATIONS DO NOT MATCH THOSE IN THE SITE PLAN, IT WILL DELAY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AT THE END OF CONSTRUCTION, AND MAY NECESSITATE MODIFICATIONS TO THE CONSTRUCTED BUILDING.
5. ALL VENT PIPES, ETC. EXTENDING ABOVE THE ROOF SURFACE MUST BE PAINTED A COLOR THAT BLENDS WITH THE ROOF COLOR.
6. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

ENERGY CODE INFORMATION

1. REFER TO SHEET G-003 FOR MORE INFORMATION

A6

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING - KHAKI BROWN	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-02	STUC-O-FLEX	PT-06 (L/D)	
TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

GENERAL BUILDING SECTION NOTES

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2. REFER TO BALCONY SHOP DRAWINGS FOR BALCONIES AND RAILING DETAILS.

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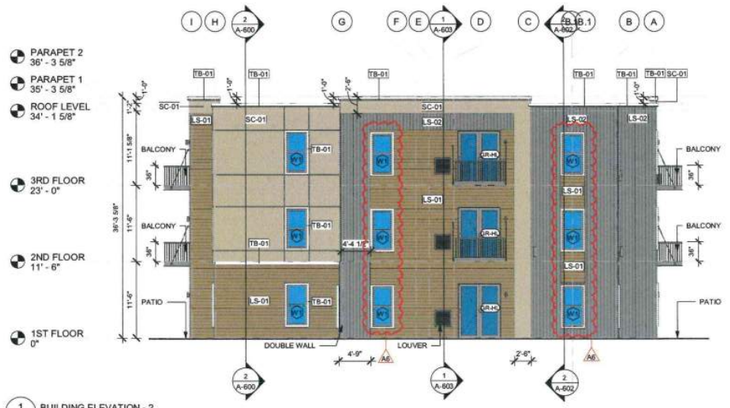
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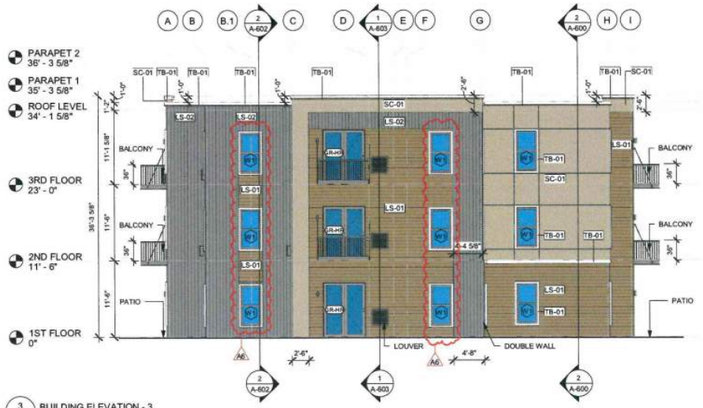
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B4-179-1902 (A)

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-1

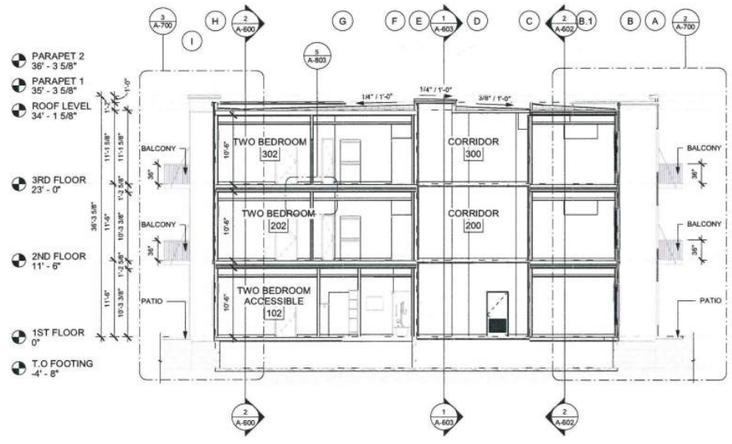
DRAWINGS NO.
A-600



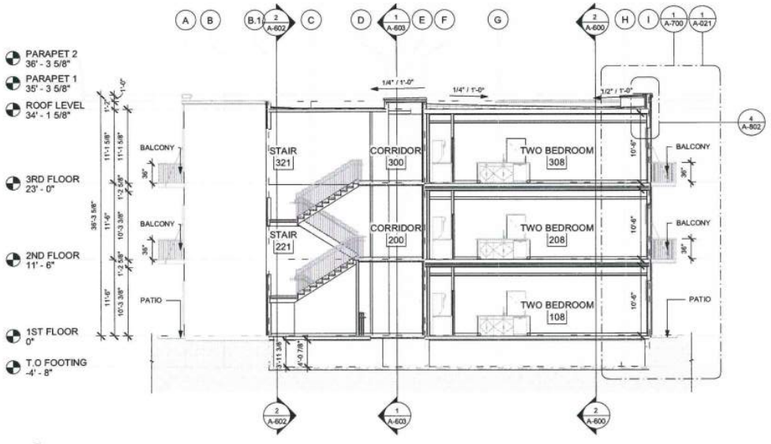
1 BUILDING ELEVATION - 2
A-601 1/8" = 1'-0"



3 BUILDING ELEVATION - 3
A-601 1/8" = 1'-0"



2 BUILDING SECTION - 2
A-601 1/8" = 1'-0"



4 BUILDING SECTION - 3
A-601 1/8" = 1'-0"

GENERAL ELEVATION NOTES

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ENERGY CODE INFORMATION

1. REFER TO SHEET G-003 FOR MORE INFORMATION

A6

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TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

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26199

Owner:

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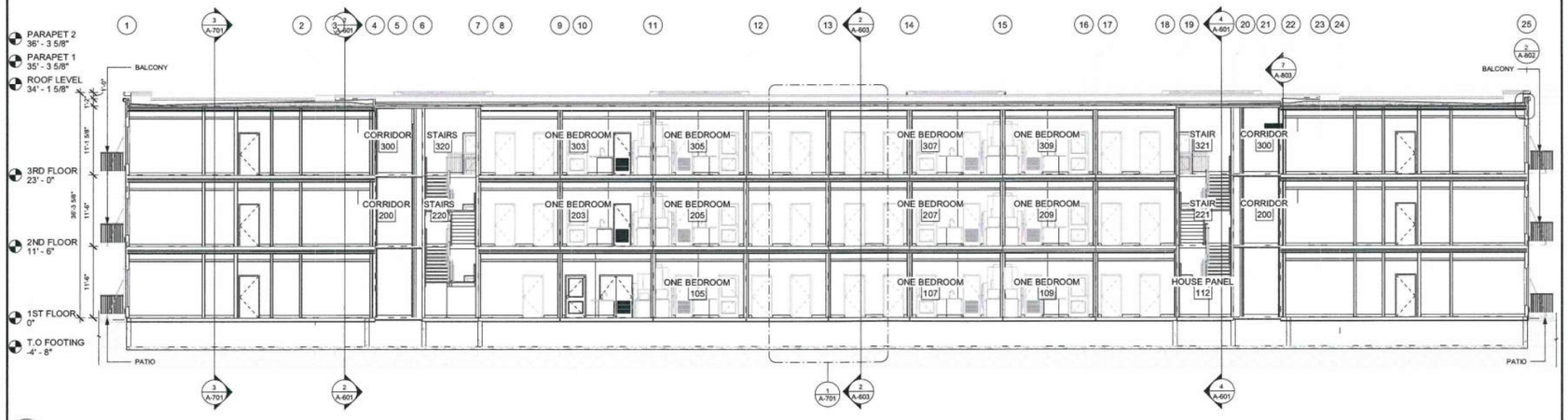
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PROJECT NO.: B4-179-1902 (A)

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-2

DRAWINGS NO.
A-601



1 A-602 BUILDING ELEVATION - 4
1/8" = 1'-0"



2 A-602 BUILDING SECTION - 4
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GENERAL ELEVATION NOTES

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ENERGY CODE INFORMATION

1. REFER TO SHEET G-003 FOR MORE INFORMATION

A6

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TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

GENERAL BUILDING SECTION NOTES

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Owner:

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1	A0	2019.11.29	ISSUED FOR PERMIT

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CURRENT ISSUE DATE
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DRAWN BY
SJ

CHECKED BY
JGC/ NBL

PROJECT NO.
B4-179-1902 (A)

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-3

DRAWINGS NO.
A-602



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TEXAS

PROJECT BO: B4-179-1904

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REGISTERED ARCHITECT
STATE OF TEXAS

2020.05.28

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ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
2	A1	2020.06.28	ADDENDUM #1
1	A0	2020.06.01	ISSUED FOR NTA REVIEW

CURRENT ISSUE
ISSUED FOR NTA REVIEW

CURRENT ISSUE DATE: 2020.05.28

DRAWN BY: ST

CHECKED BY: JGC/JM

PROJECT NO: B4-179-1904

SHEET NAME

TITLE SHEET

DRAWINGS NO.

G-000

PROJECT GENERAL NOTES

GENERAL

1. THE INFORMATION HEREIN IS OF A PROPRIETARY NATURE AND IS SUBMITTED IN CONFIDENCE FOR USE BY BASE4 ARCHITECTS, INC. CLIENTS ONLY. IT HAS BEEN PREPARED FOR THIS PROJECT AT THIS SITE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE, LOCATION OR OWNER WITHOUT WRITTEN CONSENT OF BASE4 ARCHITECTS, INC. UNAUTHORIZED REPRODUCTION, PUBLICATION OR DISSEMINATION, IN WHOLE OR IN PART IS EXPRESSLY PROHIBITED. INFORMATION CONTAINED HEREIN REMAINS PROPERTY OF BASE4 ARCHITECTS, INC., AND RECEIPT OR POSSESSION OF THIS INFORMATION CONFERS NO RIGHT IN OR LICENSE TO USE OR DISCLOSE TO OTHERS THE SUBJECT MATTER CONTAINED HEREIN FOR ANY BUT AUTHORIZED PURPOSES. ALL RIGHTS RESERVED.
2. THE CONTRACT DOCUMENTS FOR THIS PROJECT CONSIST OF THE OWNER/CONTRACTOR AGREEMENT, GENERAL, SUPPLEMENTARY, AND OTHER CONDITIONS, DRAWINGS, SPECIFICATIONS, ADDENDA ISSUED PRIOR TO AGREEMENT AND MODIFICATIONS ISSUED AFTER EXECUTION OF THE CONTRACT.
3. ANY DOCUMENT IN THIS SET WHICH HAS BEEN PREPARED BY ANY SUBCONTRACTOR, DESIGNER, AND/OR SUBCONSULTANT WHO IS UNDER A CONTRACT DIRECTLY WITH THE OWNER AND/OR CONTRACTOR IS ONLY INCLUDED IN THIS SET FOR PURPOSES OF REFERENCE AND COORDINATION. BASE4 ARCHITECTS DISCLAIMS ALL LIABILITY RELATING TO THE DRAWING AND CONSTRUCTION OF THE IMPROVEMENTS OR SYSTEMS IT DEPICTS EXCEPT AS SPECIFICALLY ASSUMED IN A WRITTEN AGREEMENT WITH THE OWNER.
4. THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS, INCLUDING THOSE IN ELECTRONIC FORM, PREPARED BY THE ARCHITECT, AND THE ARCHITECT'S CONSULTANTS ARE INSTRUMENTS OF SERVICE THROUGH WHICH THE WORK TO BE EXECUTED BY THE CONTRACTOR IS DESCRIBED. UNLESS INDICATED OTHERWISE, THE ARCHITECT AND ARCHITECT'S CONSULTANTS SHALL BE DEEMED THE AUTHORS OF THEIR WORK AND WILL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, IN ADDITION TO THE COPYRIGHTS.
5. IF COORDINATION OF ARCHITECTURAL, CIVIL, LANDSCAPE, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING AND SPRINKLER ELEMENTS RESULT IN CONFLICT, GC SHALL NOTIFY ARCHITECT IN WRITING IMMEDIATELY PRIOR TO COMMENCING ANY WORK OF ELEMENTS RESULTING CONFLICTS
6. GC SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK. BUILDING AWAY FROM THE BUILDING IF CONFLICTS OCCUR. NOTIFY ARCHITECT IMMEDIATELY. SEE CIVIL DRAWINGS FOR FINISHED GRADES ADJACENT TO BUILDING.
7. CONTRACTOR IS SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS AND METHODS AND SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF CONSTRUCTION UNTIL FINAL LATERAL AND VERTICAL CARRYING SYSTEMS ARE COMPLETED.
8. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION AND COORDINATION OF SUBCONTRACTOR WORK, COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS, DIMENSIONS AND OPENING SIZES OF STRUCTURAL MEMBERS, OPENINGS FOR MECHANICAL, ELECTRICAL AND MISCELLANEOUS EQUIPMENT. CONTRACTOR SHALL VERIFY DIMENSIONS AND OPENING SIZES (CLEARANCES REQUIRED) FROM THE MANUFACTURERS PRIOR TO CONSTRUCTION OF OR INSTALLATION OF EQUIPMENT, FURNISHINGS, AND ACCESSORIES
9. PROVIDE ACCESS PANELS AS REQUIRED. PROVIDE RATED ACCESS PANELS WITH THE SAME RATING AS THE ASSEMBLY IN WHICH THEY ARE INSTALLED. ACCESS PANELS IN SHAFT WALLS, RATED FLOOR/CEILINGS OR RATED ROOF/CEILINGS SHALL BE SMOKE SEALED.
10. THE FRANCHISE BRAND STANDARDS DESIGN DOCUMENT SHALL BE CONSIDER AS AN INTEGRAL PART OF THE CONSTRUCTION DOCUMENTS. ALL CONTRACTORS SHALL ENSURE THEY OBTAIN, READ, AND FAMILIARIZE THEMSELVES WITH THE BRAND STANDARD DOCUMENT BEFORE BIDDING AND ALSO THROUGHOUT THE CONSTRUCTION PROCESS. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND THE FRANCHISE BRAND STANDARDS, THE CONTRACTOR SHALL ISSUE AN RFI TO THE ARCHITECT.
11. BUILDING SHALL HAVE A MINIMUM SETBACK OF 30' ON ALL FOUR SIDES TO COMPLY WITH FRONTAGE INCREASE CALCULATIONS

SPECIFICATIONS

1. SEE SPECIFICATION FOR GENERAL BUILDING ELEMENTS, FINISHES, MATERIALS. BUILDING ACCESSORIES, TOILET AND BATHROOM ACCESSORIES, TOILET PARTITIONS AND LINING, SCREENS, ETC UNLESS NOTED OTHERWISE. MATERIALS, PRODUCTS, SYSTEMS ETC IDENTIFIED ON THE DRAWINGS WITH "QXY-11, EXP-JT-21, ETC." REFER TO THE SPECIFICATION FOR SPECIFIC PRODUCT SELECTIONS AND OTHER REQUIREMENTS.

DRAWINGS

1. PLANS, SECTIONS AND ELEVATIONS INDICATE SPECIFIC INFORMATION. SEE TYPICAL MOUNTING HEIGHTS, PARTITION DETAILS, DOOR DETAILS, CASEWORK TYPES AND DETAILS, TOP TYPES, SHELF TYPES, NOTES AND TYPICAL DETAILS FOR TYPICAL INFORMATION, INSTALLATION AND CONSTRUCTION UNLESS INDICATED OTHERWISE.
2. DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DRAWINGS, SPECIFICATIONS AND ADDENDA AND MANUAL. THESE NOTES, DRAWING SYMBOLS, MATERIAL LEGEND, REFLECTED CEILING LEGEND AND GENERAL INFORMATION ON THIS SHEET ARE ABBREVIATIONS.
3. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF ANY WORK. VERIFY ALL DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT AND/OR ENGINEER TO OBTAIN RESOLUTION BEFORE PROCEEDING, FAILURE TO NOTIFY THE ARCHITECT AND/OR ENGINEER WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

DIMENSIONS

1. DIMENSIONS ARE SHOWN TO FACE OF STUD, FACE OF CONCRETE, FACE OF MASONRY, GRID/COLUMN LINE, CENTERLINE OF ELEMENT, COUNTERTOP EDGE, OR AS NOTED.
2. DIMENSION NOTED AS CLEAR, ARE FROM WALL FINISH TO WALL FINISH.
3. DIMENSIONS TAKE PRECEDENCE OVER DRAWINGS, DO NOT SCALE DRAWINGS. NOTIFY ARCHITECT, IN WRITING, OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH THE WORK.

VERIFY CONDITIONS

1. VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK TO LOCATE ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND THE CONTRACT DOCUMENTS. IN THE EVENT OF DISCREPANCY, NOTIFY THE ARCHITECT AND OBTAIN RESOLUTION BEFORE PROCEEDING. FAILURE TO NOTIFY THE ARCHITECT WILL NOT RELIEVE THE CONTRACTOR OF RESPONSIBILITY TO PERFORM THE WORK AS INTENDED BY THE CONTRACT DOCUMENTS. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL WORK ARISING FROM SUCH FAILURE TO COORDINATE DISCREPANCIES TO THE SATISFACTION OF THE ARCHITECT.

COORDINATION

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO COORDINATE THE ENTIRE PROJECT INCLUDING ALL BUILDING ELEMENTS, SITE, EQUIPMENT, FITTINGS, FIXTURES, FURNITURE, MECH AND ELEC ITEMS.
2. COORDINATION SHALL INCLUDE THE FOLLOWING WITH THE RESPECTIVE DISCIPLINES AND TRADES:
   A. VERIFY ALL EXISTING CONDITIONS, SIZES AND LOCATIONS OF MECH AND/OR ELEC PENETRATIONS PRIOR TO COMMENCEMENT OF ANY WORK.
   B. LOCATIONS FOR BACKING/BLOCKING REQUIRED FOR MOUNTING ARCH, MECH AND/OR ELEC EQUIPMENT, OWNER FURNISHED EQUIPMENT, FURNITURE, ARTWORK AND SYSTEMS.
   C. CUTTING AND PATCHING FOR WORK REQUIRED BY MECH AND/OR ELEC.
   D. SIZES AND LOCATIONS OF MECH AND/OR ELEC CONCRETE CURBS AND HOUSE KEEPING PADS. SEE ALSO TYPICAL INTERIOR CONCRETE DETAILS UNO.
   E. SIZES AND LOCATIONS OF MECH AND/OR ELEC EXTERIOR WALL, CEILING AND ROOF EQUIPMENT, DEVICES AND PENETRATIONS.

LIFE SAFETY

1. LIFE SAFETY PLANS INDICATE FIRE AND SMOKE RATED PARTITIONS. SEE LIFE SAFETY PLANS FOR PARTITION RATING AND ASSEMBLY DETAILS FOR PARTITION TYPES AND CONSTRUCTION.
2. ALL SLEEVES, OPENINGS, PENETRATIONS, ETC. FOR CONDUITS, CABLE TRAYS, PIPES AND DUCTS, ETC. THROUGH RATED PARTITIONS, FLOORS AND ROOF SLABS ARE TO BE SEALED AS REQUIRED IN ACCORDANCE WITH THE REQUIRED FIRE RATED ASSEMBLY DESIGN. APPLICABLE CODES AND LOCAL FIRE AUTHORITY REQUIREMENTS.
3. ALL FIRE EXITS SHALL BE KEPT CLEAR AND ACCESSIBLE AT ALL TIMES.

SPRINKLER SYSTEM

1. SPRINKLER HEADS SHOWN ON THE RCP'S ARE THOSE OF DESIGN CONCERN. ALL AREAS ARE REQUIRED TO BE SPRINKLERED. SPRINKLER HEADS AT GYPSUM BOARD CEILINGS MUST BE FULLY RECESSED AND COVERED WITH METAL PLATES FINISHED TO MATCH ADJACENT SURFACES.

ROOM OPENINGS

1. FLOOR PLANS INDICATE ROOM OPENING NUMBERS. FOR DOOR AND DOOR BORROWED LIGHT FRAME TYPES, FRAME PROFILES, NOTES AND TYPICAL DETAILS, SEE ROOM DOOR SCHEDULE AND A712.
2. LOCATE DOORS AND OTHER OPENINGS IN PARTITIONS ADJACENT TO PERPENDICULAR WALLS, MAINTAIN MINIMUM ACCESSIBILITY DOOR LATCH SIDE CLEARANCE REQUIREMENTS. PUSH SIDE 12" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER AND PULL SIDE 5'-0" MIN. 4'-0" DEEP IF DOOR IS PROVIDED WITH A CLOSER.

CASEWORK AND MILLWORK

1. CASEWORK TYPES, TOP TYPES, SHELF TYPES, NOTES AND SPECIFIC DETAILS ARE AS SHOWN ON PLANS AND INTERIOR ELEVATIONS. SEE A550 FOR TYPICAL COUNTER TOP TYPES, UNDERCOUNTER TASK LIGHTING, SUPPORT BRACKET TYPES, COUNTER TOP CORNER, GROMMET, GYP/PLAN/SOFFIT TYPES, NOTES AND DETAILS. ROOM FINISHES SCHEDULE AND/OR FINISHES PLANS.
2. CASEWORK FINISHES, SEE ROOM FINISHES SCHEDULE AND NOTES.

ROOM FINISHES

1. FINISHES ARE INDICATED IN THE FINISH SCHEDULE AND/OR FINISH PLANS, SEE TYPICAL FINISH TRANSITION DETAILS.

FLOOR DRAINS

1. SET FLOOR DRAINS AND FLOOR SINKS WITH TOP OF FINISH TS/EPOURED FLOOR. SEE PLUMBING DRAWINGS.
2. SLOPE CONCRETE FLOOR AT 1/8" PER FOOT TOWARDS FLOOR DRAINS AND AWAY FROM ALL WALLS.

FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES

1. FURNITURE, EQUIPMENT, FITTING, FIXTURES AND ACCESSORIES INSTALLATION SHALL BE IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS AND THE TYPICAL MOUNTING HEIGHT SHEET UNO.
2. REFER TO FURNITURE AND EQUIPMENT DRAWINGS AND INSTRUCTIONS FOR INSTALLATION RESPONSIBILITIES. PROVIDE ALL BLOCKING & ANCHORAGE AS NECESSARY FOR PROPER INSTALLATION OF ANY WALL MOUNTED OR HUNG ITEMS. SEE PARTITION BLOCKING DETAILS.

CURBS AND PADS

1. CONCRETE CURBS AND PADS FOR EQUIPMENT. LOCATIONS MAY BE NOTED ON THE ARCHITECTURAL AND/OR CIVIL DRAWINGS. SEE MECHANICAL AND ELECTRICAL DRAWINGS FOR LOCATIONS AND SPECIFIC SIZE AND CONFIGURATION OF THE EQUIPMENT TO CONFIRM SIZE OF PAD OR CURB. PRIOR TO INSTALL.
2. GC SHALL CONTACT AND COORDINATE WITH LOCAL MUNICIPALITY FOR SITE OR EQUIPMENT SPECIFIC REQUIREMENTS FOR CURB AND PADS.

PARTITIONS

1. ALIGN PARTITIONS WITH FACE OF OTHER PARTITIONS OR COLUMNS, UNLESS NOTED OTHERWISE. THE FACE OF EVERY PARTITION SHALL BE FLUSH WITHOUT OFFSETS. CHANGES IN PARTITION THICKNESS SHALL OCCUR AT CORNERS. PARTITION INTERSECTIONS OR OTHER FEATURES WHICH INTERRUPT THE PLANE OF THE PARTITION FACE OF CORRIDOR PARTITIONS SHALL BE FLUSH FOR THE ENTIRE LENGTH OF THE CORRIDOR REGARDLESS OF CHANGES IN PARTITION THICKNESS. ALL ADJUSTMENTS SHALL BE MADE TO THE ROOM SIDE OF THE CORRIDOR PARTITION AND AT CORNERS.
2. FLOOR PLANS INDICATE PARTITION TYPES, SEE PARTITION NOTES AND DETAILS FOR TYPICAL CONSTRUCTION UNLESS INDICATED OTHERWISE.

WALL BLOCKING AND ANCHORAGE

1. PROVIDE PLYWOOD WALL BLOCKING WHERE ARTWORK, MARKER BOARDS (MBO) AND TACKBOARDS (TBD) ARE SHOWN. EXTENT OF BLOCKING TO MATCH SIZE OF ARTWORK, MARKER BOARDS (MBO) AND TACKBOARDS (TBD). SEE PARTITION BLOCKING DETAILS.
2. PROVIDE WALL BLOCKING FOR FURNITURE, EQUIPMENT, FITTINGS, FIXTURES AND ACCESSORIES IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND REQUIREMENTS. SEE PARTITION BLOCKING DETAILS. DESIGN LOAD FOR FITTINGS AND FIXTURES MUST INCLUDED MIN. 250 LB VERTICAL AND HORIZONTAL FORCE.

WALL PROTECTION

1. CORNER GUARDS AND OTHER WALL PROTECTION TYPES AS INDICATED ON THE DRAWINGS.
2. CORNER GUARDS ARE MOUNTED ABOVE FLOOR FINISH BASE AND UP TO UNDERSIDE OF CEILING OR CEILING BULKHEAD, WHICH EVER IS APPLICABLE.
3. FOR INSTALLATION OF CORNER GUARDS, WALL PROTECTION, HANDRAILS, CRASH RAILS, ETC. SEE MANUFACTURERS INSTRUCTIONS.

CEILINGS

1. CEILING HEIGHT: SEE RCP FOR UNITS, ELEVATOR LOBBIES, CORRIDORS, PASSAGES, ETC. ABOVE FLOOR LEVEL UNLESS OTHERWISE NOTED. SEE ALSO ROOM FINISH SCHEDULE.
2. COORDINATE AND VERIFY ALL CEILING ACCESS PANEL SIZES AND LOCATIONS WITH MECH AND ELEC CONTRACTORS. PROVIDE FLUSH ACCESS PANELS AT ALL EQUIPMENT, VALVES, DAMPERS, CONTROLS, CLEANOUTS, ETC. PAINT TO MATCH CEILING FINISH.
3. ALL CEILING HEIGHTS IN ROOMS UNLESS NOTED OTHERWISE.
4. CENTER SPRINKLER HEADS, DIFFUSERS, LIGHT FIXTURES, AND OTHER RECESSED OR SURFACE MOUNTED ITEMS IN CEILING TILES UNLESS NOTED OTHERWISE.

FIRE PROTECTION REQUIREMENTS

1. GC SHALL PERFORM AND PROVIDE ALL FIRE PROTECTION AS REQIRED BY CODE, WHETHER OR NOT ALL REQUIREMENTS ARE INDICATED ON THE DRAWINGS.
2. ALL MATERIALS SHALL BE RATED AS REQUIRED BY CODE FOR USE IN FIRE RATED PARTITIONS, FLOOR ASSEMBLIES, ROOFS, STRUCTURAL STEEL, GLAZING, CONCEALED SPACES, ETC. AS INDICATED IN BUILDING CODE EVALUATION SUMMARY SHEET.
3. REFER TO BCES TABLE 601 FOR REQUIRED FIRE RESISTANCE RATINGS OF MAIN BUILDING ELEMENTS.
4. REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS REFER TO ASSEMBLY SHEETS AND DETAILS FOR ADDITIONAL FIRE PROTECTION REQUIREMENTS.
5. GC SHALL NOTIFY ARCHITECT IN WRITING OF ANY DISCREPANCIES OR QUESTIONS IN FIRE PROTECTION DOCUMENTATION PRIOR TO PROCEED

BLOCKING

1. GC SHALL PROVIDE ALL ADDITIONAL, NON-PROTOTYPICAL BLOCKING (NOT SHOWN IN ELEVATIONS) AS REQUIRED TO ENSURE ADEQUATE FASTENING OFRELATED ELEMENT (SHOWER ROD, SHELVING, SIGNAGE, ETC..)

FIRE SEPERATION DISTANCES

MINIMUM DISTANCE FROM ADJACENT BUILDING IS 30'.

SCOPE OF WORK

1. THIS BUILDING IS FACTORY MODULAR ROOMS AND SITE BUILT FOUNDATION SYSTEMS.

OTHER NOTES

1. FUEL SUPPLY IS DESIGNED FOR NATURAL GAS.
2. SPECIAL CONDITIONS AND/OR LIMITATIONS: COMPLETION OF VISUAL INSPECTION OR BLOWER DOOR TEST. IF VISUAL INSPECTION IS USED. THE RESCHECK INSPECTION CHECKLIST NEEDS TO BE COMPLETED IN THE FIELD AND RETURNED TO OAK TREE. TESTING OF DUCT SYSTEM FOR COMPLETED SYSTEM ON SITE BY OTHERS.
3. THIS STRUCTURE HAS NOT BEEN DESIGNED TO BE LOCATED WITHIN THE FLOOD HAZARD LOCATIONS, OR COASTAL A ZONES. WHEN SITE IS LOCATED IN A FLOOD HAZARD AREA AS DETERMINED BY THE LOCAL AUTHORITY HAVING JURISDICTION OR FLOOD HAZARD MAPS. THE UNIT SHALL HAVE THE LOWEST FLOOR ELEVATED ABOVE THE DESIGN FLOOD ELEVATION. FOUNDATION AND ANCHORAGE DESIGNERS SHALL BE PROVIDED BY A LOCAL ENGINEER IN CONFORMANCE WITH LOCALLY ADOPTED BUILDING CODES AND ASCE 24-14. THIS BUILDING HAS NOT BEEN DESIGNED FOR LOCATIONS DESIGNATED AS CATASTROPHE AREA AS DEFINED BY THE TEXAS DEPARTMENT OF INSURANCE (TDI). IF HOME LOCATED WITHIN CATASTROPHE AREA. HOME SHALL NOT BE DESIGNED BY OTHERS TO ALSO COMPLY WITH THIS TDI ADAPTED CODES AND AMENDMENTS.
4. REFER TO CONSTRUCTION MANUAL FOR GENERAL NOTES. UNIT IS TO BE SITED A MIN. OF 5'FT. FROM THE LOT LINE. FUEL SUPPLY IS DESIGNED FOR NATURAL GAS.
5. SPECIAL CONDITIONS AND/OR LIMITATIONS: COMPLETION OF VISUAL INSPECTION OR BLOWER DOOR TEST. IF VISUAL INSPECTION IS USED. THE RESCHECK INSPECTION CHECKLIST NEEDS TO BE COMPLETED IN THE FIELD AND RETURNED TO OAK CREEK. TESTING OF DUCT SYSTEM FOR COMPLETED SYSTEM ON SITE BY OTHERS.
6. THIS STRUCTURE WAS NOT BEEN DESIGNED TO BE LOCATED WITHIN FLOOD HAZARD LOCATIONS, OR COASTAL A ZONES. WHEN SITE IS LOCATED IN A FLOOD HAZARD AREA AS DETERMINED BY THE LOCAL AUTHORITY HAVING JURISDICTION OR FLOOD HAZARD MAPS. THE UNIT SHALL HAVE THE LOWEST FLOOR ELEVATED ABOVE THE DESIGN FLOOD ELEVATION. FOUNDATION AND ANCHORAGE DESIGNERS SHALL BE PROVIDED BY A LOCAL ENGINEER IN CONFORMANCE WITH LOCALLY ADOPTED BUILDING CODES AND ASCE 24-14.
7. THIS BUILDING HAS NOT BEEN DESIGNED FOR LOCATIONS DESIGNATED AS CATASTROPHE AREAS AS DEFINED BY TEXAS DEPARTMENT OF INSURANCE (TDI). IF HOME IS LOCATED WITHIN CATASTROPHE AREA. HOME SHALL BE DESIGNED BY OTHERS TO ALSO COMPLY WITH THE TDI ADAPTED CODES AND AMENDMENTS.

A1

PROJECT DIRECTORY

Contractors shall send all bidding questions and RFI's to the general contractor. The GC shall then forward inquiries to the appointed Based Construction Administration Project Manager, who will be introduced at the beginning of bidding and construction phase. Please reference the project number and project title in your email subject line to ensure that your request is forwarded to the proper team.

OWNER:
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INTERIOR DESIGN CONTACT
ZModular
Chris Schmidt
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COMMUNICATION FEATURES

1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 232.3.1.2 RESIDENTIAL DWELLING UNITS WITH COMMUNICATION FEATURES AT LEAST 2 PERCENT, BUT NO FEWER THAN ONE UNIT, OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE COMMUNICATION FEATURES.

MOBILITY FEATURES

1. AS PER TEXAS ACCESSIBILITY STANDARD (2012) SECTION 233.3.1.1 RESIDENTIAL DWELLING UNITS WITH MOBILITY FEATURES AT LEAST 5 PERCENT, BUT NO FEWER THAN ONE UNIT, OF THE TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS SHALL PROVIDE MOBILITY FEATURES.

STRUCTURAL DESIGN CRITERIA

CODES
1. INTERNATIONAL BUILDING CODE(IBC)-2015
2. AMERICAN SOCIETY OF CIVIL ENGINEERS- MINIMUM DESIGN LOADS FOR BUILDING AND OTHER STRUCTURES -ASCE 7-10

ROOF LOADING
DESIGN ROOF LIVE LOAD: 20PSF

GROUND SNOW LOAD:20PSF
FLAT-ROOF SNOW LOAD:20PSF
SNOW EXPOSURE FACTOR, Ce1:1
SNOW IMPORTANCE FACTOR, Is=1.0
THERMAL FACTOR, Ct1:0
SNOW DRIFTING EFFECTS WERE NOT ADDED
RAIN LOAD:20.8 PSF

FLOOR LOADING:

LIVE LOAD: 40PSF IN PRIVATE AREAS
100PSF IN PUBLIC AREAS

WIND LOADING:

WIND SPEED:115MPH
WIND IMPORTANCE FACTOR:1.0
RISK CATEGORY:II
WIND EXPOSURE CATEGORY: C
INTERNAL PRESSURE COEFFECIENT:+/-0.18

DESIGN WIND PRESSURE TO BE USED FOR EXTERIOR COMPONENT AND CLADDING MATERIALS-SEE COMPONENT AND CLADDING WIND LOADING DIAGRAM ON THIS DRAWING

SEISMIC:

RISK CATEGORY:II
SEISMIC IMPORTANCE FACTOR, Ie:1.0
MAPPED SPECTRAL RESPONSE ACCELERATIONS:
SHORT PERIODS s: 0.32
ONE SECOND PERIODS : 0.12

SEISMIC DESIGN CATEGORY:B

RESPONSE MODIFICATION FACTOR, R =3.0

SEISMIC RESPONSE COEFFICIENT, Cs:-0.0513

BASE SHEAR:
NORTH/SOUTH DIRECTION: 91KIPS
EAST/WEST DIRECTION: 91 KIPS
ANALYSIS PROCEDURE: EQUIVALENT LATERAL FORCE

PROJECT INFORMATION

UNIT MATRIX

ROOM NAME	LEVEL	ROOM COUNT
1ST FLOOR		
DOUBLE ROOM(DBA)	1ST FLOOR	1
MICRO UNIT(A)	1ST FLOOR	5
SINGLE ROOM(SBA)	1ST FLOOR	4
STUDIO(ST)	1ST FLOOR	4
TYPE A DOUBLE ROOM(DAA)	1ST FLOOR	1
2ND FLOOR		
DOUBLE ROOM(DBA)	2ND FLOOR	2
MICRO UNIT(A)	2ND FLOOR	6
SINGLE ROOM(SBA)	2ND FLOOR	4
STUDIO(ST)	2ND FLOOR	4
3RD FLOOR		
DOUBLE ROOM(DBA)	3RD FLOOR	2
MICRO UNIT(A)	3RD FLOOR	6
SINGLE ROOM(SBA)	3RD FLOOR	4
STUDIO(ST)	3RD FLOOR	4
		48

GROSS AREA

LEVEL	AREA
1ST FLOOR	15603 SF
2ND FLOOR	15603 SF
3RD FLOOR	15603 SF
TOTAL: 3	46809 SF

ILLUMINATION & VENTILATION SCHEDULE

ROOM TYPE	AVERAGE ILLUMINATION PERCENTAGE	AVERAGE VENTILATION PERCENTAGE
DOUBLE ACCESSIBLE ROOM	11.9%	9.6%
DOUBLE ROOM	11.9%	9.6%
MICRO UNIT	14%	14%
SINGLE ROOM	20%	17.7%
STUDIO	13.7%	13.7%

UNIT MIX

ROOM NAME	ROOM COUNT	ROOM MIX
MICRO UNIT(A)	18	38%
SINGLE ROOM(SBA)	12	25%
STUDIO(ST)	12	25%
	42	88%
DOUBLE ROOM(DBA)	5	10%
TYPE A DOUBLE ROOM(DAA)	1	2%
	6	13%
TOTAL	48	100%

NAMING SCHEDULE

UNIT NAMING SCHEDULE

UNIT NAME	UNIT NUMBER	FRAMING NAME	ENGINEERING NAME(MOD 1)	ENGINEERING NAME(MOD 2)	ENGINEERING NAME(MOD 3)	CORE NAME	CORE(MOD 1)	CORE(MOD 2)	CORE(MOD 3)
1ST FLOOR									
DOUBLE ROOM(DBA)	114	1DBF.1	1DBS.1	1DBL.1	1DBS.2	DBA	DBA1	DBA2	DBA3
MICRO UNIT(A)	104	1MUF.1	1MU.1			MUA			
MICRO UNIT(A)	106	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	108	1MUF.3	1MU.3			MUA			
MICRO UNIT(A)	110	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	112	1MUF.3	1MU.3			MUA			
MICRO UNIT(A)	113	1MUF.3	1MU.3			MUA			
SINGLE ROOM(SBA)	111	1SBF.3	1SBL.2	1SBS.2		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	109	1SBF.2	1SBL.2	1SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	107	1SBF.2	1SBL.2	1SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	105	1SBF.1	1SBL.1	1SBS.1		SBA	SBA2	SBA1	
STUDIO(ST)	115	1STF.3	1ST.3			STA			
STUDIO(ST)	116	1STF.4	1ST.4			STA			
STUDIO(ST)	102	1STF.2	1ST.2			STA			
STUDIO(ST)	101	1STF.1	1ST.1			STA			
TYPE A DOUBLE ROOM(DAA)	103	1DAF.1	1DAS.1	1DAL.1	1DAS.2	DAA	DAA1	DAA2	DAA3
1ST FLOOR: 16									
2ND FLOOR									
DOUBLE ROOM(DBA)	214	1DBF.1	1DBS.1	1DBL.1	1DBS.2	DBA	DBA1	DBA2	DBA3
DOUBLE ROOM(DBA)	203	1DBF.2	1DBS.3	1DBL.1	1DBS.4	DBA	DBA1	DBA2	DBA3
MICRO UNIT(A)	204	1MUF.1	1MU.1			MUA			
MICRO UNIT(A)	206	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	208	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	210	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	212	1MUF.2	1MU.2			MUA			
MICRO UNIT(A)	213	1MUF.3	1MU.2			MUA			
SINGLE ROOM(SBA)	211	1SBF.3	1SBL.2	1SBS.2		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	209	1SBF.2	1SBL.2	1SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	207	1SBF.2	1SBL.2	1SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	205	1SBF.1	1SBL.1	1SBS.1		SBA	SBA2	SBA1	
STUDIO(ST)	215	1STF.3	1ST.3			STA			
STUDIO(ST)	216	1STF.4	1ST.4			STA			
STUDIO(ST)	202	1STF.2	1ST.2			STA			
STUDIO(ST)	201	1STF.1	1ST.1			STA			
2ND FLOOR: 16									
3RD FLOOR									
DOUBLE ROOM(DBA)	314	3DBF.2	3DBS.3	3DBL.1	3DBS.4	DBA	DBA1	DBA2	DBA3
DOUBLE ROOM(DBA)	303	3DBF.1	3DBS.1	3DBL.1	3DBS.2	DBA	DBA1	DBA2	DBA3
MICRO UNIT(A)	304	3MUF.1	3MU.1			MUA			
MICRO UNIT(A)	306	3MUF.2	3MU.2			MUA			
MICRO UNIT(A)	308	3MUF.2	3MU.2			MUA			
MICRO UNIT(A)	310	3MUF.2	3MU.2			MUA			
MICRO UNIT(A)	312	3MUF.2	3MU.2			MUA			
MICRO UNIT(A)	313	3MUF.2	3MU.3			MUA			
SINGLE ROOM(SBA)	311	3SBF.3	3SBL.2	3SBS.2		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	309	3SBF.2	3SBL.2	3SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	307	3SBF.2	3SBL.2	3SBS.1		SBA	SBA2	SBA1	
SINGLE ROOM(SBA)	305	3SBF.1	3SBL.1	3SBS.1		SBA	SBA2	SBA1	
STUDIO(ST)	315	3STF.3	3ST.3			STA			
STUDIO(ST)	316	3STF.4	3ST.4			STA			
STUDIO(ST)	302	3STF.2	3ST.2			STA



1 A-100 1ST FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION. THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.
10. GRAB BAR FOR ACCESIBILITY USE SHOWN ON PLANS AND ELEVATION ARE OPTIONAL

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUCCO-FLEX	314 - WHETSTONE	
SC-03	STUCCO-FLEX	LIGHT GREY	
TS-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

SCOPE LEGEND

MODULAR SCOPE
SITE SCOPE

A1

BASE4
2901 CLINT MOORE ROAD, #114
BOCA RATON, FLORIDA 33496
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RICARDO J. MUNIZ - GUILLET, AIA
5453 NW 106TH DR
CORAL SPRINGS, FLORIDA 33076

Seal:

REGISTERED ARCHITECT RICARDO J. MUNIZ-GUILLET 29109 STATE OF TEXAS

2020.05.28

Owner:

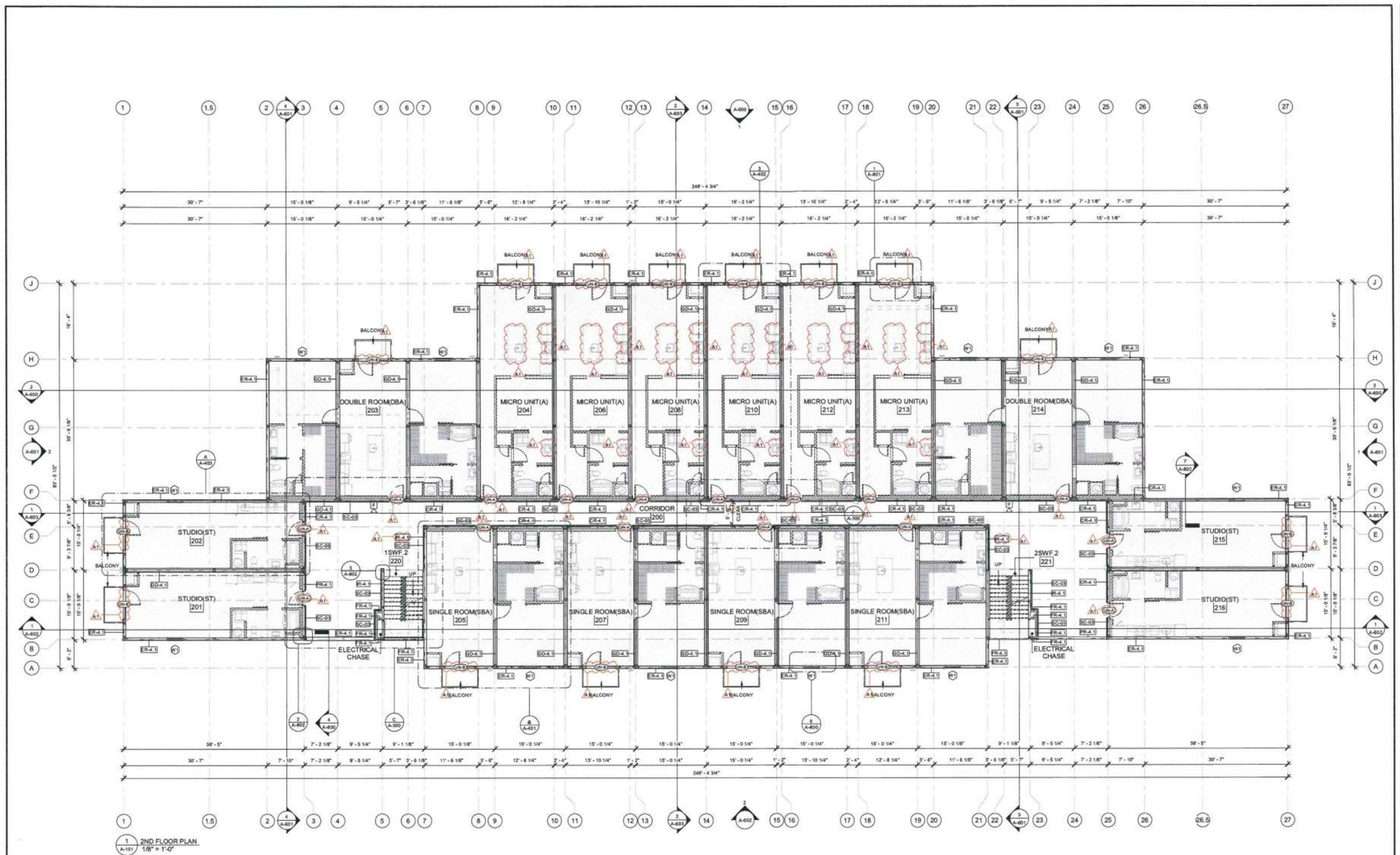
ZModular
A DIVISION OF ZEKELMAN INDUSTRIES

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ISSUE NO.	DELTA	ISSUE DATE	DESCRIPTION
2	A1	2020.05.28	ADDENDUM #1
1	A0	2020.05.01	ISSUED FOR NTA REVIEW

CURRENT ISSUE
ISSUED FOR NTA REVIEW

CURRENT ISSUE DATE: 2020.05.28
DRAWN BY: ST
CHECKED BY: JGC/JM
PROJECT NO: B4-179-1904
SHEET NAME: 1ST FLOOR PLAN
DRAWINGS NO.: **A-100**



1 2ND FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
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SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-03	STUC-O-FLEX	LIGHT GREY	
TB-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

SCOPE LEGEND

MODULAR SCOPE
SITE SCOPE

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RICARDO J. MUNIZ - GUILLET, AIA
5453 NW 106TH DR
CORAL SPRINGS, FLORIDA 33076

Seal:

REGISTERED ARCHITECT STATE OF TEXAS

2020.05.28

Owner:

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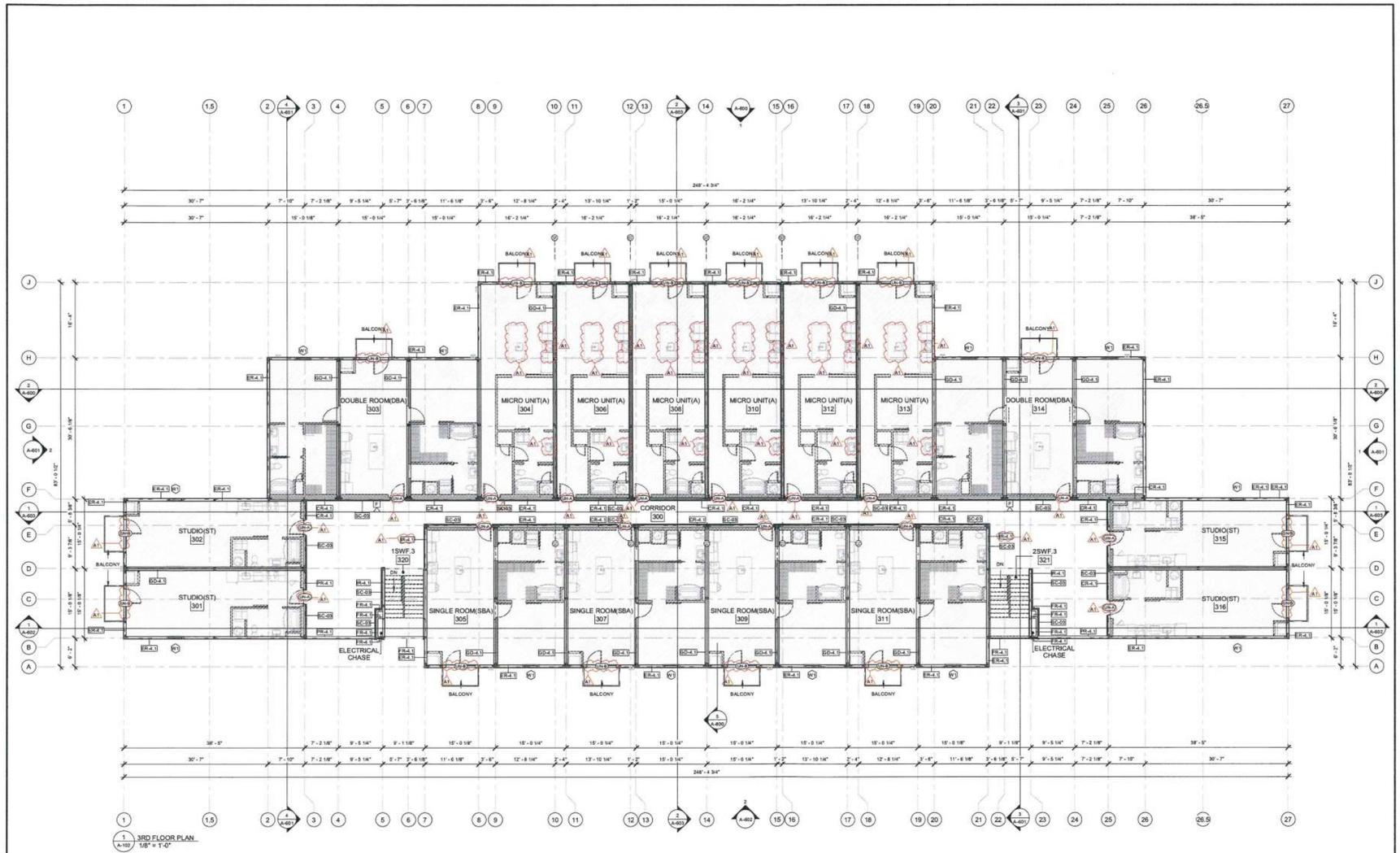
ISSUE NO	DELTA	ISSUE DATE	DESCRIPTION
2	A1	2020.05.28	ADDENDUM #1
1	A0	2020.05.01	ISSUED FOR NTA REVIEW

CURRENT ISSUE
ISSUED FOR NTA REVIEW

CURRENT ISSUE DATE: 2020.05.28
DRAWN BY: ST
CHECKED BY: JGC/JM
PROJECT NO: B4-179-1904

SHEET NAME
2ND FLOOR PLAN

DRAWINGS NO.
A-101



1 A-102 3RD FLOOR PLAN
1/8" = 1'-0"

GENERAL FLOOR PLAN NOTES

BASE4 NOTES

1. ALL DIMENSIONS TO FACE OF STUD UNLESS OTHERWISE NOTED
2. EXTERIOR AND CORRIDOR GRIDLINE ALIGNMENT IS ON FACE OF STUD UNLESS OTHERWISE NOTED
3. INTERIOR GRIDLINE ALIGNMENT IS ON CENTERLINE OF AIRGAP UNLESS OTHERWISE NOTED
4. INTERIOR DOORS TO BE MIN. OF 4" FROM ADJACENT WALLS AS SHOWN ON PLANS.
5. GYPSUM WALLBOARD CONTROL JOINTS TO BE 30'-0" MAX O.C. AND AT DOOR JAMBS FROM HEAD TO TERMINATION OF GYPSUM WALLBOARD.
6. REFER TO G-002 FOR ACCESSIBLE UNITS & COMMUNICATION ROOM NOTE.
7. REFER TO SHEETS STARTING ON A-400 FOR ENLARGED UNIT INFORMATION.
8. ROOF COVERING TO BE CLASS B
9. DATA PLATE AND TEXAS STATE INSIGNIA MUST BE LOCATED ON THE UNIT WHERE THEY WILL BE VISIBLE AFTER ERECTION. THIS MUST BE PERMANENTLY AFFIXED TO THE UNIT SO THAT THEY MAY NOT BE REMOVED WITHOUT DESTRUCTION OF THE INSIGNIA OR DATA PLATE.
10. GRAB BAR FOR ACCESSIBILITY USE SHOWN ON PLANS AND ELEVATION ARE OPTIONAL

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUC-O-FLEX	314 - WHETSTONE	
SC-03	STUC-O-FLEX	LIGHT GREY	
TS-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

SCOPE LEGEND

MODULAR SCOPE
SITE SCOPE
A1

BASE4
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Seal:

REGISTERED ARCHITECT STATE OF TEXAS

2020.05.28

Owner:

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ISSUE NO	DELTA	ISSUE DATE	DESCRIPTION
2	A1	2020.06.26	ADDENDUM #1
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SHEET NAME
3RD FLOOR PLAN

DRAWINGS NO.
A-102



1 A-400 REAR ELEVATION 1/8" = 1'-0"



2 A-400 SECTION 1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT. VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING.GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LIE OF FULL SIZE WINDOW.
3. ALL EXTERIOR VENTS, GRILLES, MECHANICAL LOUVERS AND EXTERIOR HOLLOW METAL DOORS TO BE FINISHED TO MATCH ADJACENT EXTERIOR MATERIAL.
4. ALL BUILDING PERMITS TO BE CONSISTENT WITH THE APPROVED SITE PLAN. THE PLANNING DEPARTMENT DOES NOT REVIEW BUILDING PERMIT PLAN SETS, SO IT IS THE DEVELOPER'S RESPONSIBILITY TO ENSURE THAT ELEVATIONS SUBMITTED IN THE BUILDING PERMIT SET MATCH THOSE APPROVED DURING THE SITE PLAN REVIEW PROCESS. IF THE ELEVATIONS DO NOT MATCH THOSE IN THE SITE PLAN, IT WILL DELAY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AT THE END OF CONSTRUCTION, AND MAY NECESSITATE MODIFICATIONS TO THE CONSTRUCTED BUILDING.
5. ALL VENT PIPES, ETC. EXTENDING ABOVE THE ROOF SURFACE MUST BE PAINTED A COLOR THAT BLENDS WITH THE ROOF COLOR.
6. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUCO-O-FLEX	314 - WHETSTONE	
SC-03	STUCO-O-FLEX	LIGHT GREY	
TS-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

GENERAL BUILDING SECTION NOTES

1. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

SCOPE LEGEND

MODULAR SCOPE
SITE SCOPE

NOTE: FOR **ENERGY CODE INFORMATION** REFER TO SHEET G-003

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Seal:

REGISTERED ARCHITECT STATE OF TEXAS 29195

2020.05.28

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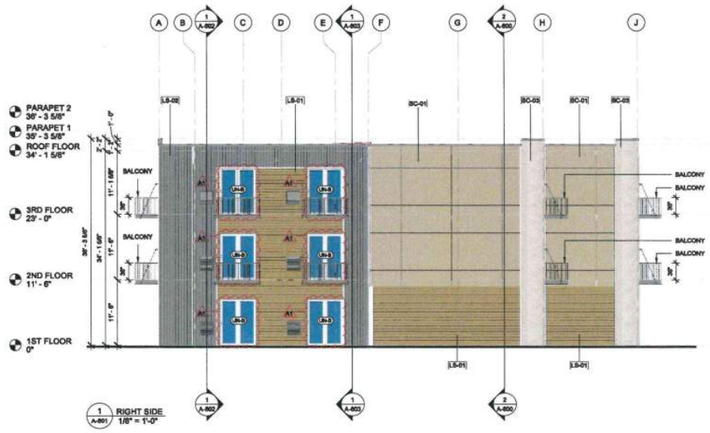
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CHECKED BY
JG/CJM

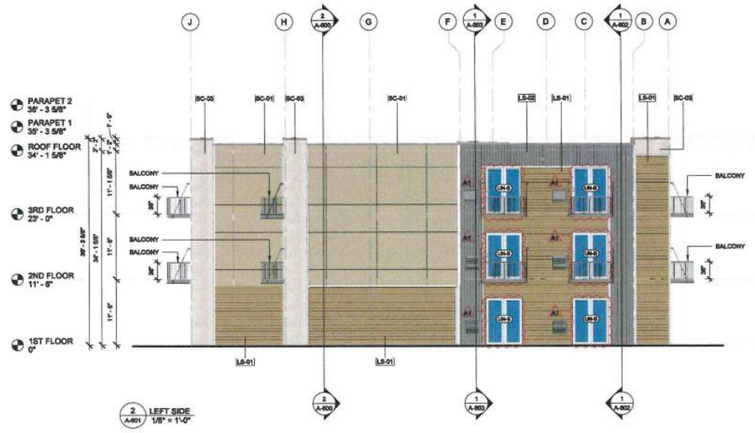
PROJECT NO.
B4-179-1904

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-1

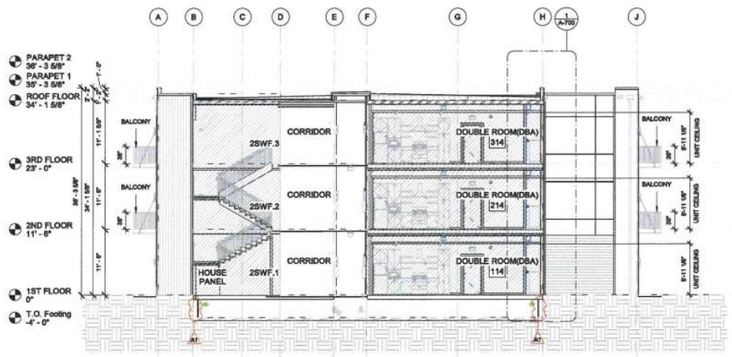
DRAWINGS NO.
A-600



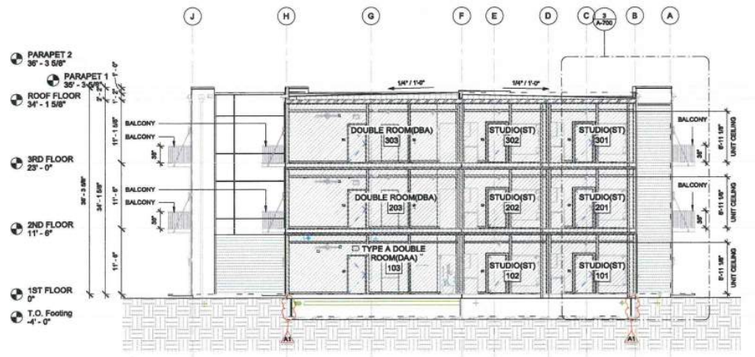
1 RIGHT SIDE
A-601 1/8" = 1'-0"



2 LEFT SIDE
A-601 1/8" = 1'-0"



3 BUILDING SECTION
A-601 1/8" = 1'-0"



4 BUILDING SECTION
A-601 1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT.VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING.GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LIEU OF FULL SIZE WINDOW.
3. ALL EXTERIOR VENTS, GRILLES, MECHANICAL LOUVERS AND EXTERIOR HOLLOW METAL DOORS TO BE FINISHED TO MATCH ADJACENT EXTERIOR MATERIAL.
4. ALL BUILDING PERMITS TO BE CONSISTENT WITH THE APPROVED SITE PLAN. THE BUILDING DEPARTMENT DOES NOT REVIEW BUILDING PERMIT PLAN SETS, SO IT IS THE DEVELOPER'S RESPONSIBILITY TO ENSURE THAT BUILDING CD SUBMITTED IN THE BUILDING PERMIT SET MATCH THOSE APPROVED DURING THE SITE PLAN REVIEW PROCESS. IF THE ELEVATIONS DO NOT MATCH THOSE IN THE SITE PLAN, IT WILL DELAY THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AT THE END OF CONSTRUCTION, AND MAY NECESSITATE MODIFICATIONS TO THE CONSTRUCTED BUILDING.
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6. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
LS-01	JAMES HARDIE - LAP SIDING	HORIZONTAL LAP SIDING	
LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
SC-01	STUCO-O-FLEX	314 - WHETSTONE	
SC-02	STUCO-O-FLEX	LIGHT GREY	
TS-01	JAMES HARDIE	HARDIE TRIM - TRIM WHITE	

GENERAL BUILDING SECTION NOTES

1. ARCHITECTURAL FINISH FLOOR ELEVATIONS REFER TO TOP OF FINISH FLOOR ASSEMBLY. SEE STRUCTURAL DWGS FOR TOP OF STRUCTURE AND BEARING HEIGHT ELEVATIONS

NOTE: FOR **ENERGY CODE INFORMATION** REFER TO SHEET G-003

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Seal:

2020.05.28

Owner:

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1	A0	2020.06.01	ISSUED FOR NTA REVIEW

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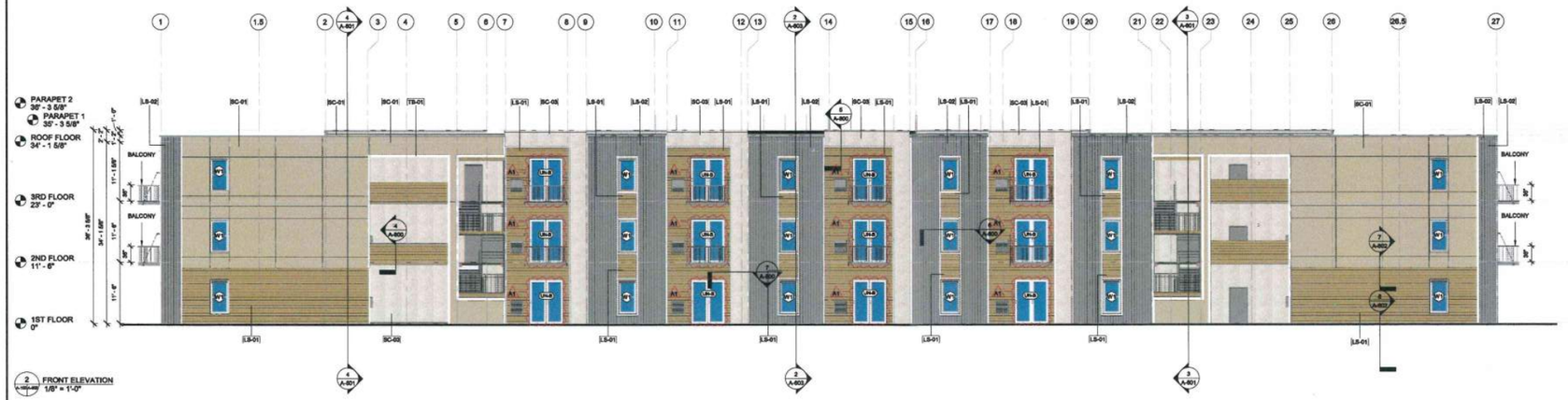
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JGC/JM

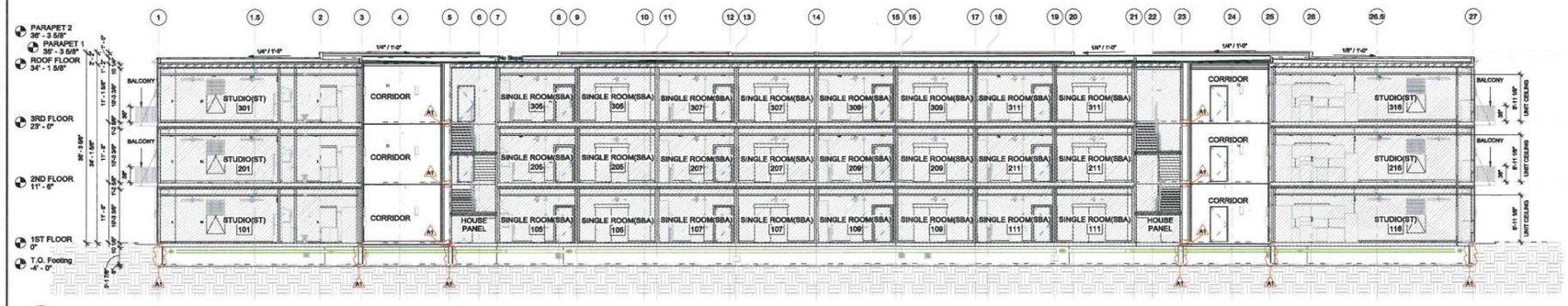
PROJECT NO.
B4-179-1904

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-2

DRAWINGS NO.
A-601



2 FRONT ELEVATION
1/8" = 1'-0"



1 BUILDING SECTION
1/8" = 1'-0"

GENERAL ELEVATION NOTES

1. REVIEW ALL SIGHTLINES AROUND PROPERTY BEFORE LOCATING ROOFTOP EQUIPMENT. VERIFY ALL EQUIPMENT IS ADEQUATELY SCREENED.
2. GC TO PROVIDE A MOCK WALL SHOWING A FULL WINDOW INSTALL WITH FLASHING GC CAN USE A PROPORTIONALLY SCALED DOWN WINDOW IN LIEU OF FULL SIZE WINDOW.
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EXTERIOR FINISH LEGEND

MARK	MATERIAL-BRAND	MATERIAL & FINISH	MATERIAL IMAGE
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LS-02	JAMES HARDIE - LAP SIDING	VERTICAL LAP SIDING - NIGHT GRAY	
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GENERAL BUILDING SECTION NOTES

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Seal:

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RICARDO J. MUNIZ
No. 29109
STATE OF TEXAS

2020.05.28

Owner:

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1	A0	2020.06.01	ISSUED FOR NTA REVIEW

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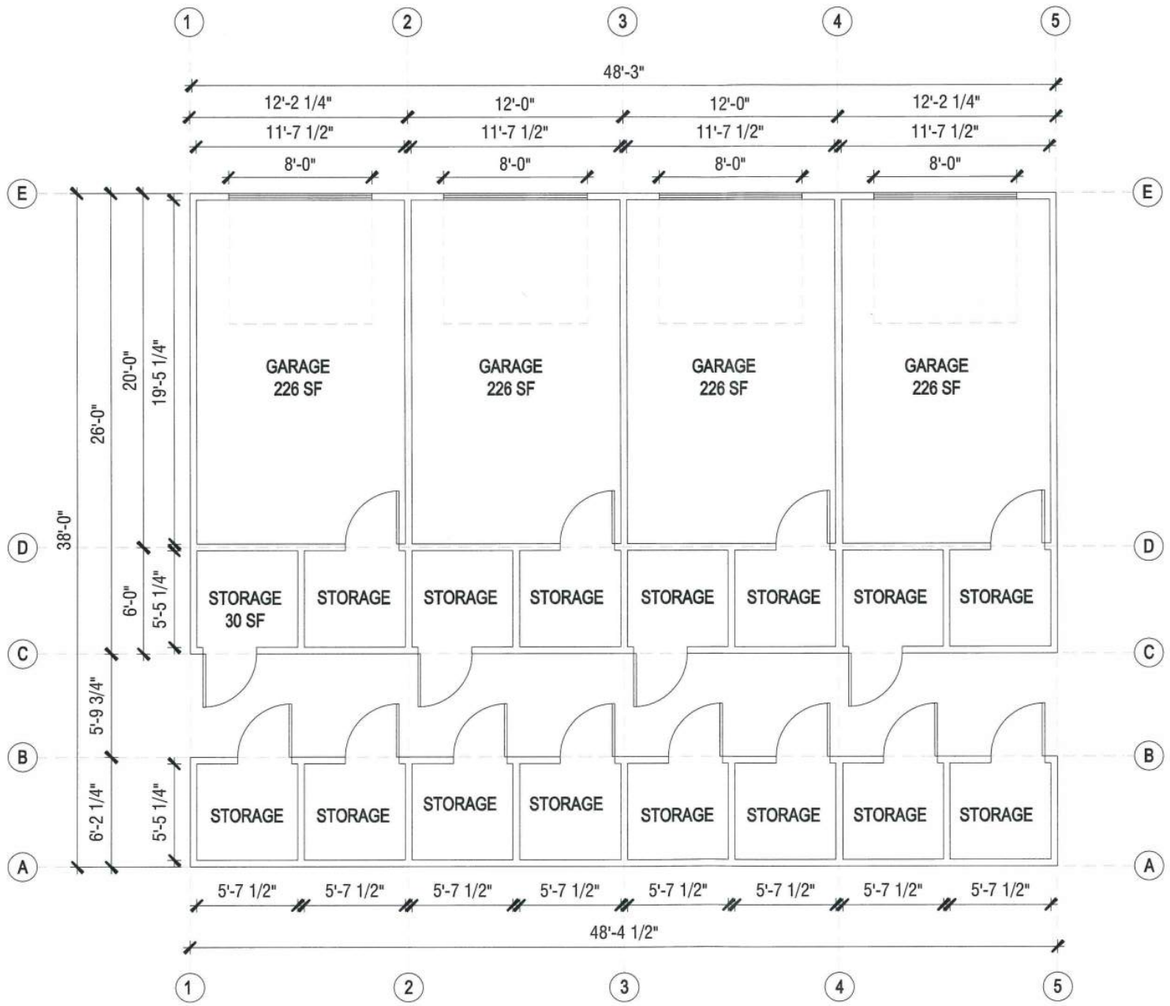
CHECKED BY
JGC/JM

PROJECT NO.
B4-179-1904

SHEET NAME
EXTERIOR ELEVATION & BUILDING SECTION-3

DRAWINGS NO.
A-602

PROJECT MATRIX - STANDARD		
ROOM MATRIX		
ROOM TYPE	1ST	SF
GARAGE	4	226
STORAGE	16	30
GRAND TOTAL	20	256
FLOOR AREA (SF)		
1ST LEVEL FLOOR PLAN		1,838
TOTAL		1,838



1 GARAGE - STANDARD
SCALE: 1/3"=1'-0"

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Architects|Engineers Interiors

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BOCA RATON, FLORIDA 33496
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Owner:

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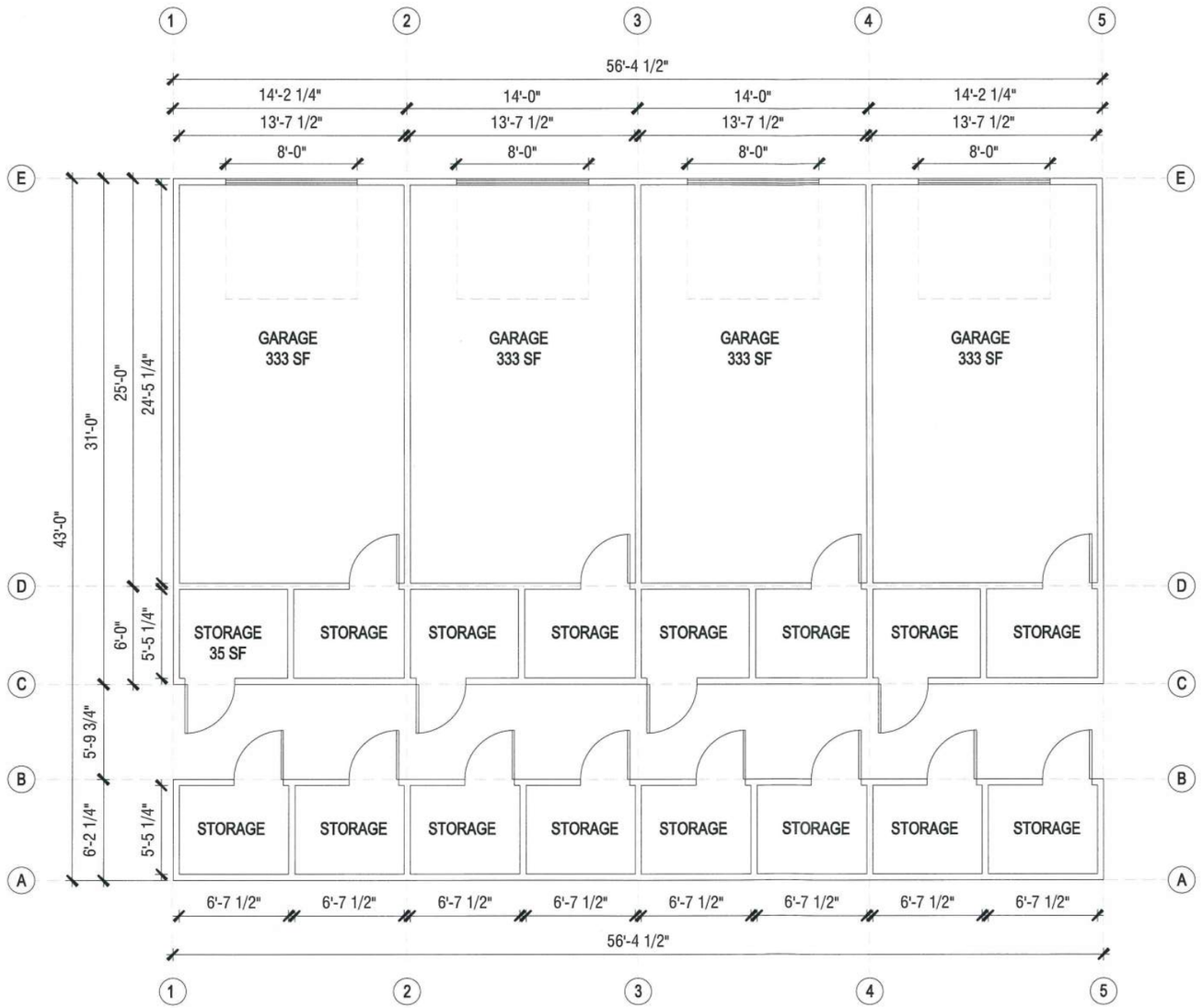
THE TENLEY
MIDLAND,TX

No.	ISSUE DATE	PROJECT STATUS

DATE	2020.06.11
DRAWN BY	SAB
CHECKED BY	DH
SCALE	AS NOTED
PROJECT NO.	B4-179-1906

SHEET NAME
FLOOR PLANS

DRAWING NO.
A2.1



1 GARAGE - OVERSIZED
SCALE: 1/3"=1'-0"

PROJECT MATRIX - OVERSIZED		
ROOM MATRIX		
ROOM TYPE	1ST	SF
GARAGE	4	333
STORAGE	16	35
GRAND TOTAL	20	868
FLOOR AREA (SF)		
1ST LEVEL FLOOR PLAN		2,424
TOTAL		2,424

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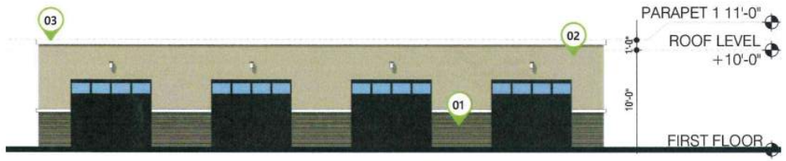
THE TENLEY
MIDLAND,TX

No.	ISSUE DATE	PROJECT STATUS

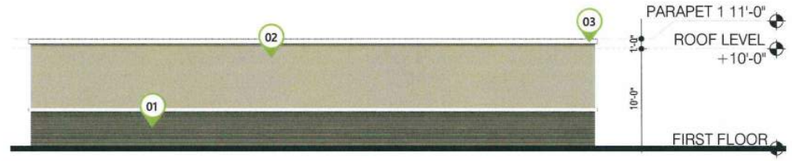
DATE	2020.06.11
DRAWN BY	SAB
CHECKED BY	DH
SCALE	AS NOTED
PROJECT NO.	B4-179-1906

SHEET NAME
FLOOR PLANS

DRAWING NO.
A2.2



3 ELEVATION 3
SCALE: 3/16"= 1'-0"



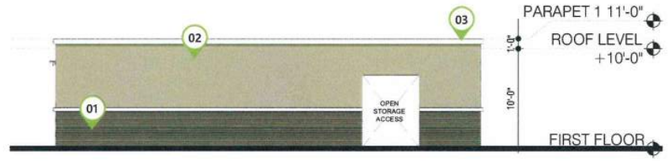
4 ELEVATION 4
SCALE: 3/16"= 1'-0"

LEGEND-EXTERIOR FINISHES

MARK	MTL-BRAND	FINISH-COLOR	IMAGE
01	JAMES HARDIE LAP SIDING	HORIZONTAL LAP SIDING	
02	STUC-O-FLEX	314-WHETSTONE	
03	JAMES HARDIE	HARDIE TRIM-TRIM WHITE	



1 ELEVATION 1
SCALE: 3/16"= 1'-0"



2 ELEVATION 2
SCALE: 3/16"= 1'-0"

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Seal

Owner:

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THE TENLEY-GARAGES
MIDLAND,TX

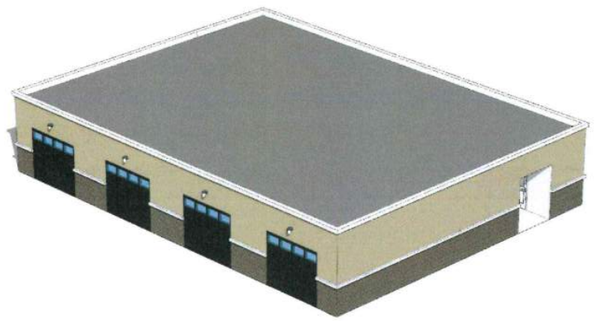
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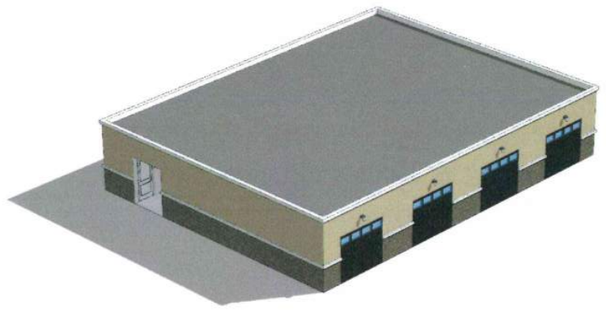
DATE	2020.06.19
DRAWN BY	AZ
CHECKED BY	DH
SCALE	AS NOTED
PROJECT NO.	B4-179-1906

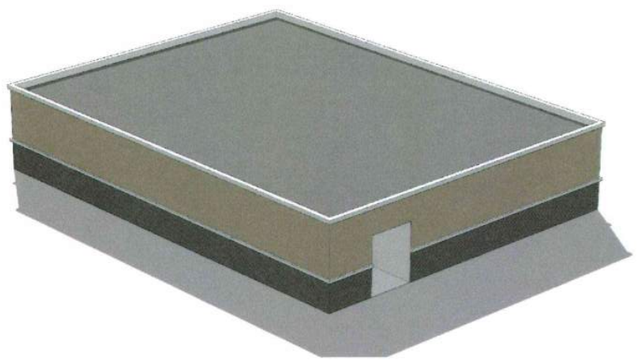
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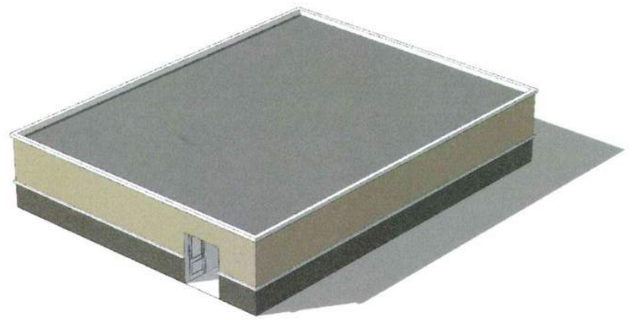
ELEVATIONS

DRAWING NO.
A3.1









BASE4
Architects Engineers Interiors

BASE4
2901 CLINT MOORE ROAD #114
BOCA RATON, FLORIDA 33496
www.base-4.com

Seal

Owner:

ZModular
A DIVISION OF BERGMAN INDUSTRIES

THE TENLEY-GARAGES
MIDLAND,TX

No.	ISSUE DATE	PROJECT STATUS

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DRAWN BY	AZ
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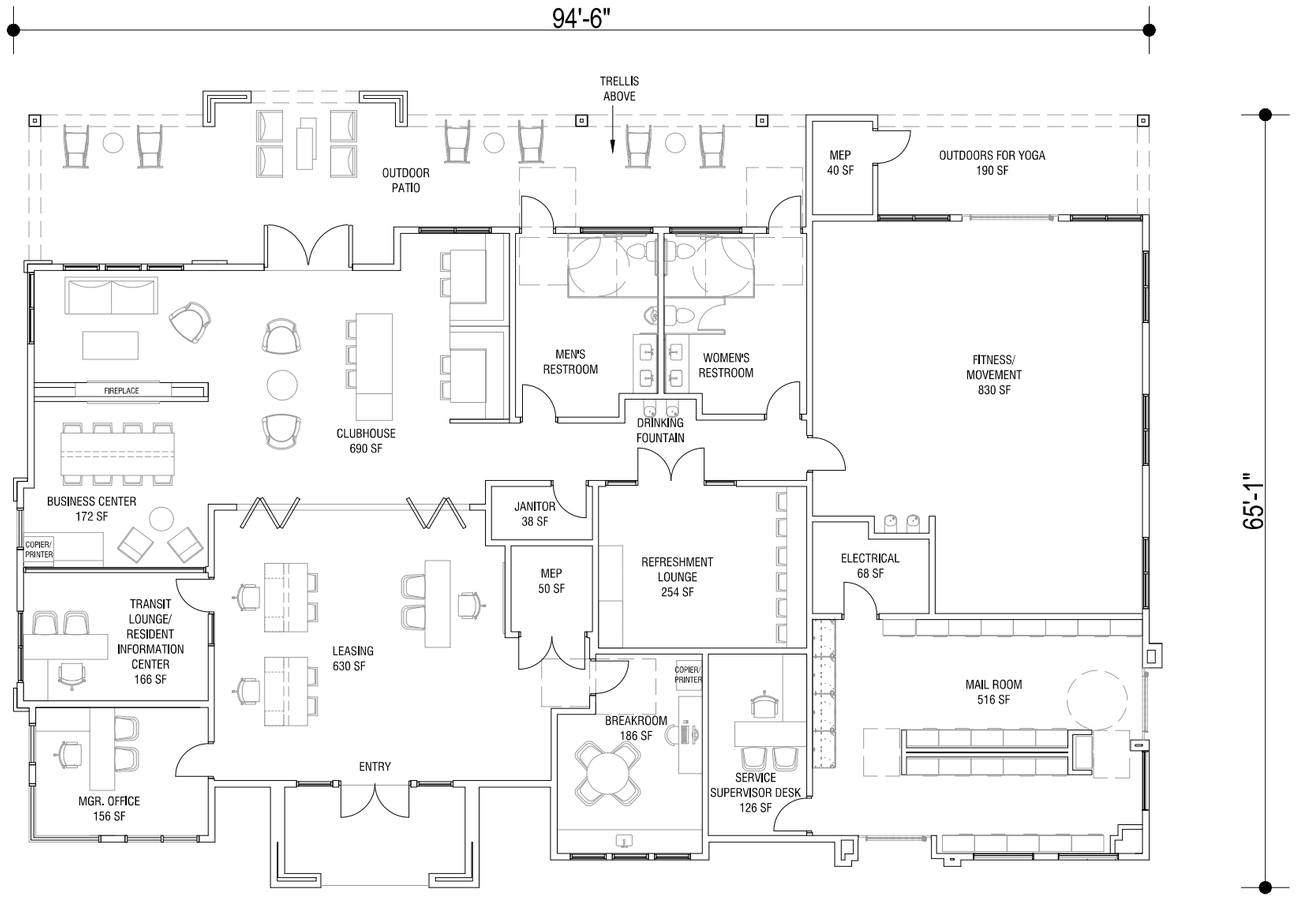
SHEET NAME

VIEWS

DRAWING NO.

A3.2

PROJECT MATRIX	
FLOOR AREA (SF)	
CURRENT CLUB-HOUSE AREA	4,908
PREVIOUS CLUBHOUSE AREA	6,414
TOTAL	-1,506



1 FIRST FLOOR PLAN
SCALE: 3/16"=1'-0"

BASE4
Architects | Engineers | Interiors

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BOCA RATON, FLORIDA 33496
www.base-4.com

Seal

Owner:

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Z MODULAR

CLUBHOUSE
MIDLAND, TX

No.	ISSUE DATE	PROJECT STATUS

DATE	2020.07.01
DRAWN BY	SD
CHECKED BY	DH
SCALE	AS NOTED
PROJECT NO.	B4-179-1906 (A)

SHEET NAME
FLOOR PLANS OPTION-2

DRAWING NO.
A2.1

PACKET
26.96
August 25, 2020

LEGEND-EXTERIOR FINISHES			
MARK	MTL-BRAND	FINISH-COLOR	IMAGE
01	LAP SIDING JAMES HARDIE		
03	STUCCO-STO		
04	LAP SIDING JAMES HARDIE	NIGHT GRAY LINE	
05	STUCCO	SW-7001 MARSHMALLOW	



2 RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

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Z MODULAR

CLUBHOUSE
MIDLAND, TX

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PROJECT NO.	B4-179-1906 (A)
SHEET NAME	

ELEVATIONS

DRAWING NO.
A3.1

PACKET
26.97
August 25, 2020

LEGEND-EXTERIOR FINISHES			
MARK	MTL-BRAND	FINISH-COLOR	IMAGE
01	LAP SIDING JAMES HARDIE		
03	STUCCO-STO		
04	LAP SIDING JAMES HARDIE	NIGHT GRAY LINE	
05	STUCCO	SW-7001 MARSHMALLOW	



2 LEFT ELEVATION
SCALE: 3/16" = 1'-0"



1 REAR ELEVATION
SCALE: 3/16" = 1'-0"

BASE4
Architects | Engineers | Interiors

BASE4
2901 CLINT MOORE ROAD #114
BOCA RATON, FLORIDA 33496
www.base-4.com

Seal

Owner:

Z Modular
A DIVISION OF ZEKELMAN INDUSTRIES

Z MODULAR

CLUBHOUSE
MIDLAND, TX

No.	ISSUE DATE	PROJECT STATUS

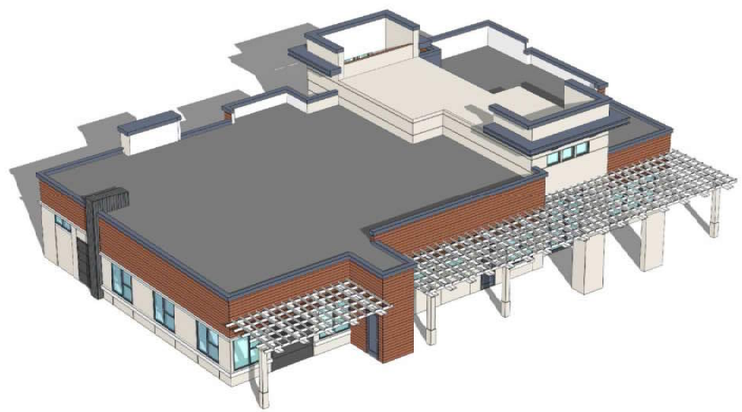
DATE	2020.07.01
DRAWN BY	AZ
CHECKED BY	DH
SCALE	AS NOTED
PROJECT NO.	B4-179-1906 (A)
SHEET NAME	

ELEVATIONS

DRAWING NO.
A3.2

PACKET
26.98
August 25, 2020









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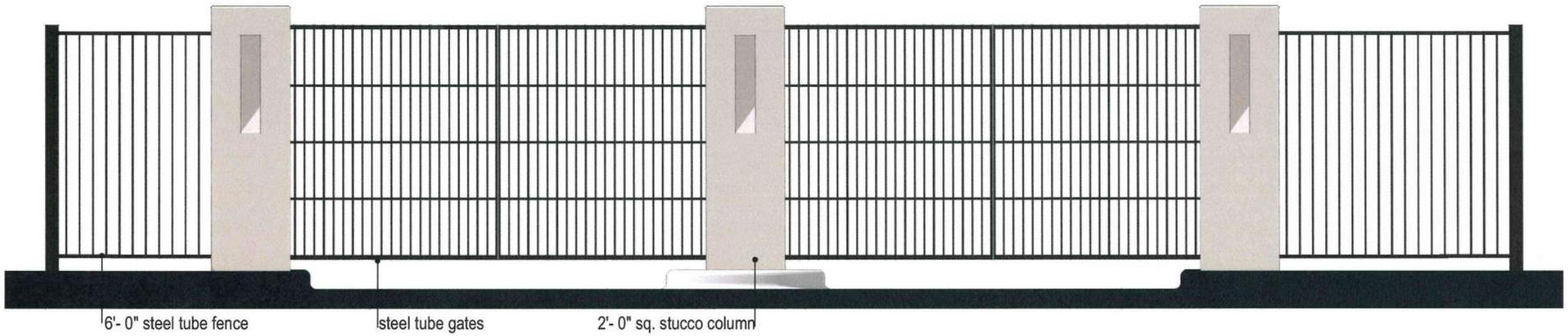
SHEET NAME

VIEWS

DRAWING NO.

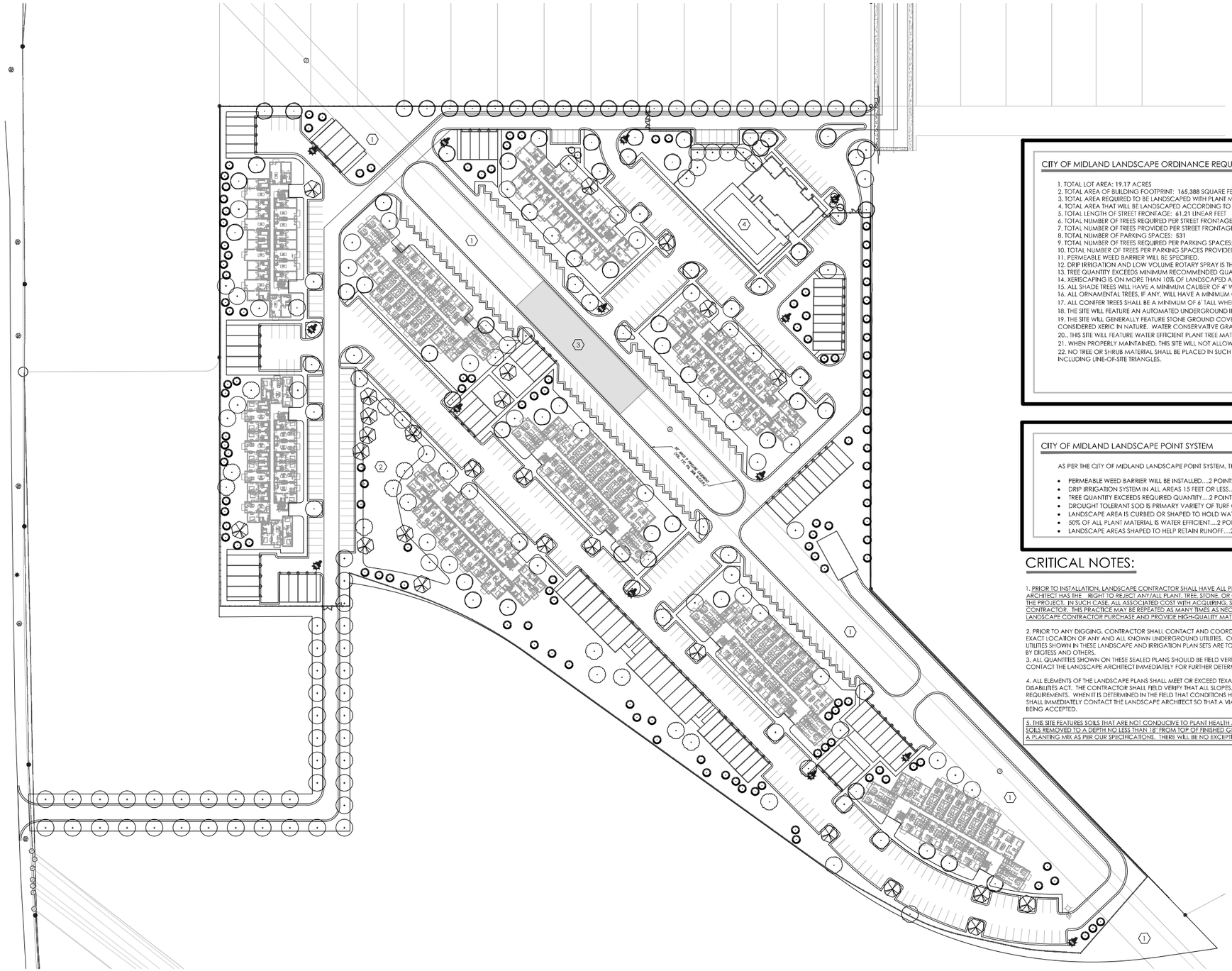
A3.3

PACKET
26.99
August 25, 2020



TENLEY GATED ENTRY

concept elevation


1
2
3
4
1
1
1

LANDSCAPE NOTES:

1. VERIFY EXISTING SITE INFORMATION, INCLUDING STRUCTURES, UTILITIES, PROPERTY LINES, LIMITS OF ROADWAYS, AND CURB/GUTTERS, THAT MAY EFFECT THE SCOPE OF WORK PRIOR TO BEGINING SITE CONSTRUCITON.

2. EXISTING UTILITIES ARE INDICATED FOR INFORMATION ONLY AND NOT INTENDED TO SHOW EXACT LOCATION. THE OWNER'S REPRESENTATIVE IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES WHETHER OR NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACT. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND MAINTAIN THE LOCATION DURING ALL PHASES OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR STRUCTURES AND ANY INJURIES THEREFROM. RESTORATION OF ANY UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE AT THE CONTRACTORS EXPENSE TO THE SATISFACTION OF THE OWNER.

3. THE CONTRACTOR SHALL TAKE ALL NECESSARY STEPS AS REQUIRED TO PROPERLY PROTECT AND MAINTAIN HIS WORK FOR THE DURATION OF THIS CONTRACT. EQUIPMENT SHALL BE REMOVED OR SECURELY AFFIXED TO SITE AT END OF WORK DAY. DAMAGE OR THEFT OF EQUIPMENT IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR, AND ANY INJURY OR OTHER LIABILITY ARISING FROM EQUIPMENT OR MATERIALS LEFT OR STORED ON SITE SHALL SOLELY BE THE RESPONSIBILITY OF THE CONTRACTOR.

4. PROVIDE WRITTEN NOTIFICATION OF ALL DISCREPANCIES BETWEEN EXISTING AND PROPOSED SITE IMPROVEMENTS.

5. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY IN WHICH THE PROJECT IS LOCATED, AND THE STATE OF TEXAS.

6. ANYTHING MENTIONED IN THE TECHNICAL SPECIFICATIONS AND NOT SHOWN ON THE DRAWINGS, OR SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE TECHNICAL SPECIFICATIONS SHALL BE OF LIKE EFFECT AS IF SHOWN OR MENTIONED IN BOTH. IN CASE OF A DISCREPANCY BETWEEN THE DRAWINGS AND TECHNICAL SPECIFICATIONS, THE MATTER SHALL BE IMMEDIATELY SUBMITTED TO THE OWNERS REPRESENTATIVE, WITHOUT HIS DECISIONS, SAID DISCREPENCY SHALL NOT BE ADJUSTED BY THE CONTRACTOR, SAVE ONLY AT HIS OWN RISK AND EXPENSE.

7. CONTRACTOR SHALL STAKE OUT PLAN TO ITS FULL EXTENT AND SHALL OBTAIN THE APPROVAL OF THE LANDSCAPE ARCHITECT AND OWNER, MAKING MODIFICATIONS AS REQUIRED PRIOR TO PROCEEDING WITH THE WORK.

8. NOTES AND DETAILS ON SPECIFIED DRAWINGS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS. GRAPHIC QUANTITIES DRAWIN TAKE PRECEDENCE OVER WRITTEN QUANTITY ESTIMATES.

9. ALL FINISHED GRADES SHALL PROVIDE FOR NATURAL RUNOFF OF WATER WITHOUT LOW SPOTS OR POCKETS. UNLESS SPECIFICALLY DRAWN AND DETAILED, ALL FLOW SHALL BE AWAY FROM ALL STRUCTURES OR PLAYING FIELDS ON SITE, AND SHALL NOT CROSS SIDEWALKS OR OTHER PEDESTRIAN FLOW AREAS.

10. HOLD FINISHED GRADES FOR PLANTING LAWN AREAS 1.5" BELOW TOP OF ADJACENT PAVEMENT. ALL FINISHED GRADES FOR PLANTING BEDS SHALL BE HELD AT 3" BELOW TOP OF ADJACENT PAVEMENT.

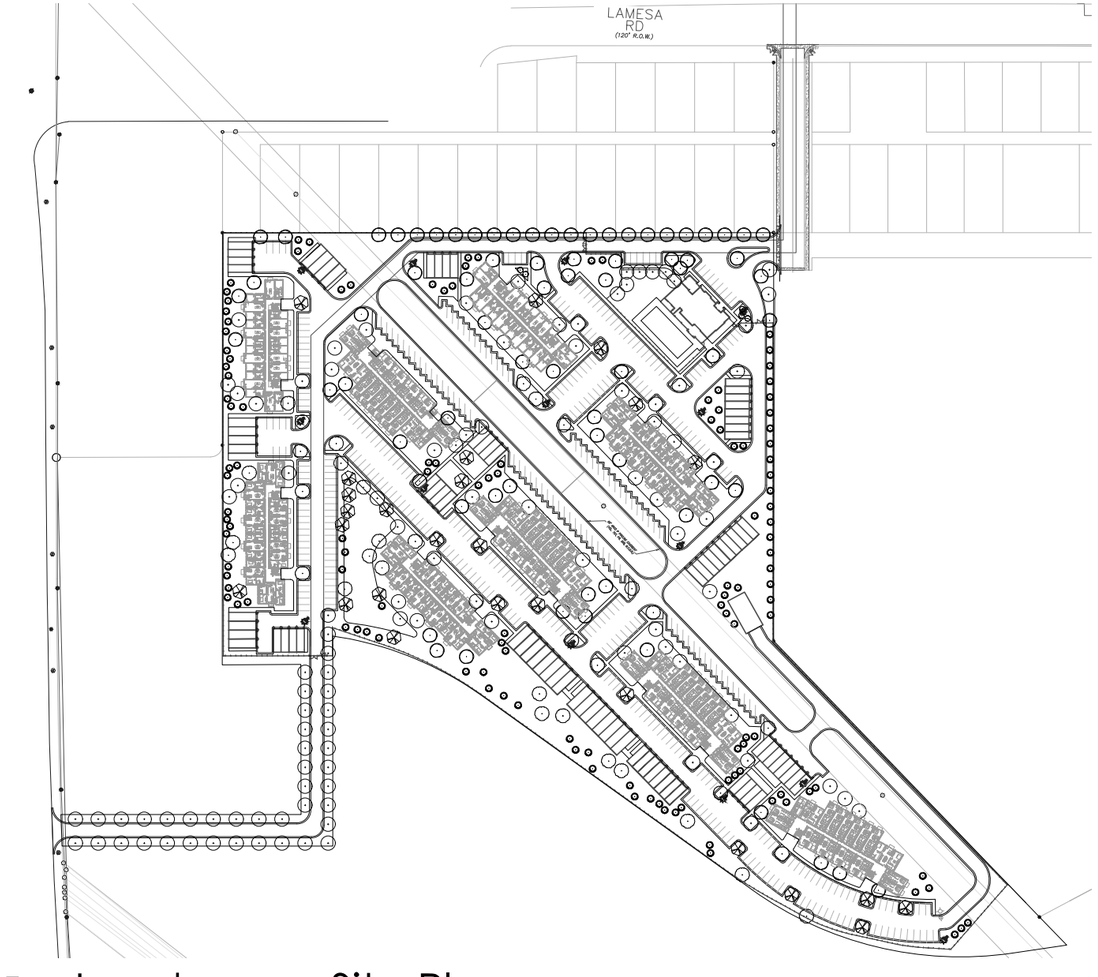
11. GRADUALLY ROUND OFF TOPS AND TOES OF ALL PLANTED SLOPES TO PRODUCE A SMOOTH ARCHITECTURAL TRANSITION BETWEEN RELATIVELY LEVEL AREAS AND SLOPES, UNLESS SPECIFICALLY DETAILED IN THE LANDSCAPE GRADING DETAILS.

12. GRADES SHOWN ARE FINISHED GRADES. SUBGRADES NEEDED TO ATTAIN FILL OR TOPSOIL PLACEMENT ARE NOT REFLECTED.

13. IF USED IN THE PLAN, ALL RETAINING WALL TOPS ARE LEVEL UNLESS OTHERWISE INDICATED.

14. PLANS DO NOT INDICATE ALL SLEEVE LOCATIONS! SLEEVES AND CONDUITS SHALL BE INSTALLED 18" BELOW ANY PAVEMENT, AND UNDER ALL SIDEWALKS OR PAVEMENT AREAS WHICH ARE WIDER THAN 48 INCHES. INSTALLING SUCH SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR WHO SHALL COORDINATE HIS WORK WITH ALL TRADES WHO MAY NEED SLEEVE ACCESS. UNLESS OTHERWISE INDICATED, ALL SLEEVES SHALL BE 4" SCHEDULE 40 PVC, AND SHALL EXTEND A MINIMUM OF 12" BEYOND THE PAVEMENT. WHERE MAINLINES ARE 3" OR LARGER, SLEEVES SHALL BE 6" SCHEDULE 40 PVC. ENDS SHALL BE CLEARLY MARKED WITH FLAGGING TAPE, PIPE, SURVEY FLAGS, OR OTHER SEMI-PERMANENT MARK.

15. UNLESS SPECIFICALLY INDICATED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE, AND RESTORATION OF ANY ELECTRICAL, IRRIGATION AND DRAINAGE SYSTEMS ON SITE.



01 Landscape Site Plan

1" = 100'

CRITICAL NOTES:

1. PRIOR TO INSTALLATION, LANDSCAPE CONTRACTOR SHALL HAVE ALL PLANT AND TREE MATERIAL REVIEWED IN A LOCAL NURSERY/HOLDING AREA. LANDSCAPE ARCHITECT HAS THE RIGHT TO REJECT ANY/ALL PLANT, TREE, STONE, OR OTHER CONSTRUCTION MATERIALS IF HE FEELS THAT THEY DO NOT MEET THE INTENDED QUALITY OF THE PROJECT. IN SUCH CASE, ALL ASSOCIATED COST WITH ACQUIRING, SHIPPING, AND INSTALLING NEW MATERIAL SHALL SOLELY BE AT THE COST OF THE LANDSCAPE CONTRACTOR. THIS PRACTICE MAY BE REPEATED AS MANY TIMES AS NECESSARY IN ORDER TO ACHIEVE THE DESIRED QUALITY. THEREFORE, IT IS CRITICAL THAT THE LANDSCAPE CONTRACTOR PURCHASE AND PROVIDE HIGH-QUALITY MATERIAL UPON SUCCESSFUL BIDDING AND AWARD OF THE PROJECT.

2. PRIOR TO ANY DIGGING, CONTRACTOR SHALL CONTACT AND COORDINATE WITH 1-800-DIG-TESS. www.DIGTESS.COM, IN ORDER TO VERIFY EXISTENCE AND DETERMINE EXACT LOCATION OF ANY AND ALL KNOWN UNDERGROUND UTILITIES. CONTRACTOR SHALL NOT DIG PRIOR TO DIGTESS SITE RESULTS AND MARKINGS. ALL UNDERGROUND UTILITIES SHOWN IN THESE LANDSCAPE AND IRRIGATION PLAN SETS ARE TO BE CONSIDERED DIAGRAMMATIC AND GENERAL IN LOCATION PRIOR TO EXACT DETERMINATION BY DIGTESS AND OTHERS.

3. ALL QUANTITIES SHOWN ON THESE SEALED PLANS SHOULD BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BIDDING. WHERE DISCREPANCIES ARISE, CONTRACTOR TO CONTACT THE LANDSCAPE ARCHITECT IMMEDIATELY FOR FURTHER DETERMINATION ON QUANTITIES TO BE PLACED IN THE FIELD.

4. ALL ELEMENTS OF THE LANDSCAPE PLANS SHALL MEET OR EXCEED TEXAS ACCESSIBILITY STANDARDS AS WELL AS STANDARDS SET FORTH BY THE AMERICANS WITH DISABILITIES ACT. THE CONTRACTOR SHALL FIELD VERIFY THAT ALL SLOPES, DISTANCES, OR OTHER MEASUREMENTS AND STANDARDS MEET STATE AND FEDERAL ACCESSIBILITY REQUIREMENTS. WHEN IT IS DETERMINED IN THE FIELD THAT CONDITIONS HAVE INFLUENCED THE CAPACITY OF THE DESIGN TO MEET THESE STANDARDS, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE LANDSCAPE ARCHITECT SO THAT A VIABLE SOLUTION CAN BE AGREED UPON. FAILURE TO DO SO MAY RESULT IN THE PROJECT NOT BEING ACCEPTED.

5. THIS SITE FEATURES SOILS THAT ARE NOT CONDUCIVE TO PLANT HEALTH AND GROWTH. ALL SOILS IN ALL PLANTING BEDS MUST BE EXCAVATED AND HAVE THEIR EXISTING SOILS REMOVED TO A DEPTH NO LESS THAN 18" FROM TOP OF FINISHED GRADE. NEW SANDY-LOAM TOPSOILS SHALL THEN BE BROUGHT ONTO SITE AND PREPARED WITH A PLANTING MIX AS PER OUR SPECIFICATIONS. THERE WILL BE NO EXCEPTION TO THIS ITEM.

GENERAL PLANTING KEYS

TREE PLANTING KEY (TOTALS)

PLAN INDEX	COMMON NAME	SCIENTIFIC NAME	QTY.	SIZE	DESCRIPTION
1	CEDAR ELM	Ulmus crassifolia	?	8" caliper	B&B w/min. 72" dia. root ball. Lowest limb at 6' from grade. Min. 20' high x 12' wide matching canopys.
2	CEDAR ELM	Ulmus crassifolia	?	10" caliper	B&B w/min. 72" dia. root ball. Lowest limb at 6' from grade. Min. 24' high x 13' wide matching canopys.
3	LIVE OAK	Quercus virginiana	?	6" caliper	Container grown in min. 6' boxed root ball container. Min. 15' high x 12' wide w/matching canopys.
4	LACEBARK ELM	Ulmus parvifolia	?	4" caliper	Container grown in min. 95 gallon root ball container. Min. 12' high x 12' wide w/matching canopys.
5	BRADFORD PEAR	Pyrus calleryana 'Bradford'	?	2" caliper	Container grown in min. 45 gallon root ball container. Min. 10' high x 30" wide w/matching canopys.
6	REDBUD	Cercis canadensis 'Texensis'	?	3" caliper	Container grown in min. 45 gallon root ball container. Min. 8' high x 48" wide single trunk.
7	DESERT WILLOW	Chilopsis linearis	?	3" caliper	Container grown in min. 45 gallon root ball container. Min. 10' high x 54" wide single trunk.
8	CHINESE PISTACHE	Pistacia chinensis	?	4" caliper	Container grown in min. 95 gallon root ball container. Min. 12' high x 54" wide w/very full canopy.
9	ELDARICA PINE	Pinus eldarica	?	8' tall	Container grown in min. 30 gallon root ball container. Non-sheared. Free of pine tip moth traces.

SHRUB PLANTING KEY (TOTALS)

PLAN INDEX	COMMON NAME	SCIENTIFIC NAME	QTY.	SIZE	SPACING AND DESCRIPTION
1	TAMS JUNIPER	Juniperus sabina 'Tamariscifolia'	?	1 gallon	Space at 36" on center. Min. 10" high x 12" wide. Well rooted. Very full top.
2	RED YUCCA	Hesperaloe parviflolia	?	5 gallon	Space at 30" on center. Min. 14" high x 16" wide. Well rooted. Very full top.
3	HAMELN FOUNTAIN GRASS	Pennisetum alopecuroides 'Hameln'	?	5 gallon	Space at 30" on center. Min. 12" tall x 14" wide. Well rooted. Very full top.
4	SILVERADO SAGE	Leucophyllum frutescens 'Silverado'	?	5 gallon	Space at 36" on center. Min. 20" tall x 18" wide. Well rooted. Very full top.
5	SALVIA GREGGII	Salvia greggii 'Coral'	?	3 gallon	Space at 30" on center. Min. 16" tall x 14" wide. Well rooted. Very full top.
6	SNOW WHITE HAWTHORN	Raphiolepsis indica 'Snow White'	?	5 gallon	Space at 36" on center. Min. 20" tall x 24" wide. Well rooted. Very full top.
7	MAIDENHAIR GRASS	Miscanthus sinensis 'Gracillimus'	?	5 gallon	Space at 36" on center. Min. 30" tall x 24" wide. Well rooted. Very full top.
8	LANTANA	Lantana 'Spreading Sunset'	?	1 gallon	Space at 18" on center. Approved equal may be subst. Min. 8" high x 16" wide. Very full top w/even runners.
9	BIG BLUE LILLY TURF	Liriope muscari 'Big Blue'	?	4" pot	Space at 6" on center. Min. 6" tall x 4" wide. Well rooted. Very full top.
10	DWARF YAUPON HOLLY	Ilex vomitoria "Stokes"	?	5 gallon	Space at 30" on center. Min. 15" tall x 15" wide. Well rooted. Very full top.

GENERAL POOL NOTES:

*CONTRACTOR TO PROVIDE FULL SUBMITTAL SHEETS ON ALL POOL EQUIPMENT, AND SHALL BE RESPONSIBLE FOR PROVIDING SCHEMATIC PLUMBING ROOM EQUIPMENT LAYOUTS AS WELL AS ALL PLUMBING LINE LAYOUTS. DURING CONSTRUCTION, CONTRACTOR SHALL ACCURATELY NOTE ALL LINE AND VALVE LAYOUTS. FULL AND ACCURATE AS-BUILTS TO BE PROVIDED AT CLOSE-OUT. ALL AS-BUILT SHEETS SHALL ALSO BE SCALED AS NEEDED TO LANDMARKS AND PERMANENTLY MOUNT ON OPEN WALL OF OWNER'S OFFICE OR IN PERMANENT STORAGE FILE.

ELEVATIONS INSIDE OF POOL ARE TOTAL ACTUAL WATER DEPTH. SEE CIVIL FOR DECK DRAINAGE AND DETAILS.

ALL CONCRETE USED FOR POOL SHELL SHALL BE A MINIMUM OF 4,000 PSI AFTER 28 DAYS OF CURING. ALL POOL AND FOUNTAIN SHELLS SHALL BE REINFORCED WITH #4 REBAR WITH 8" X 8" O.C. SPACING THROUGHOUT. CONTRACTOR TO USE GROUNDING METHOD APPROVED BY THE CITY OF MIDLAND TO GROUND POOL BEAM, COPING, AND DECKING AS REQUIRED.

POOL EQUIPMENT LIST:

640-4720 12" X 36" VGB COMPLIANT FRAME AND GRATE AS MANUFACTURED BY WATERWAY OR APPROVED EQUAL.
SP-1057 W/SP-1055 COLLECTOR HYDRO-RELIEF VALVE BY HAYWARD OR APPROVED EQUAL.
18" X 18" X 18" MAIN DRAIN SUMPS BY PENTAIR.
THS 4284 42" O.D. HORIZONTAL H.R.S. FILTER W/ALL GAUGES AND VALVES. FILTER BY PENTAIR OR APPROVED EQUAL.
PUMP FOR POOL AND SCUPPERS TO BE PENTAIR 2 HP. WHISPER-FLOWS OR APPROVED EQUAL. VERIFY SIZE REQUIREMENTS.
CP-30600P, 6" 250 - 1050 GPM FLOW METER BY BLUE WHITE OR APPROVED EQUAL.
PRESSURE GAUGE TO BE 2 1/2" FACE, 0-60 PSI BY BLUE WHITE OR APPROVED EQUAL.
VACUUM GAUGE TO BE 2 1/2" FACE, 0-30" VACUUM BY BLUE WHITE OR APPROVED EQUAL.
CHLORINATOR TO BE PENTAIR RAINBOW HC 3330 CHLORINATOR WITH FLOW METER.
CHEMICAL FEEDER TO BE STENNER 45M-5 W/26 GALLON LOCKABLE CHEMICAL CROCK.
WATER CHEMISTRY MONITOR TO BE HAYWARD CAT-2000.
FILL SPOUT TO BE A FILL TUBE IN EQUIPMENT ROOM.
HANDRAIL TO BE S.R. SMITH OR EQUAL. SIZE AS NEEDED.
3 TREAD LADDER TO BE S.R. SMITH LFB-24-38 S.S. WITH SLIP RESISTANT TREADS. SIZE AS NEEDED TO ACCOMODATE COPING/GUTTER.
LARGE LIGHTS TO BE 6" PARAMOUNT 12-VOLT CHANGING COLOR LED.
ALL POOL TILE TO BE 1" X 2" GLASS TILE BY FUJIWAH OR APPROVED EQUAL. SUBMIT PHYSICAL COLOR SAMPLES FOR APPROVAL.
SMALL LIGHTS TO BE 3" PARAMOUNT 12-VOLT CHANGING COLOR LED.
POOL HEATERS TO BE RHEAM/RAYPACK OR APPROVED EQUAL. SUBMIT SIZING FOR APPROVAL.
SAND FILTERS TO BE (2) T-100C BY PENTAIR OR APPROVED EQUAL.

KDCA Associates
Planning + Design Solutions
4525 N. Big Spring, Ste. 205 Midland, Texas 79705 www.kdcaassociates.com #C-2481

CITY REVIEW

FOR REVIEW ONLY
NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

TEXAS811
Know what's below. Call before you dig.

Landscape Development Plans

THE TENLEY
Midland, Texas

Date: 7.7.2020
Revisions:

Scale: As Shown
Data
Sheet No.
L-2

PACKET
26.102
August 25, 2020

LCA Job # 20-038

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-20-0189

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: LCA (Agent)		Phone (432) 332-5058 Email lca@lcaodessa.com	
Address 521 N. Texas Avenue	City Odessa	State TX	Zip 79761

Property Owner Printed Name: Davidheiser Family Trust		Phone ( ) Email	
Address 1222 Calle Los Casas	City Thousand Oaks	State CA	Zip 91360

Representative *(if different from Applicant or Property Owner)* Firm: Landgraf, Crutcher & Associates Printed Name: LCA		Phone (432) 332-5058 Email lca@lcaodessa.com	
Address 521 N. Texas Avenue	City Odessa	State TX	Zip 79761

Street Address: N/A - Proposed Tahoe Lakes Addition Section 2 (Lots 2 & 3 Block 1)

Legal Description Proposed
Lot: 2 & 3 Block: 1 Subdivision: Tahoe Lakes Addition Section 2

Current Zoning: MF-16, RR, MH, BP	**Proposed Zone:** MF-22 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: to accommodate zoning requirement for a MF- 22 apartment site

Present Use of Property: Vacant

Proposed Use of Property: Future apartment site

How would this zone change affect the public health, safety and welfare?
Zone change would be similar to the surround area. An existing apartment side its located under "Tahoe Lakes Addition"

Describe how conditions affecting the property have changed since present zoning designation: Land is vacant, the current zoning has not affected the site.

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only -- authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature):	Date:
Property Owner (printed) :_____	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared George E. Thornley who, being by me duly sworn, upon oath says: That (s)he is authorized by Davidheiser Family Trust, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

George E. Thornley
Authorized Agent (*signature*)

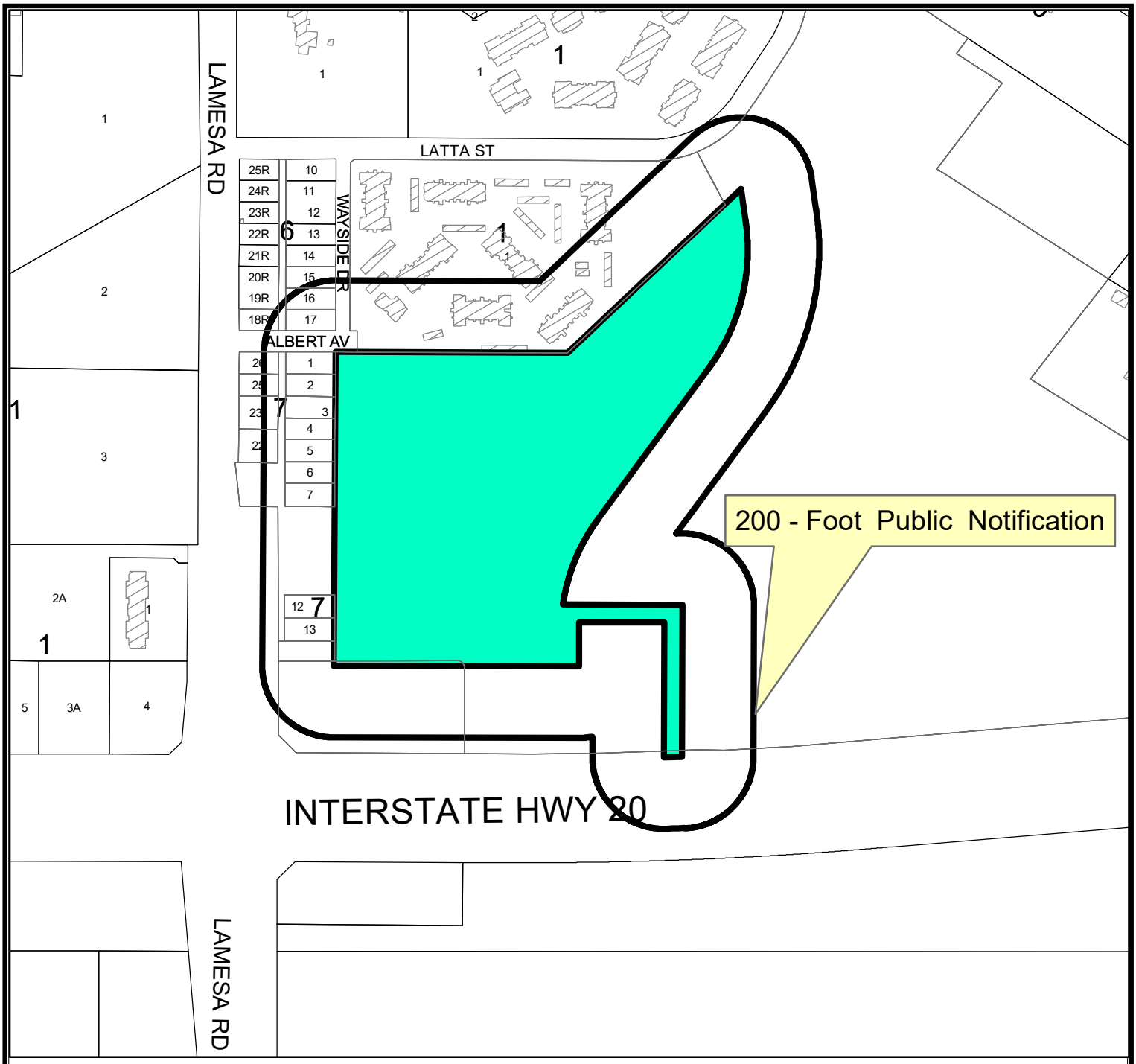
Subscribed and sworn to before me, this 6th day of July, 2020, to certify which witness my hand and seal of office.

Melanie Martinez
My Commission Expires
12/09/2022
ID No 130046270

Melanie Martinez
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check #_____	
Received By:	Date:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

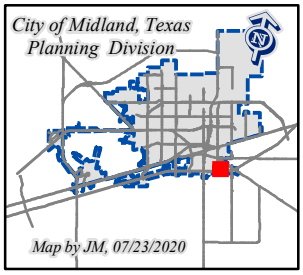
Z-20-0189 **Scale: 1" = 400'**

Consider a request by Landgraf, Crutcher & Associates for a zone change from MF-16, Multiple Family Dwelling District, in part; MH, Manufactured Housing District, in part; RR, Regional Retail District, in part; and BP, I-20 Business Park, in part on 19.17-acre tract of land located in Section 1, Block 39, T-2-S, T & P RR Co. Survey, City and County of Midland, Texas.

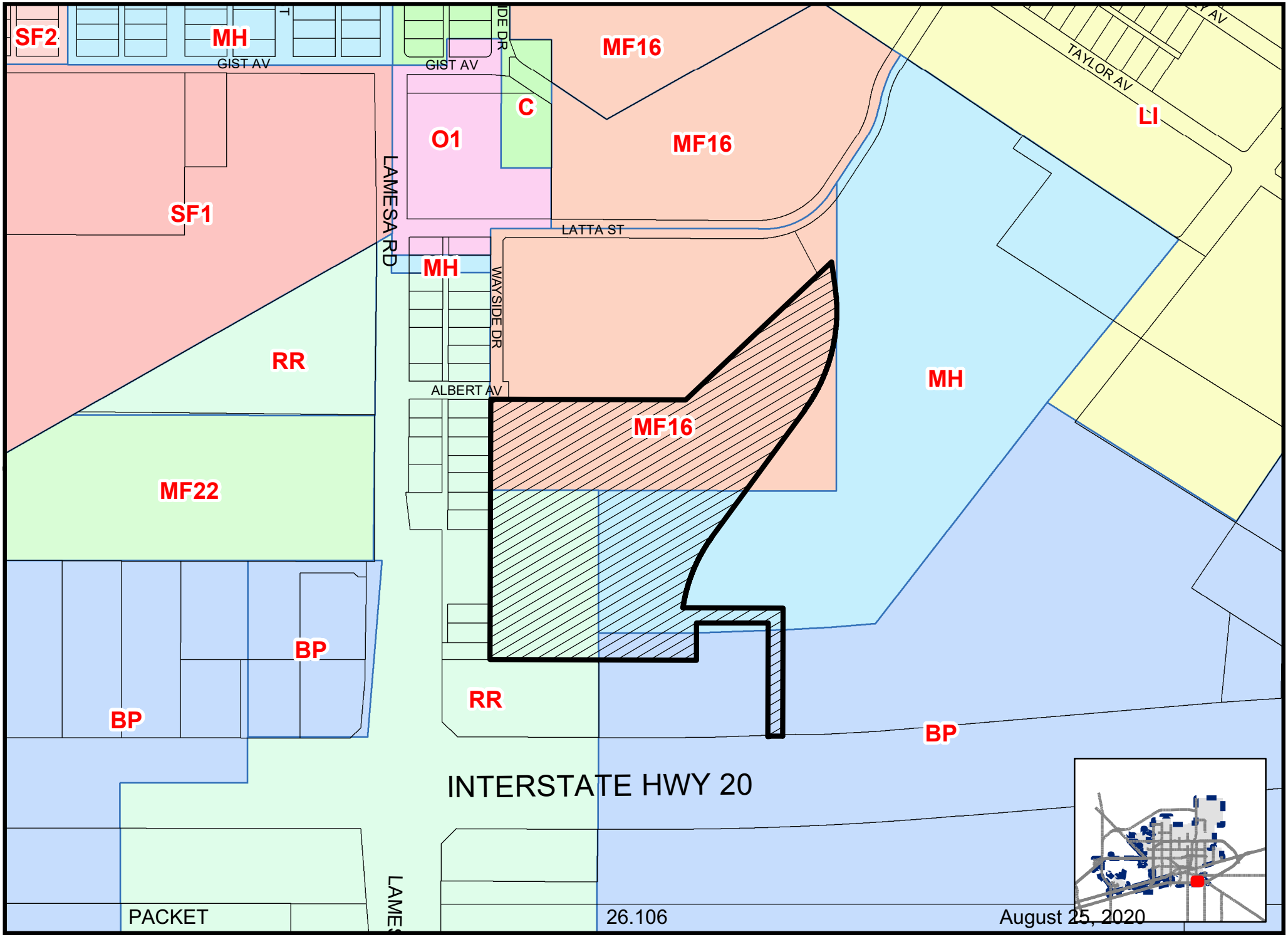
Generally located on the north side of East Interstate 20, approximately 714 feet east of South Lamesa Road. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY NOR IS IT DESIGNED TO BE USED AS THE ONLY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.
THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JM, 07/29/2020

Z-20-0189

Scale: 1" = 400'

ZONING MAP

© **THE CITY OF MIDLAND - 2020:** THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN. THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.









City Council Meeting

Item Number: 28

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Charles Harrington, Director

Subject: RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS (DEVELOPMENT SERVICES)

Purpose:

This resolution will reauthorize the adopting guidelines and criteria for tax abatement agreements as authorized under Chapter 312 of the Texas Tax Code.

Recommended City Council Action:

Approve

Fiscal Impact:

There is no fiscal impact in approving this resolution.

Discussion:

As set forth in the Texas Tax Code, a city must adopt guidelines and criteria prior to entering into a tax abatement agreement with a property owner. As shown in the attached guidelines and criteria, it addresses such items as: length of term, proposed improvements, limits to the use of the property, recapture of revenue, and possible public improvements.

In order to keep the same guidelines and criteria, the Guidelines must be reauthorized. This reauthorization will extend the existing guidelines and criteria for another two years as set forth in Chapter 312 and will apply to new Tax Abatement Agreements applications. The City Council will then consider each application based on the criteria.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

WHEREAS, on February 27, 2018, the Council approved Resolution No. 2018-078, by which the Council adopted guidelines and criteria governing tax abatement agreements (the "Guidelines and Criteria for Tax Abatement Agreements"); and

WHEREAS, the Council held a public hearing on August 25, 2020, regarding the proposed reauthorization and adoption of the Guidelines and Criteria for Tax Abatement Agreements at which members of the public were given the opportunity to be heard; and

WHEREAS, the Council finds that the statutory prerequisites for reauthorization and adoption of the Guidelines and Criteria for Tax Abatement Agreements have been satisfied; and;

WHEREAS, the Council finds it to be in the public interest to reauthorize and adopt the Guidelines and Criteria for Tax Abatement Agreements, which will allow the City to consider requests for tax abatement;

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

SECTION ONE. That the Guidelines and Criteria for Tax Abatement Agreements, which are attached hereto as Exhibit "A" and made a part hereof for all legal purposes, are hereby approved, reauthorized and adopted as authorized by Chapter 312 of the Texas Tax Code.

SECTION TWO. That the City Secretary is hereby authorized and directed to submit a copy of this resolution to the Texas Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

On motion of Council member _____, seconded by Council member

_____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a special meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

CITY OF MIDLAND, TEXAS
GUIDELINES AND CRITERIA
FOR TAX ABATEMENT AGREEMENTS

The guidelines and criteria contained herein were reauthorized and adopted on the 25th day of August, 2020, by the City Council of the City of Midland, Texas, in accordance with Texas Tax Code, Chapter 312, "Property Redevelopment and Tax Abatement Act". These guidelines and criteria are effective for two years from the date adopted unless amended as provided for in the above referenced act.

1. The City of Midland may agree in writing with the owner of taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt from taxation all or a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed ten years, subject to the rights of holders of outstanding bonds of the municipality, on the condition that the owner of the property make specific improvements or repairs to the property. As used herein, a "reinvestment zone" is an area designated by the City Council of the City of Midland as a reinvestment zone in accordance with the Texas Tax Code §312.201, and meeting the criteria for a reinvestment zone set forth in the Texas Tax Code §312.202.

2. An agreement may provide for the exemption of the real property in each year covered by the agreement only to the extent its taxable value as determined by the Midland Central Appraisal District for that year exceeds its value on January 1 of the year in which the agreement is executed.

3. An agreement may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality.

4. An improvement, repair, development, or redevelopment taking place under a tax abatement agreement must conform to the comprehensive zoning ordinance.

5. The agreements made with the owners of property in the same reinvestment zone must contain identical terms for the portion of the value of the property that is to be exempt and the duration of the exemption.

6. The property subject to a tax abatement agreement may be located in the extraterritorial jurisdiction of the municipality. In that event, the agreement applies to taxes of the municipality if the municipality annexes the property during the period specified in the agreement.

7. Property that is in a reinvestment zone and that is owned or leased by a member of the City Council of the City of Midland, Texas, or by a member of a zoning or planning board or commission of the City of Midland is excluded from property tax abatement.

8. The City Council of the City of Midland may agree in writing with the owner or lessee of real property, which is located in a reinvestment zone, to exempt from taxation for a period not to exceed ten years, a portion of the value of the real property or of personal property owned or leased by a certificated air carrier. The certificated air carrier must make specific improvements on the property. A lessee, to be eligible for tax abatement, must lease the property for at least ten years and agree to make certain improvements to the property. All of the guidelines and criteria herein shall apply to an agreement with the certificated air carrier.

9. All tax abatement agreements must:

   a. list the kind, number, and location of all proposed improvements of the property;

   b. provide access to and authorize inspection of the property by City of

Midland employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;

c. limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;

d. provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement;

e. contain each term agreed to by the owner of the property;

f. require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and

g. provide that the governing body of the City of Midland may cancel or modify the agreement if the property owner fails to comply with the agreement.

10. The City Council of the City of Midland may include in the tax abatement agreement provisions for:

a. improvements or repairs by the City of Midland to streets, sidewalks, and utility services or facilities associated with the property, except that the agreement may not provide for lower rates than are made for other services or properties of a similar character, though refundable utility deposits may be adjusted as part of the agreement;

b. an economic feasibility study, including a detailed list of estimated improvement costs, a description of the methods of financing all

estimated costs, and the time when related costs or monetary obligations are to be incurred;

c. a map showing existing uses and conditions of real property in the reinvestment zone; and

d. a map showing proposed improvements and uses in the reinvestment zone.

11. The Midland City Council will consider capital investment, increased employment and additional payroll when considering tax abatement.

12. An agreement with a lessee may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality, including inventory or supplies.

13. An agreement may provide for the recapture of all or a portion of property tax revenue abated as a result of the agreement if the owner of the property fails to create all or a portion of the number of new jobs provided by the agreement, and may provide for payment of a penalty or interest, or both, on that recaptured property tax revenue.

14. An agreement may provide for the recapture of all or a portion of property tax revenue abated as a result of the agreement if the appraised value of the property subject to the agreement does not attain the value specified in the agreement, and may provide for payment of a penalty or interest, or both, on that recaptured property tax revenue.

15. An agreement may provide that the City may offset any amounts due and payable under a Tax Abatement Agreement against any debt, (including financial incentives and taxes) lawfully due the City from the person, individual, corporation or entity receiving the tax abatement, regardless of whether the amount due arises pursuant to the terms of the

Tax Abatement Agreement or otherwise and regardless of whether or not the debt due the City has been reduced to judgment by a court.

16. The property owner who is given an abatement is solely responsible for timely filing an exemption application for the tax abatement each year with the appraisal district.

17. To be designated as a reinvestment zone under the subchapter, an area must be reasonably likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality or the other criteria listed in Section 312.202 of the Texas Tax Code.

18. These guidelines and criteria may be amended or repealed only by a vote of three-fourths of the Midland City Council.

19. These criteria and guidelines provide for the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures.

20. The adoption of these guidelines and criteria by the Midland City Council does not limit the discretion of the Midland City Council to decide whether or not to enter into a specific tax abatement agreement.

21. The adoption of these guidelines and criteria by the Midland City Council does not create any property, contract, or other legal right in any person to have the Midland City Council consider or grant a specific application or request for tax abatement.

22. The City Secretary shall provide a copy of these guidelines and criteria to the Texas Comptroller of Public Accounts, and shall file all required forms with the Texas Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

RESOLUTION NO. _____

RESOLUTION REAUTHORIZING AND ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AS AUTHORIZED BY CHAPTER 312 OF THE TEXAS TAX CODE; AND AUTHORIZING THE CITY SECRETARY TO SUBMIT A COPY OF THIS RESOLUTION TO THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

WHEREAS, on February 27, 2018, the Council approved Resolution No. 2018-078, by which the Council adopted guidelines and criteria governing tax abatement agreements (the "Guidelines and Criteria for Tax Abatement Agreements"); and

WHEREAS, the Council held a public hearing on August 25, 2020, regarding the proposed reauthorization and adoption of the Guidelines and Criteria for Tax Abatement Agreements at which members of the public were given the opportunity to be heard; and

WHEREAS, the Council finds that the statutory prerequisites for reauthorization and adoption of the Guidelines and Criteria for Tax Abatement Agreements have been satisfied; and;

WHEREAS, the Council finds it to be in the public interest to reauthorize and adopt the Guidelines and Criteria for Tax Abatement Agreements, which will allow the City to consider requests for tax abatement;

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

SECTION ONE. That the Guidelines and Criteria for Tax Abatement Agreements, which are attached hereto as Exhibit "A" and made a part hereof for all legal purposes, are hereby approved, reauthorized and adopted as authorized by Chapter 312 of the Texas Tax Code.

SECTION TWO. That the City Secretary is hereby authorized and directed to submit a copy of this resolution to the Texas Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

On motion of Council member _____, seconded by Council member

_____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a special meeting on the _____ day of _____, A.D., 2020, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Courtney Sharp, City Manager

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

CITY OF MIDLAND, TEXAS
GUIDELINES AND CRITERIA
FOR TAX ABATEMENT AGREEMENTS

The guidelines and criteria contained herein were reauthorized and adopted on the 25th day of August, 2020, by the City Council of the City of Midland, Texas, in accordance with Texas Tax Code, Chapter 312, "Property Redevelopment and Tax Abatement Act". These guidelines and criteria are effective for two years from the date adopted unless amended as provided for in the above referenced act.

1. The City of Midland may agree in writing with the owner of taxable real property that is located in a reinvestment zone, but that is not in an improvement project financed by tax increment bonds, to exempt from taxation all or a portion of the value of the real property or of tangible personal property located on the real property, or both, for a period not to exceed ten years, subject to the rights of holders of outstanding bonds of the municipality, on the condition that the owner of the property make specific improvements or repairs to the property. As used herein, a "reinvestment zone" is an area designated by the City Council of the City of Midland as a reinvestment zone in accordance with the Texas Tax Code §312.201, and meeting the criteria for a reinvestment zone set forth in the Texas Tax Code §312.202.

2. An agreement may provide for the exemption of the real property in each year covered by the agreement only to the extent its taxable value as determined by the Midland Central Appraisal District for that year exceeds its value on January 1 of the year in which the agreement is executed.

3. An agreement may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality.

4. An improvement, repair, development, or redevelopment taking place under a tax abatement agreement must conform to the comprehensive zoning ordinance.

5. The agreements made with the owners of property in the same reinvestment zone must contain identical terms for the portion of the value of the property that is to be exempt and the duration of the exemption.

6. The property subject to a tax abatement agreement may be located in the extraterritorial jurisdiction of the municipality. In that event, the agreement applies to taxes of the municipality if the municipality annexes the property during the period specified in the agreement.

7. Property that is in a reinvestment zone and that is owned or leased by a member of the City Council of the City of Midland, Texas, or by a member of a zoning or planning board or commission of the City of Midland is excluded from property tax abatement.

8. The City Council of the City of Midland may agree in writing with the owner or lessee of real property, which is located in a reinvestment zone, to exempt from taxation for a period not to exceed ten years, a portion of the value of the real property or of personal property owned or leased by a certificated air carrier. The certificated air carrier must make specific improvements on the property. A lessee, to be eligible for tax abatement, must lease the property for at least ten years and agree to make certain improvements to the property. All of the guidelines and criteria herein shall apply to an agreement with the certificated air carrier.

9. All tax abatement agreements must:

   a. list the kind, number, and location of all proposed improvements of the property;

   b. provide access to and authorize inspection of the property by City of

Midland employees to ensure that the improvements or repairs are made according to the specifications and conditions of the agreement;

c. limit the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;

d. provide for recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements or repairs as provided by the agreement;

e. contain each term agreed to by the owner of the property;

f. require the owner of the property to certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement; and

g. provide that the governing body of the City of Midland may cancel or modify the agreement if the property owner fails to comply with the agreement.

10. The City Council of the City of Midland may include in the tax abatement agreement provisions for:

a. improvements or repairs by the City of Midland to streets, sidewalks, and utility services or facilities associated with the property, except that the agreement may not provide for lower rates than are made for other services or properties of a similar character, though refundable utility deposits may be adjusted as part of the agreement;

b. an economic feasibility study, including a detailed list of estimated improvement costs, a description of the methods of financing all

estimated costs, and the time when related costs or monetary obligations are to be incurred;

c. a map showing existing uses and conditions of real property in the reinvestment zone; and

d. a map showing proposed improvements and uses in the reinvestment zone.

11. The Midland City Council will consider capital investment, increased employment and additional payroll when considering tax abatement.

12. An agreement with a lessee may provide for the exemption of tangible personal property located on the real property in each year covered by the agreement other than tangible personal property that was located on the real property at any time before the period covered by the agreement with the municipality, including inventory or supplies.

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15. An agreement may provide that the City may offset any amounts due and payable under a Tax Abatement Agreement against any debt, (including financial incentives and taxes) lawfully due the City from the person, individual, corporation or entity receiving the tax abatement, regardless of whether the amount due arises pursuant to the terms of the

Tax Abatement Agreement or otherwise and regardless of whether or not the debt due the City has been reduced to judgment by a court.

16. The property owner who is given an abatement is solely responsible for timely filing an exemption application for the tax abatement each year with the appraisal district.

17. To be designated as a reinvestment zone under the subchapter, an area must be reasonably likely, as a result of the designation, to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality or the other criteria listed in Section 312.202 of the Texas Tax Code.

18. These guidelines and criteria may be amended or repealed only by a vote of three-fourths of the Midland City Council.

19. These criteria and guidelines provide for the availability of tax abatement for both new facilities and structures and for the expansion or modernization of existing facilities and structures.

20. The adoption of these guidelines and criteria by the Midland City Council does not limit the discretion of the Midland City Council to decide whether or not to enter into a specific tax abatement agreement.

21. The adoption of these guidelines and criteria by the Midland City Council does not create any property, contract, or other legal right in any person to have the Midland City Council consider or grant a specific application or request for tax abatement.

22. The City Secretary shall provide a copy of these guidelines and criteria to the Texas Comptroller of Public Accounts, and shall file all required forms with the Texas Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

City Council Meeting

Item Number: 28

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Jamie Radcliff,

Subject: GATHER PUBLIC INPUT ON THE PROPOSED 2020-2021 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION (FINANCE)

Purpose:

Compliance with the Texas Local Government Code requires a public hearing on the proposed budget more than 15 days after the proposed budget is filed with the city Secretary. The budget was filed with the City Secretary on August 3, 2020.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

The proposed budget is submitted as the City of Midland's general operating plan for the fiscal year beginning October 1, 2020 and ending September 30, 2021.

Discussion:

If the proposed tax rate of 0.364027 is adopted, the General Fund will have a budgeted appropriation of $136,485,964 for FY 2021.

The other major funds would have total budgeted appropriations of $147,717,790 for FY 2021.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, BY APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES AND UNAPPROPRIATED FUND BALANCE OF THE CITY OF MIDLAND FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS AND FOR VARIOUS ACTIVITIES AND IMPROVEMENTS TO THE CITY; AND ORDERING PUBLICATION

WHEREAS, as required by Article IV, Section 14, of the City Charter, the City Manager has prepared and submitted to the City Council a Budget Estimate of expenditures and revenues of all City departments, activities, and offices for the year beginning October 1, 2020, and ending September 30, 2021; and

WHEREAS, said Budget has been filed with the City Secretary of the City of Midland, Texas, as required; and

WHEREAS, notices of a public hearing upon said Budget have been duly and legally made; and

WHEREAS, said public hearing has been held and full and final consideration given said Budget;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That for the purpose of providing the funds necessary and proposed to be expended in the Budget of the City of Midland for the fiscal year beginning October 1, 2020, and ending September 30, 2021, the Budget prepared by the City Manager and submitted to the City Council for its consideration and approval is hereby approved, and the available resources and revenues of the City of Midland as set forth in said Budget for said fiscal year, are hereby appropriated and set aside for the maintenance and operation of the various departments of the Government of the City of Midland, together with the various

activities and improvements as set forth in said Budget; and the appropriations shall be strictly applied for the uses and purposes in the respective departments as provided for in said Budget.

SECTION TWO. That the said Budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, approved herein shall be attached to and made a part of this ordinance the same as if copied in full herein, said Budget being on file in the City Secretary's office referenced by the number and date of this Ordinance.

SECTION THREE. That expenditures during the fiscal year beginning October 1, 2020, and ending September 30, 2021, shall be made in accordance with the summary Budget approved by this ordinance unless otherwise authorized by a duly enacted resolution or ordinance of the City of Midland and subject to the following provisions and conditions, to wit:

1. That no expenditure may be made without Council approval which shall increase the total appropriation for any one Fund.
2. That the City Manager may make transfers to and between departments and divisions unless such transfers would increase the total appropriation within a Fund.
3. That department managers are hereby authorized to approve transfers of amounts between line items within their departments if such transfers do not significantly change the work program contemplated in the approved Budget.

SECTION FOUR. During each year while there is any liability by reason of the City's Personnel Policies or Employment Agreements, the City Council shall compute and ascertain the rate and amount of ad valorem tax, based on the latest approved tax rolls with full allowance being made for tax collection, which will be sufficient to raise the money required to pay any sums which may be or become due during any such year, in no instance to be less than two percent (2%) of such obligation, together with all interest thereon, because of the obligations assumed by the City's Personnel Policies or Employment

Agreements. Said rate and amount of ad valorem tax will be ordered to be levied against all taxable property in the City for each year while any liability exists by reason of the obligations undertaken by the City's Personnel Policies or Employment Agreements, and said ad valorem tax shall be assessed and collected each year until all of the obligations incurred in the City's Personnel Policies or Employment Agreements shall have been discharged and all liability discharged.

SECTION FIVE. For the purpose of this ordinance, certain words as used herein are defined as follows:

1. The term "agency" wherever used in the said Budget shall mean the same and be synonymous with the term "department" as used in the Charter, ordinances, resolutions, and other official documents and policies of the City of Midland, Texas.
2. The term "organization" wherever used in the said Budget shall mean the same and be synonymous with the term "division" as used in the Charter, ordinances, resolutions and other official documents and policies of the City of Midland, Texas.

SECTION SIX. All departments of the City required to be established by the City Charter, state law, or federal law are deemed to be created.

SECTION SEVEN. That all transfers from the Water and Sewer Fund and Sanitation Fund are made in compliance with Sections 1502.057, 1502.058 and 1502.059 of the Texas Government Code.

SECTION EIGHT. That the City Manager shall give notice of water rate increases to appropriate individuals and entities as required by state law.

SECTION NINE. That the City Manager is hereby authorized and directed to execute contracts for grants of Hotel/Motel Tax funds to the extent that said grants are included in the Budget.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Mark Mason, Director of Finance

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

NOTICE OF PUBLIC HEARING
2020-2021
CITY OF MIDLAND
ANNUAL OPERATING BUDGET

Notice is hereby given that the Mayor and City Council will conduct a Public Hearing at 10:00 A.M. on Tuesday, August 25, 2020 in the City Hall Council Chamber located at 300 North Loraine, Midland, Texas.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY $2,409,112 OR 4.1%, AND OF THAT AMOUNT, $1,605,495 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

The purpose of the Public Hearing is to allow the public and other interested groups to make comments regarding the 2020-2021 City of Midland Budget.

(Publish by August 4, 2020)

18-point or larger type

City Council Meeting

Item Number: 29

Meeting Date: August 25, 2020

To: City Council / City Manager

From: Jamie Radcliff,

Subject: TAX RATE INCREASE FOR FISCAL YEAR 2020-2021; AND CONSIDER AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021 (FINANCE)

Purpose:

The purpose of this item is to provide notification to the public and to allow a public forum for citizen input on the tax increase.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

The proposed Ad Valorem Tax Rate of 0.364027 per $100 valuation for the fiscal year 2020-2021 operating budget will generate approximately $60,946,439 in revenue for the General Fund.

Discussion:

The proposed rate of 0.364027 is a 1.4% increase above the No-New-Revenue Rate (formerly known as the effective rate).

The proposed rate of 0.364027 is composed of a maintenance and operations rate (0.304488 per $100 dollars valuation) and a debt service levy (0.059539 per $100 valuation).

The proposed rate will raise $2,409,112 more in tax revenue than in the 2019-2020 fiscal year budget, and of that amount, $1,605,495 is tax revenue to be raised from new property added to the tax roll this year.

Attached are the Chief Appraiser's 2020 Certified Estimates of Taxable Value for the City of Midland, the "Notice of Public Hearing on Tax Increase," and the "Notice of Tax Rates."

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021

WHEREAS, the Midland City Council voted to propose a tax rate of $0.364027 for each one hundred dollar valuation of taxable property for the fiscal year October 1, 2020, to September 30, 2021; and

WHEREAS, the Midland City Council finds and determines that the City of Midland has fully and timely complied with all notice, hearing and other legal requirements relative to the adoption of this ordinance; and

WHEREAS, THIS TAX RATE WILL NOT RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; AND

WHEREAS, THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.4 PERCENT AND WILL DECREASE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000.00 HOME BY APPROXIMATELY $8.41.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That to pay interest and principal on outstanding bonds as they mature, a tax levy of $0.059539 on each $100.00 valuation of all taxable property in the City of Midland, Texas is hereby made and levied for the year 2020 to be credited to the Interest and Sinking Fund of the City.

SECTION TWO. That to raise funds to help defray current General expenses of the City, a levy of $0.304488 on each $100.00 valuation of all taxable property within the City is hereby made and levied for the year 2020. The collections from these levies are to be apportioned and deposited as follows:

Interest and Sinking Fund	$0.059539
General Fund	$0.304488
TOTAL TAX LEVY FOR ALL PURPOSES	$0.364027

SECTION THREE. That the apportionment of taxes collected for the 2010 through 2018 tax years shall be apportioned in the same ratio as the taxes for those same years collected prior to the delinquency date and that the apportionment of taxes collected for 2009 and prior years shall be apportioned in accordance with the schedule for 2009 taxes.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2020; and passed to second reading on motion of Council member _____, seconded by Council member _____, with the motion being stated as "I move that the property tax rate be increased by the adoption of a tax rate of $0.364027, which is effectively a 1.4 percent increase in the tax rate", by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, with the motion being stated as "I move that the property tax rate be increased by the adoption of a tax rate of $0.364027, which is effectively a 1.4 percent increase in the tax rate", seconded by Council member _____, on the _____ day of _____, A.D., 2020, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2020.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT AND COMPLETENESS:

_____
Mark Mason, Director of Finance

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

MIDLAND CENTRAL APPRAISAL DISTRICT
4631 ANDREWS HWY.
P. O. BOX 908002 MIDLAND, TEXAS 79708-0002
(432) 699-4991 FAX (432) 689-7185

JERRY BUNDICK
RPA, RTA
Chief Appraiser

July 24, 2020

Ms. Jamie Radcliff
Budget Manager
City of Midland
P. O. Box 1152
Midland, Texas 79702

Dear Jamie:

In accordance with Section 26.01 (a-1) of the Texas Property Tax Code, please find enclosed the Chief Appraiser's 2020 Certified Estimate of Taxable value for the City of Midland.

If you have any questions, please contact me.

Sincerely,

Jerry Bundick, RPA,RTA
Chief Appraiser

JB/cc
Enclosure

2020 CHIEF APPRAISER'S CERTIFIED ESTIMATE
CITY OF MIDLAND

GROSS VALUE	$18,109,508,808
LOSS DUE TO AGRICULTURAL USE	($49,793,500)
CONSTITUTIONAL EXEMPT PROPERTY	($678,832,230)
DISABLED VETERAN EXEMPTION	($5,581,910)
DISABLED VETERAN EXEMPTION FROZEN	$0
DISABLED VETERAN EXEMPTION (100%)	($42,610,693)
GENERAL HOMESTEAD EXEMPTION	$0
GENERAL HOMESTEAD EXEMPTION FROZEN	$0
HOMESTEAD EXEMPTION (LOCAL OPTION)	$0
HOMESTEAD EXEMPTION FROZEN (LOCAL OPTION)	$0
HOMESTEAD EXEMPTION (LOCAL PERCENT OPTION)	$0
HOMESTEAD EXEMPTION (LOCAL PERCENT OPTION) FROZEN	$0
OVER 65 EXEMPTION	$0
FROZEN OVER 65 EXEMPTION	$0
OVER 65 EXEMPTION (LOCAL OPTION)	($57,240,180)
OVER 65 EXEMPTION FROZEN (LOCAL OPTION)	$0
DISABLED EXEMPTION	$0
DISABLED EXEMPTION FROZEN	$0
DISABLED EXEMPTION (LOCAL OPTION)	$0
DISABLED EXEMPTION (LOCAL OPTION) FROZEN	$0
ABATEMENTS	$0
POLLUTION CONTROL	($23,950)
FREEPORT EXEMPTION	($1,324,887)
MINIMUM VALUE LOSS (MINERALS & PERSONAL PROPERTY	($214,630)
PARTIAL YEAR EXEMPTION/ LEASED VEHICLES & OTHER	($1,416,840)
10% CAP LOSS	($205,067,504)
TOTAL TAXABLE VALUE FOR 2020	$17,067,402,484
LESS VALUE STILL UNDER PROTEST	$2,058,960,915
ESTIMATED VALUE THAT WILL BE CERTIFIED BY ARB	($1,733,843,660)
ESTIMATED TOTAL TAXABLE VALUE FOR 2020	$16,742,285,229

I, Jerry M. Bundick, Chief Appraiser for the Midland Central Appraisal District, do solemnly swear or affirm that I have made, or caused to be made, a diligent effort to ascertain all property in the City of Midland subject to appraisal by me and that I have included in the certified estimate, the market and taxable values of property that I am aware of at an appraised value determined as required by law.

Jerry M. Bundick

Jerry M. Bundick
Sworn to and subscribed before me the 24th day of July, 2020

CHIEF APPRAISER'S CERTIFIED ESTIMATE
CITY OF MIDLAND

	REAL ESTATE	P P	P&A MIN	P&A PP	TOTALS
GROSS VALUE	$15,367,892,643	$1,244,322,705	$1,049,622,490	$447,670,970	$18,109,508,808
LOSS DUE TO AGRICULTURAL USE	($49,793,500)	$0	$0	$0	($49,793,500)
CONSTITUTIONAL EXEMPT PROPERTY	($674,063,330)	($3,555,110)	($1,213,790)	$0	($678,832,230)
DISABLED VETERAN EXEMPTION	($5,569,910)	($12,000)	$0	$0	($5,581,910)
DISABLED VETERAN EXEMPTION FROZEN	$0	$0	$0	$0	$0
DISABLED VETERAN EXEMPTION (100%)	($42,580,513)	($30,180)	$0	$0	($42,610,693)
GENERAL HOMESTEAD EXEMPTION	$0	$0	$0	$0	$0
GENERAL HOMESTEAD EXEMPTION FROZEN	$0	$0	$0	$0	$0
HOMESTEAD EXEMPTION (LOCAL OPTION)	$0	$0	$0	$0	$0
HOMESTEAD EXEMPTION FROZEN (LOCAL OPTION)	$0	$0	$0	$0	$0
HOMESTEAD EXEMPTION (LOCAL PERCENT OPTION)	$0	$0	$0	$0	$0
HOMESTEAD EXEMPTION (LOCAL PERCENT OPTION) FROZEN	$0	$0	$0	$0	$0
OVER 65 EXEMPTION	$0	$0	$0	$0	$0
FROZEN OVER 65 EXEMPTION	$0	$0	$0	$0	$0
OVER 65 EXEMPTION (LOCAL OPTION)	($57,052,391)	($187,789)	$0	$0	($57,240,180)
OVER 65 EXEMPTION FROZEN (LOCAL OPTION)	$0	$0	$0	$0	$0
DISABLED EXEMPTION	$0	$0	$0	$0	$0
DISABLED EXEMPTION FROZEN	$0	$0	$0	$0	$0
DISABLED EXEMPTION (LOCAL OPTION)	$0	$0	$0	$0	$0
DISABLED EXEMPTION (LOCAL OPTION) FROZEN	$0	$0	$0	$0	$0
ABATEMENTS	$0	$0	$0	$0	$0
POLLUTION CONTROL	$0	$0	$0	($23,950)	($23,950)
FREEPORT EXEMPTION	$0	($713,797)	$0	($611,090)	($1,324,887)
MINIMUM VALUE LOSS (MINERALS & PERSONAL PROPERTY	$0	($28,910)	($185,720)	$0	($214,630)
PARTIAL YEAR EXEMPTION/ LEASED VEHICLES & OTHER	($1,368,840)	($48,000)	$0	$0	($1,416,840)
10% CAP LOSS	($205,030,864)	($36,640)	$0	$0	($205,067,504)
TOTAL TAXABLE VALUE FOR 2020	$14,332,433,295	$1,239,710,279	$1,048,222,980	$447,035,930	$17,067,402,484
LESS VALUE STILL UNDER PROTEST	$1,954,232,405	$104,728,510	$0	$0	$2,058,960,915
ESTIMATED VALUE THAT WILL BE CERTIFIED BY ARB	($1,640,773,527)	($93,070,132)	$0	$0	($1,733,843,660)
ESTIMATED TOTAL TAXABLE VALUE FOR 2020	$14,018,974,417	$1,228,051,901	$1,048,222,980	$447,035,930	$16,742,285,229

I, Jerry M. Bundick, Chief Appraiser for the Midland Central Appraisal District, do solemnly swear or affirm that I have made, or caused to be made, a diligent effort to ascertain all property in the City of Midland subject to appraisal by me and that I have included in the certified estimate, the market and taxable values of property that I am aware of at an appraised value determined as required by law.

Jerry M Bundick

Jerry M. Bundick
Sworn to and subscribed before me the 24th day of July, 2020

NOTICE OF PUBLIC HEARING ON TAX INCREASE

PROPOSED TAX RATE	0.364027 per $100
NO-NEW REVENUE TAX RATE	0.358928 per $100
VOTER-APPROVAL REVENUE TAX RATE	0.379481 per $100

The no-new-revenue tax rate is the tax rate for the 2020 tax year that will raise the same amount of property tax revenue for City of Midland from the same properties in both the 2019 tax year and the 2020 tax year.

The voter-approval tax rate is the highest tax rate that City of Midland may adopt without holding an election to seek voter approval of the rate.

A public hearing on the proposed tax rate will be held on August 25, 2020 at 10:00 AM at Midland City Council Chambers.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

property tax amount=(tax rate) X (taxable value of your property)/100

The members of the governing body voted on the proposed tax increase as follows:

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.

The following table compares the taxes imposed on the average residence homestead by City of Midland last year to the taxes proposed to be imposed on the average residence homestead by City of Midland this year:

	2019	2020	Change
Total Tax Rate (per $100 of value)	0.364715	0.364027	*decrease of* -$0.000688 OR -0.19%
Average homestead taxable value	269,475	272,361	*increase of* 1.07%
Tax on average homestead	982.82	991.47	*increase of* $9 OR 0.88%
Total tax levy on all properties	58,537,327	60,946,438	*increase of* $2,409,112 OR 4.11%

For assistance with tax calculations, please contact the Budget Manager for City of Midland at 432-685-7214 or jradcliff@midlandtexas.gov, or visit www.midlandtexas.gov for more information.

Form 50-212

Notice of Tax Rates

Property Tax Rates in CITY OF MIDLAND

This notice concerns the 2020 property tax rates for CITY OF MIDLAND

This notice provide information about two tax rates. The no-new-revenue tax rate would Impose the same amount of taxes as last year if you compare properties taxed in both years. The voter-approval tax rate is the hightest tax rate a taxing unit can adopt without holding an election. In each case, these rates are calculated by dividing the total amont of taxes by the current taxable value with adjustments as required by state law. The rates are given per $100 of property value.

This year's no-new-revenue tax rate:

Last year's adjusted taxes *(after subtracting taxes on lost property)*	$57,315,117	/ $100
This year's adjusted taxable value *(after subtracting value of new property)*	$16,301,247,997	/ $100
= This year's no-new-revenue tax rate	$0.358929	/ $100
+ This year's adjustment to the no-new-revenue tax rate	$0.000000	/ $100
= This year's adjusted no-new-revenue tax rate	**$0.358929**	/ $100

This is the maximum rate the taxing unit can propose unless it publishes a notice and holds a hearing.

This year's voter-approval tax rate:

Last year's adjusted operating taxes (*after adjusting as required by law)*	$50,390,828	
This year's adjusted taxable value *(after subtracting value of new property)*	$16,301,247,997	
= This year's voter-approval operating tax rate	$0.309123	/ $100
x (*1.035 or 1.08, as applicable*) = this year's maximum operating rate	$0.319942	/ $100
+ This year's debt rate	$0.059539	/ $100
+ The unused increment rate, if applicable	$0.000000	/ $100
= This year's total voter-approval tax rate	**$0.379481**	/ $100

Unencumbered Fund Balances

The follwing estimated balances will be left in the taxing unit's accounts at the end of the fiscal year. These balances are not encumbered by corresponding debt obligations.

Type of Fund	Balance
Debt Service Fund	$300,000

Current Year Debt Service

The taxing unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues *(or additional sales tax revenue, if applicable)*.

	Principal or Contract Payment to be Paid From Property Taxes	Interest to be Paid From Property Taxes	Other Amounts to be Paid	Total Payment
2019 CO	$240,000	$338,700	$0	$578,700
2018A-GO 2007 Refunding	$895,000	$1,110,513	$0	$2,005,513
2014 GO-Refunding	$385,000	$7,700	$0	$392,700
2014 CO	$1,000,862	$925,984	$0	$1,926,846
2012 CO	$640,000	$331,494	$0	$971,494
2019 GO-Refunding	$1,005,000	$1,177,325	$0	$2,182,325
2020 GO	$90,000	$1,306,952	$0	$1,396,952
2020 CO	$80,000	$466,092	$0	$546,092

(expand as needed)

Total required for 2020 debt service.....	$10,000,622
-- Amount *(if any)* paid from funds listed in unencumbered funds.....	$0
-- Amount *(if any)* paid from other resources.....	$2,500
-- Excess collections last year.....	$0
= Total to be paid from taxes in 2020	$9,998,122
+ Amount added in anticipation that the taxing unit will collect only 100 % of its taxes in 2020	0
= Total Debt Levy	$9,998,122

This notice contains a summary of the no-new-revenue and voter-approval calculation as certified by Jerry M. Bundick, Chief Appraiser, August 3, 2020

(designated individual's name and position) (date)

Form developed by: Texas Comptroller of Public Accounts, Property Tax Assistance Division

For additional copies, visit:
comptroller.texas.gov/taxes/property-tax
50-212 • 04-20/16

City of Midland
Office Memorandum

DATE: August 18, 2020

TO: The Honorable Mayor and City Council Members

FROM: John Ohnemiller, City Attorney

SUBJECT: Motion regarding the Sports Agreement between the City of Midland and the Greater Midland Football League (GMFL), the use and operation of the Scharbauer Sports Complex auxiliary athletic fields, and matters related thereto.

Mr. John Norman, Council Member District 2, requested that this item be placed on your agenda for consideration.