CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
September 13, 2022 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

A quorum of the City Council intends to be physically present at the aforementioned location.

The City Council may discuss, consider, and take action on any item listed on this agenda.

OPENING ITEMS

1. Invocation – Pastor Mabio Gomes, Seventh-Day Adventist Church

2. Pledge of Allegiance

PRESENTATIONS

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

   3a. Presentation of a Proclamation for “National Literacy Month”

   3b. Presentation of a Proclamation for “Hunger Action Month”

   3c. Presentation of Proclamations for “The American Legion Day”
   Tall City Post 119 and Woods Lynch Post 19

BUDGET AND TAX RATE

4. 10335 – AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, 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 (DISTRICT: NONE) (FINANCE)

5. 2022-107 – RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2022-2023 BUDGET (DISTRICT: NONE) (FINANCE)

6. 10336 – AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023 (DISTRICT: NONE) (FINANCE)

CONSENT AGENDA

7. MOTION APPROVING THE FOLLOWING MINUTES:

   7a. REGULAR SESSION OF AUGUST 23, 2022

8. 2022-108 – RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2023 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF $3,140,910.30 (DISTRICT: ALL) (GENERAL SERVICES)

9. 096-2022 – MOTION AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER 1 WITH ONYX GENERAL CONTRACTORS, LLC REGARDING THE MARIENFELD TRAFFIC SIGNAL IMPROVEMENTS PROJECT; SAID CHANGE ORDER TO BE IN THE AMOUNT OF $156,079.50 AND TO PROVIDE FOR THE REPLACEMENT OF A STORM DRAIN PIPE AND THE REPLACEMENT OF TRAFFIC AND PEDESTRIAN IMPROVEMENTS THAT MUST BE REMOVED TO REPLACE THE STORM DRAIN PIPE; AND APPROPRIATING FUNDS FROM THE DRAINAGE FUND FOR SAID PROJECT (DISTRICT 3) (GENERAL SERVICES)

10. 2022-109 – RESOLUTION APPROVING A CONTRACT WITH AMSTAR, INC., THROUGH BUYBOARD FOR THE REPAIR OF FIVE (5) PARKING LOTS LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT FOR A TOTAL COST OF $176,477.01; APPROVING $44,119.25 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 4) (GENERAL SERVICES)

11. 2022-110 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 405 FEET FROM THE NORTH LINE AND 1,362 FEET FROM THE EAST LINE, SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND 1,362 FEET WEST OF ELKINS ROAD) (DISTRICT 1) (DEVELOPMENT SERVICES)

12. 2022-111 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 AND 1,220 FEET EAST OF TODD DRIVE EXTENSION) (DISTRICT 1) (DEVELOPMENT SERVICES)

13. 2022-112 – RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”)

REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 1) (DEVELOPMENT SERVICES)

14. 2022-113 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 500 FEET AND 501 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,096 FEET AND 1,221 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

15. 2022-114 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 359 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,803 FEET AND 1,903 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

16. 2022-115 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 500 FEET AND 590 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

17. 2022-116 – RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 952 FEET AND 1,121 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 433 FEET AND 460 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

18. 2022-117 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 183 FEET FROM THE NORTH LINE AND 380 FEET FROM THE WEST LINE, SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF INTERSTATE 20); AND PROVIDING THAT

SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

19. 2022-118 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 90 FEET FROM THE SOUTH LINE AND 271 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 271 FEET WEST OF SOUTH LAMESA ROAD AND 205 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

20. 2022-119 – RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 110 FEET FROM THE SOUTH LINE AND 1,142 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,142 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

21. 097-2022 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF CARROLLWOOD ADDITION, BEING A 31.29-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 24, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ANTELOPE TRAIL, APPROXIMATELY 3,000 FEET NORTH OF WEST COUNTY ROAD 140 (DISTRICT: NONE) (DEVELOPMENT SERVICES)

SECOND READINGS

22. 10337 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE 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 (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

23. 10338 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE

DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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 (DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

24. 10339 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

25. 10340 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST 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 (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

26. 10341 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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 (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 23, 2022)

PUBLIC HEARINGS

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

27. 10342 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,592-SQUARE FOOT PORTION OF THE TRACT OF LAND DESCRIBED AS THE WEST FIVE FEET OF LOT 5, LOTS 6 THROUGH 13, AND LOTS 19 THROUGH 21, BLOCK A, GARRETT PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLTON STREET AND WEST WALL 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

28. 098-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL 115 MIPA UNIT #H120LS; SAID WELL BEING GENERALLY LOCATED 410 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

29. 099-2022 – THE PROPOSED GRANTING OF AN OIL AND GAS WELL PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC (“OPERATOR”) FOR THE DRILLING OF THE OIL AND GAS WELL REBEL 140 MIPA UNIT #H140LS; SAID WELL BEING GENERALLY LOCATED 1,172 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF I-20; PUBLIC HEARING ONLY (DISTRICT 2) (DEVELOPMENT SERVICES)

30. 100-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PIONEER NATURAL RESOURCES, USA, INC. (“OPERATOR”) FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: STIMSON E17B 102H; STIMSON E17C 103H; STIMSON E17D 104H; STIMSON E17E 105H; STIMSON E17F 106H; STIMSON E17G 107H; STIMSON E17H 108H; STIMSON E17I 109H; AND STIMSON E17J 110H; SAID WELLS BEING GENERALLY LOCATED BETWEEN 405 FEET AND 406 SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,182 FEET AND 1,342 WEST OF ELKINS ROAD; PUBLIC HEARING ONLY (DISTRICT 1) (DEVELOPMENT SERVICES)

31. 10343 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 4, FANNIN TERRACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS

(GENERALLY LOCATED ON THE SOUTH SIDE OF CAMARIE AVENUE, APPROXIMATELY 180 FEET WEST FROM NORTH GARFIELD STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

32. 10344 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

MISCELLANEOUS

33. 101-2022 – MOTION GRANTING FAST SIGNS' APPEAL AND REVERSING THE BUILDING OFFICIAL'S DENIAL OF A SIGN PERMIT FOR A 36,700 SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 FEET NORTH OF WEST LOOP 250 NORTH) (DISTRICT 1) (DEVELOPMENT SERVICES)

34. 10345 – AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10222; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION (DISTRICT: NONE) (ENGINEERING SERVICES)

35. MOTION MAKING APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS (CITY SECRETARY'S OFFICE)

PUBLIC COMMENT

36. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

Respectfully Submitted,

Robert Patrick
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.

City Council Meeting

Item Number: 4

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Christy Weakland, Director

Subject: AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, 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 (DISTRICT: NONE) (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 5, 2022.

Recommended City Council Action:

Approve

Fiscal Impact:

The proposed budget is submitted as the City of Midland's general operating plan for the fiscal year beginning October 1, 2022 and ending September 30, 2023.

Discussion:

The City Council established a Proposed Tax Rate of 0.361731 cents on August 2, 2022. At this tax rate the General Fund will have a budgeted appropriation of $148,550,541 for FY23.

The other major funds will have total budgeted of $230,424,853

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, 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, 2022, and ending September 30, 2023; 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, 2022, and ending September 30, 2023, 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, 2022, and ending September 30, 2023, 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, 2022, and ending September 30, 2023, 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Christy Weakland, Director of Finance

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

NOTICE OF PUBLIC HEARING
2022-2023
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 23, 2022 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 $2,083,824 OR 3.35%, AND OF THAT AMOUNT, $1,001,516 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

The Public Hearing is for the purpose of allowing the public and other interested groups to make comments regarding the 2022-2023 City of Midland Budget.

(Publish August 9, 2022 or as soon as possible)

Fund/Department	FY 2021 Actuals	FY 2022 Budget	FY 2023 Proposed	Budget Increase/(Decrease)
GENERAL FUND				
GENERAL FUND REVENUE TOTALS	$141,312,345	$137,666,537	$148,550,541	$10,884,004
GENERAL FUND EXPENDITURE TOTALS	$129,255,597	$137,666,537	$148,550,541	$10,884,004
TOTAL SURPLUS/(DEFICIT)	*$12,056,749*			
GENERAL FUND EXPENDITURE DETAILS:				
CITY COUNCIL	**$28,352**	**$44,174**	**$45,411**	**$1,237**
CITY MANAGERS	**$1,248,889**	**$1,390,950**	**$1,540,723**	**$149,773**
CITY MANAGERS OFFICE	$981,725	$1,114,136	$1,143,576	$29,439
PUBLIC INFORMATION	$267,165	$276,813	$397,147	$120,334
MUNICIPAL COURT	**$2,045,628**	**$2,281,791**	**$2,407,684**	**$125,893**
LEGAL	**$1,271,523**	**$1,218,312**	**$1,356,459**	**$138,147**
CITY SECRETARY	**$493,082**	**$629,094**	**$795,676**	**$166,582**
ADMINISTRATIVE SERVICES	**$1,282,662**	**$989,521**	**$1,124,955**	**$135,433**
EMPLOYEE HEALTH & WELLNESS	$196,906			
HUMAN RESOURCES	$861,253	$989,521	$1,124,955	$135,433
RISK MANAGEMENT	$224,503			
CISD	**$7,559,060**	**$8,141,512**	**$8,060,232**	**($81,280)**
COMMUNICATION MAINTENANCE	$690,885	$761,027	$935,659	$174,633
GIS ADMINISTRATION	$563,470	$656,409	$968,720	$312,311
INFORMATION SYSTEM ADM	$1,603,859	$1,849,084	$1,944,290	$95,207
INFORMATION SYSTEMS	$4,702,014	$4,874,993	$4,211,562	($663,431)
FINANCE	**$1,910,237**	**$1,870,010**	**$2,189,007**	**$318,996**
ACCOUNTING	$904,762	$924,672	$1,152,586	$227,914
FINANCE ADMINISTRATION	$624,602	$511,842	$579,894	$68,051
TREASURY	$380,873	$433,496	$456,527	$23,031
GENERAL SERVICES	**$2,901,241**	**$4,756,615**	**$5,460,362**	**$703,746**
FACILITIES SERVICES	$2,476,386	$4,309,465	$4,685,418	$375,953
PURCHASING	$424,855	$447,150	$774,944	$327,793
DEVELOPMENT SERVICES	**$3,244,346**	**$4,178,689**	**$4,655,793**	**$477,104**
CODE ADMINISTRATION	$2,641,119	$3,169,803	$3,436,316	$266,513
COMMUNITY DEVELOPMENT	($153,544)	$136,365	$249,432	$113,066
PLANNING & DEVELOPMENT	$756,771	$872,520	$970,045	$97,525
ENGINEERING	**$19,051,887**	**$21,074,287**	**$21,472,597**	**$398,310**
ENGINEERING SERVICES	$2,865,190	$3,094,730	$3,361,528	$266,798
TRAFFIC OPERATIONS	$2,724,796	$2,529,934	$2,662,777	$132,843
TRANSPORTATION	$13,461,901	$15,449,624	$15,448,293	($1,331)
COMMUNITY SERVICES	**$11,523,533**	**$13,295,800**	**$14,839,855**	**$1,544,054**
ANIMAL SERVICES	$1,405,335	$1,761,151	$2,275,431	$514,280
HEALTH SERVICES	$2,216,019	$2,589,474	$2,819,264	$229,790
PARKS	$6,292,332	$6,856,641	$7,528,540	$671,899
RECREATION	$1,157,537	$1,388,944	$1,515,275	$126,331
SENIOR SERVICES	$452,310	$699,590	$701,345	$1,755
POLICE	**$35,241,783**	**$35,343,635**	**$38,963,132**	**$3,619,497**
AIRPORT POLICE	$2,156,052	$379,238	$303,368	($75,870)
COMMERCIAL VEHICLE ENFORCEMENT	$348,760	$543,547	$500,941	($42,606)
COMMUNICATIONS	$2,681,029	$2,813,389	$3,268,134	$454,745
FIELD OPERATIONS BUREAU	$18,668,920	$19,657,479	$20,858,791	$1,201,311
INVESTIGATIVE SERVICE BUREAU	$5,945,802	$6,592,096	$7,244,562	$652,466
PD STEP	$95	$25,000		($25,000)
POLICE ADMINISTRATION	$2,182,208	$1,815,083	$2,348,215	$533,132
SUPPORT SERVICES BUREAU	$3,192,785	$3,450,430	$4,364,944	$914,514
VCLG PROGRAM	$66,130	$67,374	$74,178	$6,804
FIRE	**$34,108,009**	**$34,833,299**	**$38,309,472**	**$3,476,173**

Fund/Department	FY 2021 Actuals	FY 2022 Budget	FY 2023 Proposed	Budget Increase/(Decrease)
AIRPORT FIRE	$2,058,000			
EMERGENCY MANAGEMENT	$225,922	$252,946	$285,109	$32,163
EMERGENCY MEDICAL SERVICE	$790,171	$2,309,557	$2,530,211	$220,654
FIRE ADMINISTRATION	$28,742,875	$29,717,906	$33,115,296	$3,397,390
FIRE PREVENTION	$1,336,075	$1,351,897	$1,440,511	$88,614
FIRE TRAINING	$954,965	$1,200,992	$938,344	($262,648)
NON-DEPARTMENTAL	**$3,645,175**	**$7,618,845**	**$7,329,184**	**($289,661)**
INTERFUND TRANSFER	**$3,700,190**			
WATER & SEWER FUND				
REVENUE	$202,226,562	$101,719,564	$92,407,132	($9,312,433)
EXPENSE	$65,755,714	$101,719,564	$92,407,132	($9,312,433)
TOTAL SURPLUS/(DEFICIT)	*$136,470,848*			
DRAINAGE FUND				
REVENUE	$2,324,242	$2,405,000	$2,683,585	$278,585
EXPENSE	$504,283	$2,405,000	$2,683,585	$278,585
TOTAL SURPLUS/(DEFICIT)	*$1,819,958*			
SANITATION FUND				
REVENUE	$19,314,928	$20,661,772	$25,296,242	$4,634,470
EXPENSE	$17,102,192	$20,661,772	$25,296,242	$4,634,470
TOTAL SURPLUS/(DEFICIT)	*$2,212,736*			
AIRPORT FUND				
REVENUE	$11,703,048	$15,488,000	$12,565,000	($2,923,000)
EXPENSE	$191,479	$10,645,530	$12,565,000	$1,919,470
TOTAL SURPLUS/(DEFICIT)	*$11,511,569*	*$4,842,470*		*($4,842,470)*
GARAGE FUND				
REVENUE	$18,920,941	$23,175,216	$26,490,699	$3,315,483
EXPENSE	$14,339,837	$19,580,176	$26,490,699	$6,910,523
TOTAL SURPLUS/(DEFICIT)	*$4,581,104*	*$3,595,040*		*($3,595,040)*
TECHNOLOGY FUND				
REVENUE	$1,165,134	$2,167,134	$5,459,780	$3,292,646
EXPENSE	$2,060,935	$2,167,134	$5,459,780	$3,292,646
TOTAL SURPLUS/(DEFICIT)	*($895,801)*			
RISK FUNDS				
REVENUE	$17,345,964	$17,614,360	$20,370,560	$2,756,200
EXPENSE	$14,730,852	$17,616,361	$20,370,560	$2,754,199
TOTAL SURPLUS/(DEFICIT)	*$2,615,112*	*($2,001)*		*$2,001*
HOTEL MOTEL FUNDS				
REVENUE	$4,626,130	$5,962,320	$8,144,166	$2,181,846
EXPENSE	$4,100,710	$6,112,320	$8,144,166	$2,031,846
TOTAL SURPLUS/(DEFICIT)	*$525,420*	*($150,000)*		*$150,000*
SPECIAL REVENUE FUNDS				
REVENUE	$774,504	$10,021,710	$17,423,703	$7,401,994
EXPENSE	$637,306	$10,021,710	$17,423,703	$7,401,994
TOTAL SURPLUS/(DEFICIT)	*$137,197*			

Fund/Department	FY 2021 Actuals	FY 2022 Budget	FY 2023 Proposed	Budget Increase/(Decrease)
DEBT SERVICE				
REVENUE	$40,222,665	$11,494,666	$11,580,454	$85,788
EXPENSE	$38,777,233	$11,494,666	$11,580,454	$85,788
TOTAL SURPLUS/(DEFICIT)	*$1,445,432*			
GRAND TOTALS				
REVENUE	$525,877,002	$367,212,180	$401,367,802	$34,155,622
EXPENSE	$432,061,879	$369,149,756	$401,367,802	$32,218,046
TOTAL SURPLUS/(DEFICIT)	*$93,815,124*	*($1,937,576)*	*($0)*	*$1,937,576*

City Council Meeting

Item Number: 5

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Christy Weakland, Director

Subject: RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2022-2023 BUDGET (DISTRICT: NONE) (FINANCE)

Purpose:

City Council must hold a separate vote acknowledging and authorizing the property tax revenue increase for the Fiscal Year 2022-2023 Budget.

Recommended City Council Action:

Approve

Fiscal Impact:

This budget will raise more total property taxes than last year's budget by $894,484 or 1.44%. Of that amount, $894,484 is tax revenue to be raised from new property added to the tax roll this year.

Discussion:

Section 102.007(c) of the Texas Local Government Code provides that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax revenue increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

Morris Williams Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2022-2023 BUDGET

WHEREAS, Section 102.007(c) of the Texas Local Government Code provides that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax revenue increase reflected in the budget; and

WHEREAS, the adoption of the budget of the City of Midland for the fiscal year beginning October 1, 2022, and ending September 30, 2023 (the "2022-2023 Budget"), will require raising more revenue from property taxes than in the previous year;

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

THAT the property tax revenue increase reflected in the 2022-2023 Budget is hereby ratified.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT AND COMPLETENESS:

_____
Christy Weakland, Director of Finance

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

City Council Meeting

Item Number: 6

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Christy Weakland, Director

Subject: AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023 (DISTRICT: NONE) (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:

Approve

Fiscal Impact:

The proposed Ad Valorem Tax Rate of 0.361731 per $100 valuation for the fiscal year 2022-2023 operating budget will generate approximately $55,367,948 in revenue for the General Fund.

Discussion:

The proposed rate of 0.361731 is composed of a voter-approval maintenance and operations rate (0.311536 per $100 valuation) and a debt service levy (0.050195 per $100 valuation).

This budget will raise more total property taxes than last year's budget by $2,083,824 or 3.5%, and of that amount, $1,001,516 is tax revenue to be raised from new property added to the tax roll this year.

Attached are the Chief Appraiser's 2022 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, 2022, AND ENDING ON SEPTEMBER 30, 2023

WHEREAS, the Midland City Council voted to propose a tax rate of $0.355039 for each one hundred dollar valuation of taxable property for the fiscal year October 1, 2022, to September 30, 2023; 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 RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; AND

WHEREAS, THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.28 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000.00 HOME BY APPROXIMATELY $-6.00.

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 $0.050195 on each $100.00 valuation of all taxable property in the City of Midland, Texas is hereby made and levied for the year 2022 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 $0.304844 on each $100.00 valuation of all taxable property within the City is hereby made and levied for the year 2022. The collections from these levies are to be apportioned and deposited as follows:

Interest and Sinking Fund	$0.050195
General Fund	$0.304844
TOTAL TAX LEVY FOR ALL PURPOSES	$0.355039

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT AND COMPLETENESS:

_____
Christy Weakland, Director of Finance

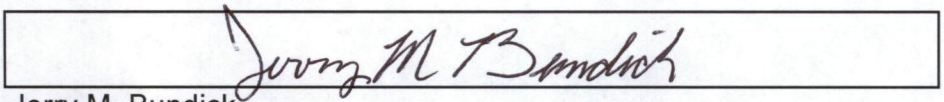
APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

2022 CHIEF APPRAISER'S CERTIFIED ESTIMATE
CITY OF MIDLAND

GROSS VALUE	$21,003,241,199
LOSS DUE TO AGRICULTURAL USE	($47,586,590)
CONSTITUTIONAL EXEMPT PROPERTY	($691,358,585)
DISABLED VETERAN EXEMPTION	($5,832,000)
DISABLED VETERAN EXEMPTION FROZEN	$0
DISABLED VETERAN EXEMPTION (100%)	($59,884,724)
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)	($60,612,052)
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	($186,175)
FREEPORT EXEMPTION	($2,009,747)
MINIMUM VALUE LOSS (MINERALS & PERSONAL PROPERTY	($1,101,020)
PARTIAL YEAR EXEMPTION/ LEASED VEHICLES & OTHER	($1,417,045)
10% CAP LOSS	($155,628,398)
TOTAL TAXABLE VALUE FOR 2022	$19,977,624,863
LESS VALUE STILL UNDER PROTEST	$3,930,310,088
ESTIMATED VALUE THAT WILL BE CERTIFIED BY ARB	($2,696,477,702)
CERTIFIED ESTIMATE TAXABLE VALUE FOR 2022	$18,743,792,477

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
Sworn to and subscribed before me the 25th day of July, 2022

CHIEF APPRAISER'S CERTIFIED ESTIMATE
CITY OF MIDLAND

	REAL ESTATE	P P	P&A MIN	P&A PP	TOTALS
GROSS VALUE	$17,182,535,469	$1,210,750,580	$2,182,039,300	$427,915,850	$21,003,241,199
LOSS DUE TO AGRICULTURAL USE	($47,586,590)	$0	$0	$0	($47,586,590)
CONSTITUTIONAL EXEMPT PROPERTY	($681,474,765)	($3,845,620)	($6,038,200)	$0	($691,358,585)
DISABLED VETERAN EXEMPTION	($5,820,000)	($12,000)	$0	$0	($5,832,000)
DISABLED VETERAN EXEMPTION FROZEN	$0	$0	$0	$0	$0
DISABLED VETERAN EXEMPTION (100%)	($59,856,084)	($28,640)	$0	$0	($59,884,724)
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)	($60,416,868)	($195,184)	$0	$0	($60,612,052)
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	($162,225)	$0	($23,950)	($186,175)
FREEPORT EXEMPTION	$0	($402,577)	$0	($1,607,170)	($2,009,747)
MINIMUM VALUE LOSS (MINERALS & PERSONAL PROPERTY	$0	($833,700)	($256,830)	($10,490)	($1,101,020)
PARTIAL YEAR EXEMPTION/ LEASED VEHICLES & OTHER	($1,281,050)	($135,995)	$0	$0	($1,417,045)
10% CAP LOSS	($155,627,618)	($780)	$0	$0	($155,628,398)
TOTAL TAXABLE VALUE FOR 2022	$16,170,472,494	$1,205,133,859	$2,175,744,270	$426,274,240	$19,977,624,863
LESS VALUE STILL UNDER PROTEST	$3,374,040,409	$113,271,430	$442,998,249	$0	$3,930,310,088
ESTIMATED VALUE THAT WILL BE CERTIFIED BY ARB	($2,180,079,809)	($95,534,037)	($420,863,856)	$0	($2,696,477,702)
CERTIFIED ESTIMATE TAXABLE VALUE FOR 2022	$14,976,511,894	$1,187,396,466	$2,153,609,877	$426,274,240	$18,743,792,477

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 25th day of July, 2022

Statements required in notice if the proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate, as prescribed by Tax Code §§26.06(b-2).

NOTICE OF PUBLIC HEARING ON TAX INCREASE

This notice only applies to a taxing unit other than a special taxing unit or municipality with a population of less than 30,000, regardless of whether it is a special taxing unit.

PROPOSED TAX RATE	$ .361731	per $100
NO-NEW-REVENUE TAX RATE	$ .355039	per $100
VOTER-APPROVAL TAX RATE	$ .361731	per $100

The no-new-revenue tax rate is the tax rate for the 2022 (current tax year) tax year that will raise the same amount of property tax revenue for City of Midland (name of taxing unit) from the same properties in both the 2021 (preceding tax year) tax year and the 2022 (current tax year) tax year.

The voter-approval tax rate is the highest tax rate that City of Midland (name of taxing unit) may adopt without holding an election to seek voter approval of the rate.

The proposed tax rate is greater than the no-new-revenue tax rate. This means that City of Midland (name of taxing unit) is proposing to increase property taxes for the 2022 (current tax year) tax year.

A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE HELD ON August 23, 2022 at 10:00 A.M. (date and time)

at City Hall Council Chamber located at 300 North Loraine, Midland Texas (meeting place).

The proposed tax rate is not greater than the voter-approval tax rate. As a result, City of Midland (name of taxing unit) is not required to hold an election at which voters may accept or reject the proposed tax rate. However, you may express your support for or opposition to the proposed tax rate by contacting the members of the City Council (name of governing body) of City of Midland (name of taxing unit) at their offices or by attending the public hearing mentioned above.

YOUR TAXES OWED UNDER ANY OF THE TAX RATES MENTIONED ABOVE CAN BE CALCULATED AS FOLLOWS:

Property tax amount = (tax rate) x (taxable value of your property) / 100

(List names of all members of the governing body below, showing how each voted on the proposal to consider the tax increase or, if one or more were absent, indicating absences.)

FOR the proposal: Dan Corrales, Patrick Payton, Lori Blong, Scott Dufford

AGAINST the proposal: Robin Poole

PRESENT and not voting:

ABSENT: Jack Ladd, John Norman

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

Form developed by: Texas Comptroller of Public Accounts, Property Tax Assistance Division

For additional copies, visit: comptroller.texas.gov/taxes/property-tax

50-876 • Rev. 4-22/3

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 (name of taxing unit) last year to the taxes proposed to the be imposed on the average residence homestead by City of Midland (name of taxing unit) this year.

	2021	2022	Change
Total tax rate (per $100 of value)	2021 adopted tax rate $0.367189	2022 proposed tax rate $0.361731	(Increase/Decrease) of (nominal difference between tax rate for preceding year and proposed tax rate for current year) per $100, or (percentage difference between tax rate for preceding year and proposed tax rate for current year)% decrease of -0.005458, or -1.49%
Average homestead taxable value	2021 average taxable value of residence homestead $307,694	2022 average taxable value of residence homestead $317,406	(Increase/Decrease) of (percentage difference between average taxable value of residence homestead for preceding year and current year)% increase 9,712, or 3.16%
Tax on average homestead	2021 amount of taxes on average taxable value of residence homestead $1,129.82	2022 amount of taxes on average taxable value of residence homestead $1,148.15	(Increase/Decrease) of (nominal difference between amount of taxes imposed on the average taxable value of a residence homestead in the preceding year and the amount of taxes proposed on the average taxable value of a residence homestead in the current year), or (percentage difference between taxes imposed for preceding year and taxes proposed for current year)% increase 18, or 1.62%
Total tax levy on all properties	2021 levy $62,205,064	(2022 proposed rate x current total value)/100 $64,288,889	(Increase/Decrease) of (nominal difference between preceding year levy and proposed levy for current year), or (percentage difference between preceding year levy and proposed levy for current year)% increase of $2,083,825 or 3.35%

Notice About 2022 Tax Rates

Property Tax Rates in **CITY OF MIDLAND**

This notice concerns the 2022 property tax rates for CITY OF MIDLAND

This notice provide information about two tax rates used in adopting the current tax year's tax rate. The no-new-revenue tax rate would Impose the same amount of taxes as last year if you compare properties taxed in both years. In most cases, the voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election. In each case, these rates are calculated by dividing the total amount 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..... **$** 0.355039 / $100

This year's voter-approval tax rate ..... **$** 0.361731 / $100

To see the full calculations, please visit midlandcounty.truthintax.com for a copy of the Tax Rate Calculation Worksheet

Unencumbered Fund Balances

The following 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

Current Year Debt Service

The following acounts are for long-term debts that are secured by property taxes. These amounts will be paid from upcoming property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid From Property Taxes	Interest to be Paid From Property Taxes	Other Amounts to be Paid	Total Payments
2018 GO REF A	$380,000	$96,750	$0	$476,750
2018 A GO	$600,000	$929,087	$0	$1,529,087
2019 GO Ref	$495,000	$162,625	$0	$657,625
2019 GO Ref	$620,000	$908,700	$0	$1,528,700
2020 GO	$555,000	$846,075	$0	$1,401,075
2020 GO Ref	$1,466,379	$263,042	$0	$1,729,421
2020 GO Ref addl	$108,620	$19,484	$0	$128,104
2021 GO Ref	$555,000	$307,400	$0	$862,400
2021 GO	$730,000	$791,300	$0	$1,521,300

(expand as needed)

Total required for 2022 debt service.....	$9,834,462
- Amount *(if any)* paid from funds listed in unencumbered funds.....	$1,000,000
- Amount *(if any)* paid from other resources.....	$0
- Excess collections last year.....	$0
= Total to be paid from taxes in 2022	$8,834,462
+ Amount added in anticipation that the taxing unit will collect only 99.03 % of its taxes in 2022	$86,533
= Total Debt Levy	$8,920,995

This notice contains a summary of the no-new-revenue and voter-approval calculation as

certified by Christy Weakland, Finance Director, August 4, 2022
(designated individual's name and position) (date)

MIDLAND CITY COUNCIL
MINUTES
August 23, 2022

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., August 23, 2022.

Council Members present:	Dan Corrales, Robin Poole, Lori Blong, Patrick Payton, Scott Dufford, Jack Ladd, John Norman
Council Members absent:	None
Staff members present:	City Manager Robert Patrick, City Attorney John Ohnemiller, Deputy City Manager Morris Williams Jr, Assistant City Manager Tina Jauz

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

OPENING ITEMS

1. Invocation – Pastor Bob Pase, Grace Lutheran Church

2. Pledge of Allegiance

CONSENT AGENDA

Lori Blong moved to approve the Consent Agenda items 3-17, excluding item(s) 12, 16; seconded by Dan Corrales.

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

3. MOTION APPROVING THE FOLLOWING MINUTES:

   3a. REGULAR SESSION OF AUGUST 9, 2022

   3b. SPECIAL SESSION OF AUGUST 16, 2022

DRAFT

4. 2022-100 – RESOLUTION AWARDING A CONTRACT FOR RIGHT OF WAY LITTER COLLECTION SERVICES FOR THE SOLID WASTE DEPARTMENT TO DEE DEE MILLER D/B/A DEE SKY SERVICES FOR AN AMOUNT NOT TO EXCEED $240,000.00 (DISTRICT: ALL) (GENERAL SERVICES)

5. 089-2022 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR COMPETITIVE SEALED BIDS FOR THE MOMENTUM BANK BALLPARK PEDESTRIAN BRIDGE REHABILITATION PROJECT FOR THE COMMUNITY SERVICES DEPARTMENT AND TO NEGOTIATE A CONTRACT FOR SAID PROJECT; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT 4) (GENERAL SERVICES)

6. 2022-101 – RESOLUTION APPROVING A CONTRACT WITH HOHENBERGER, INC., D/B/A CSI: LUBBOCK, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF ACCESS CONTROL AND CAMERA SYSTEMS AT MULTIPLE CITY BUILDINGS FOR A TOTAL COST OF $348,524.32; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT: ALL) (GENERAL SERVICES)

7. 2022-102 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR SURVEY, DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR PHASE II OF NEW WATER AND WASTEWATER UTILITIES ALONG BRIARWOOD AVENUE BETWEEN GOLDEN GATE AVENUE AND STATE HIGHWAY 158 FOR A COST OF $115,000.00; AND APPROPRIATING FUNDS (DISTRICT 4) (GENERAL SERVICES)

8. 2022-103 – RESOLUTION AUTHORIZING THE PURCHASE OF MICROSOFT ENTERPRISE VOLUME AND TRUE-UP LICENSING FROM SOFTWARE ONE, INC., THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES, FOR THE COMMUNICATION AND INFORMATION SYSTEMS DEPARTMENT AT A TOTAL COST OF $326,997.53; RATIFYING THE SIGNING OF THE CHANGE OF RESELLER AGREEMENT; AND RESCINDING RESOLUTION 2021-075 (DISTRICT: NONE) (GENERAL SERVICES)

9. 090-2022 – MOTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMEMORATIVE AIR FORCE, INC., TO PROVIDE FOR THE 2022 AIRSHOW AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (AIRPORTS)

10. 2022-104 – RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AS AUTHORIZED BY CHAPTER 791 OF THE TEXAS LOCAL GOVERNMENT CODE, TO ADVERTISE OR PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT: ALL) (CITY MANAGER)

11. 091-2022 – MOTION APPROVING A PROFESSIONAL SERVICES AGREEMENT

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BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND PARKHILL, SMITH, & COOPER, INC., FOR PROFESSIONAL SERVICES RELATED TO A SITE ASSESSMENT AND DEVELOPMENT AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT 4) (CITY MANAGER)

13. 093-2022 – MOTION APPROVING A CONTRACT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND RON OSBORN, INC., DBA ADVANCED ENVIRONMENTAL SERVICES FOR THE ABATEMENT OF HAZARDOUS MATERIALS WITHIN THE STRUCTURES LOCATED ON CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

14. 094-2022 – MOTION APPROVING A CONSULTING SERVICES AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND STRONG ENVIRONMENTAL SERVICES, LLC, FOR SERVICES RELATED TO THE ABATEMENT OF HAZARDOUS MATERIALS WITHIN THE STRUCTURES LOCATED AT CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

15. 2022-105 – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE EXECUTIVE COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION (THE “COMPANY”) REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO DELIVER THIS RESOLUTION TO THE COMPANY AND CITIES’ LEGAL COUNSEL (DISTRICT: NONE) (CITY MANAGER)

17. 095-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-027) WITH NUSTAR PERMIAN TRANSPORTATION & STORAGE, L.L.C., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24 BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS. (DISTRICT: NONE) (UTILITIES)

The following item(s) were pulled from consent agenda and considered individually.

12. 092-2022 – MOTION APPROVING A PROMOTIONAL AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND HIGHER ORBITS, INC., TO ADVERTISE AND PUBLICIZE THE CITY OF MIDLAND FOR THE PURPOSE OF

DRAFT

DEVELOPING NEW AND EXPANDED BUSINESS ENTERPRISES (DISTRICT: ALL) (CITY MANAGER)

Council Member Poole reported that Higher Orbits is a wonderful organization and she is excited about the City's partnership with them. She added that they will be at the Fly into Fall event this weekend at Airpark and invited all to attend.

Robin Poole moved to approve Motion No. 092-2022; seconded by Jack Ladd.

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

16. 2022-106 – RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND THE ARTS COUNCIL OF MIDLAND FOR THE SALE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 19-24, BLOCK 176, AND LOTS 1-18, BLOCK 177, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL LEGAL DOCUMENTS AND INSTRUMENTS NECESSARY AND APPROPRIATE FOR THE CLOSING OF THE SALE OF SAID REAL PROPERTY (DISTRICT 2) (COMMUNITY SERVICES)

It was noted that this item was pulled so Council Member Corrales could abstain.

John Norman moved to approve Resolution No. 2022-106; seconded by Jack Ladd.

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

SECOND READINGS

18. 10330 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1, BLOCK 1, BUSH TENNIS CENTER ADDITION, AND LOT 4, BLOCK 1, CROSS POINTE ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A RECREATION CENTER, IN PART, AND MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 2,000 FEET WEST OF HOLIDAY HILL 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 (DISTRICT 4) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 09, 2022)

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Deputy City Secretary Vanessa White read the caption of Ordinance No. 10330.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10330; seconded by Lori Blong.

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

19. 10332 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 2.27-ACRE TRACT OF LAND OUT OF SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF DUMFRIES ROAD, APPROXIMATELY 3,590 FEET NORTH OF HIGHWAY 158); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 4) (DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 09, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10332.

Council Member Corrales asked if the applicant was present and asked the applicant if there are plans to develop or sell the property.

Richard Minnix, 5380 Dumfries, stated he was representing his mother the owner of the property, reported they have no plans for development of the property.

Council Member Corrales asked if a Council Member were to purchase this property would it be a conflict. City Attorney John Ohnemiller reported that with the information he has, no Council Member has a conflict on this item.

Dan Corrales moved to approve the second and final reading of Ordinance No. 10332; seconded by Jack Ladd.

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

20. 10333 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 2.27-ACRE TRACT OF LAND OUT OF SECTION 22, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN AE, AGRICULTURAL ESTATE DISTRICT; SAID TRACT BEING GENERALLY LOCATED ON THE EAST SIDE OF DUMFRIES ROAD, APPROXIMATELY 3,590 FEET NORTH OF HIGHWAY 158; 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 (DISTRICT 4)

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(DEVELOPMENT SERVICES) (FIRST READING HELD AUGUST 09, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10333.

Robin Poole moved to approve the second and final reading of Ordinance No. 10333; seconded by Jack Ladd.

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

21. 10334 – AN ORDINANCE ESTABLISHING INTERSECTION STOPS AT VARIOUS LOCATIONS WITHIN THE CITY OF MIDLAND, TEXAS; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS AT THE DESIGNATED LOCATIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION (DISTRICT: ALL) (ENGINEERING SERVICES) (FIRST READING HELD AUGUST 09, 2022)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10334.

Robin Poole moved to approve the second and final reading of Ordinance No. 10334; seconded by Jack Ladd.

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

PUBLIC HEARINGS

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

22. 10335 – GATHER PUBLIC INPUT ON THE PROPOSED 2022-2023 BUDGET; AND CONSIDER AN ORDINANCE OF THE CITY OF MIDLAND PROVIDING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, 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 (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10335.

Finance Director Christy Weakland reported she is speaking about items 22 and 23. She

DRAFT

played a short video.

Mayor Payton opened the public hearing at 10:15 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. 10335; seconded by John Norman.

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

23. 10336 – TAX RATE INCREASE FOR FISCAL YEAR 2022-2023; AND CONSIDER AN ORDINANCE FIXING THE TAX LEVY FOR THE CITY OF MIDLAND, TEXAS, FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022, AND ENDING ON SEPTEMBER 30, 2023 (DISTRICT: NONE) (FINANCE)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10336.

Finance Director Christy Weakland reported that the proposed tax rate is the "Voter Approval Rate" which is 3.5% over the "No New Revenue" rate. The Ordinance before Council is for the "Voter Approval Rate" of 3.5% over last year's revenue.

Mayor Payton opened the public hearing at 10:16 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Council Member Dufford noted that the oil field inflation rate is 10% and he believes that Midland's inflation is higher than that. Adopting a rate with a 3.5% increase doesn't even help us keep up with inflation noting this is really a cut for Midland.

John Norman moved to approve the first of two readings of Ordinance No. 10336; seconded by Jack Ladd.

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

Mayor Payton called for a brief recess at 10:19 a.m. The meeting was reconvened at 10:24 a.m. with all Council Members present.

Mayor Payton announced that in order to pass the "Voter Approval Rate" it required a super majority. Therefore, by default, the ordinance will be changed to reflect the "No New Revenue" rate of $0.355039 per $100 valuation. This issue will be taken up again at the next meeting when it comes back for second reading.

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24. 10337 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10337.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is proposing to rezone from AE to CE. Most of the lots do not meet requirements for AE. They will still meet development standards. Staff recommends approval. He explained that AE requires two-acre lot minimums and CE requires one-acre lot minimums. The plan is to build homes.

Mayor Payton opened the public hearing at 10:28 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 Ordinance No. 10337; seconded by Dan Corrales.

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

25. 10338 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10338.

Development Services Director Chuck Harrington gave a brief overview of the item noting the applicant is proposing to build an office and the current zoning doesn't allow for that. It will be for a security business he operates. He concluded that O-1 would be a better buffer to the surrounding residential neighborhood.

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Mayor Payton opened the public hearing at 10:30 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

John Norman moved to approve the first of two readings of Ordinance No. 10338; seconded by Lori Blong.

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

26. 10339 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10339.

Mayor Payton opened the public hearing at 10:31 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10339; seconded by Jack Ladd.

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

27. 10340 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY

DRAFT

CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10340.

Mayor Payton opened the public hearing at 10:32 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Robin Poole moved to approve the first of two readings of Ordinance No. 10340; seconded by Scott Dufford.

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

28. 10341 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10341.

Mayor Payton opened the public hearing at 10:33 a.m.

Gina Marie Soto, 6004 Medina Drive, reported they are asking for a TABC license for certain hours. She added that the entire City has been helpful to make this happen.

There being no one else wishing to speak, the public hearing was closed at 10:35 a.m.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10341; seconded by Robin Poole.

The motion passed by the following vote:
AYE: Corrales, Poole, Blong, Payton, Dufford, Ladd, Norman

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NAY: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMENT

29. Receive public comments where individuals may address the City Council on City related issues and projects not on the present agenda. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting. (Please limit comments to three minutes or less.)

    There were no citizens present wishing to speak.

All the business at hand having been completed, the meeting adjourned at 10:36 a.m.

PASSED AND APPROVED September 13, 2022.

_____
Patrick Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 8

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2023 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF $3,140,910.30 (DISTRICT: ALL) (GENERAL SERVICES)

Purpose:

Resolution approving the purchase of an estimated annual supply of 605,000 pounds and 40 – 150 pound cylinders of chlorine; 350,000 gallons of liquid ammonium sulfate 40%; 2,000 tons of Aluminum Sulfate; 20,000 gallons of polymer; 4,400 gallons of polymer for dewatering; 25 tons of powered activated carbon; 10,000 gallons of liquid copper sulfate pentahydrate 25%; 20,000 pounds of potassium permanganate and 75,000 pounds of sodium permanganate – 20% solution for the treatment of drinking water for Fiscal Year 2023.

Recommended City Council Action:

Approve

Fiscal Impact:

The amount of $3,140,910.30 is available in the FY2023 Water and Sewer operating budget.

Discussion:

The City Manager approved specifications and authorized advertisement for bids for an estimated annual supply of chemicals for the treatment of the City's drinking water. Thirty-four (34) bid requests were issued. We received eight (8) bids. Staff recommends awarding each chemical to the respective low, most advantageous or sole bidders as shown in the table below. Please see the attached memo from Raymond Saddler, Water Purification Plant Superintendent, for more information.

Therefore, please consider a resolution awarding an estimated annual supply of water treatment chemicals as shown in the table below:

Items	Bidders	Cost
1 & 2	DPC Industries, Inc. of Sweetwater, Texas	$719,147.50
3 & 4	Chameleon Industries, Inc. of Mesquite, Texas	$1,831,550.00
5 & 6	Polydyne, Inc. of Riceboro, Georgia	$216,412.80
7 & 8	Chemrite, Inc. of Buford, Georgia	$201,400.00
9 &10	Univar Solutions USA Inc. of Dover, Florida	$172,400.00
	Total estimated cost for Fiscal Year 2023	**$3,140,910.30**

Tina Gaug

City Manager's Office

INTEROFFICE MEMORANDUM

TO: Regina Stephenson, Director of General Services

FROM: Raymond Saddler, Water Purification Plant Superintendent

SUBJECT: Drinking water treatment chemicals for FY2023

DATE: August 20, 2022

The recommendation for the drinking water treatment chemicals this year are as follows:

Items 1 and 2 for chlorine should be awarded to DPC Industries, Inc. We are recommending accepting the single bid from DPC Industries, Inc. DPC Industries has been the single bidder for the last 12 years. See chart below:

	2010	2011	2012	2013	2014	2015	2016	2017
Liquid Chlorine	.3435	.346	.354	.359	.347	.3365	.353	.367
Chlorine Cylinders	178.00	178.00	178.00	178.00	171.00	169.00	178.00	187.50
	2018	**2019**	**2020**	**2021**	**2022**			
Liquid Chlorine	.397	.417	.421	.670	1.17			
Chlorine Cylinders	192.00	207.00	207.00	275.00	290.00			

Item 3 for liquid ammonium sulfate should be awarded to the low bidder, Chameleon Industries

Item 4 for aluminum sulfate should be awarded to the low bidder, Chameleon Industries.

Item 5 for polymer should be awarded to the Low bidder Polydyne,Inc.

Item 6 for dewatering polymer should be awarded to the Single bidder Polydyne,Inc.

Item 7 for powdered activated carbon should be awarded to the low bidder, Chemrite, Inc

Item 8 for liquid copper sulfate 25% should be awarded to the low bidder, Chemrite, Inc.

Item 9 for potassium permanganate should be awarded to the low bidder, Univar Solutions USA Inc.

Item 10 for sodium permanganate should be awarded to the low bidder, Univar Solutions USA Inc.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE PURCHASE OF AN ESTIMATED ANNUAL SUPPLY OF CHEMICALS NEEDED FOR THE TREATMENT OF DRINKING WATER FOR FISCAL YEAR 2023 FROM MULTIPLE BIDDERS, FOR A TOTAL COST OF $3,140,910.30

WHEREAS, the City Manager approved the specifications and authorized the advertisement for bids for 605,000 pounds and 40-150 pound cylinders of chlorine; 350,000 gallons of liquid ammonium sulfate 40%; 2,000 tons of aluminum sulfate; 20,000 gallons of polymer; 4,400 gallons of polymer for dewatering; 25 tons of powdered activated carbon; 10,000 gallons of liquid copper sulfate pentahydrate 25%; 20,000 pounds of potassium permanganate; and 75,000 pounds of sodium permanganate - 20% solution for the treatment of drinking water for fiscal year 2023; and

WHEREAS, Bid No. 23000000 was opened on September 1, 2021 with the lowest and/or most advantageous bids being submitted as follows and as shown on the bid tabulation attached hereto as Exhibit "A" and incorporated herein for all legal purposes:

Items	Bidders	Cost
1 and 2	DPC Industries, Inc. of Sweetwater, Texas	$719,147.50
3 and 4	Chameleon Industries, Inc. of Mesquite, Texas	$1,831,550.00
5 and 6	Polydyne, Inc. of Riceboro, Georgia	$216,412.80
7 and 8	Chemrite Inc. of Buford, Georgia	$201,400.00
9 and 10	Univar Solutions USA Inc. of Dover, Florida	$172,400.00
	Total estimated cost for Fiscal Year 2023	**$3,140,910.30**

WHEREAS, the Council finds the price proposed by the bidders as shown above to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to authorize the purchase of chemicals for the treatment of the City's drinking water from DPC Industries, Inc., of Sweetwater, Texas, Chameleon Industries, Inc. of Mesquite, Texas, Polydyne, Inc. of Riceboro, Georgia, Chemrite Inc. of Buford, Georgia and Univar Solutions USA Inc. of Dover, Florida;

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

SECTION ONE. That the City Manager is hereby authorized and directed to purchase chemicals for the treatment of the City's drinking water from DPC Industries, Inc., of Sweetwater, Texas, Chameleon Industries, Inc. of Mesquite, Texas, Polydyne, Inc. of Riceboro, Georgia, Chemrite Inc. of Buford, Georgia and Univar Solutions USA Inc. of Dover, Florida for a total cost of $3,140,910.30.

SECTION TWO. That upon receipt of proper invoice or statement approved by the City Manager, the City Comptroller is hereby authorized and directed to pay for said chemicals for the treatment of the City's drinking water out of funds available in the FY2023 Water and Sewer operating budget.

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., 2022, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

City of Midland - Bid Tabulation

BID # 23000000
Annual Supply of Chemicals for Water Purification

OPENED August 17, 2022

ITEM	QTY	DESCRIPTION	Affinity Chemical LLC PO Box 601298 Dallas, TX 75360 973-580-8952		Chemrite, Inc. 5202 Belle Wood Court, Ste 104 Buford, GA 30518 770-271-5576		Univar Solutions USA Inc 12720 E US Hwy 92 trl:427 Dover, FL 33527 206-653-5075		Chameleon Industries Inc. P.O. Box 853027 Mesquite, TX 75185 972-880-1493		Polydyne Inc. 1 Chemical Plant Road Riceboro, GA 31323 800-848-7659		Shannon Chemical Corporation P.O. Box 376 Malvern, PA 19355 610-363-9090	
			COST EA.	TOTAL	COST EA.	TOTAL	COST EA.	TOTAL	COST EA.	TOTAL	COST EA.	TOTAL	COST EA.	TOTAL
1	605,000 lbs	Chlorine-City of Midland Water Purification Plant & T-Bar Chlorination Sta	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
2	40 ea	150 lb cylinders of Chlorine - Airport Wellfield	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
3	350,000 gals	Liquid Ammonium Sulfate - Water Purification Plant	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$2.233	$781,550.00	NO BID	NO BID	NO BID	NO BID
4	2,000 tons	Aluminum Sulfate - Water Purification Plant	$560.00	$1,120,000.00	NO BID	NO BID	NO BID	NO BID	$525.00	$1,050,000.00	NO BID	NO BID	NO BID	NO BID
5	20,000 gals	Polymer - Water Purification Plant	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$7.460	$149,200.00	$7.1880 gal Clarifloc C-338	$143,760.00	NO BID	NO BID
6	4,400 gals	Polymer for dewatering - Water Purification Plant	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	$16.512 gal Clarifloc C-6240	$72,652.80	NO BID	NO BID
7	25 tons	Powdered Activated Carbon	NO BID	NO BID	$3,300.00	$82,500.00	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
8	10,000 gals	Liquid Copper Sulfate 25%	NO BID	NO BID	$11.89	$118,900.00	NO BID	NO BID	$17.50	$175,000.00	NO BID	NO BID	$22.77	$227,700.00
9	20,000 lbs	Potassium Permanganate	NO BID	NO BID	$2.668	$53,360.00	$2.47	$49,400.00	NO BID	NO BID	NO BID	NO BID	$3.270	$65,400.00
10	75,000 lbs	Sodium Permanganate - 20% Solution	NO BID	NO BID	$1.667	$125,025.00	$1.64	$123,000.00	NO BID	NO BID	NO BID	NO BID	$1.910	$143,250.00
		TOTALS:		$1,120,000.00		$379,785.00		$172,400.00		$2,155,750.00		$216,412.80		$436,350.00

Bidding Summary:

34 **Bid requests were issued.**

8 **Bids listed above**

3 **NO BIDS were received.**

23 **Bidders did not respond.**

City of Midland - Bid Tabulation

BID # 23000000 Annual Supply of Chemicals for Water Purification OPENED August 17, 2022			DPC Industries, Inc. No. 8 Place Industrial Drive Drawer 158 Sweetwater, TX 79556 877-236-6636		Chemtrade Chemicals US LLC 90 East Halsey Road, Suite 200 Parsippany, NJ 07054 800-441-2659	
ITEM	QTY	DESCRIPTION	COST EA.	TOTAL	COST EA.	TOTAL
1	605,000	Chlorine-City of Midland Water Purification Plant & T-Bar Chlorination Sta	$1.1695	$707,547.50	NO BID	NO BID
	lbs					
2	40	150 lb cylinders of Chlorine - Airport Wellfield	$290.00	$11,600.00	NO BID	NO BID
	ea					
3	350,000	Liquid Ammonium Sulfate - Water Purification Plant	NO BID	NO BID	$2.65	$927,500.00
	gals					
4	2,000	Aluminum Sulfate - Water Purification Plant	NO BID	NO BID	$598.00	$1,196,000.00
	tons					
5	20,000	Polymer - Water Purification Plant	NO BID	NO BID	NO BID	NO BID
	gals					
6	4,400	Polymer for dewatering - Water Purification Plant	NO BID	NO BID	NO BID	NO BID
	gals					
7	25	Powdered Activated Carbon	NO BID	NO BID	NO BID	NO BID
	tons					
8	10,000	Liquid Copper Sulfate 25%	NO BID	NO BID	NO BID	NO BID
	gals					
9	20,000	Potassium Permanganate	NO BID	NO BID	NO BID	NO BID
	lbs					
10	75,000	Sodium Permanganate - 20% Solution	NO BID	NO BID	NO BID	NO BID
	lbs					
		TOTALS:		$719,147.50		$2,123,500.00

Bidding Summary:

34 **Bid requests were issued.**

8 **Bids listed above**

3 **NO BIDS were received.**

23 **Bidders did not respond.**

City Council Meeting

Item Number: 9

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: **Motion authorizing the execution of Change Order Number 1 with Onyx General Contractors, LLC regarding the Marienfeld Traffic Signal Improvements Project; said change order to be in the amount of $156,079.50 and to provide for the replacement of a storm drain pipe and the replacement of traffic and pedestrian improvements that must be removed to replace the storm drain pipe; and appropriating funds from the Drainage Fund for said Project. (DISTRICT 3) (GENERAL SERVICES)**

Purpose:

Motion authorizing the execution of Change Order Number 1 with Onyx General Contractors, LLC regarding the Marienfeld Traffic Signal Improvements Project; said change order to be in the amount of $156,079.50 and to provide for the replacement of a storm drain pipe and the replacement of traffic and pedestrian improvements that must be removed to replace the storm drain pipe; and appropriating funds from the Drainage Fund for said Project.

Recommended City Council Action:

Approve

Fiscal Impact:

Funds will be transferred and appropriated from the Drainage Fund and will be transferred to Project 900291 to supplement this contract.

Discussion:

Resolution 2021-002 awarded a contract for the Marienfeld Traffic Signal Improvements Project to Onyx General Contractors, LLC in the amount of $815,643.92. Staff recommends adding $156,079.50 to the Marienfeld Traffic Signal Improvements Project to provide the replacement

of a storm drain pipe and the replacement of traffic and pedestrian improvements that must be removed to replace the storm drain pipe. Please see the attached supporting memo from Gabe McClelland, Senior Engineering Manager, for additional information.

Therefore, please consider a motion authorizing the execution of Change Order 1 with Onyx General Contractors, LLC regarding the Traffic Signal Improvements at Marienfeld Street; said change order to be in the amount of $156,079.50.

Tina Daug

City Manager's Office

INTEROFFICE MEMORANDUM

TO: Erika Munoz, Purchasing Manager

FROM: Gabe McClelland, Senior Engineering Manager

SUBJECT: Change Order 1; Intersection and Storm Drain Improvements – Marienfeld Street (Project 21000015)

DATE: August 29, 2022

CC: Jose Ortiz, Director of Engineering Services

Onyx General Contractors began the Intersection and Storm Drain Improvement Project at Marienfeld Street in January 2022. The limits of the project are Illinois Avenue and Texas Avenue. The scope of work includes full replacement of signal lights, ADA improvements, paving improvements, and storm drain improvements.

While excavating for the placement of new storm drain pipe, city staff was made aware of the very poor condition of the existing storm drain pipe. The existing corrugated metal pipe was placed more than forty years ago. Visual inspection of the pipe revealed severe corrosion to the bottom of the pipe. After some internal discussion, City staff decided the pipe should be replaced.

Onyx provided a Change Proposal to replace all storm drain pipe and complete all incidentals at Marienfeld Street from Illinois Avenue to Texas Avenue. After reviewing the Change Proposal, city staff recommends executing Change Order 1 in the amount $156,079.50. The total adjusted contract amount will increase to $971,723.42. Revenue from storm drain fees will be used to fund the additional work (line #400482-57002). Please see the funding breakdown below:

- Original Contract Amount $ 815,643.92
- Change Order 1 156,079.50
- **Total Adjusted Amount** **$ 971,723.42**

CHANGE ORDER

Order No. 1

Date: August 24, 2022
Contract Date: January 13, 2021

NAME OF PROJECT: Traffic Signal Improvements – Marienfeld Street

PROJECT NUMBER: 21000015

OWNER: City of Midland; Engineering Services (080); Traffic Operations Division (083)

CONTRACTOR: Onyx General Contractors, LLC.

The following changes are hereby made to the CONTRACT DOCUMENTS:

Justification:

Onyx General Contractors began the Traffic Signal Improvement Project at Marienfeld Street in January 2022. The limits of the project are Illinois Avenue and Texas Avenue. The scope of work includes full replacement of signal lights, ADA improvements, paving improvements, and storm drain improvements.

While excavating for the placement of new storm drain pipe, city staff was made aware of the very poor condition of the existing storm drain pipe. The existing corrugated metal pipe was placed more than forty years ago. Visual inspection of the pipe revealed sever corrosion to the bottom of the pipe. After some internal discussion, City staff decided the pipe should be replaced.

Onyx provided a Change Proposal to replace all storm drain pipe and complete all incidentals at Marienfeld Street from Illinois Avenue to Texas Avenue. After reviewing the Change Proposal, city staff recommends executing Change Order 1 in the amount $156,079.50. The total adjusted contract amount will increase to $971,723.42. Revenue from storm drain fees will be used to fund the additional work.

Change to CONTRACT PRICE:

Original UNIT PRICE CONTRACT: $ 815,643.92

Current UNIT PRICE CONTRACT adjusted by previous CHANGE ORDER: NA

The UNIT PRICE CONTRACT due to this CHANGE ORDER will be:
☒ (increased) ☐(decreased) by: $ 156,079.50
The new UNIT PRICE CONTRACT including this CHANGE ORDER will be: $ 971,723.42

Change to CONTRACT TIME: NA
The CONTRACT TIME will be: ☒ (increased) ☐(decreased) by: 30 Calendar Days

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: _____

Cahnge Order 1 – Storm Sewer Work to Finish (Illinois to Texas)

WORK TO BE COMPLETED (ILLINOIS TO TEXAS)					
Item	**Qty**	**Unit**	**Description**	**Price**	**Total**
1	300	LF	24" STORM DRAIN PIPE	$219.00	$65,700.00
2	1	LS	EXCAVATE, EXPOSE & CONNECT TO EXISTING STORM DRAIN	$4,375.00	$4,375.00
3	600	LF	SAWCUTTING -MAX 2"-3" THICKNESS	$6.00	$3,600.00
4	225	SY	REMOVE & DISPOSE OF ASPHALT	$18.50	$4,162.50
5	1	EA	24X12 TEE CONNECTIONS-2 AT ILLINOIS-1 AT OHIO	$3,081.00	$3,081.00
6	1	EA	CURB INLETS- 2 AT ILLINOIS-1 AT OHIO	$23,915.00	$23,915.00
7	80	SY	REMOVE & DISPOSE OF EXISTING CONCRETE	$24.00	$1,920.00
8	225	SY	FLOWABLE FILL UNDER ASPHALT PATCH	$26.00	$5,850.00
9	10	SY	NEW CONCRETE - NO PAVERS	$96.00	$960.00
10	1	LS	SHORING AND TRENCH PROTECTION	$4,750.00	$4,750.00
11	300	LF	PUMPING OF FLOWABLE FILL IN EXISTING STORM DRAIN	$44.00	$13,200.00
12	2	MO	TRAFFIC CONTROL	$2,442.00	$4,884.00
WORK NEEDED TO TIE IN LINES					
Item	**Qty**	**Unit**	**Description**	**Price**	**Total**
1	4	EA	45 DEG. BENDS	$2,388.00	$9,552.00
2	2	EA	LABOR TO BREAK THROUGH CONCRETE & FINAL CONNECTIONS	$3,125.00	$6,250.00
3	20	LF	18" STORM DRAIN PIPE	$194.00	$3,880.00

Total = $156,079.50

P.o box 60547 midland tx 79711
432 561 8900
432 561 8644
www.onyxcontractors.com

City Council Meeting

Item Number: 10

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Erika Martinez, Manager, Purchasing

Subject: **Resolution approving a contract with Amstar, Inc. for the repair of five (5) parking lots located at the Midland International Air & Space Port through Buyboard contract #660-21 for the cost of $176,477.01 plus contingencies of $44,119.25 plus $50,000.00 in other project related expenses for a total cost of $270,596.26 for the Airports Department. (DISTRICT 4) (GENERAL SERVICES)**

Purpose:

Resolution approving a contract with Amstar, Inc. for the repair of five (5) parking lots located at the Midland International Air & Space Port through Buyboard contract #660-21 for the cost of $176,477.01 plus contingencies of $44,119.25 plus $50,000.00 in other project related expenses for a total cost of $270,596.26.

Recommended City Council Action:

Approve

Fiscal Impact:

Funds are available in the Airport Operating Fund and will be transferred and appropriated to a project for said purpose.

Discussion:

Staff is recommending approving a contract with Amstar, Inc. for the repair of five (5) parking lots located at the Midland International Air & Space Port through Buyboard contract #660-21. We are members of this cooperative and Subchapter F, Section 271.102 of the Local Government Code provides that a local government may participate in a cooperative purchasing program and that purchasing goods or services under Subchapter F satisfies any state law requiring the local government to seek competitive bids for those purchases. Please refer to the

memo from Justine Ruff, Airports Director, for additional information.

Therefore, please consider a resolution approving a contract for the repair of five (5) parking lots located at the Midland International Air & Space Port from Amstar, Inc. of San Antonio, Texas through Buyboard contract #660-21 for the cost of $176,477.01 plus contingencies of $44,119.25 plus $50,000.00 in other project related expenses for a total cost of $270,596.26.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING A CONTRACT WITH AMSTAR, INC., THROUGH BUYBOARD FOR THE REPAIR OF FIVE (5) PARKING LOTS LOCATED AT MIDLAND INTERNATIONAL AIR & SPACE PORT FOR A TOTAL COST OF $176,477.01; APPROVING $44,119.25 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID PROJECT

WHEREAS, Buyboard is a cooperative purchasing agency with which the City participates with on purchases through a cooperative purchasing program in accordance with TEX. LOC. GOV'T CODE § 271.102; and

WHEREAS, Amstar, Inc., has submitted a total proposed cost to the City of $176,477.01 through Buyboard for the repair of five (5) parking lots located at Midland International Air & Space Port; and

WHEREAS, the Council finds the price proposed by Amstar, Inc., through Buyboard for said repairs to be fair and reasonable; and

WHEREAS, the City Council finds it to be in the public interest to approve a contract with Amstar, Inc., through Buyboard for the repair of five (5) parking lots located at Midland International Air & Space Port;

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

SECTION ONE. That the City Manager and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a contract with Amstar, Inc., for the repair of five (5) parking lots located at Midland International Air & Space Port, through Buyboard, for a total cost of $176,477.01. Said contract being in a form substantially similar to Exhibit A, which is attached hereto and incorporated herein for all purposes.

SECTION TWO. That the sum of $44,119.25 for contingencies is hereby approved.

SECTION THREE. That the sum of $270,596.26 is available in the Airport Operating Fund and shall be transferred and appropriated to a project established by the City of Midland

Finance Department.

SECTION THREE. That the City Comptroller is hereby authorized and directed to pay Amstar, Inc., in accordance with the provisions of the above-referenced contract from funds available in the project established by the City of Midland Finance Department upon receipt of proper 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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED AS TO FORM ONLY:

_____
John Ohnemiller, City Attorney

THE CITY OF MIDLAND

CONTRACT

Contract No. 22004548

THIS CONTRACT, effective the 14th day of September 2022, by and between the City of Midland, hereinafter referred to as "CITY", and Amstar, Inc., hereinafter referred to as "COMPANY", is made for the following considerations:

1. **Cost:** Total Proposal: $ 176,477.01 DOLLARS

2. **Scope of Work:** COMPANY shall perform all work described for the repair of five (5) parking lots located at the Midland International Air & Space Port. Said work being further described in the following documents, which are attached hereto and incorporated herein for all purposes.

EXHIBIT A..... Specifications, Proposal or Cost Summary
EXHIBIT B.....Intentionally Omitted
EXHIBIT C..... Bonding instructions for Public Works Contract of $50,000 and more
EXHIBIT D..... Wage Scale

3. **City:** The words "CITY's Representative" or "representative" shall mean Justine Ruff or the designee under whose supervision these contract documents, including the plans and specifications, were prepared, or who may inspect work performed under this Contract; or such other representative, supervisor, or inspector as may be authorized by CITY to act in any particular capacity under this Contract.

4. **City's Representative:** CITY's Representative may make periodic visits to the site to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. CITY's representative will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, nor will such representative be responsible for the construction means, methods, techniques, sequences or procedures, or the safety precautions incident thereto. CITY's representative will not be responsible for COMPANY's failure to perform the work in accordance with the contract.

5. **Company:** Unless otherwise stipulated, COMPANY shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel,

transportation and all other facilities necessary for the execution and completion of the work covered by the contract documents. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of a good quality. COMPANY shall, if required, furnish satisfactory evidence as to the kind and quality of materials.

5.1. COMPANY shall, at its expense, obtain all permits and licenses necessary for the performance of this contract and pay all fees and taxes required by law, and comply with all laws, ordinances, rules and regulations governing COMPANY's performance of the contract, including all environmental laws and regulations, whether state or federal.

5.2. All work shall be done and all materials furnished in strict conformity with the contract and specifications.

6. **Minor Work Not Mentioned:** All minor detail of the work not specifically mentioned in the Specifications but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are named in the contract. COMPANY will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this contract shall mean and include all work that may be required by CITY to be done by COMPANY to accomplish any alteration or addition to the work as shown on the Specifications.

6.1. COMPANY shall perform all extra work under the direction of CITY's Representative when presented with a written work order signed by CITY's Representative, subject, however, to the right of the COMPANY to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

7. **Safety:** COMPANY shall at all times exercise reasonable precaution for the safety of employees and others on or near the work and shall comply with all applicable provisions of federal, state and municipal laws. All machinery and equipment and other physical hazards shall be guarded in accordance with federal, state or municipal laws or regulations.

8. **INDEMNITY: COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, LOSSES, PROPERTY DAMAGE AND EXPENSES 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 COMPANY, THEIR AGENTS OR EMPLOYEES, OR ANY SUBCONTRACTOR, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

8.1. **COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, PROPERTY DAMAGE, LOSSES, AND EXPENSES 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 CITY, CITY'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 COMPANY OR COMPANY'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 CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.1 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.**

8.2. **COMPANY AGREES THAT IT WILL INDEMNIFY AND SAVE CITY 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 AND ALL SUPPLIES, INCURRED IN THE FURTHERANCE OF THE PERFORMANCE OF THIS CONTRACT. WHEN CITY SO DESIRES, COMPANY SHALL FURNISH SATISFACTORY EVIDENCE THAT ALL OBLIGATIONS OF THE NATURE HEREINABOVE DESIGNATED HAVE BEEN PAID, DISCHARGED OR WAIVED. COMPANY, ITS SURETIES AND INSURANCE CARRIERS SHALL DEFEND, INDEMNIFY AND SAVE HARMLESS CITY AND**

ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ARISING FROM ANY ACT OF COMPANY OR ANY SUBCONTRACTOR, THEIR AGENTS OR EMPLOYEES, IN THE EXECUTION AND SUPERVISION OF THIS CONTRACT, AND WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS, OR EMPLOYEES INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.2 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

9. **Start of Work:** COMPANY shall commence work no later than ten (10) days after receipt of the execution of this document or other written release to proceed and shall complete such work no later than 60 calendar days after release to proceed.

10. **Clean Up:** COMPANY shall promptly remove from CITY's premises all materials condemned by CITY's Representative on account of failure to conform to the contract, whether actually incorporated in the work or not, and COMPANY shall at its own expense promptly replace such condemned materials with other materials conforming to the requirements of the contract. COMPANY shall also bear the expense of restoring all work of other contractors damaged by any such removal or replacement. If COMPANY does not remove and replace any such condemned materials within a reasonable time after a written notice by CITY, CITY may remove and replace such at COMPANY's expense.

11. **Warranty:** Neither the final payment nor any provision in this contract shall relieve COMPANY of responsibility for faulty materials or workmanship, and he shall remedy any defects due thereto and pay for any damage to other work resulting therefrom, which shall appear within a period of one (1) year from the date of substantial completion. CITY shall give notice of observed defects with reasonable promptness.

12. **Remedy:** CITY may, on account of subsequently discovered evidence, withhold whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

12.1. Defective work not remedied; or

12.2. Claims filed or reasonable evidence indicating possible filing of claims; or

12.3. Failure of COMPANY to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the COMPANY; or

12.4. Damages to another contractor or subcontractor.

When the above grounds to withhold payment are removed, or COMPANY provides a surety bond satisfactory to CITY, which will protect CITY in the amount withheld, payment may be released.

13. **Funding Out:** In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for contract payments due under the contract, then this contract shall terminate on the last day of the fiscal period for which full appropriations were made, without penalty or expense to CITY of any kind whatsoever.

14. **Wage Scale:** COMPANY agrees to pay all workmen in his employ no less than the generally prevailing wage rate for employees of similar category in the Permian Basin Area, as is depicted in the wage rate scale attached hereto as EXHIBIT D, and incorporated herein by reference for all legal purposes.

14.1. If applicable, the Davis-Bacon Act, 29 CFR 5.5, and any related acts or regulations are hereby incorporated by reference and made a part of this Contract, and all terms and requirements under said laws, by such incorporation, are made terms and requirements of this Contract, to which the parties to this Contract have agreed to be bound.

15. **Prompt Pay Act:** CITY and COMPANY agree that Texas Government Code, Chapter 2251, Payment for Goods and Services (the "Prompt Pay Act") does not waive governmental immunity.

16. **Payment; Retainage:** After all work is completed by COMPANY, including all Change Orders altering the original scope and amount of the contract are completed, and the CITY has inspected and approved that the work is completed and in compliance with the contract and all subsequent Change Orders, the CITY may thereafter issue payment to COMPANY in the amount of the contract and all Change Orders. The CITY shall be the final judge of when the work is completed by COMPANY. The CITY, in its sole discretion, shall determine if the work under the contract and under any Change Orders has been done to the CITY's requirements.

16.1. The CITY may make periodic payments to COMPANY; provided, however, such periodic payments may only be made pursuant to this section, and only after all work and all Change Orders are completed by COMPANY and approved by the CITY. The approval shall be in the CITY's sole discretion. Requests for progress payments may be made to the extent of the materials and labor completed at the end of each month. Upon approval by the CITY or the CITY's representative, the request and invoice shall be forwarded for payment less 5% retainage. The total of these payments shall not exceed 95% of the total contract amount.

17. **Late Completion; Liquidated Damages:** It is hereby understood and mutually agreed, by and between COMPANY and the CITY, that the date of beginning and the time for completion as specified in the contract of the work to be done hereunder are ESSENTIAL CONDITIONS of this contract; and it is further mutually understood and agreed that the work embraced in this contract shall be commenced on a date to be specified in the "Notice to Proceed." COMPANY agrees that said work shall be prosecuted regularly, diligently, and uninterruptedly at such rate of progress as will insure full completion thereof within the time specified. It is expressly understood and agreed, by and between COMPANY and the CITY, that the time for the completion of the work described herein is a reasonable time for the completion of the same, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.

17.1. In the event COMPANY shall neglect, fail or refuse to complete the work within the time herein specified, or any proper extension thereof granted by the CITY, then COMPANY and COMPANY's surety, if any, shall be liable for and does hereby agree, as a part consideration for the awarding of this contract, to pay to the CITY $500.00, not as a penalty but as liquidated damages for such breach of contract as hereinafter set forth, for each and every day that COMPANY shall be in default after the time stipulated in the contract for completing the work. Further, the CITY shall have the right to cancel this contract for such delay. In the event the CITY cancels this contract pursuant to the terms of this section, the CITY shall pay to COMPANY only those monies deemed appropriate by the CITY, in its sole discretion, to compensate COMPANY for any work actually performed, less any liquidated damages COMPANY owes the CITY.

17.2. The said amount is fixed and agreed upon by and between COMPANY and the CITY because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages the CITY would in such event sustain, and said amount is agreed to be the amount of damages which the CITY would sustain and said amount shall be retained from time to time by the CITY from current periodical estimates.

17.3. It is further agreed that time is of the essence of each and every portion of this contract and of the specifications wherein a definite and certain length of time is fixed for the performance of any act whatsoever; and where under the contract an additional time is allowed for the completion of any work, the new time limit fixed by such extension shall be of the essence of this contract. Provided, that COMPANY shall not be charged with liquidated damages or any excess cost when the CITY determines, in its sole discretion, that COMPANY is without fault and COMPANY's reasons for the time extension are acceptable to the CITY. Provided, further, that COMPANY shall not be charged with liquidated damages or any excess cost when the delay in completion of the work is due:

a. To any preference, priority or allocation order duly issued by the Government;

b. To unforeseeable cause beyond the control and without the fault or negligence of COMPANY, including, but not restricted to, acts of God, or of the public enemy, acts of the CITY, acts of another contractor in the performance of a contract with the CITY, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and severe weather; and

c. To any delays of subcontractors or suppliers occasioned by any of the causes specified in subsections (a) and (b) of this article.

17.4. Provided, further, that COMPANY shall, within ten (10) days from the beginning of such delay, unless the CITY shall, in its sole discretion grant a further period of time prior to the date of final settlement of the contract, notify the CITY, in writing, of the causes of the delay, who shall ascertain the facts and extent of the delay and notify COMPANY within a reasonable time of its decision in the matter.

17.5. **COMPANY AGREES THAT THE PAYMENT OF SUCH LIQUIDATED DAMAGES MAY BE RECOVERED BY THE CITY FROM RETAINAGE HELD BY THE CITY. NOTWITHSTANDING ANY OTHER PROVISION HEREOF, COMPANY HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY, CITY'S EMPLOYEES AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES, OR CAUSES OF ACTION OF ANY KIND WHATSOEVER ARISING FROM THE CITY WITHHOLDING PAYMENT FROM COMPANY AS LIQUIDATED DAMAGES FOR COMPANY'S FAILURE TO COMPLETE THE WORK WITHIN THE TIME SPECIFIED HEREIN, 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 CITY'S NEGLIGENCE.**

17.6. **COMPANY SHALL RECEIVE NO FINANCIAL COMPENSATION FOR DELAY OR HINDRANCE TO THE WORK. IN NO EVENT SHALL THE CITY BE LIABLE TO COMPANY OR ANY SUBCONTRACTOR OR SUPPLIER, ANY OTHER PERSON OR ANY SURETY FOR OR ANY EMPLOYEE OR AGENT OF ANY OF THEM, FOR ANY DAMAGES ARISING OUT OF OR ASSOCIATED WITH ANY DELAY OR HINDRANCE TO THE WORK, REGARDLESS OF THE SOURCE OF THE DELAY OR HINDRANCE, INCLUDING EVENTS OF FORCE MAJEURE, AND EVEN IF SUCH DELAY OR HINDRANCE RESULTS FROM, ARISES OUT OF OR IS DUE, IN WHOLE OR IN PART, TO THE NEGLIGENCE OF THE CITY. COMPANY'S SOLE REMEDY IN ANY SUCH CASE SHALL BE AN EXTENSION OF TIME.**

18. **No Third Party Beneficiary:** CITY's approval of this contract does not create a third party

beneficiary. There is no third party beneficiary to this contract. No person or entity who is not a party to this contract shall have any third party beneficiary or other rights hereunder.

19. WAIVER OF ATTORNEY FEES: BY EXECUTING THIS CONTRACT, COMPANY AGREES TO WAIVE AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST CITY REGARDING THE AWARD OR ATTORNEY'S FEES, WHICH ARE IN ANY WAY RELATED TO THIS CONTRACT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THIS CONTRACT. COMPANY SPECIFICALLY AGREES THAT IF COMPANY BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS CONTRACT, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS CONTRACT, 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, COMPANY AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH COMPANY MIGHT OTHERWISE BE ENTITLED.

COMPANY AGREES THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY-EXISTING KNOWN RIGHT. COMPANY ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THIS CONTRACT. COMPANY FURTHER ACKNOWLEDGES AND AGREES THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND COMPANY. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OR GOVERNMENTAL IMMUNITY AND SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

COMPANY IS RELYING ON ITS OWN JUDGMENT. COMPANY HAD THE OPPORTUNITY TO DISCUSS THIS CONTRACT WITH COMPETENT LEGAL COUNSEL PRIOR TO ITS EXECUTION. THE OBLIGATIONS CONTAINED IN THIS SECTION 18 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

20. **Governmental Immunity:** By executing this contract CITY is not waiving its right of governmental immunity. CITY is retaining its immunity from suit. CITY is not granting consent to be sued by legislative resolution or action.

THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.

21. **Insurance:**

COMPANY shall at all times during the term of this Contract 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:	$500,000.00 per occurrence
Business Automobile Liability:	$250,000.00 combined single limit - Personal Injury and Property Damage
Workers' Compensation:	Statutory limits
Employers' Liability:	$500,000.00 per accident or occurrence

The Commercial General Liability shall be on a per project aggregate, including completed operations, and shall be on a claims-occurred basis. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Business Automobile Liability insurance provided by COMPANY shall cover any auto for bodily injury and property damage, including owned vehicles, hired and non-city vehicles, and employee non-ownership, and the amount of such policy shall be a minimum of $250,000.00 covering any vehicle used for the execution of the work that is the subject of this Contract. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Workers' Compensation coverage provided by COMPANY shall inure to the benefit of employees injured during the course and scope of their employment by COMPANY pursuant to this Contract. The Workers' Compensation shall waive all rights of subrogation in favor of CITY.

All insurance required pursuant to this Contract shall provide for a waiver of subrogation in favor of CITY. All insurance required pursuant to this Contract, except for Workers' Compensation Insurance, shall name CITY as an additional insured on a claims occurred basis. CITY shall be provided the notice by COMPANY's insurance provider not later than thirty (30) days prior to any reduction or termination of such coverage.

COMPANY shall contractually require all contractors, subcontractors, and sub-subcontractors that work on any portion of the work that is the subject of this Contract to obtain insurance coverage that meets or exceeds the policy requirements and minimum amounts specified herein. All contractors, subcontractors, and sub-subcontractors shall obtain insurance policies that provide blanket waivers of

subrogation in favor of the City of Midland and policies that name the City of Midland as an additional insured on a claims occurred basis (except workers' compensation).

The parties agree that, prior to the execution of the Contract, COMPANY shall provide one or more certificates of insurance specifically stating that these requirements have been met and subject to the approval of CITY. CITY shall not be required to provide any insurance whatsoever pursuant to this Contract.

COMPANY certifies that the certificate of insurance provided as required herein complies with the requirements of Chapter 1811 of the Texas Insurance Code. COMPANY shall not use an unapproved certificate of insurance or insert inappropriate language on a certificate. Compliance with state law is the sole responsibility of COMPANY.

22. **Assignment**: COMPANY shall not, either directly or indirectly, assign all or any part of this Contract or any interest, right or privilege herein, without the prior written consent of CITY. The issue on whether or not to grant consent to an assignment is in the sole discretion of CITY.

23. **RELEASE: NOTWITHSTANDING ANY OTHER PROVISION CONTAINED HEREIN, COMPANY HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY AND CITY'S COUNCIL MEMBERS, EMPLOYEES, AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER THAT COMPANY 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 CITY'S NEGLIGENCE. THE OBLIGATIONS CONTAINED IN THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS CONTRACT**.

24. **Governing Law and Venue:** This contract shall be governed by the laws of the State of Texas. All performance and payment made pursuant to this contract 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 contract or the performance of this contract shall be in Midland County, Texas.

25. **Independent Contractor:** COMPANY shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of CITY. COMPANY shall have exclusive control of, and the exclusive right to control the details of the services and work to be

performed hereunder, and all persons performing the same. COMPANY shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors and the doctrine of respondeat superior shall not apply as between CITY and COMPANY, its officers, agents, employees, contractors and subcontractors. Nothing in this Contract shall be construed as creating a partnership or joint enterprise between CITY and COMPANY. No person performing any of the work and services described hereunder by COMPANY shall be considered an officer, agent, servant or employee of CITY. Further, it is specifically understood and agreed that nothing in this contract is intended or construed as creating a "Community of Pecuniary Interest" or an "Equal Right of Control" which would give rise to vicarious liability.

COMPANY shall be an independent contractor under this Contract and shall assume all of the rights, obligations and liabilities, applicable to it as such independent contractor hereunder. CITY does not have the power to direct the order in which the work is done. CITY shall not have the right to control the means, methods or details of COMPANY's work. COMPANY shall assume exclusive responsibility for the work. COMPANY is entirely free to do the work in its own way.

26. **Notice of Alleged Breach; Statutory Prerequisites:** As a condition precedent to filing suit for alleged damages incurred by an alleged breach of an express or implied provision of this Contract, COMPANY or its legal representative, shall give the City Manager, or any other reasonable official of CITY, notice in writing (consisting of one (1) original and seven (7) copies of notice attached to a copy of this Contract) of such damages, duly verified, within one hundred twenty (120) 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 COMPANY shall settle, the physical and mailing addresses of COMPANY at the time and date the claim was presented and the physical and mailing addresses of COMPANY for the six (6) months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom COMPANY relies to establish its claim; and a failure to provide such written notification within the time and manner provided herein shall exonerate, excuse and except CITY from any liability whatsoever. CITY is under no obligation to provide notice to COMPANY that COMPANY's notice is insufficient. CITY reserves the right to request 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 to the contrary, COMPANY's failure to comply with the

requirements of this Section shall perpetually bar COMPANY's claim for damages under Chapter 271 of the Texas Local Government Code, and Section 311.034 of the Texas Government Code, regardless if CITY has actual or constructive notice or knowledge of said claim or alleged damages. COMPANY agrees that the requirements of this entire Contract are reasonable. The provisions and obligations of this Section shall survive the termination of this Contract.

27. **Consideration:** The terms of this Contract are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties named herein.

28. **Termination At Will:** CITY may terminate this Contract at will for no or any reason upon giving at least one hundred eighty (180) days written notice to COMPANY. The parties to this Contract understand and agree that it is in CITY's sole discretion to cancel the Contract during the term of the Contract without penalty to CITY. COMPANY has no expectation and has received no guarantees that this Contract will not be terminated before the end of the Contract term. The parties have bargained for the flexibility of terminating this Contract upon tender of the requisite notice at any time during the term of the Contract. All work and services under the Contract shall be suspended upon termination of the Contract becoming effective.

29. **Compliance:** COMPANY agrees that it shall comply with Texas Government Code Section 2252.908, *et seq.*, as amended. COMPANY agrees that it shall comply with Texas Local Government Code Section 176.006, *et seq.*, as amended.

30. To the extent that Sections 2271.002 and 2274.002 of the Texas Government Code (collectively, the "Anti-Boycott Statutes") apply to this Contract, Company hereby verifies:

- that Company does not boycott Israel and will not boycott Israel during the term of this Contract;
- that Company does not boycott energy companies and will not boycott energy companies during the term of this Contract; and
- that Company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this Contract against a firearm entity or firearm trade association.

To the extent that the Anti-Boycott Statutes do not apply to this Contract, such verification is not required, and Company shall be deemed to have not made such verification.

31. **Records Retention and Production of Information.** To the extent that this Contract constitutes a contract described by Section 552.371 of the Texas Government Code, COMPANY shall: (i) preserve all contracting information related to this Contract as provided by the records retention requirements

applicable to CITY for the duration of this Contract; (ii) promptly provide to CITY any contracting information related to the Contract that is in the custody or possession of COMPANY on request of CITY; and (iii) on completion of the Contract, either: (a) provide at no cost to CITY all contracting information related to the Contract that is in the custody or possession of COMPANY; or (b) preserve the contracting information related to the Contract as provided by the records retention requirements applicable to CITY.

32. **Public Information.** To the extent that this Contract is a contract described by Section 552.371 of the Texas Government Code, COMPANY agrees as follows in accordance with Section 552.372(b) of the Texas Government Code: The requirements of Subchapter J, Chapter 552, Government Code, may apply to this Contract, and COMPANY agrees that the contract can be terminated if COMPANY knowingly or intentionally fails to comply with a requirement of that subchapter.

33. **Conflict of Terms.** If a conflict of terms or language exists between: (i) any of the provisions of this Contract and (ii) any of the provisions contained in any exhibit(s) attached to this Contract, precedence shall be given to the provisions of this Contract. For the avoidance of any doubt, the provisions contained in this Contract shall supersede any and all conflicting provisions contained in any exhibit(s) attached hereto. Furthermore, the parties acknowledge and agree that any provision contained in an exhibit(s) attached to this Contract that imposes an additional express or implied obligation on CITY is hereby made void and of no force or effect. CITY's sole and exclusive obligations under this Contract are contained in the provisions of this Contract that precede the signature page(s), which evidences the parties' execution.

34. Company agrees that all iron or steel products produced through a manufacturing process and used in the project that is the subject of this Contract shall be produced in the United States in accordance with Government Code § 2252.202, et seq., as amended.

EXECUTED IN DUPLICATE the day and year first above mentioned.

THE CITY OF MIDLAND, TEXAS

By: _____
Robert Patrick, City Manager

ATTEST

_____
Amy M. Turner, City Secretary

APPROVED ONLYAS TO FORM

_____
John Ohnemiller, City Attorney

COMPANY:

By: _____

Name:_____

Title: _____

STATE OF _____ §
§
COUNTY OF_____ §

BEFORE ME, the undersigned authority, on this ____ day of _____, 20____ personally appeared, _____, an officer of Amstar, Inc., known to me to be the person and official whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same as the act and deed of said corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____day of _____, 20____.

_____
Notary Public, State of _____

Exhibit A

GORDIAN®

Work Order Signature Document

ezIQC Buy Board Contract No.: 660-21

[X] **New Work Order** [ ] **Modify an Existing Work Order**

Work Order Number.:	108238.00	Work Order Date:	09/06/2022
Work Order Title:	City of Midland- Airport Parking Lot Repairs		
Owner Name:	City of Midland	Contractor Name:	Amstar Inc.
Contact:	Regina Stephenson	Contact:	Atanacio Carrisal
Phone:	432-685-7233	Phone:	(210) 927-5705

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of ezIQC Buy Board Contract No 660-21.

Brief Work Order Description:

Repair 5 parking lots around the airport.
Liquidated damages will apply

Time of Performance Estimated Start Date:
Estimated Completion Date:

Liquidated Damages Will apply: [X] Will not apply: [ ]

Work Order Firm Fixed Price: $176,477.01

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Atanacio Carrisal
Amstar Inc.
1211 Pleasanton Rd
San Antonio, TX 78214
(210) 927-5705

From: Regina Stephenson
City of Midland
300 N Loraine
Midland, TX 79701
432-685-7233

Date Printed: September 06, 2022

Work Order Number: 108238.00

Work Order Title: City of Midland- Airport Parking Lot Repairs

Brief Scope: Repair 5 parking lots around the airport.
Liquidated damages will apply

☐ **Preliminary** ☐ **Revised** ☒ **Final**

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Work to be performed in 5 parking lots. Interruption to tenants to be at a minimum.

- Air King
- Border Patrol
- Maintenance building
- Red cross
- Rental car parking

1. Amstar, Inc. will provide equipment, material, and labor to accomplish the following:
a. Provide pothole repair using Type d hotmix
b. Provide hot applied cracksealer
c. Provide 2 coats of coal tar emulsion sealer
d. Restripe to match existing layout

Assumptions & Clarifications:
1. Work to be performed during normal business hours.
2. No work not specified in the above scope of work.
3. All haul off included.
4. No handling or disposal of hazardous materials.
5. We exclude all unforeseen conditions.

Subject to the terms and conditions of JOC Contract **660-21**.

Detailed Scope of Work Continues..

Work Order Number: 108238.00
Work Order Title: City of Midland- Airport Parking Lot Repairs

Contractor Date

Owner Date

Contractor's Price Proposal - Summary

Date: September 06, 2022

Re:

IQC Master Contract #:	660-21
Work Order #:	108238.00
Owner PO #:	
Title:	City of Midland- Airport Parking Lot Repairs
Contractor:	Amstar Inc.
Proposal Value:	$176,477.01

Section - 32	**$176,477.01**
Proposal Total	**$176,477.01**

Thisl total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: September 06, 2022

Re:

IQC Master Contract #:	660-21
Work Order #:	108238.00
Owner PO #:	
Title:	City of Midland- Airport Parking Lot Repairs
Contractor:	Amstar Inc.
Proposal Value:	$176,477.01

	Sect.	Item	Mod.	UOM	Description	Line Total
Labor	Equip.	Material	(Excludes)			
Section - 32						
1	32 01 13	61 0013		SY	>20,000 To 50,000 SY, Type III Slurry Seal Asphalt Coating, Per Coat3/8" thick, 25 to 30 Lbs/SY.	$137,781.00
				Installation	Quantity 45,000.00 x Unit Price 2.43 x Factor 1.2600 = Total 137,781.00	
2	32 01 17	61 0006		LF	>5,000 To 10,000 LF Fill Cracks Up To 1/2" x 1/2" With Hot Asphalt Crack FillerIncludes air cleaning of cracks. Excludes backer rod where required and routing of crack.	$10,962.00
				Installation	Quantity 15,000.00 x Unit Price 0.58 x Factor 1.2600 = Total 10,962.00	
3	32 01 17	63 0011		EA	Permanent Pot Hole Repairs With Cold Mix, Up To 3 Tons	$18,662.01
				Installation	Quantity 12.00 x Unit Price 1,234.26 x Factor 1.2600 = Total 18,662.01	
4	32 17 23	13 0034		LF	Single 4" Wide Solid Line, Painted Reflective Pavement Striping	$9,072.00
				Installation	Quantity 40,000.00 x Unit Price 0.18 x Factor 1.2600 = Total 9,072.00	
Subtotal for Section - 32						**$176,477.01**

Proposal Total **$176,477.01**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: **%**

EXHIBIT C

Bonding Requirements

The successful bidder shall be required to furnish a Performance & Payment Bond* for bids in excess of $50,000.00, in an amount equal to one hundred percent (100%) of the total contract price, such bond to be executed in five (5) original counterparts by a Corporate Surety authorized to do business in the State of Texas and acceptable to the City of Midland. All bonds must be executed on forms contained in these contract documents. The form of agreement which the successful bidder, as contractor, will be required to execute is also included herewith. The form of agreement and the form of the bonds should be carefully examined by the bidder.

A certified check, cashier's check, bank money order, or irrevocable letter of credit issued by a bank satisfactory to the City, or a bidder's bond on the form provided, in the amount of five percent (5%) of the largest possible lump sum bid submitted, payable without recourse to the City, must accompany the bidder's proposal, as a guaranty that the bidder will enter a contract and execute the required payment bond and guaranty in the forms provided within fifteen (15) days after notice of award of contract to him. Bids or proposals without the required bid guaranty will not be considered. All bid sureties and payment bonds shall name the City of Midland as Obligee.

*A cash security such as a cashier's check or irrevocable letter of credit issued by a bank satisfactory to the City for 100 % of the contract amount may be supplied in lieu of the Performance and Payment Bonds. The check will be returned un-cashed upon satisfactory completion of the work and evidence of payment of all obligations due for the contract.

PAYMENT BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ of the City of _____ of the County of _____ and State of Texas as Principal, and _____, as Surety, are held and firmly bound unto the City of Midland, Texas, as Obligee, in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____ day of _____, 20__, for the furnishing of materials, equipment to perform all labor and work necessary for _____, hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, the condition of the obligation is that if the said Principal shall pay all claimants supplying labor and material to him or a subcontractor in the prosecution of the work provided for in said contract, then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

Surety, for value received, stipulates and agrees that no change, extension of time alteration or addition to the terms of the contract, or to the work performed there under, or the plans, specifications of drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of

time, alteration or addition to the terms of the contract, assignment thereof, or to the work to be performed there under.

IN WITNESS WHEREOF the said Principal and Surety have signed and sealed this instrument, this _____ day of _____ , 20__ .

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

Form Revised August 2012

PERFORMANCE BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ (Hereinafter called the Principal[s]), as Principal(s), and _____ (Hereinafter called the Surety), as Surety, are held and firmly bound unto the City of Midland, Texas a home rule municipal corporation of Midland County, Texas, (hereinafter called the Obligee), in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____day of _____ , 20___ , for the furnishing of materials and equipment to perform all labor and work necessary for the construction of _____ , specifically including in the scope of this work and bond, the additional maintenance guaranty provisions set forth in the contract conditions, which contract is hereby referred to and made a part hereof as fully and to the same extent as if copies at length herein, as well as the Principal's primary obligation to perform according to plans and specifications.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully perform the work in accordance with the plans, specifications, instructions to bidder, general and special conditions and other contract documents, including any addendum thereto, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED further that if any legal action be filed upon this Bond venue shall lie in Midland County, State of Texas.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications or drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of time, alteration or addition to the terms of the contract, assignment thereof, or the work to be performed thereunder.

IN WITNESS WHEREOF, the said Principal and surety do sign and seal this instrument, this _____ day of _____ , 20___.

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

"General Decision Number: TX20220261 08/05/2022

Superseded General Decision Number: TX20210261

State: Texas

Construction Type: Building

County: Midland County in Texas.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least $15.00 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least $11.25 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at https://www.dol.gov/agencies/whd/government-contracts.

Modification Number	Publication Date
0	01/07/2022
1	02/25/2022

2 08/05/2022

BOIL0074-003 01/01/2021

	Rates	Fringes
BOILERMAKER	$ 29.47	24.10

ENGI0178-005 06/01/2020

	Rates	Fringes
POWER EQUIPMENT OPERATOR		
(1) Tower Crane	$ 32.85	13.10
(2) Cranes with Pile Driving or Caisson Attachment and Hydraulic Crane 60 tons and above	$ 28.75	10.60
(3) Hydraulic cranes 59 Tons and under	$ 32.35	13.10

* IRON0084-011 06/01/2022

	Rates	Fringes
IRONWORKER, ORNAMENTAL	$ 26.76	7.88

PLUM0404-001 09/01/2020

	Rates	Fringes
PLUMBER	$ 26.05	8.81

* SUTX2014-037 07/21/2014

	Rates	Fringes
BRICKLAYER	$ 20.00	0.00
CARPENTER	$ 13.82 **	0.00
CEMENT MASON/CONCRETE FINISHER	$ 13.76 **	0.00
ELECTRICIAN	$ 23.18	6.31
INSULATOR - MECHANICAL (Duct, Pipe & Mechanical System Insulation)	$ 19.77	7.13
IRONWORKER, REINFORCING	$ 12.27 **	0.00
IRONWORKER, STRUCTURAL	$ 22.16	5.26
LABORER: Common or General	$ 11.80 **	0.00
LABORER: Mason Tender - Brick	$ 11.38 **	0.00
LABORER: Mason Tender - Cement/Concrete	$ 10.58 **	0.00
LABORER: Pipelayer	$ 12.49 **	2.13
LABORER: Roof Tearoff	$ 11.28 **	0.00
OPERATOR:		

Backhoe/Excavator/Trackhoe.....$ 14.25 ** 0.00

OPERATOR: Bobcat/Skid Steer/Skid Loader.....$ 13.93 ** 0.00

OPERATOR: Bulldozer.....$ 18.29 1.31

OPERATOR: Drill.....$ 16.22 0.34

OPERATOR: Forklift.....$ 14.83 ** 0.00

OPERATOR: Grader/Blade.....$ 13.37 ** 0.00

OPERATOR: Loader.....$ 13.55 ** 0.94

OPERATOR: Mechanic.....$ 17.52 3.33

OPERATOR: Paver (Asphalt, Aggregate, and Concrete).....$ 16.03 0.00

OPERATOR: Roller.....$ 12.70 ** 0.00

PAINTER (Brush, Roller, and Spray).....$ 15.00 0.73

PIPEFITTER.....$ 25.80 8.55

ROOFER.....$ 14.75 ** 0.00

SHEET METAL WORKER (HVAC Duct Installation Only).....$ 22.73 7.52

SHEET METAL WORKER, Excludes HVAC Duct Installation.....$ 19.50 0.00

TILE FINISHER.....$ 11.22 ** 0.00

TILE SETTER.....$ 14.74 ** 0.00

TRUCK DRIVER: Dump Truck.....$ 12.39 ** 1.18

TRUCK DRIVER: Flatbed Truck.....$ 19.65 8.57

TRUCK DRIVER: Semi-Trailer Truck.....$ 12.50 ** 0.00

TRUCK DRIVER: Water Truck.....$ 12.00 ** 4.11

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 ($15.00) or 13658 ($11.25). Please see the Note at the top of the wage determination for more information.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours

they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at https://www.dol.gov/agencies/whd/government-contracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the

wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

MEETING DATE: **September 13, 2022**

TO: **Erika Martinez, Purchasing Manager**

FROM: **Justine Ruff, Director of Airports**

SUBJECT: **Parking lot repair at MAF**

Erika,

Airport personnel have reviewed the Proposal for Parking lot repairs from Gordian with Buy Board Contract No.: 660-21 for the repair of five parking lots around the Airport. Amstar will provide equipment, material and labor to accomplish the repair work on five tenant parking lots at MAF. The Air King, Border Patrol, Airport Maintenance Building, Red Cross and the Airport Rental Car parking lots will all be repaired in the project. Contract amount will be $176,477.01 plus contingences and the money is available in the Airport Fund.

Justine Ruff
Director of Airports

THE CITY OF MIDLAND

CONTRACT

Contract No. 22004548

THIS CONTRACT, effective the 14th day of September 2022, by and between the City of Midland, hereinafter referred to as "CITY", and Amstar, Inc., hereinafter referred to as "COMPANY", is made for the following considerations:

1. **Cost:** Total Proposal: $ 176,477.01 DOLLARS

2. **Scope of Work:** COMPANY shall perform all work described for the repair of five (5) parking lots located at the Midland International Air & Space Port. Said work being further described in the following documents, which are attached hereto and incorporated herein for all purposes.

EXHIBIT A..... Specifications, Proposal or Cost Summary
EXHIBIT B.....Intentionally Omitted
EXHIBIT C..... Bonding instructions for Public Works Contract of $50,000 and more
EXHIBIT D..... Wage Scale

3. **City:** The words "CITY's Representative" or "representative" shall mean Justine Ruff or the designee under whose supervision these contract documents, including the plans and specifications, were prepared, or who may inspect work performed under this Contract; or such other representative, supervisor, or inspector as may be authorized by CITY to act in any particular capacity under this Contract.

4. **City's Representative:** CITY's Representative may make periodic visits to the site to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. CITY's representative will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, nor will such representative be responsible for the construction means, methods, techniques, sequences or procedures, or the safety precautions incident thereto. CITY's representative will not be responsible for COMPANY's failure to perform the work in accordance with the contract.

5. **Company:** Unless otherwise stipulated, COMPANY shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel,

transportation and all other facilities necessary for the execution and completion of the work covered by the contract documents. Unless otherwise specified, all materials shall be new, and both workmanship and materials shall be of a good quality. COMPANY shall, if required, furnish satisfactory evidence as to the kind and quality of materials.

5.1. COMPANY shall, at its expense, obtain all permits and licenses necessary for the performance of this contract and pay all fees and taxes required by law, and comply with all laws, ordinances, rules and regulations governing COMPANY's performance of the contract, including all environmental laws and regulations, whether state or federal.

5.2. All work shall be done and all materials furnished in strict conformity with the contract and specifications.

6. **Minor Work Not Mentioned:** All minor detail of the work not specifically mentioned in the Specifications but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are named in the contract. COMPANY will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this contract shall mean and include all work that may be required by CITY to be done by COMPANY to accomplish any alteration or addition to the work as shown on the Specifications.

6.1. COMPANY shall perform all extra work under the direction of CITY's Representative when presented with a written work order signed by CITY's Representative, subject, however, to the right of the COMPANY to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

7. **Safety:** COMPANY shall at all times exercise reasonable precaution for the safety of employees and others on or near the work and shall comply with all applicable provisions of federal, state and municipal laws. All machinery and equipment and other physical hazards shall be guarded in accordance with federal, state or municipal laws or regulations.

8. **INDEMNITY: COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, LOSSES, PROPERTY DAMAGE AND EXPENSES 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 COMPANY, THEIR AGENTS OR EMPLOYEES, OR ANY SUBCONTRACTOR, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

8.1. **COMPANY SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND CITY AND ALL OF CITY'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, ACCIDENTAL DEATH, PROPERTY DAMAGE, LOSSES, AND EXPENSES 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 CITY, CITY'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 COMPANY OR COMPANY'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 CONTRACT, AND COMPANY WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.1 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.**

8.2. **COMPANY AGREES THAT IT WILL INDEMNIFY AND SAVE CITY 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 AND ALL SUPPLIES, INCURRED IN THE FURTHERANCE OF THE PERFORMANCE OF THIS CONTRACT. WHEN CITY SO DESIRES, COMPANY SHALL FURNISH SATISFACTORY EVIDENCE THAT ALL OBLIGATIONS OF THE NATURE HEREINABOVE DESIGNATED HAVE BEEN PAID, DISCHARGED OR WAIVED. COMPANY, ITS SURETIES AND INSURANCE CARRIERS SHALL DEFEND, INDEMNIFY AND SAVE HARMLESS CITY AND**

ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, OR CLAIMS OF ANY CHARACTER WHATSOEVER, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR PROPERTY, ARISING FROM ANY ACT OF COMPANY OR ANY SUBCONTRACTOR, THEIR AGENTS OR EMPLOYEES, IN THE EXECUTION AND SUPERVISION OF THIS CONTRACT, AND WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST CITY OR ANY OF ITS OFFICERS, AGENTS, OR EMPLOYEES INCLUDING ATTORNEY'S FEES. THE OBLIGATIONS CONTAINED IN THIS SECTION 8.2 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

9. **Start of Work:** COMPANY shall commence work no later than ten (10) days after receipt of the execution of this document or other written release to proceed and shall complete such work no later than 60 calendar days after release to proceed.

10. **Clean Up:** COMPANY shall promptly remove from CITY's premises all materials condemned by CITY's Representative on account of failure to conform to the contract, whether actually incorporated in the work or not, and COMPANY shall at its own expense promptly replace such condemned materials with other materials conforming to the requirements of the contract. COMPANY shall also bear the expense of restoring all work of other contractors damaged by any such removal or replacement. If COMPANY does not remove and replace any such condemned materials within a reasonable time after a written notice by CITY, CITY may remove and replace such at COMPANY's expense.

11. **Warranty:** Neither the final payment nor any provision in this contract shall relieve COMPANY of responsibility for faulty materials or workmanship, and he shall remedy any defects due thereto and pay for any damage to other work resulting therefrom, which shall appear within a period of one (1) year from the date of substantial completion. CITY shall give notice of observed defects with reasonable promptness.

12. **Remedy:** CITY may, on account of subsequently discovered evidence, withhold whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

12.1. Defective work not remedied; or

12.2. Claims filed or reasonable evidence indicating possible filing of claims; or

12.3. Failure of COMPANY to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the COMPANY; or

12.4. Damages to another contractor or subcontractor.

When the above grounds to withhold payment are removed, or COMPANY provides a surety bond satisfactory to CITY, which will protect CITY in the amount withheld, payment may be released.

13. **Funding Out:** In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for contract payments due under the contract, then this contract shall terminate on the last day of the fiscal period for which full appropriations were made, without penalty or expense to CITY of any kind whatsoever.

14. **Wage Scale:** COMPANY agrees to pay all workmen in his employ no less than the generally prevailing wage rate for employees of similar category in the Permian Basin Area, as is depicted in the wage rate scale attached hereto as EXHIBIT D, and incorporated herein by reference for all legal purposes.

14.1. If applicable, the Davis-Bacon Act, 29 CFR 5.5, and any related acts or regulations are hereby incorporated by reference and made a part of this Contract, and all terms and requirements under said laws, by such incorporation, are made terms and requirements of this Contract, to which the parties to this Contract have agreed to be bound.

15. **Prompt Pay Act:** CITY and COMPANY agree that Texas Government Code, Chapter 2251, Payment for Goods and Services (the "Prompt Pay Act") does not waive governmental immunity.

16. **Payment; Retainage:** After all work is completed by COMPANY, including all Change Orders altering the original scope and amount of the contract are completed, and the CITY has inspected and approved that the work is completed and in compliance with the contract and all subsequent Change Orders, the CITY may thereafter issue payment to COMPANY in the amount of the contract and all Change Orders. The CITY shall be the final judge of when the work is completed by COMPANY. The CITY, in its sole discretion, shall determine if the work under the contract and under any Change Orders has been done to the CITY's requirements.

16.1. The CITY may make periodic payments to COMPANY; provided, however, such periodic payments may only be made pursuant to this section, and only after all work and all Change Orders are completed by COMPANY and approved by the CITY. The approval shall be in the CITY's sole discretion. Requests for progress payments may be made to the extent of the materials and labor completed at the end of each month. Upon approval by the CITY or the CITY's representative, the request and invoice shall be forwarded for payment less 5% retainage. The total of these payments shall not exceed 95% of the total contract amount.

17. **Late Completion; Liquidated Damages:** It is hereby understood and mutually agreed, by and between COMPANY and the CITY, that the date of beginning and the time for completion as specified in the contract of the work to be done hereunder are ESSENTIAL CONDITIONS of this contract; and it is further mutually understood and agreed that the work embraced in this contract shall be commenced on a date to be specified in the "Notice to Proceed." COMPANY agrees that said work shall be prosecuted regularly, diligently, and uninterruptedly at such rate of progress as will insure full completion thereof within the time specified. It is expressly understood and agreed, by and between COMPANY and the CITY, that the time for the completion of the work described herein is a reasonable time for the completion of the same, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.

17.1. In the event COMPANY shall neglect, fail or refuse to complete the work within the time herein specified, or any proper extension thereof granted by the CITY, then COMPANY and COMPANY's surety, if any, shall be liable for and does hereby agree, as a part consideration for the awarding of this contract, to pay to the CITY $500.00, not as a penalty but as liquidated damages for such breach of contract as hereinafter set forth, for each and every day that COMPANY shall be in default after the time stipulated in the contract for completing the work. Further, the CITY shall have the right to cancel this contract for such delay. In the event the CITY cancels this contract pursuant to the terms of this section, the CITY shall pay to COMPANY only those monies deemed appropriate by the CITY, in its sole discretion, to compensate COMPANY for any work actually performed, less any liquidated damages COMPANY owes the CITY.

17.2. The said amount is fixed and agreed upon by and between COMPANY and the CITY because of the impracticability and extreme difficulty of fixing and ascertaining the actual damages the CITY would in such event sustain, and said amount is agreed to be the amount of damages which the CITY would sustain and said amount shall be retained from time to time by the CITY from current periodical estimates.

17.3. It is further agreed that time is of the essence of each and every portion of this contract and of the specifications wherein a definite and certain length of time is fixed for the performance of any act whatsoever; and where under the contract an additional time is allowed for the completion of any work, the new time limit fixed by such extension shall be of the essence of this contract. Provided, that COMPANY shall not be charged with liquidated damages or any excess cost when the CITY determines, in its sole discretion, that COMPANY is without fault and COMPANY's reasons for the time extension are acceptable to the CITY. Provided, further, that COMPANY shall not be charged with liquidated damages or any excess cost when the delay in completion of the work is due

a. To any preference, priority or allocation order duly issued by the Government;

b. To unforeseeable cause beyond the control and without the fault or negligence of COMPANY, including, but not restricted to, acts of God, or of the public enemy, acts of the CITY, acts of another contractor in the performance of a contract with the CITY, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and severe weather; and

c. To any delays of subcontractors or suppliers occasioned by any of the causes specified in subsections (a) and (b) of this article.

17.4. Provided, further, that COMPANY shall, within ten (10) days from the beginning of such delay, unless the CITY shall, in its sole discretion grant a further period of time prior to the date of final settlement of the contract, notify the CITY, in writing, of the causes of the delay, who shall ascertain the facts and extent of the delay and notify COMPANY within a reasonable time of its decision in the matter.

17.5. **COMPANY AGREES THAT THE PAYMENT OF SUCH LIQUIDATED DAMAGES MAY BE RECOVERED BY THE CITY FROM RETAINAGE HELD BY THE CITY. NOTWITHSTANDING ANY OTHER PROVISION HEREOF, COMPANY HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY, CITY'S EMPLOYEES AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES, OR CAUSES OF ACTION OF ANY KIND WHATSOEVER ARISING FROM THE CITY WITHHOLDING PAYMENT FROM COMPANY AS LIQUIDATED DAMAGES FOR COMPANY'S FAILURE TO COMPLETE THE WORK WITHIN THE TIME SPECIFIED HEREIN, 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 CITY'S NEGLIGENCE.**

17.6. **COMPANY SHALL RECEIVE NO FINANCIAL COMPENSATION FOR DELAY OR HINDRANCE TO THE WORK. IN NO EVENT SHALL THE CITY BE LIABLE TO COMPANY OR ANY SUBCONTRACTOR OR SUPPLIER, ANY OTHER PERSON OR ANY SURETY FOR OR ANY EMPLOYEE OR AGENT OF ANY OF THEM, FOR ANY DAMAGES ARISING OUT OF OR ASSOCIATED WITH ANY DELAY OR HINDRANCE TO THE WORK, REGARDLESS OF THE SOURCE OF THE DELAY OR HINDRANCE, INCLUDING EVENTS OF FORCE MAJEURE, AND EVEN IF SUCH DELAY OR HINDRANCE RESULTS FROM, ARISES OUT OF OR IS DUE, IN WHOLE OR IN PART, TO THE NEGLIGENCE OF THE CITY. COMPANY'S SOLE REMEDY IN ANY SUCH CASE SHALL BE AN EXTENSION OF TIME.**

18. **No Third Party Beneficiary:** CITY's approval of this contract does not create a third party

beneficiary. There is no third party beneficiary to this contract. No person or entity who is not a party to this contract shall have any third party beneficiary or other rights hereunder.

19. WAIVER OF ATTORNEY FEES: BY EXECUTING THIS CONTRACT, COMPANY AGREES TO WAIVE AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST CITY REGARDING THE AWARD OR ATTORNEY'S FEES, WHICH ARE IN ANY WAY RELATED TO THIS CONTRACT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THIS CONTRACT. COMPANY SPECIFICALLY AGREES THAT IF COMPANY BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS CONTRACT, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS CONTRACT, 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, COMPANY AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH COMPANY MIGHT OTHERWISE BE ENTITLED.

COMPANY AGREES THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY-EXISTING KNOWN RIGHT. COMPANY ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THIS CONTRACT. COMPANY FURTHER ACKNOWLEDGES AND AGREES THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND COMPANY. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OR GOVERNMENTAL IMMUNITY AND SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

COMPANY IS RELYING ON ITS OWN JUDGMENT. COMPANY HAD THE OPPORTUNITY TO DISCUSS THIS CONTRACT WITH COMPETENT LEGAL COUNSEL PRIOR TO ITS EXECUTION. THE OBLIGATIONS CONTAINED IN THIS SECTION 18 SHALL SURVIVE THE TERMINATION OF THIS CONTRACT.

20. **Governmental Immunity:** By executing this contract CITY is not waiving its right of governmental immunity. CITY is retaining its immunity from suit. CITY is not granting consent to be sued by legislative resolution or action.

THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY.

21. **Insurance:**

COMPANY shall at all times during the term of this Contract 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:	$500,000.00 per occurrence
Business Automobile Liability:	$250,000.00 combined single limit - Personal Injury and Property Damage
Workers' Compensation:	Statutory limits
Employers' Liability:	$500,000.00 per accident or occurrence

The Commercial General Liability shall be on a per project aggregate, including completed operations, and shall be on a claims-occurred basis. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Business Automobile Liability insurance provided by COMPANY shall cover any auto for bodily injury and property damage, including owned vehicles, hired and non-city vehicles, and employee non-ownership, and the amount of such policy shall be a minimum of $250,000.00 covering any vehicle used for the execution of the work that is the subject of this Contract. This insurance shall name CITY as an additional insured and waive subrogation in favor of CITY.

The Workers' Compensation coverage provided by COMPANY shall inure to the benefit of employees injured during the course and scope of their employment by COMPANY pursuant to this Contract. The Workers' Compensation shall waive all rights of subrogation in favor of CITY.

All insurance required pursuant to this Contract shall provide for a waiver of subrogation in favor of CITY. All insurance required pursuant to this Contract, except for Workers' Compensation Insurance, shall name CITY as an additional insured on a claims occurred basis. CITY shall be provided the notice by COMPANY's insurance provider not later than thirty (30) days prior to any reduction or termination of such coverage.

COMPANY shall contractually require all contractors, subcontractors, and sub-subcontractors that work on any portion of the work that is the subject of this Contract to obtain insurance coverage that meets or exceeds the policy requirements and minimum amounts specified herein. All contractors, subcontractors, and sub-subcontractors shall obtain insurance policies that provide blanket waivers of

subrogation in favor of the City of Midland and policies that name the City of Midland as an additional insured on a claims occurred basis (except workers' compensation).

The parties agree that, prior to the execution of the Contract, COMPANY shall provide one or more certificates of insurance specifically stating that these requirements have been met and subject to the approval of CITY. CITY shall not be required to provide any insurance whatsoever pursuant to this Contract.

COMPANY certifies that the certificate of insurance provided as required herein complies with the requirements of Chapter 1811 of the Texas Insurance Code. COMPANY shall not use an unapproved certificate of insurance or insert inappropriate language on a certificate. Compliance with state law is the sole responsibility of COMPANY.

22. **Assignment**: COMPANY shall not, either directly or indirectly, assign all or any part of this Contract or any interest, right or privilege herein, without the prior written consent of CITY. The issue on whether or not to grant consent to an assignment is in the sole discretion of CITY.

23. **RELEASE: NOTWITHSTANDING ANY OTHER PROVISION CONTAINED HEREIN, COMPANY HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES CITY AND CITY'S COUNCIL MEMBERS, EMPLOYEES, AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER THAT COMPANY 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 CITY'S NEGLIGENCE. THE OBLIGATIONS CONTAINED IN THIS SECTION SHALL SURVIVE THE TERMINATION OF THIS CONTRACT**.

24. **Governing Law and Venue:** This contract shall be governed by the laws of the State of Texas. All performance and payment made pursuant to this contract 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 contract or the performance of this contract shall be in Midland County, Texas.

25. **Independent Contractor:** COMPANY shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of CITY. COMPANY shall have exclusive control of, and the exclusive right to control the details of the services and work to be

performed hereunder, and all persons performing the same. COMPANY shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors and the doctrine of respondeat superior shall not apply as between CITY and COMPANY, its officers, agents, employees, contractors and subcontractors. Nothing in this Contract shall be construed as creating a partnership or joint enterprise between CITY and COMPANY. No person performing any of the work and services described hereunder by COMPANY shall be considered an officer, agent, servant or employee of CITY. Further, it is specifically understood and agreed that nothing in this contract is intended or construed as creating a "Community of Pecuniary Interest" or an "Equal Right of Control" which would give rise to vicarious liability.

COMPANY shall be an independent contractor under this Contract and shall assume all of the rights, obligations and liabilities, applicable to it as such independent contractor hereunder. CITY does not have the power to direct the order in which the work is done. CITY shall not have the right to control the means, methods or details of COMPANY's work. COMPANY shall assume exclusive responsibility for the work. COMPANY is entirely free to do the work in its own way.

26. **Notice of Alleged Breach; Statutory Prerequisites:** As a condition precedent to filing suit for alleged damages incurred by an alleged breach of an express or implied provision of this Contract, COMPANY or its legal representative, shall give the City Manager, or any other reasonable official of CITY, notice in writing (consisting of one (1) original and seven (7) copies of notice attached to a copy of this Contract) of such damages, duly verified, within one hundred twenty (120) 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 COMPANY shall settle, the physical and mailing addresses of COMPANY at the time and date the claim was presented and the physical and mailing addresses of COMPANY for the six (6) months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom COMPANY relies to establish its claim; and a failure to provide such written notification within the time and manner provided herein shall exonerate, excuse and except CITY from any liability whatsoever. CITY is under no obligation to provide notice to COMPANY that COMPANY's notice is insufficient. CITY reserves the right to request 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 to the contrary, COMPANY's failure to comply with the

requirements of this Section shall perpetually bar COMPANY's claim for damages under Chapter 271 of the Texas Local Government Code, and Section 311.034 of the Texas Government Code, regardless if CITY has actual or constructive notice or knowledge of said claim or alleged damages. COMPANY agrees that the requirements of this entire Contract are reasonable. The provisions and obligations of this Section shall survive the termination of this Contract.

27. **Consideration:** The terms of this Contract are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties named herein.

28. **Termination At Will:** CITY may terminate this Contract at will for no or any reason upon giving at least one hundred eighty (180) days written notice to COMPANY. The parties to this Contract understand and agree that it is in CITY's sole discretion to cancel the Contract during the term of the Contract without penalty to CITY. COMPANY has no expectation and has received no guarantees that this Contract will not be terminated before the end of the Contract term. The parties have bargained for the flexibility of terminating this Contract upon tender of the requisite notice at any time during the term of the Contract. All work and services under the Contract shall be suspended upon termination of the Contract becoming effective.

29. **Compliance:** COMPANY agrees that it shall comply with Texas Government Code Section 2252.908, *et seq.*, as amended. COMPANY agrees that it shall comply with Texas Local Government Code Section 176.006, *et seq.*, as amended.

30. To the extent that Sections 2271.002 and 2274.002 of the Texas Government Code (collectively, the "Anti-Boycott Statutes") apply to this Contract, Company hereby verifies:

- that Company does not boycott Israel and will not boycott Israel during the term of this Contract;
- that Company does not boycott energy companies and will not boycott energy companies during the term of this Contract; and
- that Company does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this Contract against a firearm entity or firearm trade association.

To the extent that the Anti-Boycott Statutes do not apply to this Contract, such verification is not required, and Company shall be deemed to have not made such verification.

31. **Records Retention and Production of Information.** To the extent that this Contract constitutes a contract described by Section 552.371 of the Texas Government Code, COMPANY shall: (i) preserve all contracting information related to this Contract as provided by the records retention requirements

applicable to CITY for the duration of this Contract; (ii) promptly provide to CITY any contracting information related to the Contract that is in the custody or possession of COMPANY on request of CITY; and (iii) on completion of the Contract, either: (a) provide at no cost to CITY all contracting information related to the Contract that is in the custody or possession of COMPANY; or (b) preserve the contracting information related to the Contract as provided by the records retention requirements applicable to CITY.

32. **Public Information.** To the extent that this Contract is a contract described by Section 552.371 of the Texas Government Code, COMPANY agrees as follows in accordance with Section 552.372(b) of the Texas Government Code: The requirements of Subchapter J, Chapter 552, Government Code, may apply to this Contract, and COMPANY agrees that the contract can be terminated if COMPANY knowingly or intentionally fails to comply with a requirement of that subchapter.

33. **Conflict of Terms.** If a conflict of terms or language exists between: (i) any of the provisions of this Contract and (ii) any of the provisions contained in any exhibit(s) attached to this Contract, precedence shall be given to the provisions of this Contract. For the avoidance of any doubt, the provisions contained in this Contract shall supersede any and all conflicting provisions contained in any exhibit(s) attached hereto. Furthermore, the parties acknowledge and agree that any provision contained in an exhibit(s) attached to this Contract that imposes an additional express or implied obligation on CITY is hereby made void and of no force or effect. CITY's sole and exclusive obligations under this Contract are contained in the provisions of this Contract that precede the signature page(s), which evidences the parties' execution.

34. Company agrees that all iron or steel products produced through a manufacturing process and used in the project that is the subject of this Contract shall be produced in the United States in accordance with Government Code § 2252.202, et seq., as amended.

EXECUTED IN DUPLICATE the day and year first above mentioned.

THE CITY OF MIDLAND, TEXAS

By: _____
Robert Patrick, City Manager

ATTEST

_____
Amy M. Turner, City Secretary

APPROVED ONLYAS TO FORM

_____
John Ohnemiller, City Attorney

COMPANY:

By: _____

Name:_____

Title: _____

STATE OF _____ §
§
COUNTY OF_____ §

BEFORE ME, the undersigned authority, on this ____ day of _____, 20____ personally appeared, _____, an officer of Amstar, Inc., known to me to be the person and official whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same as the act and deed of said corporation, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____day of _____, 20____.

_____
Notary Public, State of _____

Exhibit A

GORDIAN®

Work Order Signature Document

ezIQC Buy Board Contract No.: 660-21

[X] **New Work Order** [ ] **Modify an Existing Work Order**

Work Order Number.:	108238.00	Work Order Date:	09/06/2022
Work Order Title:	City of Midland- Airport Parking Lot Repairs		
Owner Name:	City of Midland	Contractor Name:	Amstar Inc.
Contact:	Regina Stephenson	Contact:	Atanacio Carrisal
Phone:	432-685-7233	Phone:	(210) 927-5705

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of ezIQC Buy Board Contract No 660-21.

Brief Work Order Description:

Repair 5 parking lots around the airport.
Liquidated damages will apply

Time of Performance Estimated Start Date:
Estimated Completion Date:

Liquidated Damages Will apply: [X] Will not apply: [ ]

Work Order Firm Fixed Price: $176,477.01

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Atanacio Carrisal
Amstar Inc.
1211 Pleasanton Rd
San Antonio, TX 78214
(210) 927-5705

From: Regina Stephenson
City of Midland
300 N Loraine
Midland, TX 79701
432-685-7233

Date Printed: September 06, 2022

Work Order Number: 108238.00

Work Order Title: City of Midland- Airport Parking Lot Repairs

Brief Scope: Repair 5 parking lots around the airport.
Liquidated damages will apply

☐ **Preliminary** ☐ **Revised** ☒ **Final**

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Work to be performed in 5 parking lots. Interruption to tenants to be at a minimum.

- Air King
- Border Patrol
- Maintenance building
- Red cross
- Rental car parking

1. Amstar, Inc. will provide equipment, material, and labor to accomplish the following:
a. Provide pothole repair using Type d hotmix
b. Provide hot applied cracksealer
c. Provide 2 coats of coal tar emulsion sealer
d. Restripe to match existing layout

Assumptions & Clarifications:
1. Work to be performed during normal business hours.
2. No work not specified in the above scope of work.
3. All haul off included.
4. No handling or disposal of hazardous materials.
5. We exclude all unforeseen conditions.

Subject to the terms and conditions of JOC Contract **660-21**.

Detailed Scope of Work Continues..

Work Order Number: 108238.00
Work Order Title: City of Midland- Airport Parking Lot Repairs

Contractor Date

Owner Date

Contractor's Price Proposal - Summary

Date: September 06, 2022

Re:

IQC Master Contract #:	660-21
Work Order #:	108238.00
Owner PO #:	
Title:	City of Midland- Airport Parking Lot Repairs
Contractor:	Amstar Inc.
Proposal Value:	$176,477.01

Section - 32	**$176,477.01**
Proposal Total	**$176,477.01**

Thisl total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: September 06, 2022

Re:

IQC Master Contract #:	660-21
Work Order #:	108238.00
Owner PO #:	
Title:	City of Midland- Airport Parking Lot Repairs
Contractor:	Amstar Inc.
Proposal Value:	$176,477.01

	Sect.	Item	Mod.	UOM	Description	Line Total
Labor	Equip.	Material	(Excludes)			
Section - 32						
1	32 01 13	61 0013		SY	>20,000 To 50,000 SY, Type III Slurry Seal Asphalt Coating, Per Coat3/8" thick, 25 to 30 Lbs/SY.	$137,781.00
				Installation	Quantity 45,000.00 x Unit Price 2.43 x Factor 1.2600 = Total 137,781.00	
2	32 01 17	61 0006		LF	>5,000 To 10,000 LF Fill Cracks Up To 1/2" x 1/2" With Hot Asphalt Crack FillerIncludes air cleaning of cracks. Excludes backer rod where required and routing of crack.	$10,962.00
				Installation	Quantity 15,000.00 x Unit Price 0.58 x Factor 1.2600 = Total 10,962.00	
3	32 01 17	63 0011		EA	Permanent Pot Hole Repairs With Cold Mix, Up To 3 Tons	$18,662.01
				Installation	Quantity 12.00 x Unit Price 1,234.26 x Factor 1.2600 = Total 18,662.01	
4	32 17 23	13 0034		LF	Single 4" Wide Solid Line, Painted Reflective Pavement Striping	$9,072.00
				Installation	Quantity 40,000.00 x Unit Price 0.18 x Factor 1.2600 = Total 9,072.00	
Subtotal for Section - 32						**$176,477.01**

Proposal Total **$176,477.01**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: **%**

EXHIBIT C

Bonding Requirements

The successful bidder shall be required to furnish a Performance & Payment Bond* for bids in excess of $50,000.00, in an amount equal to one hundred percent (100%) of the total contract price, such bond to be executed in five (5) original counterparts by a Corporate Surety authorized to do business in the State of Texas and acceptable to the City of Midland. All bonds must be executed on forms contained in these contract documents. The form of agreement which the successful bidder, as contractor, will be required to execute is also included herewith. The form of agreement and the form of the bonds should be carefully examined by the bidder.

A certified check, cashier's check, bank money order, or irrevocable letter of credit issued by a bank satisfactory to the City, or a bidder's bond on the form provided, in the amount of five percent (5%) of the largest possible lump sum bid submitted, payable without recourse to the City, must accompany the bidder's proposal, as a guaranty that the bidder will enter a contract and execute the required payment bond and guaranty in the forms provided within fifteen (15) days after notice of award of contract to him. Bids or proposals without the required bid guaranty will not be considered. All bid sureties and payment bonds shall name the City of Midland as Obligee.

*A cash security such as a cashier's check or irrevocable letter of credit issued by a bank satisfactory to the City for 100 % of the contract amount may be supplied in lieu of the Performance and Payment Bonds. The check will be returned un-cashed upon satisfactory completion of the work and evidence of payment of all obligations due for the contract.

PAYMENT BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ of the City of _____ of the County of _____ and State of Texas as Principal, and _____, as Surety, are held and firmly bound unto the City of Midland, Texas, as Obligee, in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____ day of _____, 20__, for the furnishing of materials, equipment to perform all labor and work necessary for _____, hereof as fully and to the same extent as if copied at length herein.

NOW, THEREFORE, the condition of the obligation is that if the said Principal shall pay all claimants supplying labor and material to him or a subcontractor in the prosecution of the work provided for in said contract, then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

Surety, for value received, stipulates and agrees that no change, extension of time alteration or addition to the terms of the contract, or to the work performed there under, or the plans, specifications of drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of

time, alteration or addition to the terms of the contract, assignment thereof, or to the work to be performed there under.

IN WITNESS WHEREOF the said Principal and Surety have signed and sealed this instrument, this _____ day of _____ , 20__ .

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

PERFORMANCE BOND

THE STATE OF TEXAS §

COUNTY OF MIDLAND § SURETY NO _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____ (Hereinafter called the Principal[s]), as Principal(s), and _____ (Hereinafter called the Surety), as Surety, are held and firmly bound unto the City of Midland, Texas a home rule municipal corporation of Midland County, Texas, (hereinafter called the Obligee), in the amount of _____ DOLLARS ($ _____) for the payment whereof the said Principal and surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into a certain written contract with the Obligee, dated the _____day of _____ , 20___ , for the furnishing of materials and equipment to perform all labor and work necessary for the construction of _____ , specifically including in the scope of this work and bond, the additional maintenance guaranty provisions set forth in the contract conditions, which contract is hereby referred to and made a part hereof as fully and to the same extent as if copies at length herein, as well as the Principal's primary obligation to perform according to plans and specifications.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall faithfully perform the work in accordance with the plans, specifications, instructions to bidder, general and special conditions and other contract documents, including any addendum thereto, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED further that if any legal action be filed upon this Bond venue shall lie in Midland County, State of Texas.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract, or to the work performed thereunder, or the plans, specifications or drawings accompanying the same, or any assignment of the contract as may be provided for in the instructions to bidders, shall in anywise affect its obligation on this Bond, and it does waive notice of any such change, extension of time, alteration or addition to the terms of the contract, assignment thereof, or the work to be performed thereunder.

IN WITNESS WHEREOF, the said Principal and surety do sign and seal this instrument, this _____ day of _____ , 20___.

_____	_____
Principal	Surety
By _____	By _____
Address _____	Address _____
_____	_____
_____	_____

APPROVED AS TO FORM:

_____

City Attorney

NOTE: Attach Power of Attorney

"General Decision Number: TX20220261 08/05/2022

Superseded General Decision Number: TX20210261

State: Texas

Construction Type: Building

County: Midland County in Texas.

BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments up to and including 4 stories).

Note: Contracts subject to the Davis-Bacon Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026 or Executive Order 13658. Please note that these Executive Orders apply to covered contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but do not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60).

If the contract is entered into on or after January 30, 2022, or the contract is renewed or extended (e.g., an option is exercised) on or after January 30, 2022:	. Executive Order 14026 generally applies to the contract. . The contractor must pay all covered workers at least $15.00 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in 2022.
If the contract was awarded on or between January 1, 2015 and January 29, 2022, and the contract is not renewed or extended on or after January 30, 2022:	. Executive Order 13658 generally applies to the contract. . The contractor must pay all covered workers at least $11.25 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on that contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. If this contract is covered by one of the Executive Orders and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must still submit a conformance request.

Additional information on contractor requirements and worker protections under the Executive Orders is available at https://www.dol.gov/agencies/whd/government-contracts.

Modification Number	Publication Date
0	01/07/2022
1	02/25/2022

2 08/05/2022

BOIL0074-003 01/01/2021

	Rates	Fringes
BOILERMAKER	$ 29.47	24.10

ENGI0178-005 06/01/2020

	Rates	Fringes
POWER EQUIPMENT OPERATOR		
(1) Tower Crane	$ 32.85	13.10
(2) Cranes with Pile Driving or Caisson Attachment and Hydraulic Crane 60 tons and above	$ 28.75	10.60
(3) Hydraulic cranes 59 Tons and under	$ 32.35	13.10

* IRON0084-011 06/01/2022

	Rates	Fringes
IRONWORKER, ORNAMENTAL	$ 26.76	7.88

PLUM0404-001 09/01/2020

	Rates	Fringes
PLUMBER	$ 26.05	8.81

* SUTX2014-037 07/21/2014

	Rates	Fringes
BRICKLAYER	$ 20.00	0.00
CARPENTER	$ 13.82 **	0.00
CEMENT MASON/CONCRETE FINISHER	$ 13.76 **	0.00
ELECTRICIAN	$ 23.18	6.31
INSULATOR - MECHANICAL (Duct, Pipe & Mechanical System Insulation)	$ 19.77	7.13
IRONWORKER, REINFORCING	$ 12.27 **	0.00
IRONWORKER, STRUCTURAL	$ 22.16	5.26
LABORER: Common or General	$ 11.80 **	0.00
LABORER: Mason Tender - Brick	$ 11.38 **	0.00
LABORER: Mason Tender - Cement/Concrete	$ 10.58 **	0.00
LABORER: Pipelayer	$ 12.49 **	2.13
LABORER: Roof Tearoff	$ 11.28 **	0.00
OPERATOR:		

Backhoe/Excavator/Trackhoe.....$ 14.25 ** 0.00

OPERATOR: Bobcat/Skid Steer/Skid Loader.....$ 13.93 ** 0.00

OPERATOR: Bulldozer.....$ 18.29 1.31

OPERATOR: Drill.....$ 16.22 0.34

OPERATOR: Forklift.....$ 14.83 ** 0.00

OPERATOR: Grader/Blade.....$ 13.37 ** 0.00

OPERATOR: Loader.....$ 13.55 ** 0.94

OPERATOR: Mechanic.....$ 17.52 3.33

OPERATOR: Paver (Asphalt, Aggregate, and Concrete).....$ 16.03 0.00

OPERATOR: Roller.....$ 12.70 ** 0.00

PAINTER (Brush, Roller, and Spray).....$ 15.00 0.73

PIPEFITTER.....$ 25.80 8.55

ROOFER.....$ 14.75 ** 0.00

SHEET METAL WORKER (HVAC Duct Installation Only).....$ 22.73 7.52

SHEET METAL WORKER, Excludes HVAC Duct Installation.....$ 19.50 0.00

TILE FINISHER.....$ 11.22 ** 0.00

TILE SETTER.....$ 14.74 ** 0.00

TRUCK DRIVER: Dump Truck.....$ 12.39 ** 1.18

TRUCK DRIVER: Flatbed Truck.....$ 19.65 8.57

TRUCK DRIVER: Semi-Trailer Truck.....$ 12.50 ** 0.00

TRUCK DRIVER: Water Truck.....$ 12.00 ** 4.11

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

==========

** Workers in this classification may be entitled to a higher minimum wage under Executive Order 14026 ($15.00) or 13658 ($11.25). Please see the Note at the top of the wage determination for more information.

Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours

they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at https://www.dol.gov/agencies/whd/government-contracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the

wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

* an existing published wage determination
* a survey underlying a wage determination
* a Wage and Hour Division letter setting forth a position on a wage determination matter
* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour National Office because National Office has responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISIO"

City Council Meeting

Item Number: 11

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 405 FEET FROM THE NORTH LINE AND 1,362 FEET FROM THE EAST LINE, SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND 1,362 FEET WEST OF ELKINS ROAD) (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving the issuance of permit to Pioneer Natural Resources, USA, Inc. ("Operator") for the drilling of the oil and gas well Stimson E17A 101H; said well being generally located 405 feet south of Arapahoe Road and 1,362 feet west of Elkins Road. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibits. A 24 ft. sound wall will be used during drilling and fracturing operations being located on the north, west and south side of location. Closest homes

approximately 880 feet to the north east of the drill pad site. Pad site is planned to be a 20 well pad site. No quiet frac system being used. Tank Battery will be in the County to the east of Elkins Road. The operator has a surface agreement. Receiving support of the Oil & Gas Advisory Committee, Pioneer Natural Resources is requesting the following variances:

(1) Pioneer Natural Resources requests to allow for twenty-four-hour fracing operations.
(2) Pioneer Natural Resources requests variance to close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
(3) Pioneer Natural Resources requests a variance to remove drill cuttings from surface location to be taken off site.
(4) Pioneer Natural Resources requests variance for irrigation and landscaping of the pad. Proposed fencing provides adequate screening around the pad.

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

Morris Williams Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 405 FEET FROM THE NORTH LINE AND 1,362 FEET FROM THE EAST LINE, SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND 1,362 FEET WEST OF ELKINS ROAD)

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 an application to the City of Midland to drill an oil and gas well 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 August 9, 2022; 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 application to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit, on behalf of the City of Midland, that will allow Operator to drill an oil and gas well within the City limits located 405 feet from the north line and 1,362 feet from the east line, Section 17, Block 38, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. Said permit is attached hereto as Exhibit "A" and incorporated herein for all legal 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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson E17A 101H oil and gas well shall be 405 feet from the north line and 1,362 feet from the east line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping or irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Pioneer Remote Operations Hub
3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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):

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

***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: Stimson E17A 101H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1362' FEL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

***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: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

Water for drilling will be pulled from an existing fresh water pond located 3750' southeast of the pad. See Exhibit N.

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

The route for electric lines can be found on Exhibit N

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

A freshwater pit is proposed. See Exhibit O and V for details on closing. Variance on timing is requested.

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)].**

Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

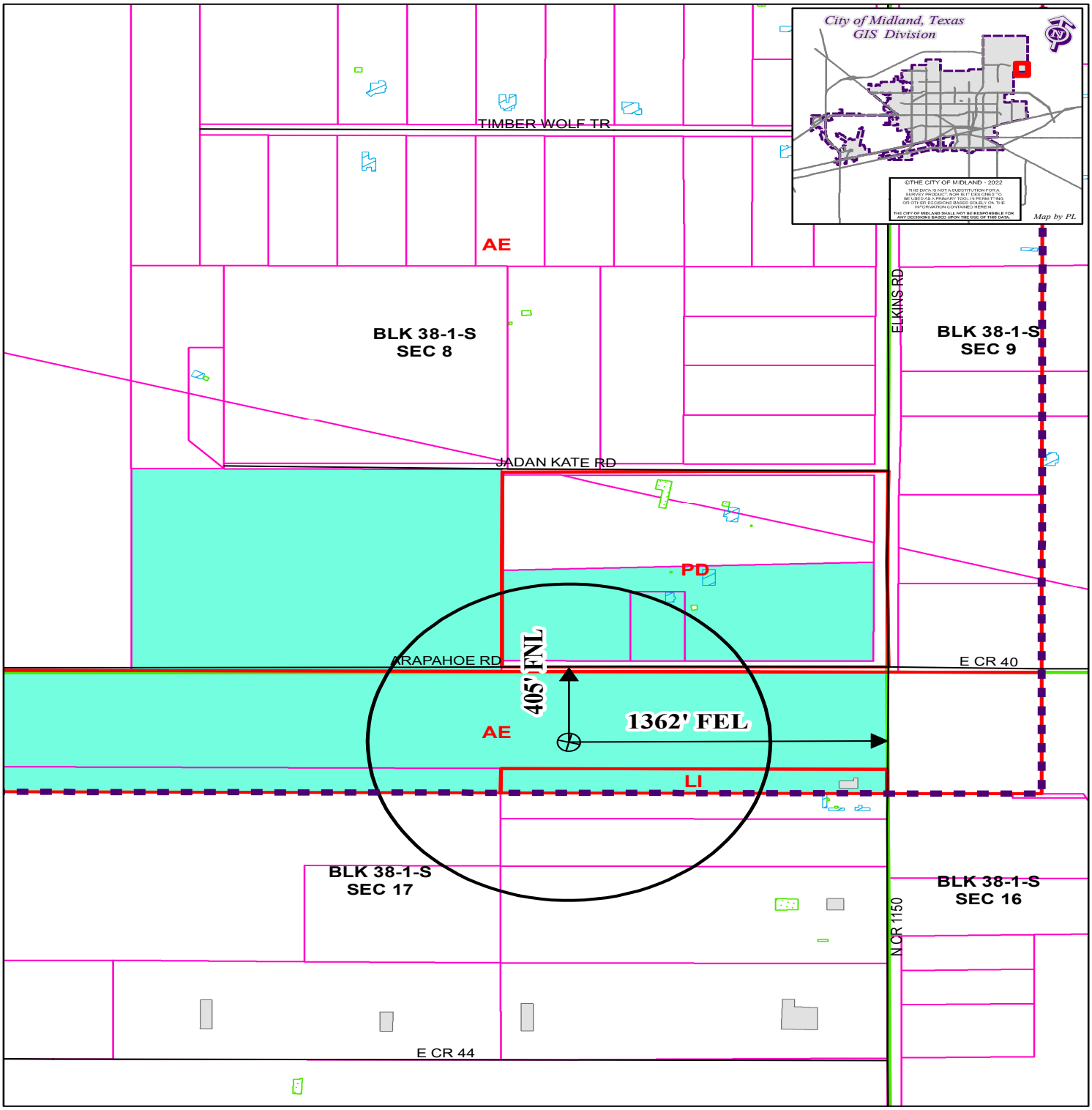
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-043967-2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1362' FEL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,362 feet west of Elkins Road.

Stimson E17A 101H

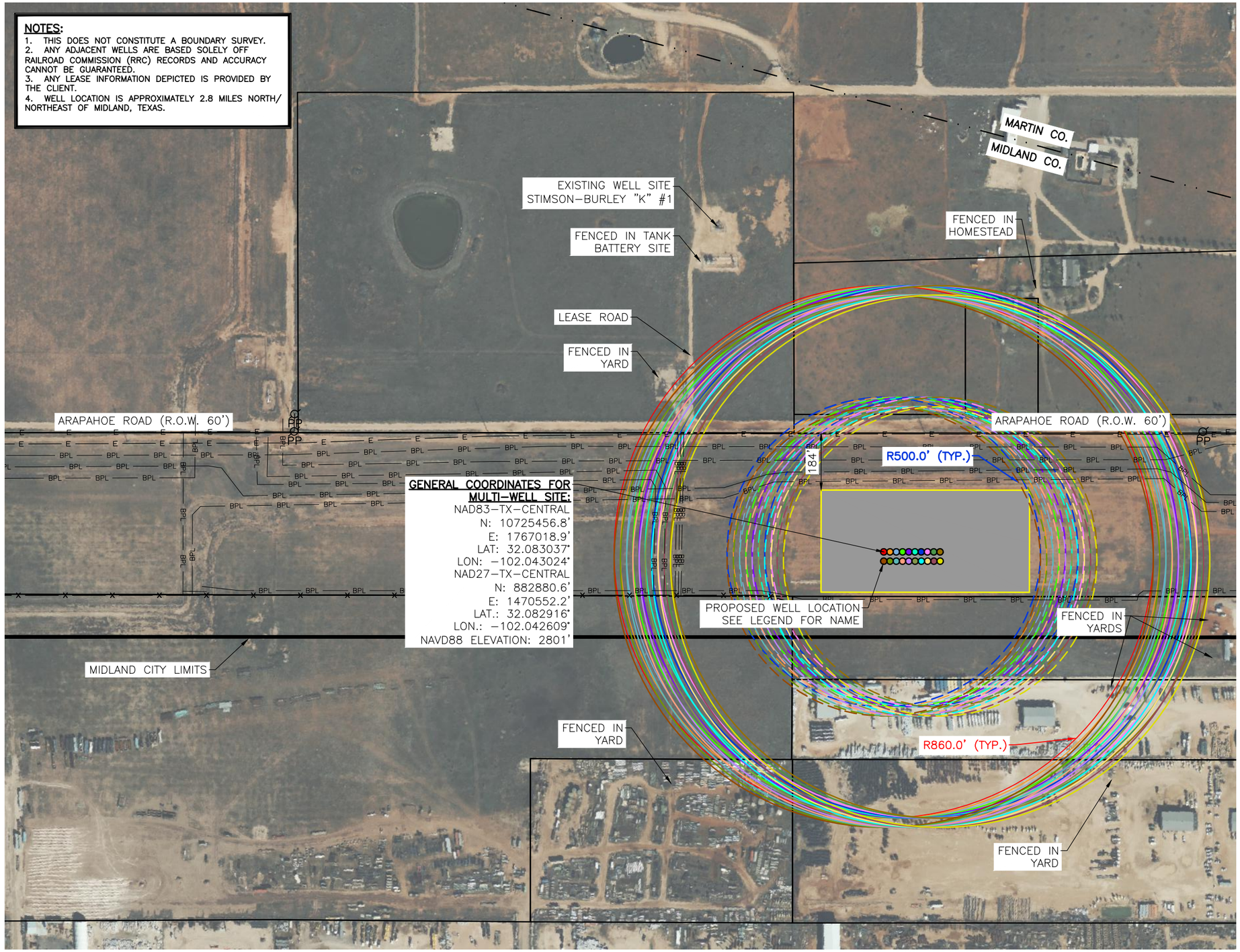
LEGEND

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRB	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

NOTES:
1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. ANY ADJACENT WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION (RRC) RECORDS AND ACCURACY CANNOT BE GUARANTEED.
3. ANY LEASE INFORMATION DEPICTED IS PROVIDED BY THE CLIENT.
4. WELL LOCATION IS APPROXIMATELY 2.8 MILES NORTH/ NORTHEAST OF MIDLAND, TEXAS.



LEGEND

	STIMSON E17A #101H
	STIMSON E17B #102H
	STIMSON E17C #103H
	STIMSON E17D #104H
	STIMSON E17E #105H
	STIMSON E17F #106H
	STIMSON E17G #107H
	STIMSON E17H #108H
	STIMSON E17I #109H
	STIMSON E17J #110H
	STIMSON E17K #111H
	STIMSON E17L #112H
	STIMSON E17M #113H
	STIMSON E17N #114H
	STIMSON E17O #115H
	STIMSON E17P #116H
	STIMSON E17Q #117H
	STIMSON E17R #118H
	STIMSON E17S #119H
	STIMSON E17T #120H
MULTI–COLOR	860–FOOT BUFFER/HALO
MULTI–COLOR	500–FOOT BUFFER/HALO
	PROPOSED WELL PAD SITE
	PROPERTY OWNERSHIP BOUNDARY
	COUNTY LINE
	CITY LIMITS
BPL	BURIED PIPELINE
E	OVERHEAD ELCTRIC
X	FENCE

N

0' 300' 600'

SCALE: 1" = 300'

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
TBPELS SURVEYING FIRM #10193998

DATE: 10/20/2021
REV.: 05/16/2022
BY: J. ALVAREZ
AVO: 39678.704

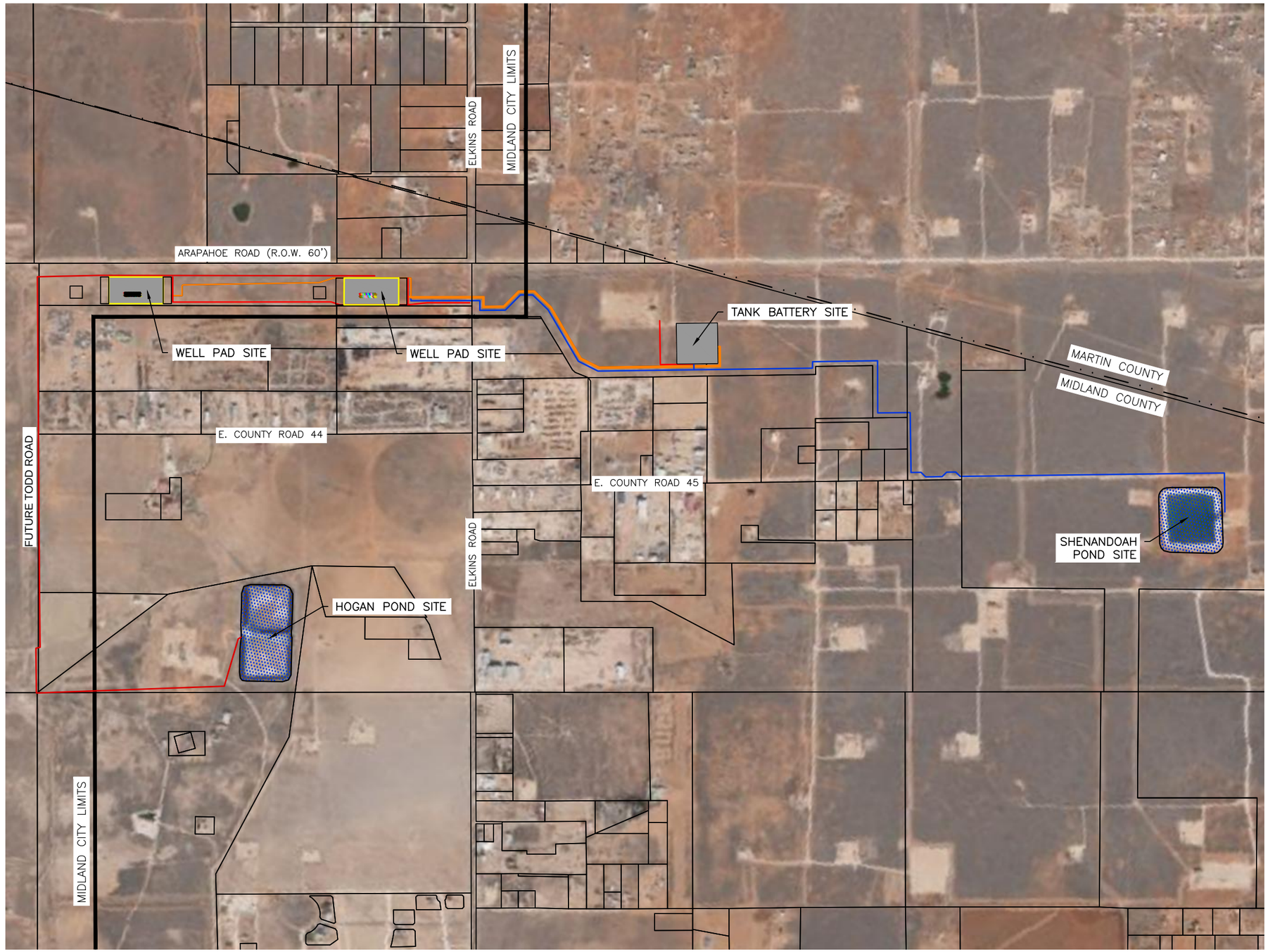
PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "E"
AERIAL SITE PLAN

STIMSON E17A–E17T
#101H–#120H

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP–1–SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

I:\39000s\39678\704\CADD\SheetsMLD\EXHIBIT_PLATS\039678.704_EXHIBIT_E_AERIAL_SITE_PLAN.dwg



N

0' 1200' 2400'

SCALE: 1" = 1200'

NOTES:

1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. ANY ADJACENT WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION (RRC) RECORDS AND ACCURACY CANNOT BE GUARANTEED.
3. ANY LEASE INFORMATION DEPICTED IS PROVIDED BY THE CLIENT.
4. WELL LOCATION IS APPROXIMATELY 2.0 MILES NORTH/ NORTHEAST OF MIDLAND, TEXAS.

LEGEND

- WELL SURFACE LOCATION
- PROPOSED WELL PAD SITE
- TANK BATTERY SITE
- POND SITE
- PROPOSED FLOWLINE
- PROPOSED PRODUCED WATERLINE
- PROPOSED TEMPORARY WATERLINE
- PROPOSED ELECTRICAL
- E — E — EXISTING OVERHEAD ELECTRICAL
- UG — UG — EXISTING BURIED PIPELINE

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
TBPELS SURVEYING FIRM #10193998

DATE: 4/27/2022
REV.: 05/16/2022 J. ALVAREZ
BY: J. GONZALEZ
AVO: 39678.698

PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "N"
DRILL SITE, GATHERING LINES, ELECTRICAL

STIMSON 17 PADS

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP-1-SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

I:\39000s\39678\698\CADD\SheetsMLD\EXHIBIT_PLATS\039678.698_EXHIBIT_N_DRILL_SITE.dwg

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson E17A 101H oil and gas well shall be 405 feet from the north line and 1,362 feet from the east line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping or irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

City Council Meeting

Item Number: 12

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 AND 1,220 FEET EAST OF TODD DRIVE EXTENSION) (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permits to Pioneer Natural Resources, USA, Inc. ("Operator") for the drilling of the following oil and gas wells: Stimson-Nail W17K 11H; Stimson-Nail W17L 12H; Stimson-Nail W17M 13H; Stimson-Nail W17N 14H; Stimson-Nail W17O 15H; Stimson-Nail W17P 16H; Stimson-Nail W17Q 17H; Stimson-Nail W17R 18H; Stimson-Nail W17S 19H; and Stimson-Nail W17T 20H; said wells being generally located 405 feet south of Arapahoe Road and between 1,040 and 1,220 feet east of Todd Drive extension. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibits. A 24 ft. sound wall will be used during drilling and fracturing

operations being located on the west and south sides of location. Closest upcoming neighborhood approximately 1,550 feet to the north east of the drill pad site. Pad site is planned to be a 20 well pad site. No quiet frac system being used. Tank Battery will be in the County to the east of Elkins Road. The operator has a surface agreement. Receiving support of the Oil & Gas Advisory Committee, Pioneer Natural Resources is requesting the following variances:

(1) Pioneer Natural Resources requests to allow for twenty-four-hour fracing operations.
(2) Pioneer Natural Resources requests variance to close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
(3) Pioneer Natural Resources requests a variance to remove drill cuttings from surface location to be taken off site.
(4) Pioneer Natural Resources requests variance for irrigation and landscaping of the pad. Proposed fencing provides adequate screening around the pad.

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

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL 10 OIL AND GAS WELLS LOCATED IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 405 FEET SOUTH OF ARAPAHOE ROAD AND BETWEEN 1,040 AND 1,220 FEET EAST OF TODD DRIVE EXTENSION)

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 August 9, 2022; 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:

> Stimson-Nail W17K 11H; Stimson-Nail W17L 12H; Stimson-Nail W17M 13H; Stimson-Nail W17N 14H; Stimson-Nail W17O 15H; Stimson-Nail W17P 16H; Stimson-Nail W17Q 17H; Stimson-Nail W17R 18H; Stimson-Nail W17S 19H; and Stimson-Nail W17T 20H;

located in Section 17, Block 38, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A" through "J" and incorporated herein for all legal 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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17K 11H oil and gas well shall be 405 feet from the north line and 1,040 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "B"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17L 12H oil and gas well shall be 405 feet from the north line and 1,060 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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.

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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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation is required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "C"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17M 13H oil and gas well shall be 405 feet from the north line and 1,080 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "D"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17N 14H oil and gas well shall be 405 feet from the north line and 1,100 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "E"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17O 15H oil and gas well shall be 405 feet from the north line and 1,120 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "F"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17P 16H oil and gas well shall be 405 feet from the north line and 1,140 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "G"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17Q 17H oil and gas well shall be 405 feet from the north line and 1,160 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "H"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17R 18H oil and gas well shall be 405 feet from the north line and 1,180 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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):

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CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "I"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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.

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The location of Operator's Stimson-Nail W17S 19H oil and gas well shall be 405 feet from the north line and 1,200 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

EXHIBIT "J"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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.

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The location of Operator's Stimson-Nail W17T 20H oil and gas well shall be 405 feet from the north line and 1,220 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Pioneer Remote Operations Hub
3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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):

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

***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: Stimson-Nail W17K 11H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1040' FWL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

***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: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

Water for drilling will be pulled from an existing fresh water pond located 3750' southeast of the pad. See Exhibit N.

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

The route for electric lines can be found on Exhibit N

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

A freshwater pit is proposed. See Exhibit O and V for details on closing. Variance on timing is requested.

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)].**

Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

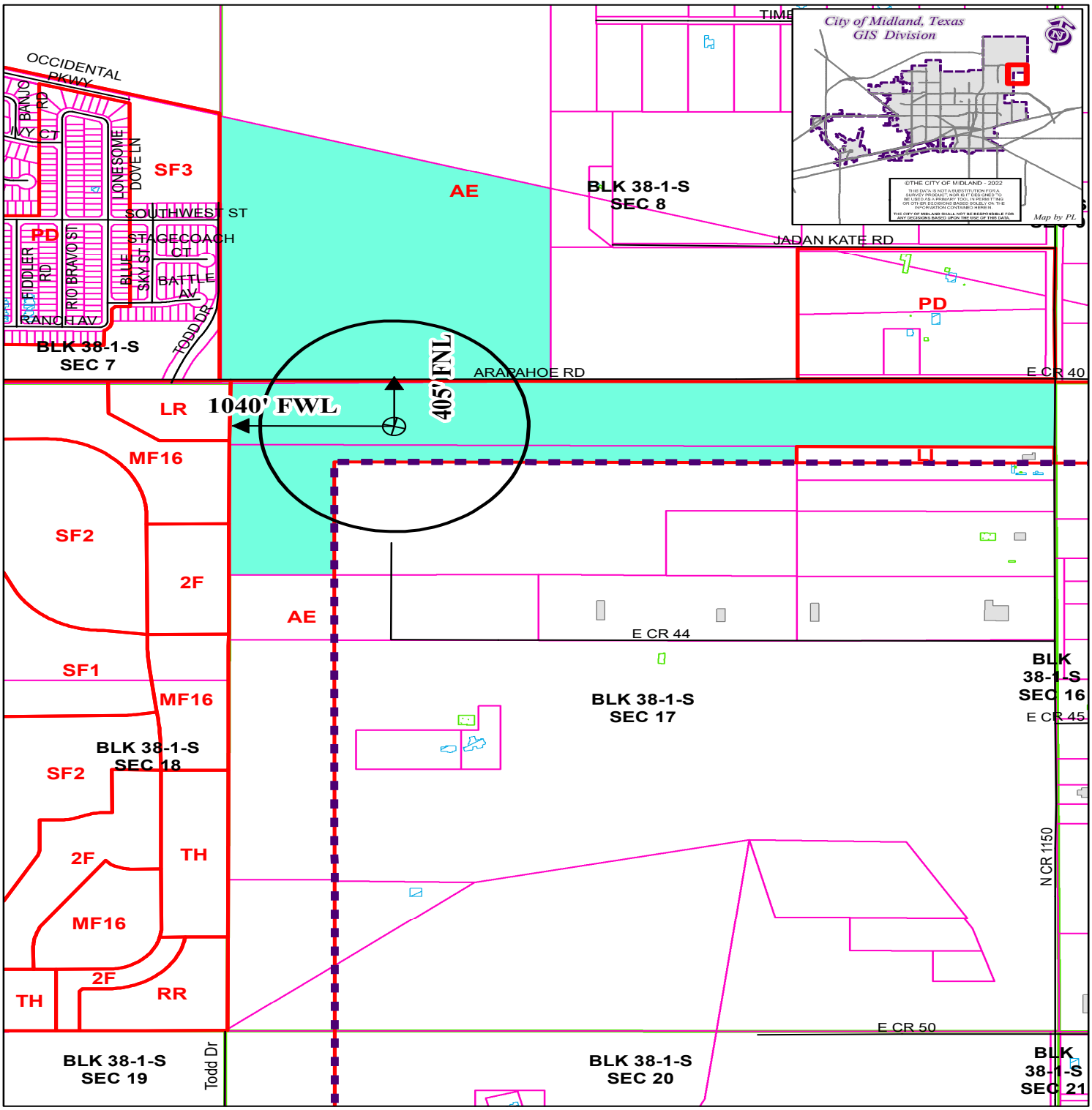
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-043984-2022 **Scale: 1" = 900'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1040' FWL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,040 feet east of Todd Drive extension.

Stimson-Nail W17K 11H

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
SE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRB	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

NOTES:
1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. ANY ADJACENT WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION (RRC) RECORDS AND ACCURACY CANNOT BE GUARANTEED.
3. ANY LEASE INFORMATION DEPICTED IS PROVIDED BY THE CLIENT.
4. WELL LOCATIONS ARE APPROXIMATELY 2.0 MILES NORTH/ NORTHEAST OF MIDLAND, TEXAS.

GENERAL COORDINATES FOR MULTI-WELL SITE:
NAD83-TX-CENTRAL
N: 10724759.7'
E: 1764235.5'
LAT: 32.081003°
LON: -102.051974°
NAD27-TX-CENTRAL
N: 882154.4'
E: 1467776.3'
LAT.: 32.080803°
LON.: -102.051533°
NAVD88 ELEVATION: 2798'

EXISTING WELL SITE
STIMSON-BURLEY "H" #1

LEASE ROAD

FENCED IN YARDS

ARAPAHOE ROAD (R.O.W. 60')

TANK BATTERY SITE

169'

PROPOSED WELL LOCATION SEE LEGEND FOR NAME

MIDLAND CITY LIMITS

R500.0' (TYP.)

R860.0' (TYP.)

MIDLAND CITY LIMITS

LEASE ROAD

FENCED IN YARD

LEGEND

●	STIMSON W17A #1H
●	STIMSON W17B #2H
●	STIMSON W17C #3H
●	STIMSON W17D #4H
●	STIMSON W17E #5H
●	STIMSON W17F #6H
●	STIMSON W17G #7H
●	STIMSON W17H #8H
●	STIMSON W17I #9H
●	STIMSON W17J #10H
●	STIMSON W17K #11H
●	STIMSON W17L #12H
●	STIMSON W17M #13H
●	STIMSON W17N #14H
●	STIMSON W17O #15H
●	STIMSON W17P #16H
●	STIMSON W17Q #17H
●	STIMSON W17R #18H
●	STIMSON W17S #19H
●	STIMSON W17T #20H
MULTI-COLOR	860-FOOT BUFFER/HALO
MULTI-COLOR	500-FOOT BUFFER/HALO
	PROPOSED WELL PAD SITE
	PROPERTY OWNERSHIP BOUNDARY
	CITY LIMITS
BPL	BURIED PIPELINE
E	OVERHEAD ELCTRIC
X	FENCE

N

0' 300' 600'

SCALE: 1" = 300'

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
TBPELS SURVEYING FIRM #10193998

DATE: 10/21/2021
REV.: 05/16/2022
BY: J. ALVAREZ
AVO: 39678.698

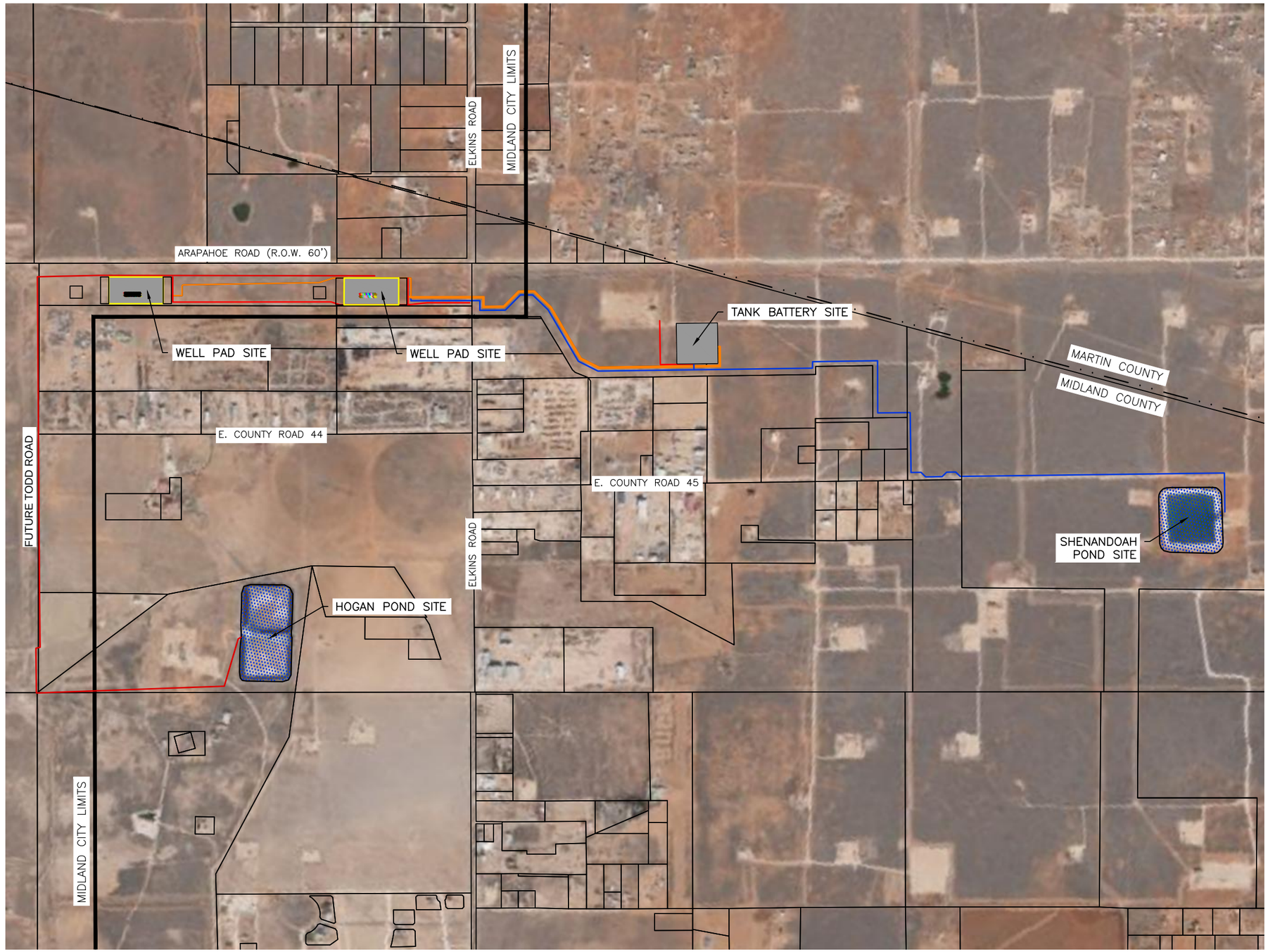
PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "E"
AERIAL SITE PLAN

STIMSON W17A-W17T #1H-#20H

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP-1-SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

I:\39000s\39678\698\CADD\SheetsMLD\EXHIBIT_PLATS\039678.698_EXHIBIT_E_AERIAL_SITE_PLAN.dwg



N

0' 1200' 2400'

SCALE: 1" = 1200'

NOTES:

1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. ANY ADJACENT WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION (RRC) RECORDS AND ACCURACY CANNOT BE GUARANTEED.
3. ANY LEASE INFORMATION DEPICTED IS PROVIDED BY THE CLIENT.
4. WELL LOCATION IS APPROXIMATELY 2.0 MILES NORTH/ NORTHEAST OF MIDLAND, TEXAS.

LEGEND

- WELL SURFACE LOCATION
- PROPOSED WELL PAD SITE
- TANK BATTERY SITE
- POND SITE
- PROPOSED FLOWLINE
- PROPOSED PRODUCED WATERLINE
- PROPOSED TEMPORARY WATERLINE
- PROPOSED ELECTRICAL
- E — E — EXISTING OVERHEAD ELECTRICAL
- UG — UG — EXISTING BURIED PIPELINE

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
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DATE: 4/27/2022
REV.: 05/16/2022 J. ALVAREZ
BY: J. GONZALEZ
AVO: 39678.698

PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "N"
DRILL SITE, GATHERING LINES, ELECTRICAL

STIMSON 17 PADS

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP-1-SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

I:\39000s\39678\698\CADD\SheetsMLD\EXHIBIT_PLATS\039678.698_EXHIBIT_N_DRILL_SITE.dwg

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Pioneer Remote Operations Hub
3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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):

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

***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: Stimson-Nail W17L 12H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1060' FWL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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

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***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: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

Water for drilling will be pulled from an existing fresh water pond located 3750' southeast of the pad. See Exhibit N.

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

The route for electric lines can be found on Exhibit N

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

A freshwater pit is proposed. See Exhibit O and V for details on closing. Variance on timing is requested.

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)].**

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

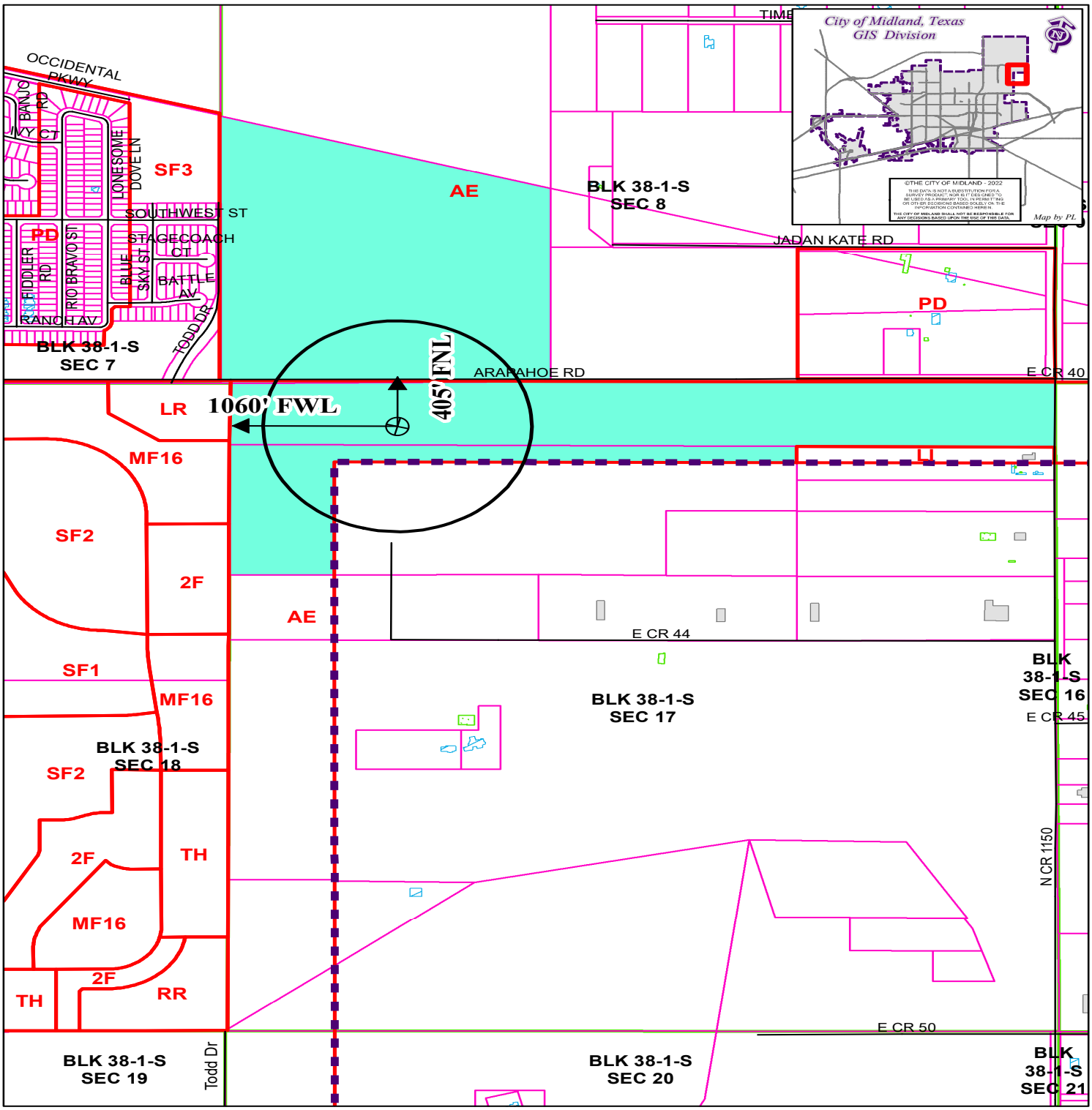
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-043968-2022 **Scale: 1" = 900'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1060' FWL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,060 feet east of Todd Drive extension.

Stimson-Nail W17L 12H

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, O2	OFFICE
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRS	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
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APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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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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972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

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IV. Well & Operations Information

Proposed Well Name: Stimson-Nail W17M 13H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

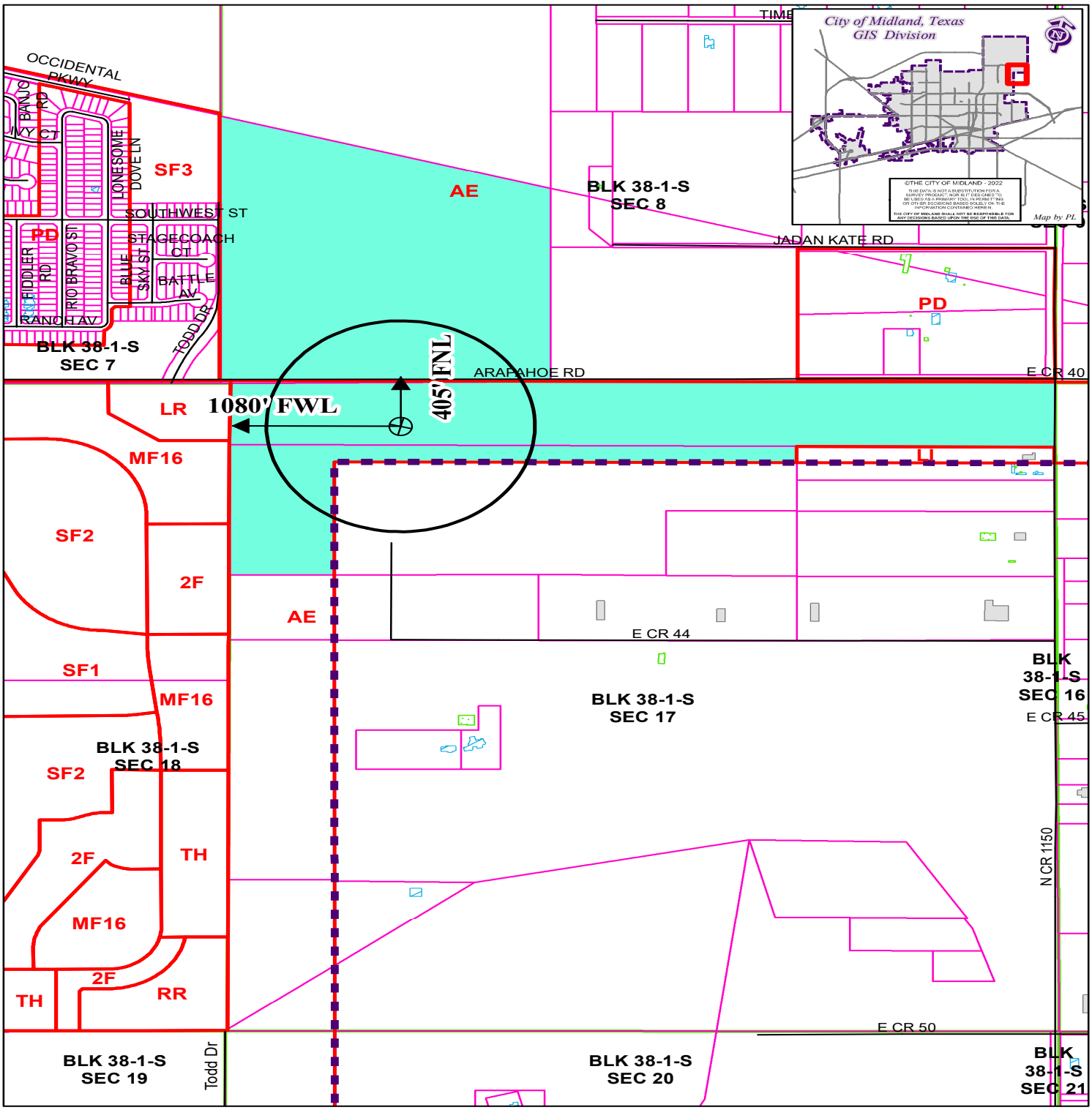
State of Texas)

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HEATHER M BARCIA
NOTARY PUBLIC
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State of Texas
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Stimson-Nail W17M 13H

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MIDLAND
Planning Division

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Proposed Well Name: Stimson-Nail W17N 14H

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

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Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1100' FWL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
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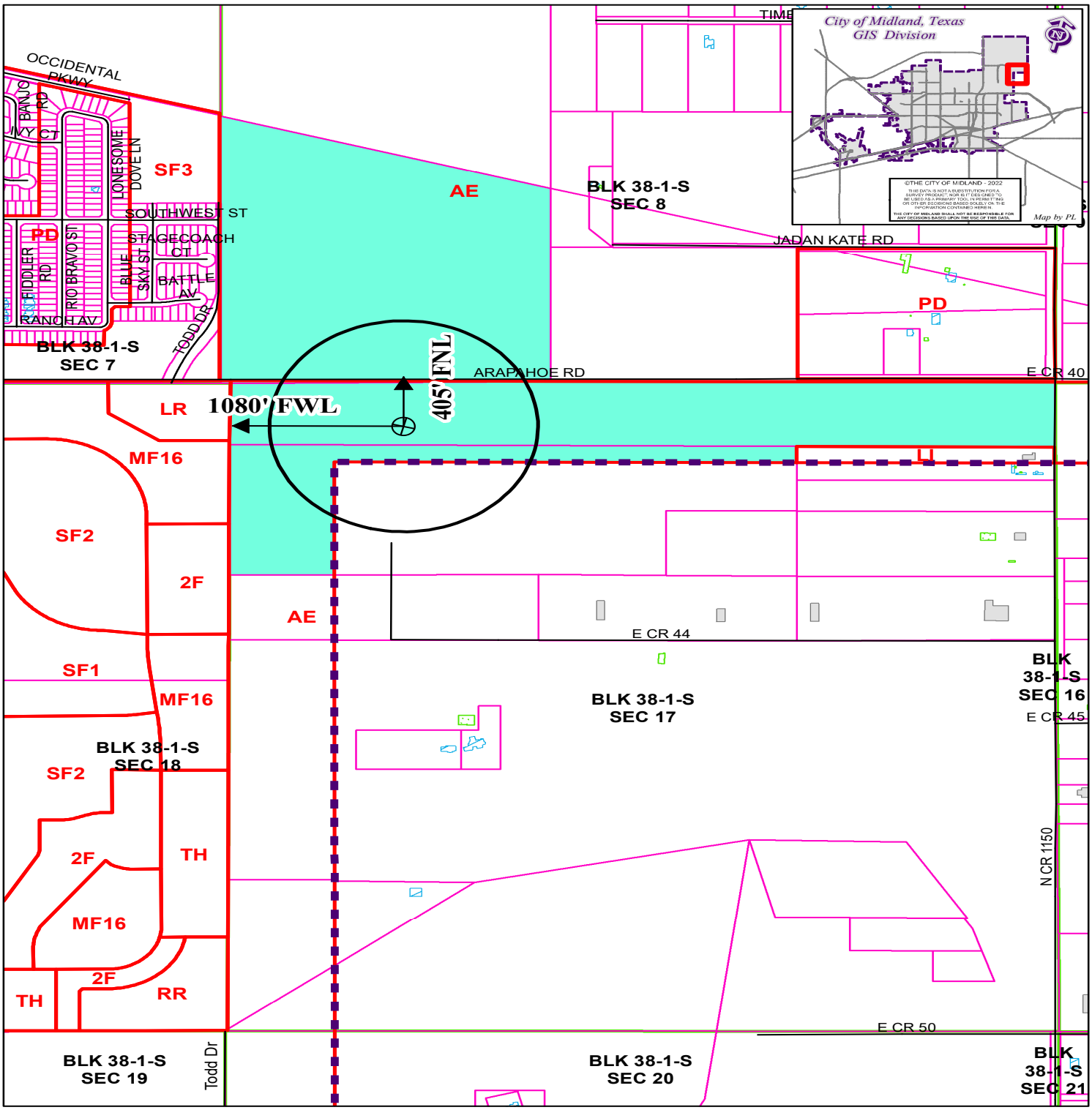
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ID# 11239288
State of Texas
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[SEAL]

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Oil-043974-2022 **Scale: 1" = 900'**

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Stimson-Nail W17N 14H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
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ZONING	ACCESSORY BLDGS	SURVEY SEC.

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(Pursuant to Midland City Ordinance No. 8769)

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Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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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972-969-1742 Office or 817-682-3483 Mobile

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

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

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Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

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IV. Well & Operations Information

Proposed Well Name: Stimson-Nail W17O 15H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

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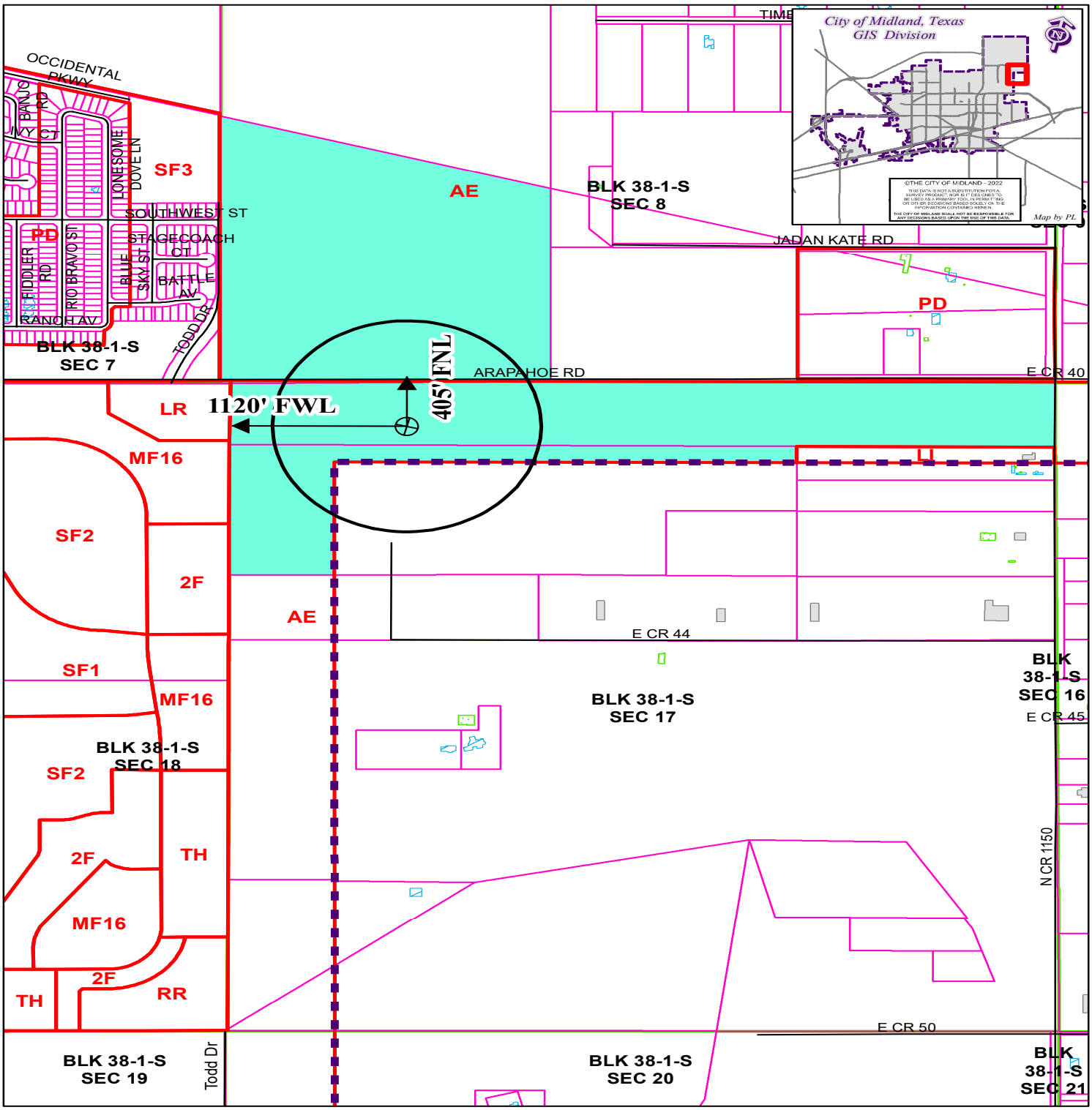
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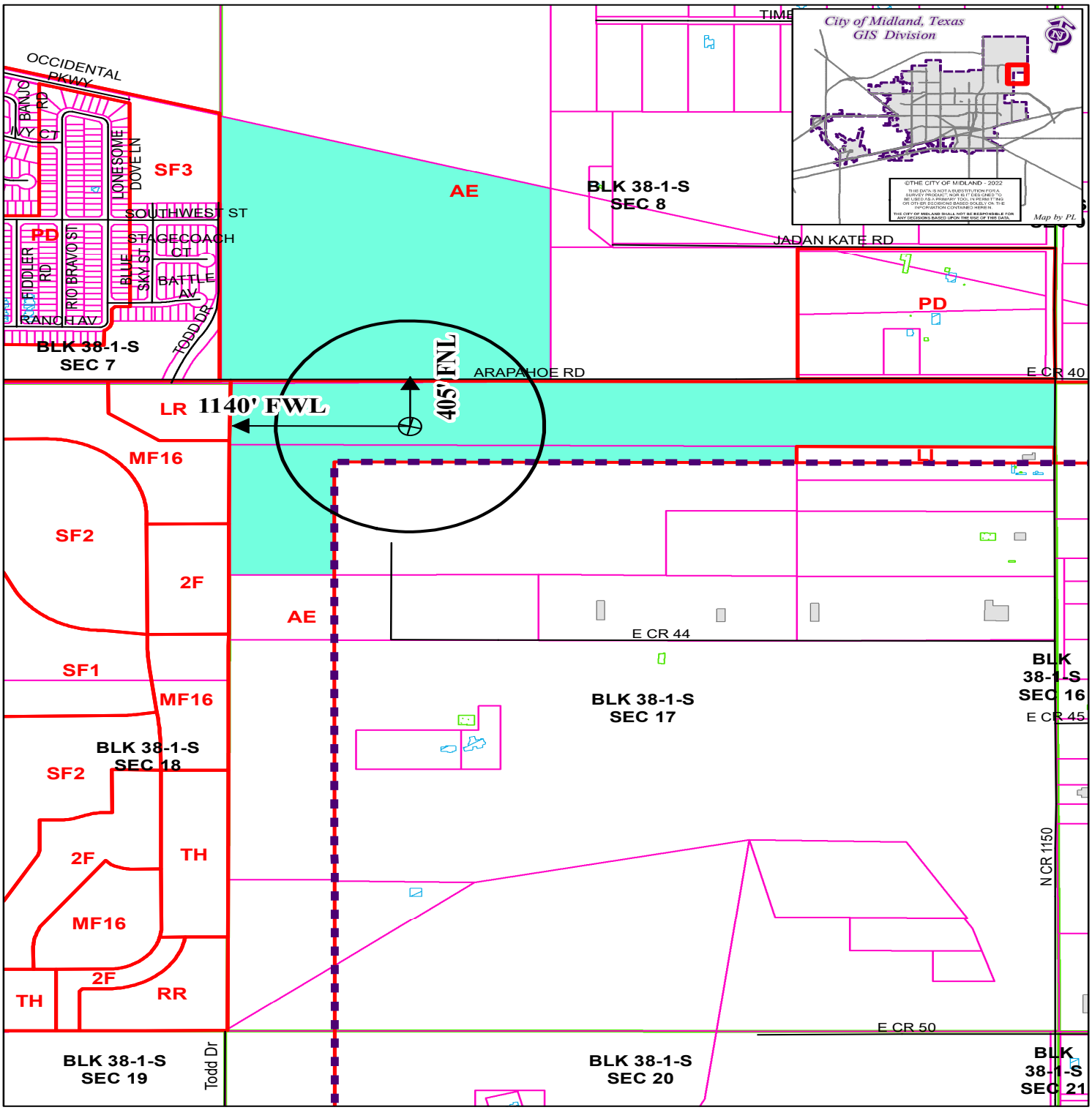
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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

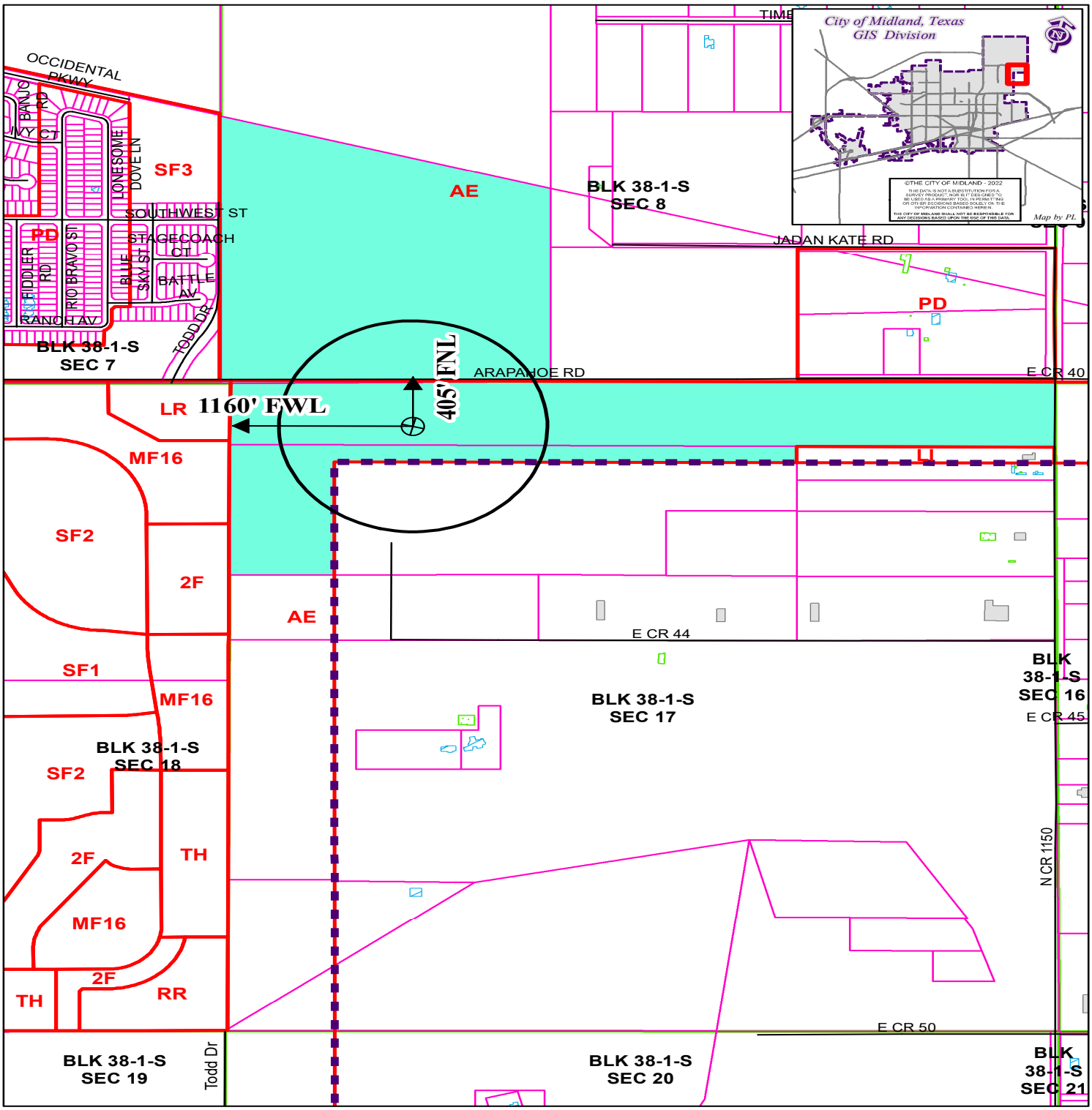
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NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-043983-2022 **Scale: 1" = 900'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1160' FWL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,160 feet east of Todd Drive extension.

Stimson-Nail W17Q 17H

LEGEND

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

ZONING DISTRICTS:

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MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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Date	Operator Name (must match W-1)	Operator Address
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Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

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

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

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

1. See Attached Exhibit C
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3.

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

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

***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)].**

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IV. Well & Operations Information

Proposed Well Name: Stimson-Nail W17R 18H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1180' FWL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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

(1) Drilling: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

Water for drilling will be pulled from an existing fresh water pond located 3750' southeast of the pad. See Exhibit N.

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The route for electric lines can be found on Exhibit N

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

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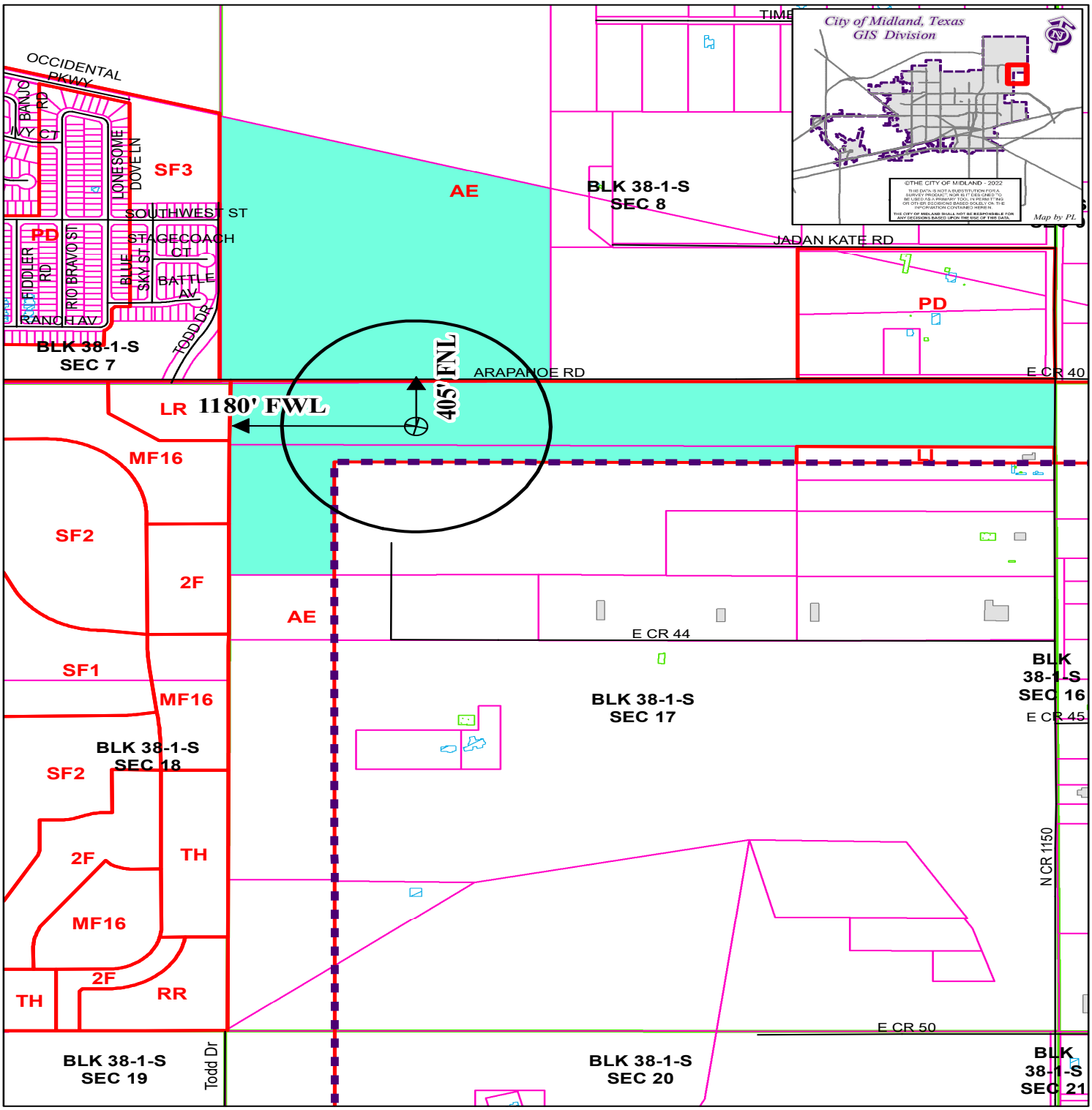
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Stimson-Nail W17R 18H

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Proposed Well Name: Stimson-Nail W17S 19H

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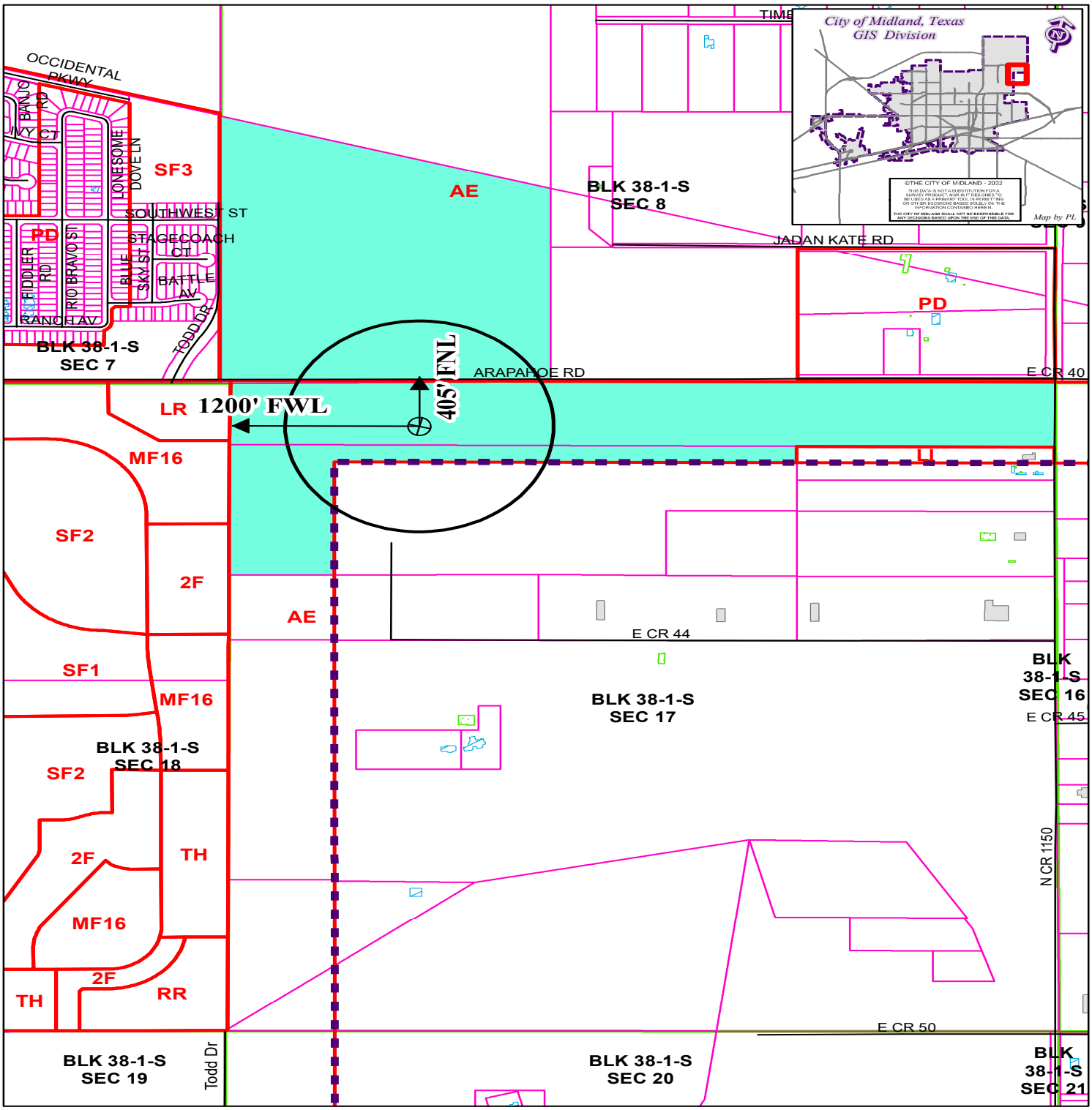
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Stimson-Nail W17S 19H

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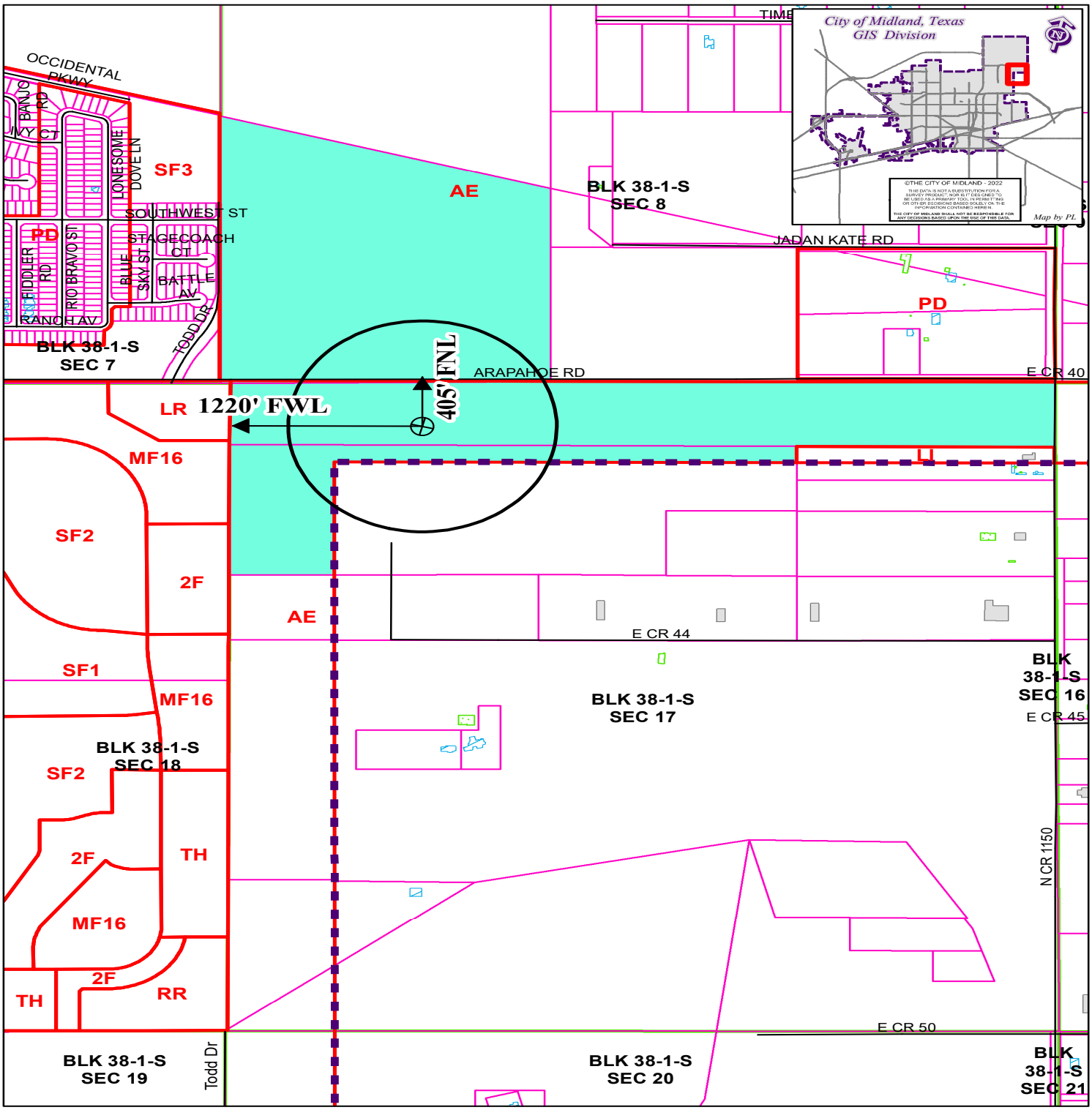
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Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-043977-2022 **Scale: 1" = 900'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1220' FWL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,220 feet [illegible] Todd Drive extension.

Stimson-Nail W17T 20H

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, O2	OFFICE
[illegible]	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
[illegible], 1F2, 1F3	ONE-FAMILY DWELLING	[illegible]	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

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17K 11H oil and gas well shall be 405 feet from the north line and 1,040 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

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The location of Operator's Stimson-Nail W17L 12H oil and gas well shall be 405 feet from the north line and 1,060 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

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The location of Operator's Stimson-Nail W17M 13H oil and gas well shall be 405 feet from the north line and 1,080 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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The location of Operator's Stimson-Nail W17N 14H oil and gas well shall be 405 feet from the north line and 1,100 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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 Stimson-Nail W17P 16H oil and gas well shall be 405 feet from the north line and 1,140 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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

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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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

OIL AND GAS WELL PERMIT

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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 Stimson-Nail W17Q 17H oil and gas well shall be 405 feet from the north line and 1,160 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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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

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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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

OIL AND GAS WELL PERMIT

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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 Stimson-Nail W17R 18H oil and gas well shall be 405 feet from the north line and 1,180 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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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

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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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Pioneer Natural Resources, USA, Inc. ("Operator") dated April 27, 2022, 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.

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The location of Operator's Stimson-Nail W17S 19H oil and gas well shall be 405 feet from the north line and 1,200 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

OIL AND GAS WELL PERMIT

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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 Stimson-Nail W17T 20H oil and gas well shall be 405 feet from the north line and 1,220 feet from the west line, Section 17, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 are permitted.
2. Close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
3. Drill cuttings shall be removed from the surface location.
4. No landscaping and irrigation are required.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Pioneer Natural Resources, USA, Inc.

By: _____

Laura Wallace

Regulatory Specialist

City Council Meeting

Item Number: 13

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving a road repair agreement between the City of Midland and Pioneer Natural Resources, USA, Inc.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

This agreement will cover the cost of road damages to Elkins Road and Arapahoe Road that are attributable to Pioneer Natural Resources, USA, Inc., in association with the above drilling permits. The total amount of the bond covering proposed and existing well sites within the City is $75,000.00; this is the amount specified in the City's oil and gas drilling regulations.

Attachments: Exhibit A-Road Repair Agreement, Exhibit- Route.

Morris Williams Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A ROAD REPAIR AGREEMENT WITH PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") REGARDING ITS APPLICATION TO DRILL OIL AND GAS WELLS WITHIN THE CITY LIMITS IN SECTION 17, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

WHEREAS, the City Council finds it to be in the public interest to authorize the execution of a road repair agreement with Operator;

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

THAT the Mayor is hereby authorized and directed to execute, on behalf of the City of Midland, Texas, a road repair agreement with Operator. Said agreement shall be substantially similar in form to that of Exhibit "A", which is attached hereto 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., 2022, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

ROAD REPAIR AGREEMENT

Pioneer Natural Resources, USA, Inc. "Operator", intends to use portions of Elkins Road and Arapahoe Road to access its oil and gas leases. Operator agrees to pay actual road repair costs up to a maximum amount of Seventy – Five Thousand and no hundred dollars ($75,000) per calendar year for damage done to Elkins Road and Arapahoe Road and the entrance gates for the leases to the extent that any such damage is verifiably attributable to traffic servicing the Operator. Operator will not be obligated to pay for any damage to Elkins Road or Arapahoe Road attributable to other parties or for damage associated with normal wear and tear. Operator will not be required to pay road repair expenses in excess of $75,000.00 per calendar year for the Stimson East and West 17 pads "the pads," all of which will be drilled in Section 17, Block 38, T1S, T&P RR Co Survey, Abstract 152 City and County of Midland, Texas. Operator has attached to this agreement a copy of its existing Letter of Credit in favor of the City of Midland in the amount of $75,000.00 which will serve to secure payment of any such road repair expenses for the pads. In the event such letter of credit, certificate of deposit or surety bond is drawn on for this or other operations of Operator to which it is applicable and is not restored to $75,000.00 within ten (10) business days after the date of any reduction of the letter of credit, certificate of deposit or surety bond, the City may draw and receive the remaining balance of the letter of credit, certificate of deposit or surety bond, and the Oil and Gas well Permit shall immediately cease until the Operator files the required letter of credit, certificate of deposit, or surety bond.

Operator and the City of Midland agree that the documentation of any road damage determined to be caused by Operator's use of Elkins Road and Arapahoe Road to access the pads shall be presented to the Operator. If Operator does not agree, the Operator may file a written objection with the City Manager within ten (10) days of being notified of the road damage. The City Manager shall review the objections and give Operator the opportunity to be heard and present facts that Operator deems relevant. The City reserves the right after giving ten (10) business days written notice to the Operator regarding such violation, to draw upon the letter of credit, certificate of deposit or surety bond as outlined in Subsection (K), General Conditions of all Oil and Gas Well Permits, in order to remedy such situation under City of Midland Ordinance No. 8769, Section 6-1-23 "Oil and Gas Well Permits". The amount drawn from the letter of credit, certificate of deposit or surety bond shall not exceed the limits previously described by this agreement.

AGREED TO AND ACCEPTED BY THE FOLLOWING PARTIES:

Pioneer Natural Resources, USA, Inc.	City of Midland
By: Bonnie S Black	By: _____
Bonnie Black Vice President, Drilling	
Date: 5-17-22	Date: _____

Exhibit A

ROAD REPAIR AGREEMENT

Pioneer Natural Resources, USA, Inc. "Operator", intends to use portions of Elkins Road and Arapahoe Road to access its oil and gas leases. Operator agrees to pay actual road repair costs up to a maximum amount of Seventy – Five Thousand and no hundred dollars ($75,000) per calendar year for damage done to Elkins Road and Arapahoe Road and the entrance gates for the leases to the extent that any such damage is verifiably attributable to traffic servicing the Operator. Operator will not be obligated to pay for any damage to Elkins Road or Arapahoe Road attributable to other parties or for damage associated with normal wear and tear. Operator will not be required to pay road repair expenses in excess of $75,000.00 per calendar year for the Stimson East and West 17 pads "the pads," all of which will be drilled in Section 17, Block 38, T1S, T&P RR Co Survey, Abstract 152 City and County of Midland, Texas. Operator has attached to this agreement a copy of its existing Letter of Credit in favor of the City of Midland in the amount of $75,000.00 which will serve to secure payment of any such road repair expenses for the pads. In the event such letter of credit, certificate of deposit or surety bond is drawn on for this or other operations of Operator to which it is applicable and is not restored to $75,000.00 within ten (10) business days after the date of any reduction of the letter of credit, certificate of deposit or surety bond, the City may draw and receive the remaining balance of the letter of credit, certificate of deposit or surety bond, and the Oil and Gas well Permit shall immediately cease until the Operator files the required letter of credit, certificate of deposit, or surety bond.

Operator and the City of Midland agree that the documentation of any road damage determined to be caused by Operator's use of Elkins Road and Arapahoe Road to access the pads shall be presented to the Operator. If Operator does not agree, the Operator may file a written objection with the City Manager within ten (10) days of being notified of the road damage. The City Manager shall review the objections and give Operator the opportunity to be heard and present facts that Operator deems relevant. The City reserves the right after giving ten (10) business days written notice to the Operator regarding such violation, to draw upon the letter of credit, certificate of deposit or surety bond as outlined in Subsection (K), General Conditions of all Oil and Gas Well Permits, in order to remedy such situation under City of Midland Ordinance No. 8769, Section 6-1-23 "Oil and Gas Well Permits". The amount drawn from the letter of credit, certificate of deposit or surety bond shall not exceed the limits previously described by this agreement.

AGREED TO AND ACCEPTED BY THE FOLLOWING PARTIES:

Pioneer Natural Resources, USA, Inc.	City of Midland
By: Bonnie S Black	By: _____
Bonnie Black Vice President, Drilling	
Date: 5-17-22	Date: _____

City Council Meeting

Item Number: 14

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 500 FEET AND 501 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,096 FEET AND 1,221 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permits to Endeavor Energy Resources, L.P. ("Operator") for the drilling of the following oil and gas wells: Elkins Atrelle 31-42 #112; Elkins Atrelle 31-42 #113; Elkins Atrelle 31-42 #114; Elkins Atrelle 31-42 #123; Elkins Atrelle 31-42 #211; and Elkins Atrelle 31-42 #221; said wells being generally located between 500 feet and 501 feet south of East Cynthia Drive extension and between 1,096 feet and 1,221 feet west of Todd Drive. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibits. A 24 ft. sound wall will be used during fracturing operations only and walls will be being located on the west and east side of the location. Included is a noise modeling study for drilling and fracturing operations at the pad site. The noise study states drilling below ambient noise levels at edge of property. In addition, a variance request is being made for electric driven gas lift compressor which includes a noise modeling study. The noise modeling study includes locating permanent sound panels being 16 ft tall on the west and south side of the compressor. The mitigated sound at the property lines to be below the nighttime ambient. The 140-acre location has already been granted an electric drive compressor and currently being used. The operator has a surface agreement. Receiving support of the Oil & Gas Advisory Committee, Endeavor Energy Resources is requesting the following variances:

(1) Endeavor Energy Resources requests to have a perimeter fence around the well pad site instead of individual wellheads.
(2) Endeavor Energy Resources requests to allow for twenty-four-hour fracing operations.
(3) Endeavor Energy Resources requests variance to the requirement of landscaping and irrigation. The land is currently undeveloped without access to City water.
(4) Endeavor Energy Resources requests a variance to utilize electric driven compression for gas lift operations.
(5) Endeavor Energy Resources requests variance to utilize storage tanks 30’ in height to allow a reduced overall footprint. Battery will be 720 feet from the property line.

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

Morris William Jr.

City Manager’s Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 500 FEET AND 501 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,096 FEET AND 1,221 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING 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 August 9, 2022; 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:

Elkins Atrelle 31-42 #112; Elkins Atrelle 31-42 #113; Elkins Atrelle 31-42 #114; Elkins Atrelle 31-42 #123; Elkins Atrelle 31-42 #211; and Elkins Atrelle 31-42 #221;

located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A" through "F" and incorporated herein for all legal purposes.

SECTION THREE. That said permits do not require a new road repair agreement but shall be consolidated under the existing road repair agreement between Operator and the City of Midland for Operator's wells located on the property described in Section Two

hereof.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #112 oil and gas well shall be 1,847 feet from the north line and 1,121 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "B"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #113 oil and gas well shall be 1,846 feet from the north line and 1,146 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "C"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #114 oil and gas well shall be 1,847 feet from the north line and 1,096 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "D"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #123 oil and gas well shall be 1,846 feet from the north line and 1,221 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "E"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #211 oil and gas well shall be 1,846 feet from the north line and 1,171 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "F"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #221 oil and gas well shall be 1,846 feet from the north line and 1,196 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

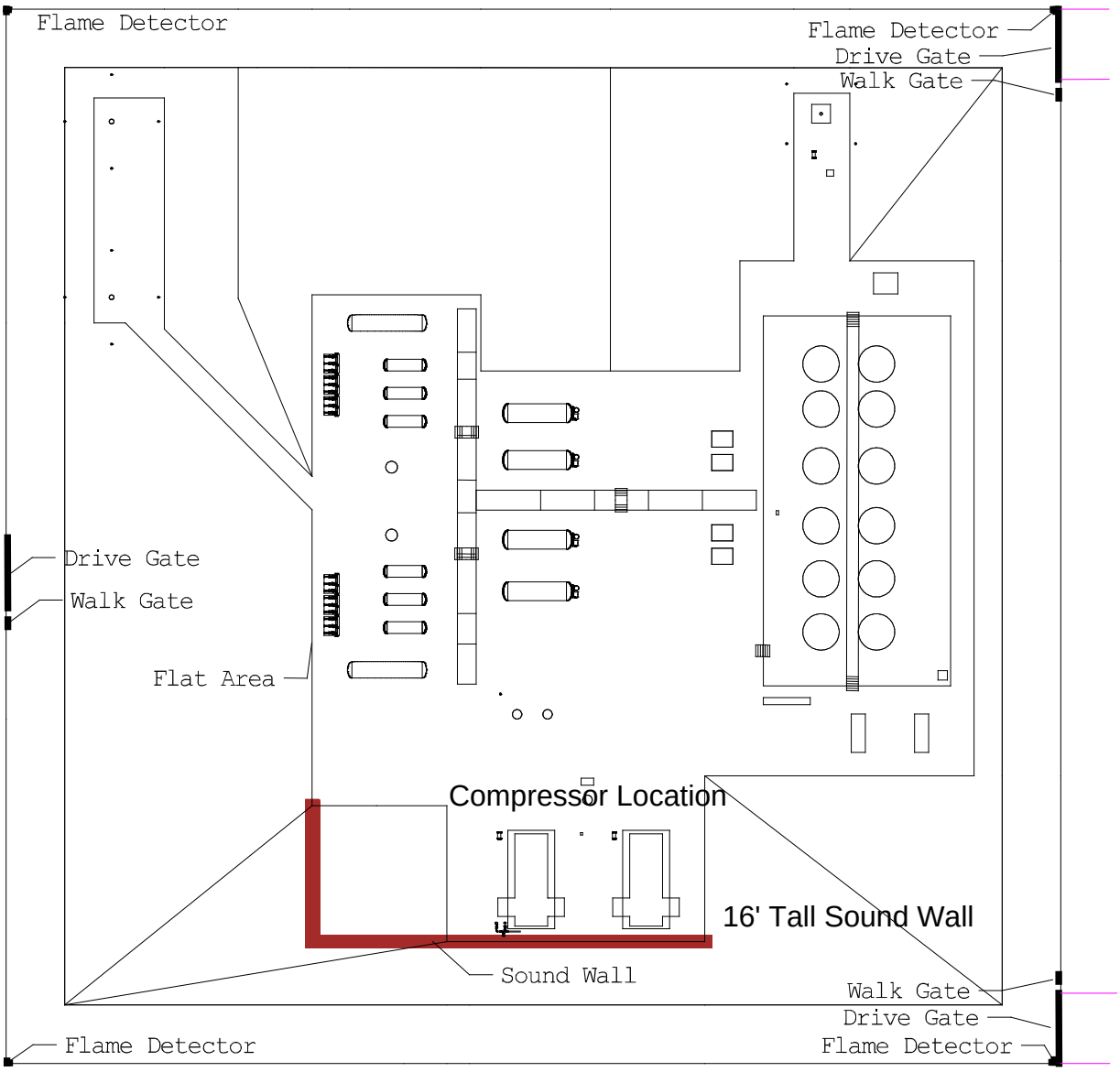
Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent


Flame Detector
Flame Detector
Drive Gate
Walk Gate
Drive Gate
Walk Gate
Flat Area
Compressor Location
16' Tall Sound Wall
Sound Wall
Walk Gate
Drive Gate
Flame Detector
Flame Detector
50 ft

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
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Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

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

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #112

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1847' FNL 1121' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

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

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Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
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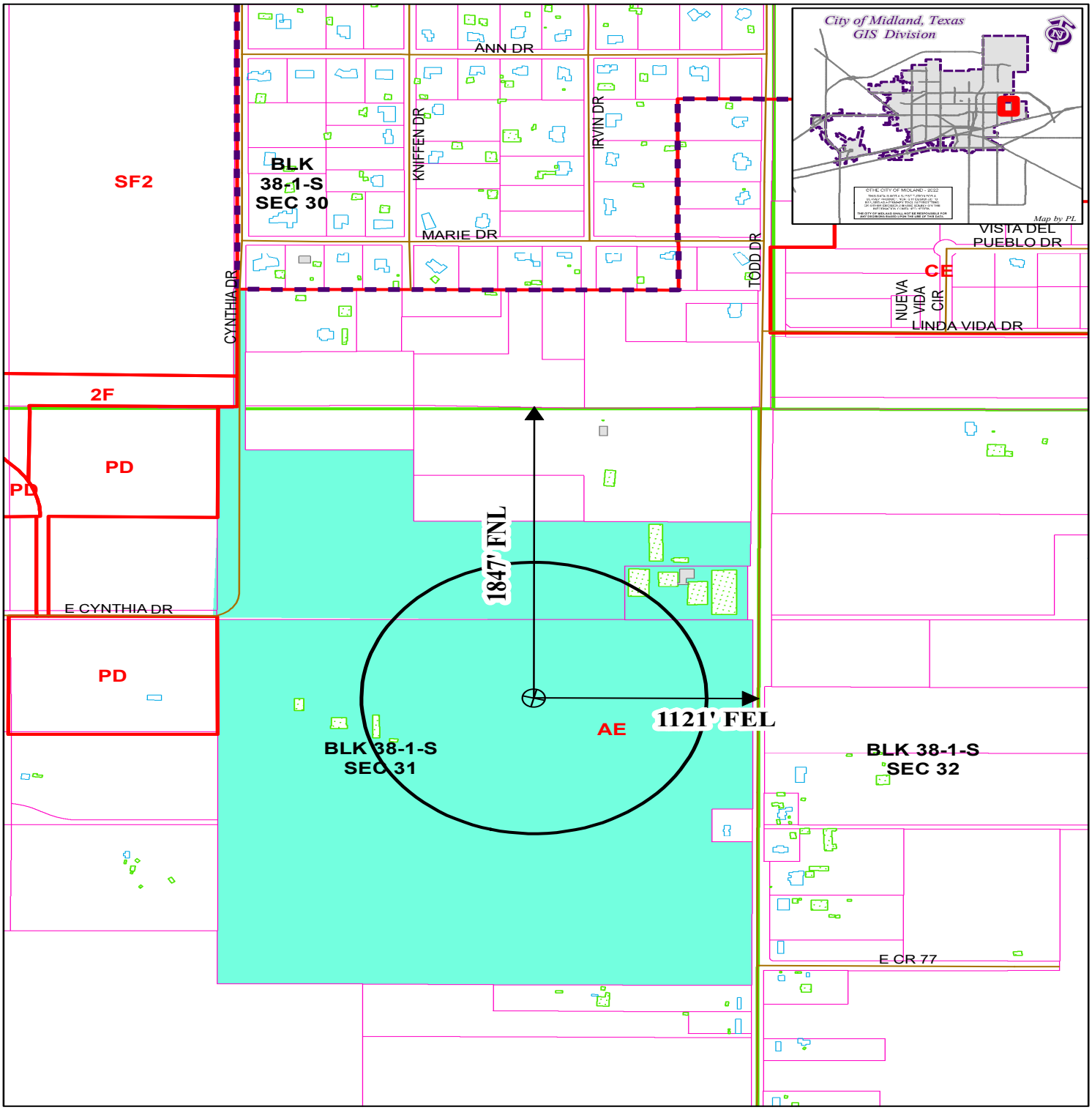
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ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044227 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,847' FNL and 1,121' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 50 feet south of East Cynthia Drive extension and 1,121 feet west of Todd Drive.

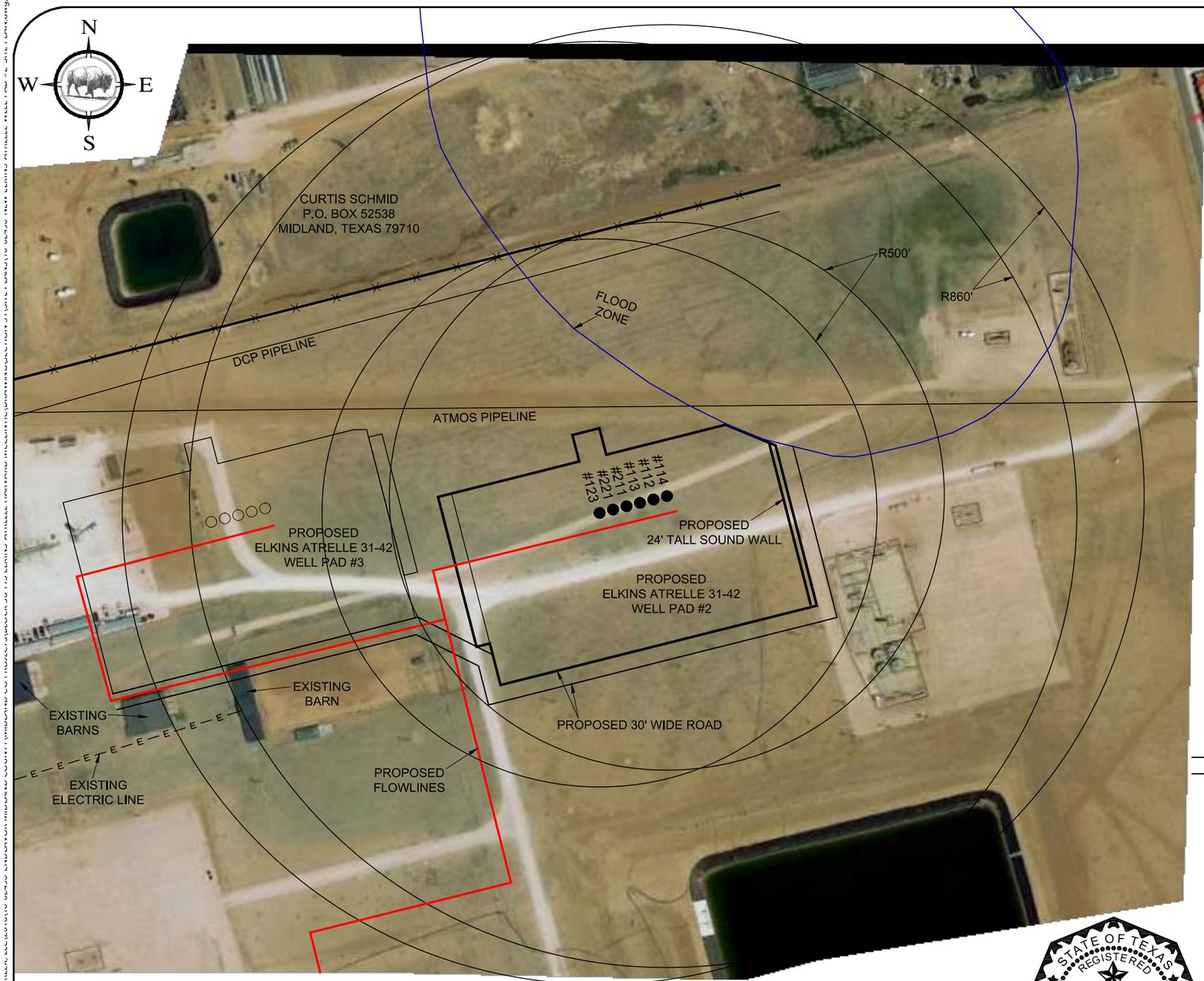
Elkins Atrelle 31-42 #112

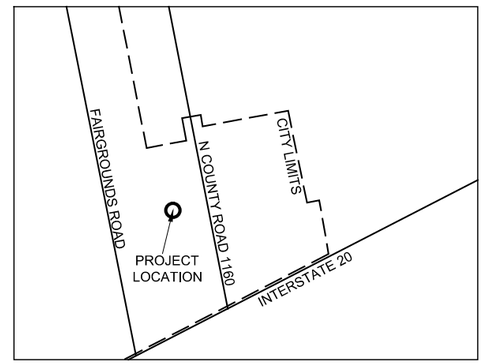
LEGEND

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

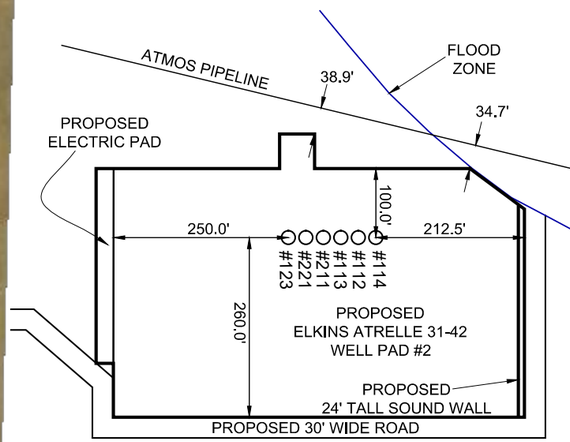
ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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





VICINITY MAP
NOT TO SCALE



LAYOUT PLAN
1" = 200'

COORDINATES SHOWN ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83		
ELKINS-ATRELLE 31-32 #221 (SHL) NORTHING: 10707366.72 EASTING: 1766343.39	ELKINS-ATRELLE 31-42 #113 (SHL) NORTHING: 10707379.02 EASTING: 1766391.86	ELKINS-ATRELLE 31-42 #114 (SHL) NORTHING: 10707391.33 EASTING: 1766440.32
ELKINS-ATRELLE 31-32 #123 (SHL) NORTHING: 10707360.56 EASTING: 1766319.16	ELKINS-ATRELLE 31-32 #211 (SHL) NORTHING: 10707372.87 EASTING: 1766367.63	ELKINS-ATRELLE 31-32 #112 (SHL) NORTHING: 10707385.18 EASTING: 1766416.09

SITE PLAN
1" = 200'
SCALE: 1" = 200'

200 100 0 200 400
GRAPHIC SCALE

STATE OF TEXAS
REGISTERED
JAMES P. KEENE
5100
PROFESSIONAL
LAND SURVEYOR

LEGEND

- PROPOSED FLOWLINE
- E — PROPOSED ELECTRIC
- PROPOSED LEASE ROAD
- PROPOSED FUTURE LEASE ROAD
- W — PROPOSED FRESH WATER LINE

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BISON CREEK LAND SERVICES, LLC 29740 STATE HIGHWAY 64, CANTON, TEXAS 75103 PHONE: (903) 873 - 3600

SITE PLAN
ENDEAVOR ENERGY RESOURCES, L.P.
ELKINS ATRELLE WELL PAD #2
SITUATED IN THE
CITY OF MIDLAND, SECTION 31, BLOCK 38, T-1-S, T & P RR
CO. SURVEY, ABSTRACT NO. 25, MIDLAND COUNTY, TEXAS.

SCALE: 1"= 200'
DATE: 04/18/22
DRAWN BY: CR
APPROVED: JPK
FIELD CREW: JR
PROJECT NO. 16-02490-ELKINS-ATRELLE WELL PAD #2

SHEET
1
OF 1



ELKINS-ATRELLE 31-42 WELL PAD #2		ELKINS-ATRELLE 31-42 FACILITY	ELKINS-ATRELLE 31-42 WELL PAD #3	
ELKINS-ATRELLE 31-42 #114 (SHL) NORTHING: 10707391.3 EASTING: 1766440.3	ELKINS-ATRELLE 31-42 #221 (SHL) NORTHING: 10707366.7 EASTING: 1766343.4	CENTER OF ELKINS-ATRELLE FACILITY PAD #1 NORTHING: 10706392.2 EASTING: 1766008.6	ELKINS-ATRELLE 31-42 #122 (SHL) NORTHING: 10707368.9 EASTING: 1765716.7	ELKINS-ATRELLE 31-42 #143 (SHL) NORTHING: 10707344.2 EASTING: 1765619.8
ELKINS-ATRELLE 31-42 #112 (SHL) NORTHING: 10707385.2 EASTING: 1766416.1	ELKINS-ATRELLE 31-42 #123 (SHL) NORTHING: 10707360.6 EASTING: 1766319.2		ELKINS-ATRELLE 31-42 #132 (SHL) NORTHING: 10707362.7 EASTING: 1765692.5	
ELKINS-ATRELLE 31-42 #113 (SHL) NORTHING: 10707379.0 EASTING: 1766391.9			ELKINS-ATRELLE 31-42 #231 (SHL) NORTHING: 10707356.6 EASTING: 1765668.2	CENTER OF ELKINS-ATRELLE WELL PAD #3 NORTHING: 10707274.5 EASTING: 1765670.2
ELKINS-ATRELLE 31-42 #211 (SHL) NORTHING: 10707372.9 EASTING: 1766367.6	CENTER OF ELKINS-ATRELLE WELL PAD #2 NORTHING: 10707293.8 EASTING: 1766381.2	COORDINATES SHOWN ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83	ELKINS-ATRELLE 31-42 #143 (SHL) NORTHING: 10707350.4 EASTING: 1765644.0	

OVERALL SITE PLAN

SCALE: 1"=400'

LEGEND

- PROPOSED FLOWLINE
- PROPOSED ELECTRIC
- PROPOSED LEASE ROAD
- PROPOSED FUTURE LEASE ROAD
- PROPOSED FENCE LINE
- PROPOSED 6' CHAIN LINK FENCE WITH 2 STRANDS OF BARB WIRE AROUND

PACKET 14-30 September 13, 2022

BISON CREEK
LAND SERVICES, LLC
WWW.BISON-CREEK.COM
FIRM LICENSE NO. 10193880

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OVERALL SITE PLAN

ELKINS / ATRELLE & HARVARD / McCLINTIC
BEING A 141.796 ACRE TRACT OF LAND SITUATED IN THE CITY OF MIDLAND, SECTION 31, BLOCK 38, T-1-S, T & P RR CO. SURVEY, ABSTRACT NO. 25, MIDLAND COUNTY, TEXAS.

ENDEAVOR ENERGY RESOURCES, L.P.

BISON CREEK LAND SERVICES, LLC 29740 STATE HIGHWAY 64, CANTON TEXAS 75103 PHONE: 903-873-3800 WWW.BISON-CREEK.COM

SCALE: 1" = 400'
DATE: 09/17/22
APPROVED BY: JPK
DRAWN BY: CR
CREW: 2L
PROJECT NO.16-02490

SHEET 1 OF 1

Z:\BISON CREEK, LLC\2016\16-02490-ENDEAVOR MIDLAND COUNTY\MIDLAND CO PROJECTS\BLOCK 38 T1S ELKINS-ATRELLE HARVARD MCCLINTIC\DRAWING\SECTION 31\SITE PLANS\16-02490 - OVERALL SITE PLAN 3-(5-17-22).dwg, 5/26/2022 9:47:55 AM

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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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General Description of Current Surface Use (within 860 feet of proposed surface location): Open Pasture

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Proposed Well Name: Elkins Atrelle 31-42 #113

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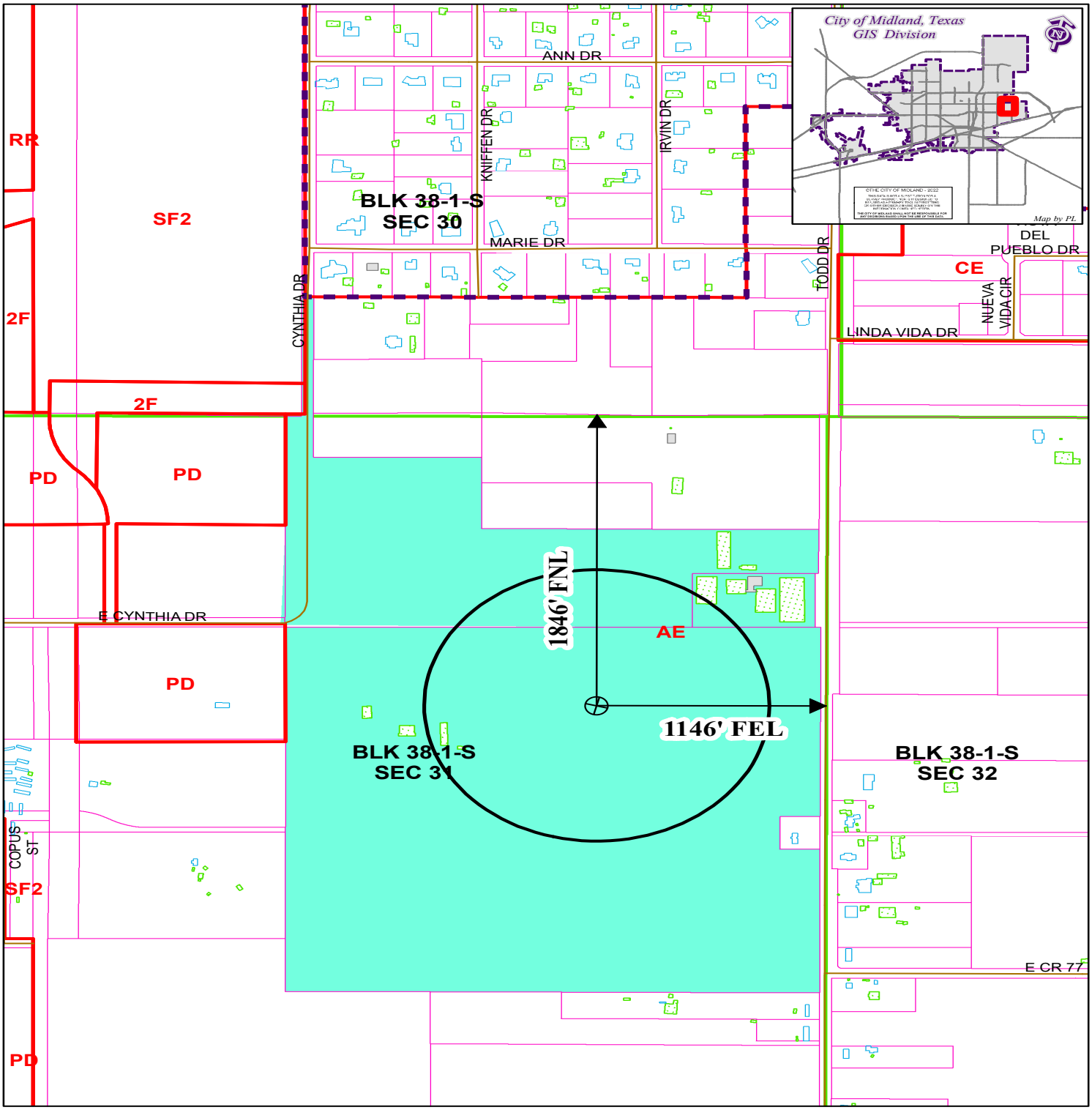
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Elkins Atrelle 31-42 #113

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
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ZONING	ACCESSORY BLDGS	SURVEY SEC.

ZONING DISTRICTS:

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PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
RR, RR2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

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Planning Division

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #114

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1847' FNL 1096' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

ATTACHED AS EXHIBIT G **is the Plat and 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 **is the location agreement letter with current Surface Owner. [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 $75,000.** ***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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) **Drilling:** Electricity TXU: 1-800-233-2133

(2) **Operations:** Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
ATTACHED AS EXHIBIT G. **[See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
ATTACHED AS EXHIBIT O. **[See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

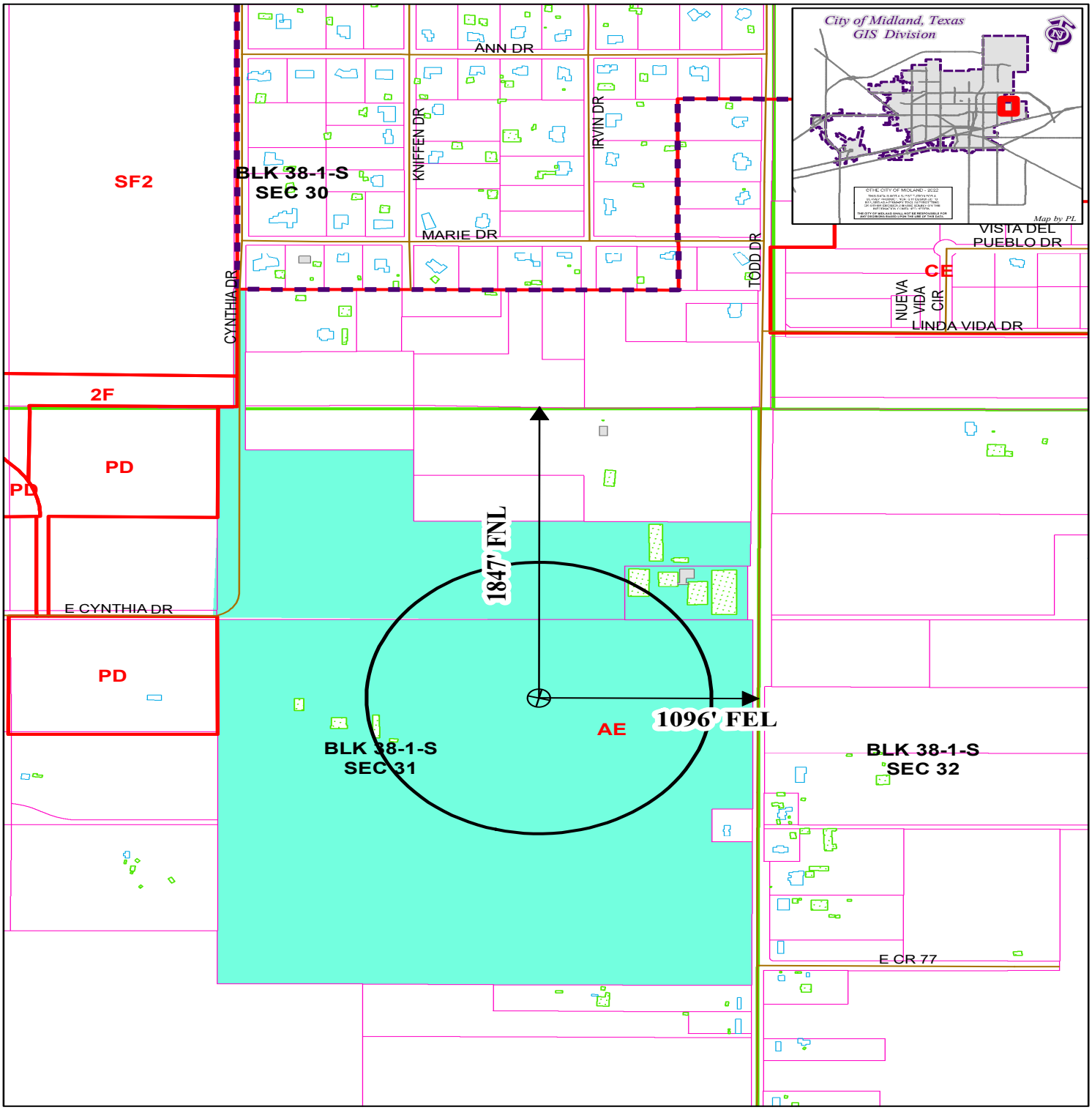
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044229 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,847' FNL and 1,096' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 50 feet south of East Cynthia Drive extension and 1,096 feet west of Todd Drive.

Elkins Atrelle 31-42 #114

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, O2	OFFICE
[illegible]	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
RS, RM2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #123

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1846' FNL 1221' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

ATTACHED AS EXHIBIT G **is the Plat and 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 **is the location agreement letter with current Surface Owner. [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 $75,000.** ***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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
ATTACHED AS EXHIBIT G. **[See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
ATTACHED AS EXHIBIT O. **[See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

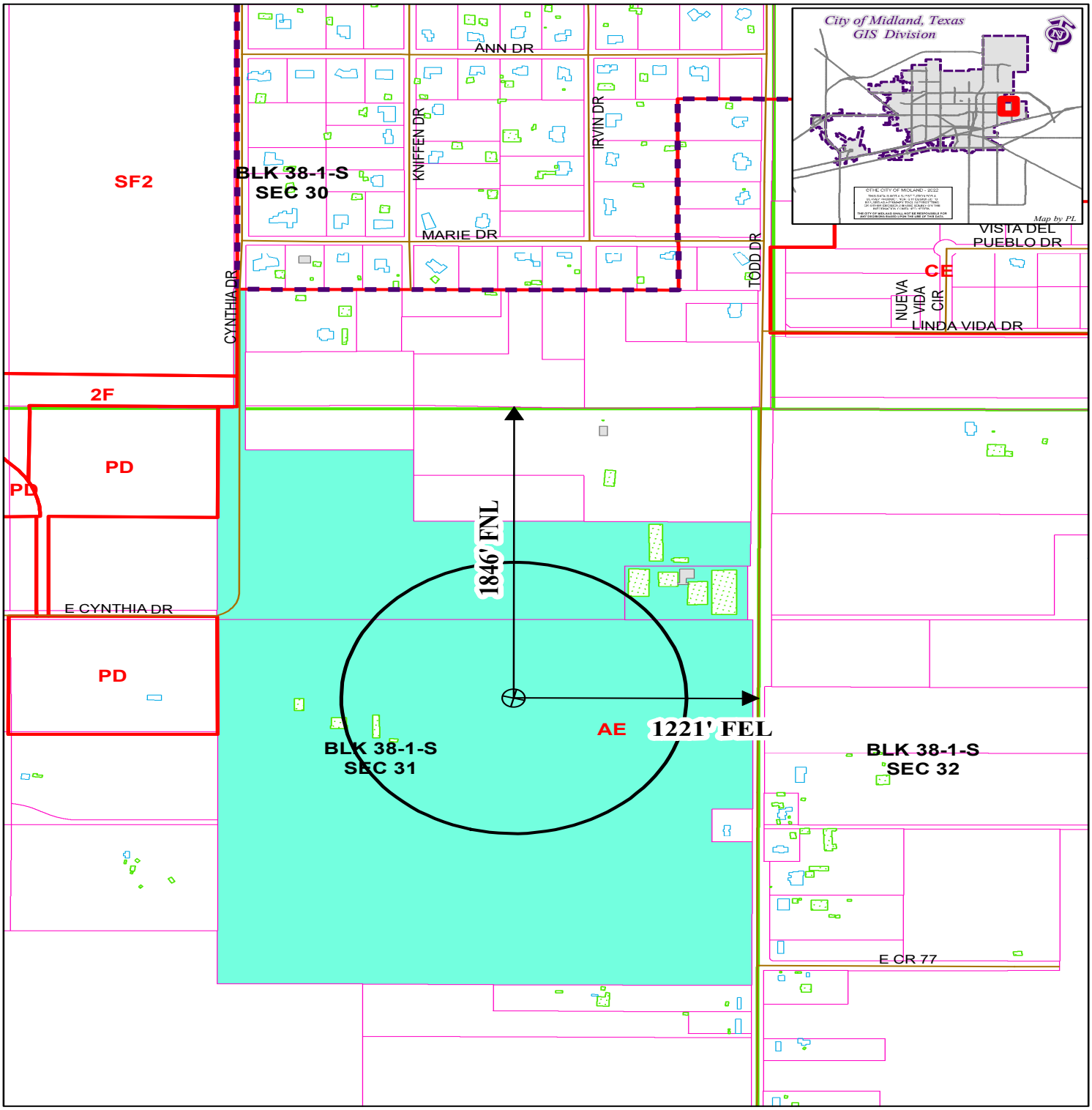
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044231 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,846' FNL and 1,221' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 500 feet south of East Cynthia Drive extension and 1,221 feet west of Todd Drive.

Elkins Atrelle 31-42 #123

LEGEND

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

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	ROADSIDE 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

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

***ATTACHED AS EXHIBIT E* is a *(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #211

***ATTACHED AS EXHIBIT G is* Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
***ATTACHED AS EXHIBIT G is* 24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1846' FNL 1171' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

***ATTACHED AS EXHIBIT G* is the Plat and 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* is the location agreement letter with current Surface Owner. [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 $75,000. *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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
***ATTACHED AS EXHIBIT G.* [See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
***ATTACHED AS EXHIBIT O.* [See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit indicating that all taxes on personal and real property, including minerals, owned by Applicant are current. [See § J(29)].**

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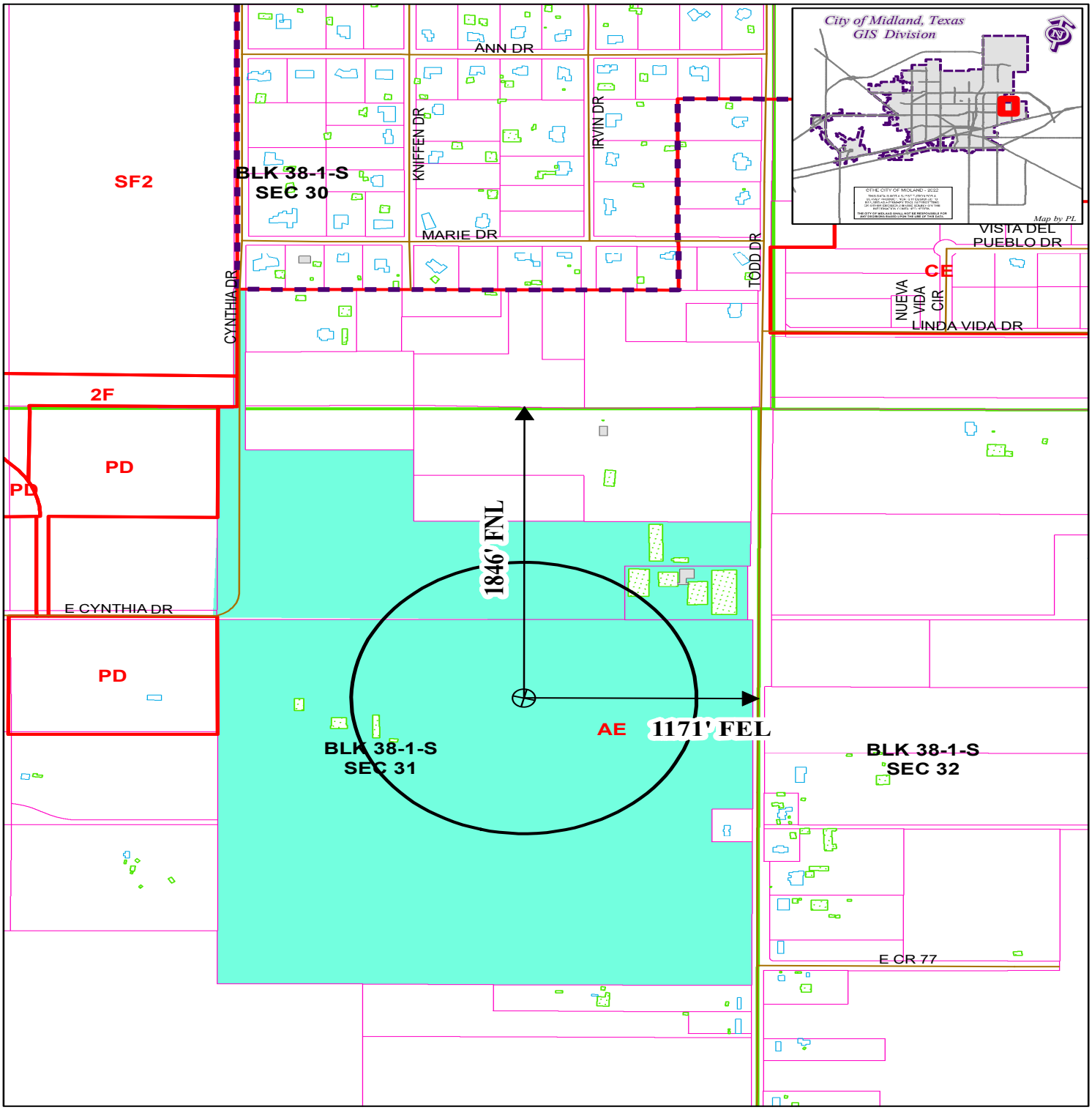
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ATTACHED AS EXHIBIT U **is Applicant's Hazardous Materials Management Plan, a copy of which has been submitted and is on file with the Midland Fire Department. [See § J(23)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044235 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,846' FNL and 1,171' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 500 feet south of East Cynthia Drive extension and 1,171 feet west of Todd Drive.

Elkins Atrelle 31-42 #211

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

***ATTACHED AS EXHIBIT E* is a *(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #221

***ATTACHED AS EXHIBIT G is* Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
***ATTACHED AS EXHIBIT G is* 24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1846' FNL 1196' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

***ATTACHED AS EXHIBIT G* is the Plat and 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* is the location agreement letter with current Surface Owner. [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 $75,000. *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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
***ATTACHED AS EXHIBIT G.* [See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
***ATTACHED AS EXHIBIT O.* [See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

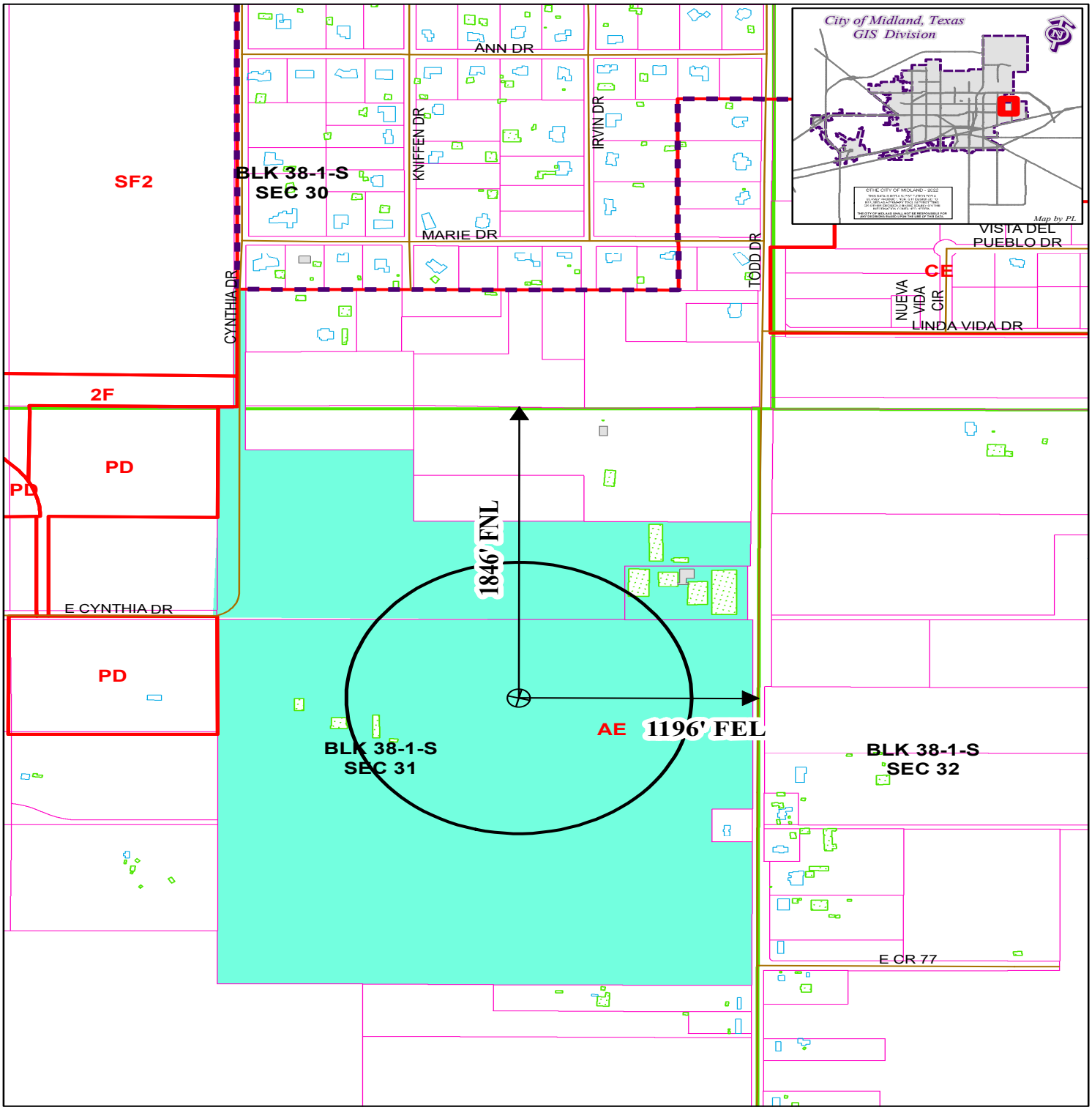
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044237 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,846' FNL and 1,196' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 500 feet south of East Cynthia Drive extension and 1,196 feet west of Todd Drive.

Elkins Atrelle 31-42 #221

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
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
R1, R2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRB	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

City Council Meeting

Item Number: 15

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL SIX OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 359 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,803 FEET AND 1,903 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permits to Endeavor Energy Resources, L.P. ("Operator") for the drilling of the following oil and gas wells: Elkins Atrelle 31-42 #122; Elkins Atrelle 31-42 #132; Elkins Atrelle 31-42 #133; Elkins Atrelle 31-42 #143; and Elkins Atrelle 31-42 #231; said wells being generally located 359 feet south of East Cynthia Drive extension and between 1,803 feet and 1,903 feet west of Todd Drive.

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 the well site in detail and recommends approval with updated exhibits. A 24 ft. sound wall will be used during fracturing operations

only and walls will be being located on west side of the location. Included is a noise modeling study for drilling and fracturing operations at the pad site. The noise study states drilling below ambient noise levels at edge of property. In addition, a variance request is being made for electric driven gas lift compressor which includes a noise modeling study. The noise modeling study includes locating permanent sound panels being 16 ft tall on the west and south side of the electric drive compressor. The mitigated sound at the property lines to be below the nighttime ambient. The 140-acre location has already been granted an electric drive compressor and currently being used. The operator has a surface agreement. Receiving support of the Oil & Gas Advisory Committee, Endeavor Energy Resources is requesting the following variances:

(1) Endeavor Energy Resources requests to have a perimeter fence around the well pad site instead of individual wellheads.
(2) Endeavor Energy Resources requests to allow for twenty-four-hour fracing operations.
(3) Endeavor Energy Resources requests variance to the requirement of landscaping and irrigation. The land is currently undeveloped without access to City water.
(4) Endeavor Energy Resources requests a variance to utilize electric driven compression for gas lift operations.
(5) Endeavor Energy Resources requests variance to utilize storage tanks 30’ in height to allow a reduced overall footprint. Battery will be 720 feet from the property line.

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

Morris Williams Jr.

City Manager’s Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO ENDEAVOR ENERGY RESOURCES, L.P. ("OPERATOR") TO DRILL FIVE OIL AND GAS WELLS LOCATED IN SECTION 31, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED 359 FEET SOUTH OF EAST CYNTHIA DRIVE EXTENSION AND BETWEEN 1,803 FEET AND 1,903 FEET WEST OF TODD DRIVE); AND PROVIDING THAT SAID PERMITS DO NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING 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 August 9, 2022; 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:

> Elkins Atrelle 31-42 #122; Elkins Atrelle 31-42 #132; Elkins Atrelle 31-42 #133; Elkins Atrelle 31-42 #143; and Elkins Atrelle 31-42 #231;

located in Section 31, Block 38, T-1-S, T&P RR Co. Survey, City of Midland, Midland County, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A" through "E" and incorporated herein for all legal purposes.

SECTION THREE. That said permits do not require a new road repair agreement but shall be consolidated under the existing road repair agreement between Operator and the City of Midland for Operator's wells located on the property described in Section Two

hereof.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #122 oil and gas well shall be 1,689 feet from the north line and 1,803 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "B"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #132 oil and gas well shall be 1,689 feet from the north line and 1,828 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "C"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #133 oil and gas well shall be 1,689 feet from the north line and 1,878 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
4. Utilize electric driven compression for gas lift operations.
5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "D"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #143 oil and gas well shall be 1,689 feet from the north line and 1,903 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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.

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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. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
2. Twenty-four hour hydraulic fracturing and completion operations are permitted.
3. No landscaping or irrigation is required because City water is not available.
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5. Utilize storage tanks 30 feet in height to allow a reduced overall footprint.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent

EXHIBIT "E"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Endeavor Energy Resources, L.P. ("Operator") dated May 27, 2022, 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 Elkins Atrelle 31-42 #231 oil and gas well shall be 1,689 feet from the north line and 1,853 feet from the east line, Section 31, Block 38, T-1-S, T&P RR Co. 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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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

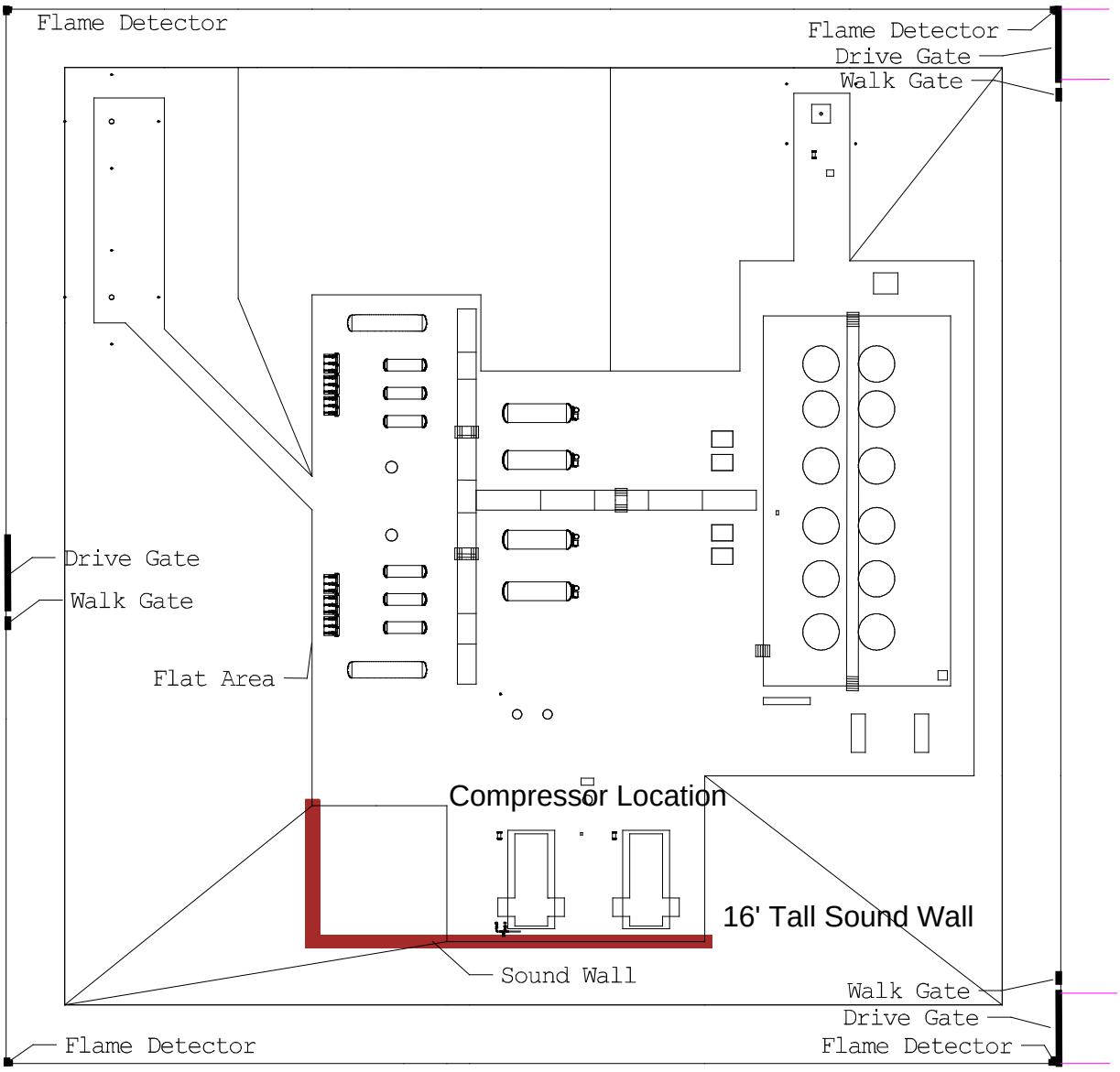
Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Endeavor Energy Resources, L.P.

By: _____

Ryan Burrow, Production Superintendent


Flame Detector
Flame Detector
Drive Gate
Walk Gate
Drive Gate
Walk Gate
Flat Area
Compressor Location
16' Tall Sound Wall
Sound Wall
Walk Gate
Drive Gate
Flame Detector
Flame Detector

50 ft

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #122

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1689' FNL 1803' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

ATTACHED AS EXHIBIT G **is the Plat and 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 **is the location agreement letter with current Surface Owner. [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 $75,000.** ***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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
ATTACHED AS EXHIBIT G. **[See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
ATTACHED AS EXHIBIT O. **[See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

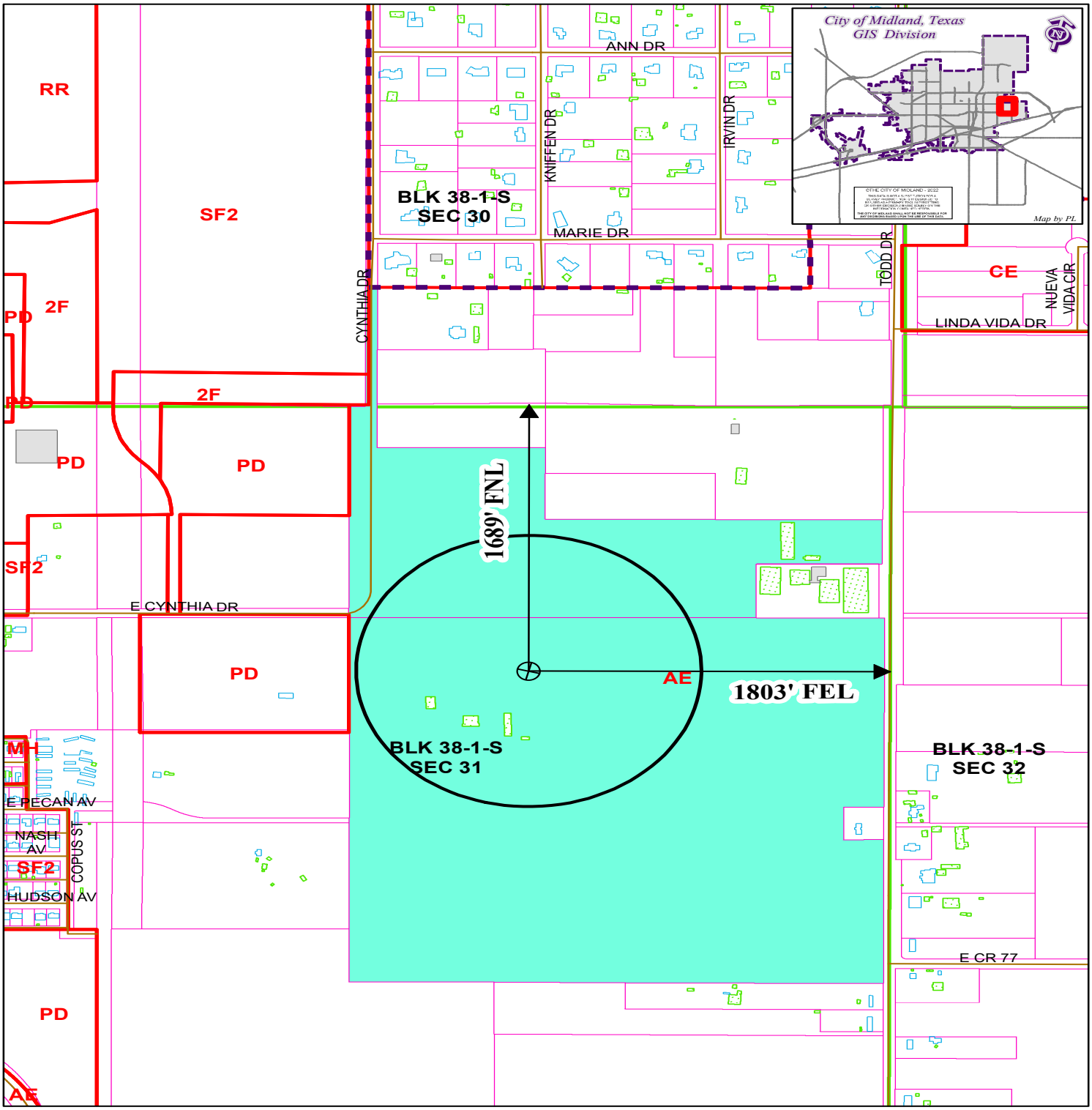
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044230 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,689' FNL and 1,803' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 350 feet south of East Cynthia Drive extension and 1,803 feet west of Todd Drive.

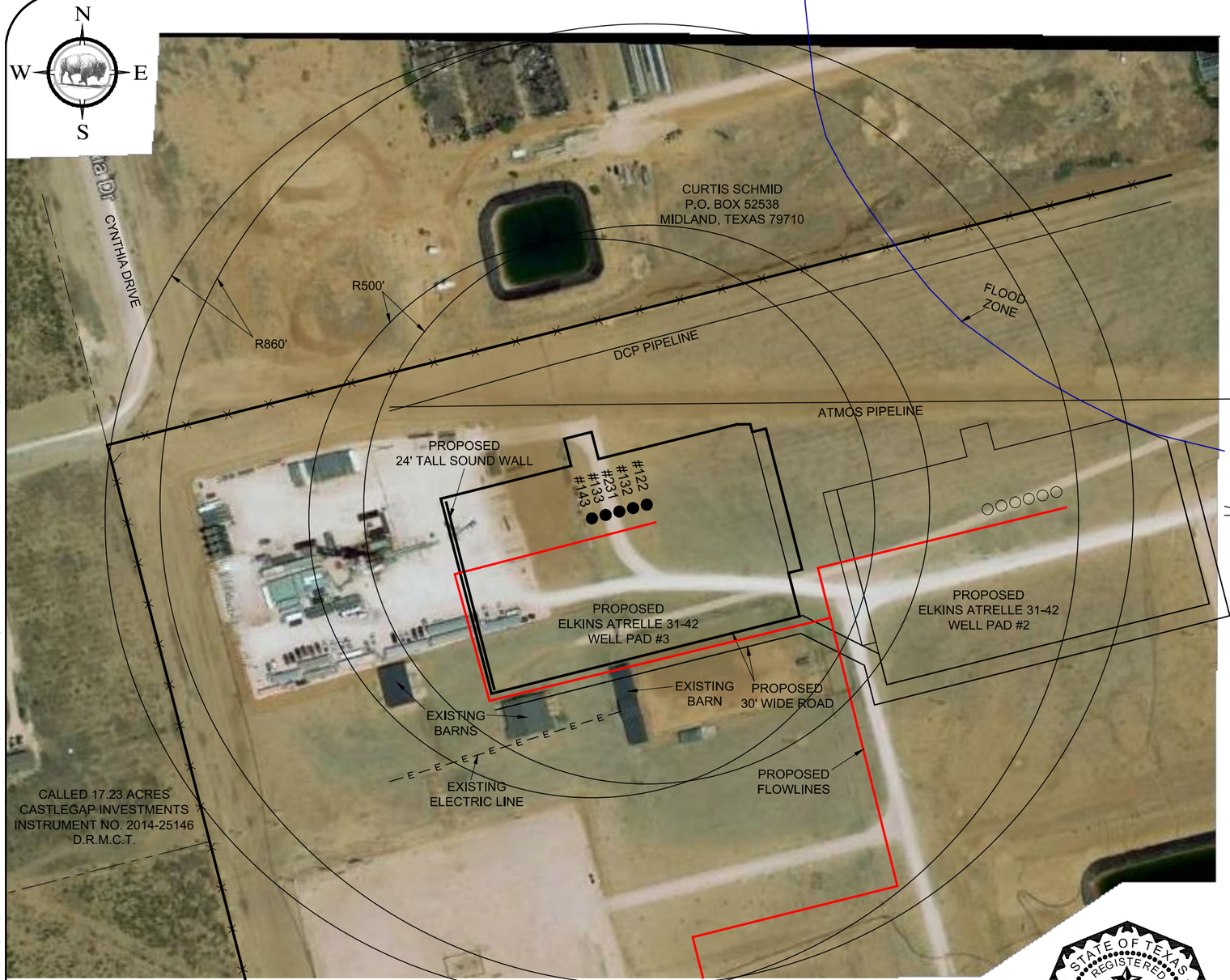
Elkins Atrelle 31-42 #122

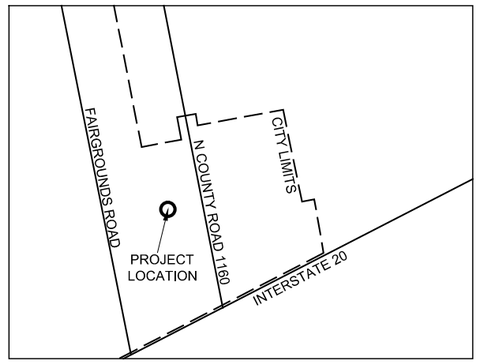
LEGEND

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

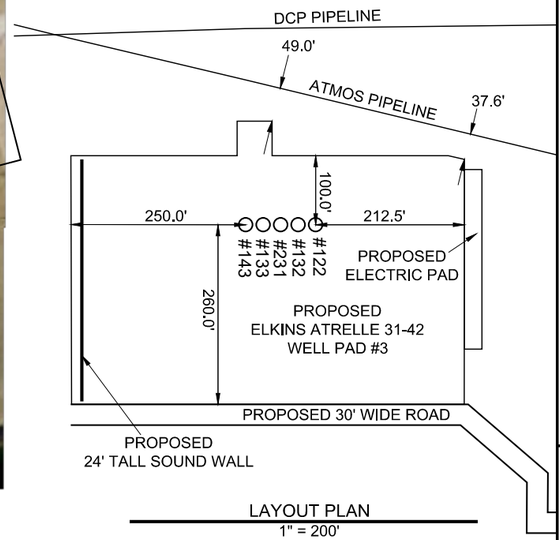
ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF2, SF3, 1F3	ONE-FAMILY DWELLING	C1R, C2R, C3R	COMMERCIAL 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





VICINITY MAP
NOT TO SCALE



LAYOUT PLAN
1" = 200'

COORDINATES SHOWN ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83		
ELKINS-ATRELLE 31-32 #143 (SHL) NORTHING: 10707344.24 EASTING: 1765619.76	ELKINS-ATRELLE 31-42 #231 (SHL) NORTHING: 10707356.55 EASTING: 1765668.22	ELKINS-ATRELLE 31-42 #122 (SHL) NORTHING: 10707368.85 EASTING: 1765716.68
	ELKINS-ATRELLE 31-32 #133 (SHL) NORTHING: 10707350.39 EASTING: 1765643.99	ELKINS-ATRELLE 31-32 #132 (SHL) NORTHING: 10707362.70 EASTING: 1765692.45

SITE PLAN
1" = 200'
SCALE: 1" = 200'

200 100 0 200 400
GRAPHIC SCALE

STATE OF TEXAS
REGISTERED
JAMES P. KEENE
5100
PROFESSIONAL
LAND SURVEYOR

LEGEND
- PROPOSED FLOWLINE
- E — PROPOSED ELECTRIC
- PROPOSED LEASE ROAD
- PROPOSED FUTURE LEASE ROAD
- W — PROPOSED FRESH WATER LINE

BISON CREEK
LAND SERVICES, LLC
WWW.BISON-CREEK.COM
COPYRIGHT 2022
FIRM LICENSE NO. 10193880
BISON CREEK LAND SERVICES, LLC 29740 STATE HIGHWAY 64, CANTON, TEXAS 75103 PHONE: (903) 873 - 3600

SITE PLAN
ENDEAVOR ENERGY RESOURCES, L.P.
ELKINS ATRELLE WELL PAD #3
SITUATED IN THE
CITY OF MIDLAND, SECTION 31, BLOCK 38, T-1-S, T & P RR
CO. SURVEY, ABSTRACT NO. 25, MIDLAND COUNTY, TEXAS.

SCALE: 1"= 200' | DATE: 04/18/22
DRAWN BY: CR
APPROVED: JPK
FIELD CREW: JR
PROJECT NO. 16-02490-ELKINS-ATRELLE WELL PAD #3

SHEET
1
OF 1

EXHIBIT SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS THAT MAY BE FOUND IN A TITLE COMMITMENT. THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE OF REAL PROPERTY. THIS EXHIBIT WAS PREPARED FROM INFORMATION FURNISHED BY THE CLIENT AND/OR AVAILABLE PUBLIC RECORDS.



ELKINS-ATRELLE 31-42 WELL PAD #2		ELKINS-ATRELLE 31-42 FACILITY	ELKINS-ATRELLE 31-42 WELL PAD #3	
ELKINS-ATRELLE 31-42 #114 (SHL) NORTHING: 10707391.3 EASTING: 1766440.3	ELKINS-ATRELLE 31-42 #221 (SHL) NORTHING: 10707366.7 EASTING: 1766343.4	CENTER OF ELKINS-ATRELLE FACILITY PAD #1 NORTHING: 10706392.2 EASTING: 1766008.6	ELKINS-ATRELLE 31-42 #122 (SHL) NORTHING: 10707368.9 EASTING: 1765716.7	ELKINS-ATRELLE 31-42 #143 (SHL) NORTHING: 10707344.2 EASTING: 1765619.8
ELKINS-ATRELLE 31-42 #112 (SHL) NORTHING: 10707385.2 EASTING: 1766416.1	ELKINS-ATRELLE 31-42 #123 (SHL) NORTHING: 10707360.6 EASTING: 1766319.2		ELKINS-ATRELLE 31-42 #132 (SHL) NORTHING: 10707362.7 EASTING: 1765692.5	
ELKINS-ATRELLE 31-42 #113 (SHL) NORTHING: 10707379.0 EASTING: 1766391.9			ELKINS-ATRELLE 31-42 #231 (SHL) NORTHING: 10707356.6 EASTING: 1765668.2	CENTER OF ELKINS-ATRELLE WELL PAD #3 NORTHING: 10707274.5 EASTING: 1765670.2
ELKINS-ATRELLE 31-42 #211 (SHL) NORTHING: 10707372.9 EASTING: 1766367.6	CENTER OF ELKINS-ATRELLE WELL PAD #2 NORTHING: 10707293.8 EASTING: 1766381.2	COORDINATES SHOWN ARE THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD 83	ELKINS-ATRELLE 31-42 #232 (SHL) NORTHING: 10707350.4 EASTING: 1765644.0	

OVERALL SITE PLAN

SCALE: 1"=400'

LEGEND

- PROPOSED FLOWLINE
- PROPOSED ELECTRIC
- PROPOSED LEASE ROAD
- PROPOSED FUTURE LEASE ROAD
- PROPOSED BARBED WIRE FENCE
- PROPOSED 6' CHAIN LINK FENCE WITH 2 STRANDS OF BARB WIRE AROUND

PACKET 15.27 September 13, 2022

BISON CREEK
LAND SERVICES, LLC
WWW.BISON-CREEK.COM
FIRM LICENSE NO. 10193880

COPYRIGHT 2022

OVERALL SITE PLAN

ELKINS / ATRELLE & HARVARD / McCLINTIC
BEING A 141.796 ACRE TRACT OF LAND SITUATED IN THE CITY OF MIDLAND, SECTION 31, BLOCK 38, T-1-S, T & P RR CO. SURVEY, ABSTRACT NO. 25, MIDLAND COUNTY, TEXAS.

ENDEAVOR ENERGY RESOURCES, L.P.

SCALE: 1" = 400'
DATE: 05/17/22
APPROVED BY: JPK
DRAWN BY: CR
CREW: 2L
PROJECT NO.16-02490

SHEET 1 OF 1

BISON CREEK LAND SERVICES, LLC 29740 STATE HIGHWAY 64, CANTON TEXAS 75103 PHONE: 903-873-3800 WWW.BISON-CREEK.COM

Z:\BISON CREEK, LLC\2016\16-02490-ENDEAVOR MIDLAND COUNTY\MIDLAND CO PROJECTS\BLOCK 38 T1S ELKINS-ATRELLE HARVARD MCCLINTIC\DRAWING\SECTION 31\SITE PLANS\16-02490-OVERALL SITE PLAN 3-(5-17-22).dwg, 5/26/2022 9:47:55 AM

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #132

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1689' FNL 1828' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

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

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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 $75,000.** ***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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
ATTACHED AS EXHIBIT G. **[See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
ATTACHED AS EXHIBIT O. **[See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the *Blanket Bond and Rider* in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

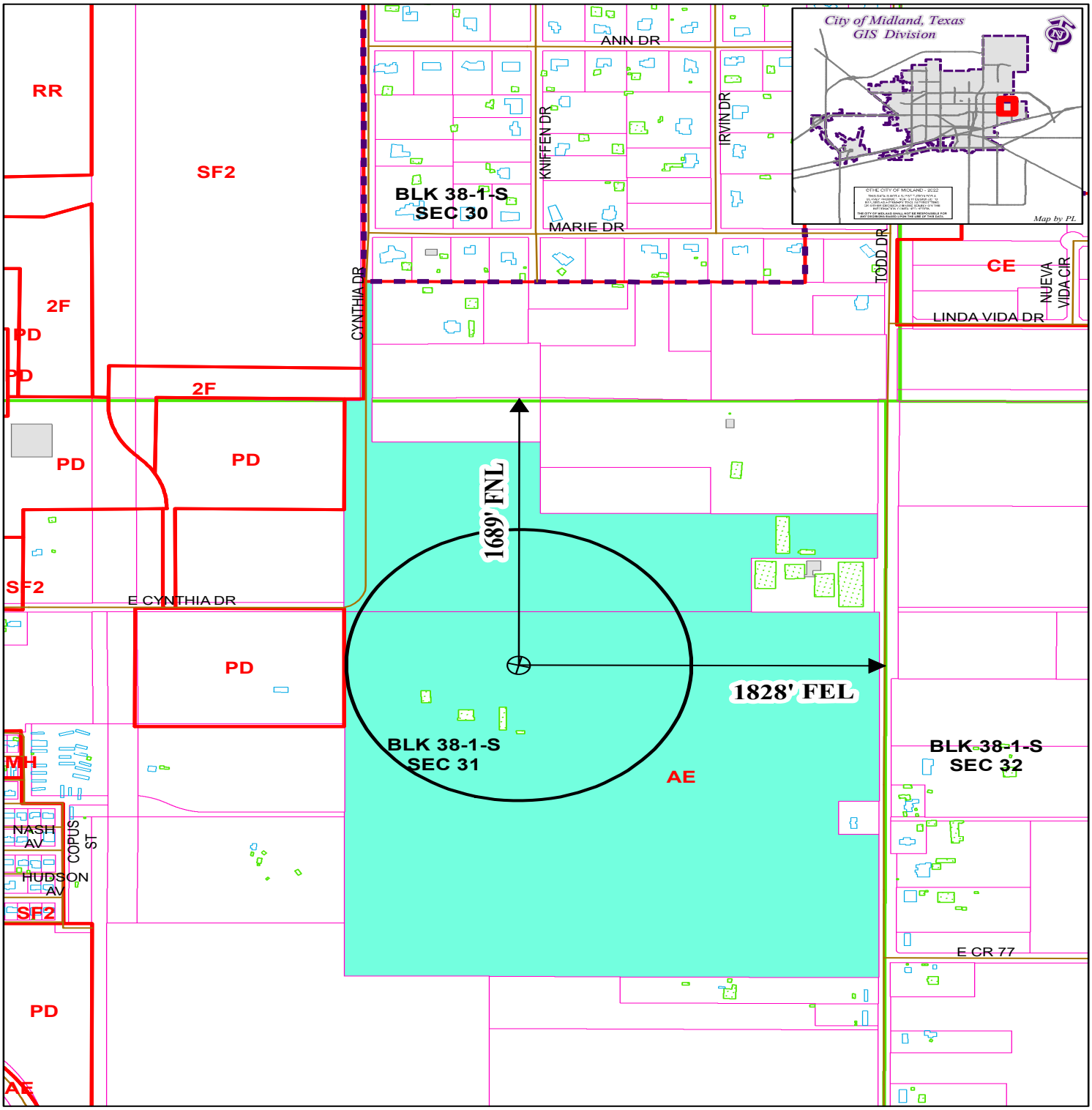
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044232 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,689' FNL and 1,828' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 350 feet south of East Cynthia Drive extension and 1,828 feet west of Todd Drive.

Elkins Atrelle 31-42 #132

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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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Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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)].**

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IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #133

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1689' FNL 1878' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

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

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ATTACHED AS EXHIBIT N **is the written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) **Drilling:** Electricity TXU: 1-800-233-2133

(2) **Operations:** Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
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Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
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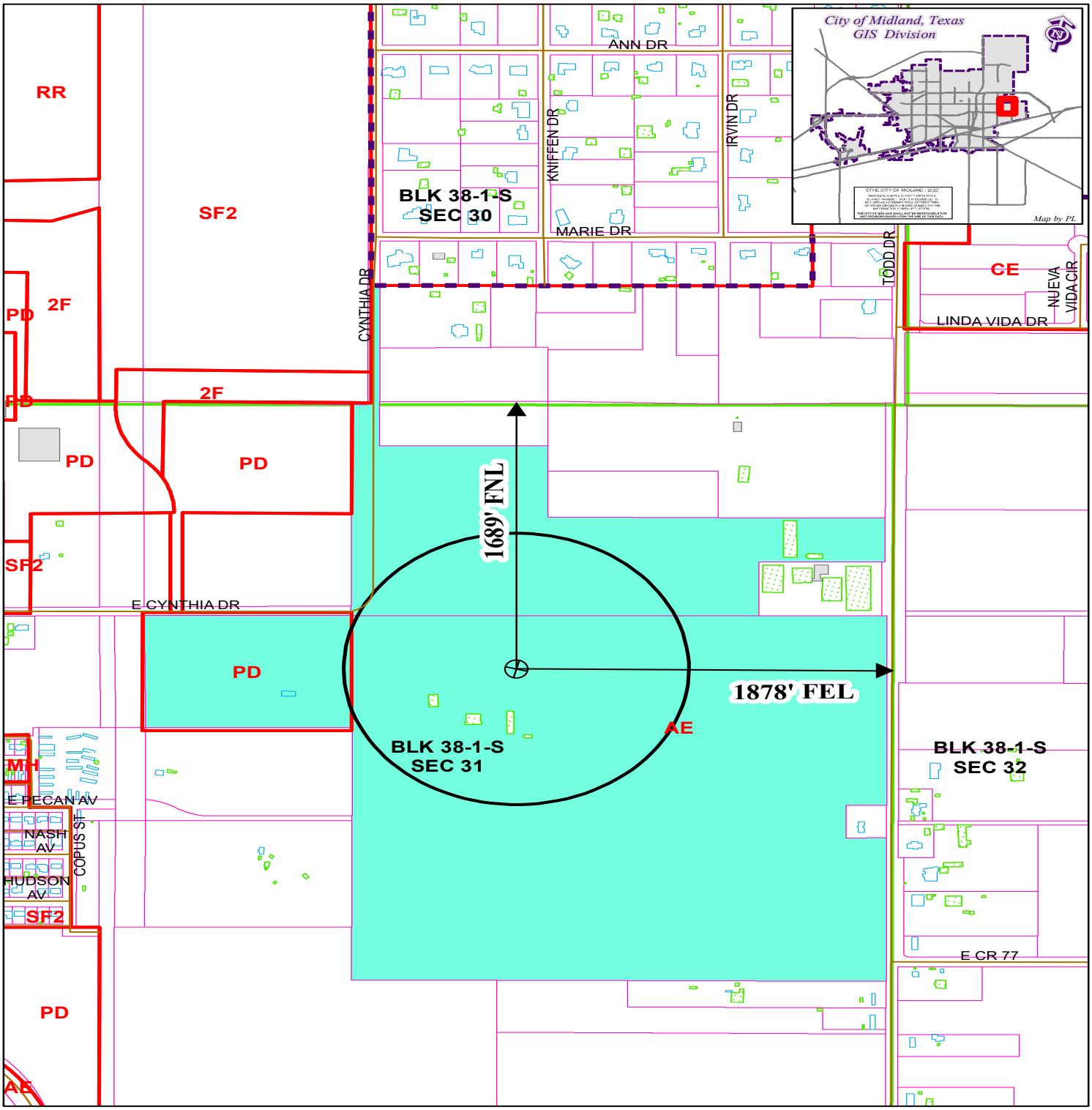
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Generally located 350 feet south of East Cynthia Drive extension and 1,878 feet west of Todd Drive.

Elkins Atrelle 31-42 #133

LEGEND

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

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PD	PLANNED DISTRICT	P	PARKING
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CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	LOCAL RETAIL
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MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

MIDLAND
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IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #143

***ATTACHED AS EXHIBIT G is* Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
***ATTACHED AS EXHIBIT G is* 24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1689' FNL 1903' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

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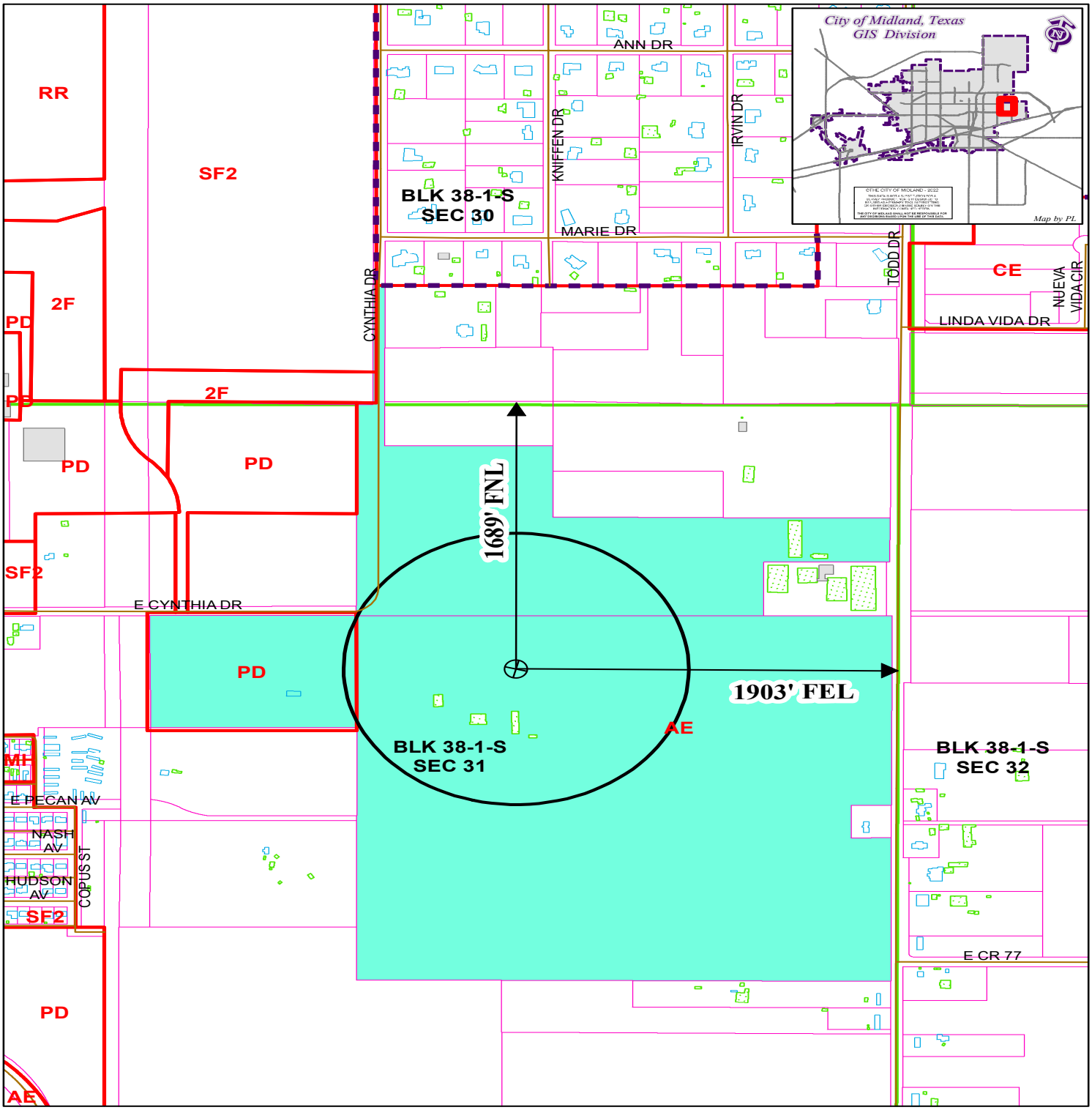
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ATTACHED AS EXHIBIT U **is Applicant's Hazardous Materials Management Plan, a copy of which has been submitted and is on file with the Midland Fire Department. [See § J(23)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044234 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,689' FNL and 1,903' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 350 feet south of East Cynthia Drive extension and 1,903 feet west of Todd Drive.

Elkins Atrelle 31-42 #143

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	C1R1, C1R2, C1R3	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

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
May 27, 2022	Endeavor Energy Resources, L.P.	110 N. Marienfeld, Suite 200 Midland, TX 79701

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. (432)-556-0588
Alex Bedford, Reservoir Engineer	110 N. Marienfeld, Suite 200 Midland, TX 79701	**Rep. Fax** (432)-682-3088
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 B

Option B: Ryan Burrow
1700 FM 115
Midland, Texas 79706
Office: (432) 262-4271
Cell: (432) 813-3060

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Ryan Burrow, Production Foreman for Endeavor Energy Resources, L.P.: Cell: 432-813-3060
Endeavor Energy Resources, L.P. -**24-Hour Emergency Hotline- 432-570-0186**
Midland Police Department: 911 or 432-685-7110
Midland Fire Department: 911
Ambulance: 911
Paramedics: 911

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

II. Mineral Ownership

Name(s) and Address(es) of Mineral Estate Lessors (under applicable lease): ***ATTACHED AS EXHIBIT C***

ATTACHED AS EXHIBIT C **–** is a letter from a licensed Texas Attorney indicating that the Operator has the legal right to develop the mineral estate that is the subject to this application**. [See § J(5)].**

III. Surface Ownership & Use

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

ATTACHED AS EXHIBIT D **are the most** ***Current Tax Cards from Midland Central Appraisal District,*** **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(7)].**

ATTACHED AS EXHIBIT E **is a** ***(map/plat/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 one hundred (100%) percent of the surface owners, Certified Mail, Return Receipt Requested. [See § J(36)].**

IV. Well & Operations Information

Proposed Well Name: Elkins Atrelle 31-42 #231

ATTACHED AS EXHIBIT G is **Proposed Hole Size, Casing Program and Cementing Program [See § J(11) and § L(4)]:**
ATTACHED AS EXHIBIT G is **24 Hour Fracing Operations Variance**

Legal Description of Proposed Well Site:

Surface Hole Location: 1689' FNL 1853' FEL, Section 31, Block 38, T-1-S, T&P RR Co Survey, Midland County, Texas

ATTACHED AS EXHIBIT G **is the Plat and 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 **is the location agreement letter with current Surface Owner. [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 $75,000.** ***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 written Concept Plan, Tank battery schematic and Site Plan. [See § J(32)].**

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

(1) Drilling: Electricity TXU: 1-800-233-2133

(2) Operations: Electricity TXU: 1-800-233-2133

Description of water source to be used during Drilling: Operator will attempt to use water from the Santa Rosa Aquifer for most all drilling and completion purposes. If producing water from the Santa Rosa Aquifer is uneconomical; the Operator will use existing or new shallow wells within the 140 acre site to supplement supply. If the Operator is unable to develop and maintain an adequate supply from the water wells on site; fresh water shall be transported by truck or pipeline from a pre-arranged source to the fresh water pond located on the site.

Description of all electric lines to production facilities (reference exhibits as necessary)
ATTACHED AS EXHIBIT G. **[See § L(10)]**

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary)
ATTACHED AS EXHIBIT O. **[See § J(35)]**

V. Additional Required Exhibits

ATTACHED AS EXHIBIT P **is the** ***Blanket Bond and Rider*** **in accordance with Subsection (K)(2). [See § J(18)].**

ATTACHED AS EXHIBIT Q **is an Affidavit 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)].**

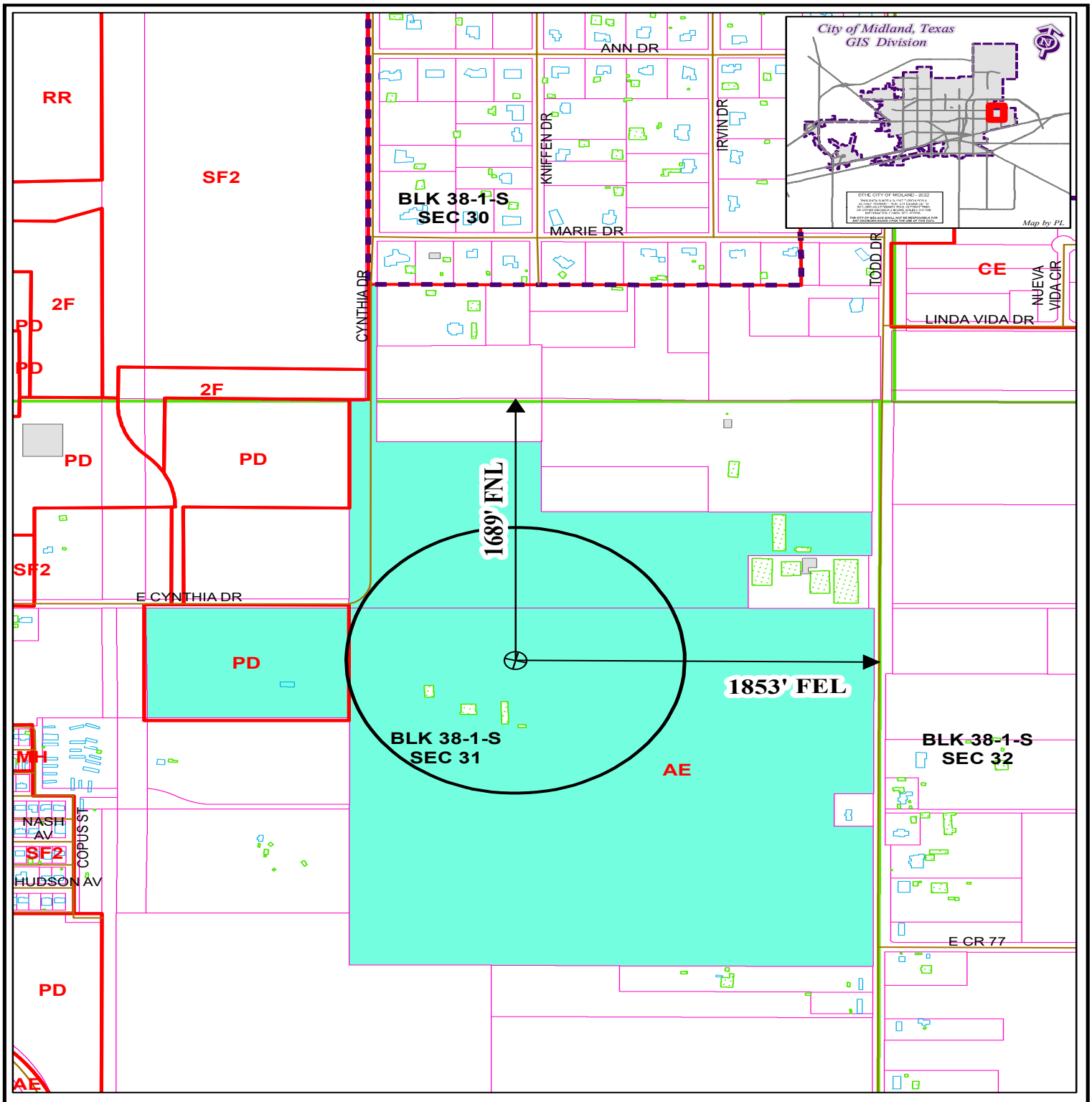
ATTACHED AS EXHIBIT S (if applicable) **is the Drainage Plan approved by the City Engineer relating to Applicant's proposed operations. [See § J(21)].**

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)].**

ATTACHED AS EXHIBIT V **is Summary List of Variances**

ATTACHED AS EXHIBIT W **is Acoustic Impact Study/Mitigation Plan**



LOCATION AND ZONING MAP

Oil - 044236 - 2022 **Scale: 1" = 700'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 1,689' FNL and 1,853' FEL, Section 31, Block 38, T-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 350 feet south of East Cynthia Drive extension and 1,853 feet west of Todd Drive.

Elkins Atrelle 31-42 #231

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	C1R1, C1R2, C1R3	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

City Council Meeting

Item Number: 16

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 500 FEET AND 590 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the following oil and gas wells: Mustang 120 MIPA Unit #H120MS; Mustang 130 MIPA Unit #H130SS; and Mustang 140 MIPA Unit #H140MS; said wells being generally located between 1,575 feet and 1,697 feet east of Rankin Highway and between 500 feet and 590 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and completion operations being located on the north side of location. Tank battery is in the county. There

have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(4) Permian Deep Rock Oil Company 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.

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 11, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 1,575 FEET AND 1,697 FEET EAST OF RANKIN HIGHWAY AND BETWEEN 500 FEET AND 590 FEET SOUTH OF INTERSTATE 20); 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 August 9, 2022; 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:

> Mustang 120 MIPA Unit #H120MS; Mustang 130 MIPA Unit #H130SS; and Mustang 140 MIPA Unit #H140MS;

located in Section 11, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A" through "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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 120 MIPA Unit #H120MS oil and gas well shall be 220 feet from the north line and 1,697 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

EXHIBIT "B"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 130 MIPA Unit #H130SS oil and gas well shall be 285 feet from the north line and 1,575 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

EXHIBIT "C"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 140 MIPA Unit #H140MS oil and gas well shall be 310 feet from the north line and 1,575 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location): Surface use: Undeveloped Rangeland, hotels, service company yards
Surface ownership: Hotels and service company yards:

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Mustang 120 MIPA Unit #H120MS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 220' FNL & 1697' FWL, Section 11
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

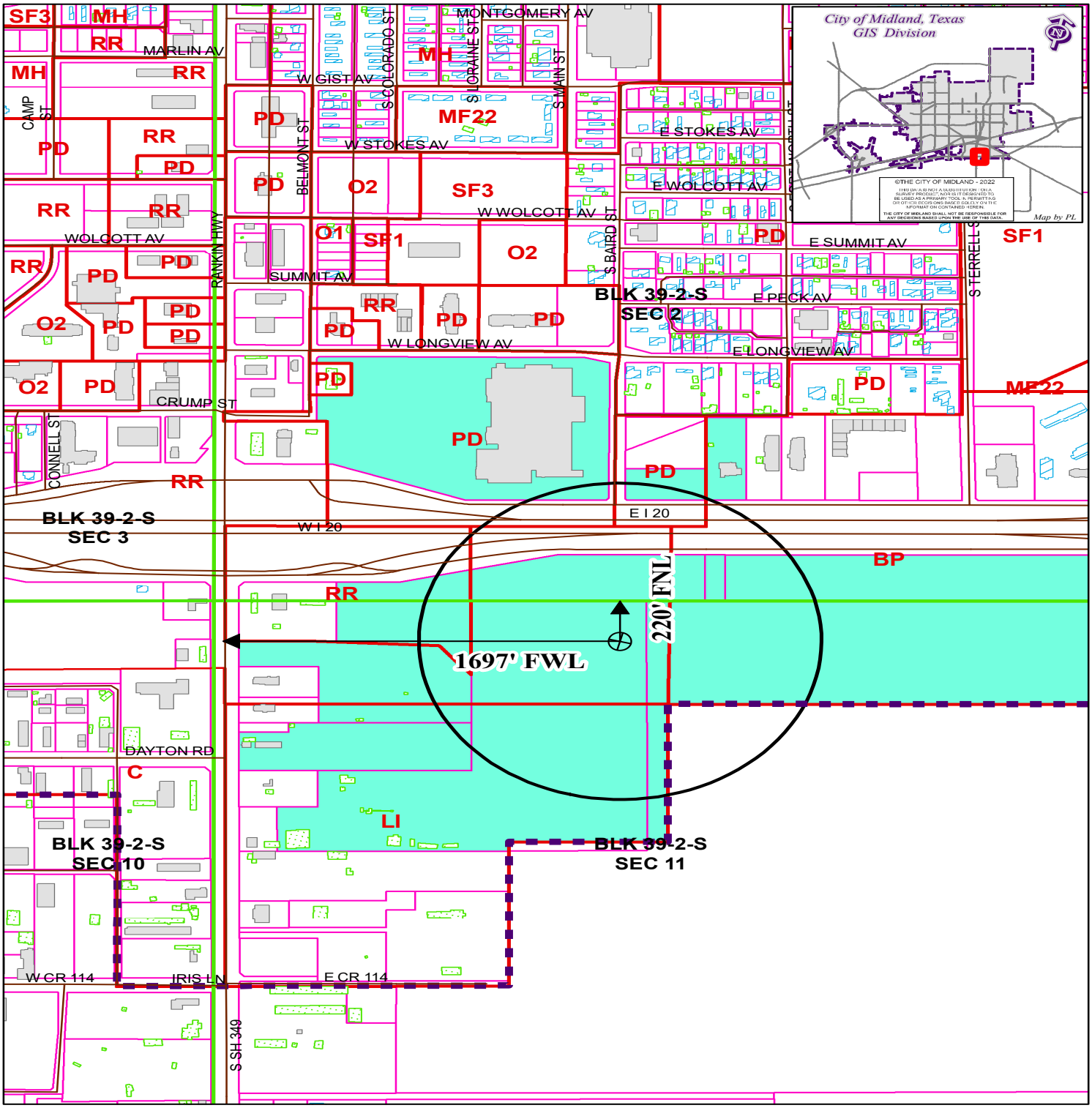
County of Midland)

Kyle Hammond , 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.

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044243 - 2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 220' FNL and 1,697' FWL, Section 11, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,697 feet east of Rankin Highway and 500 feet south of I-20.

Mustang 120 MIPA Unit #H120MS

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, O2	OFFICE
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
RR, R-2, 1F3	ONE-FAMILY DWELLING	CR	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

SCALE: 1" = 300'

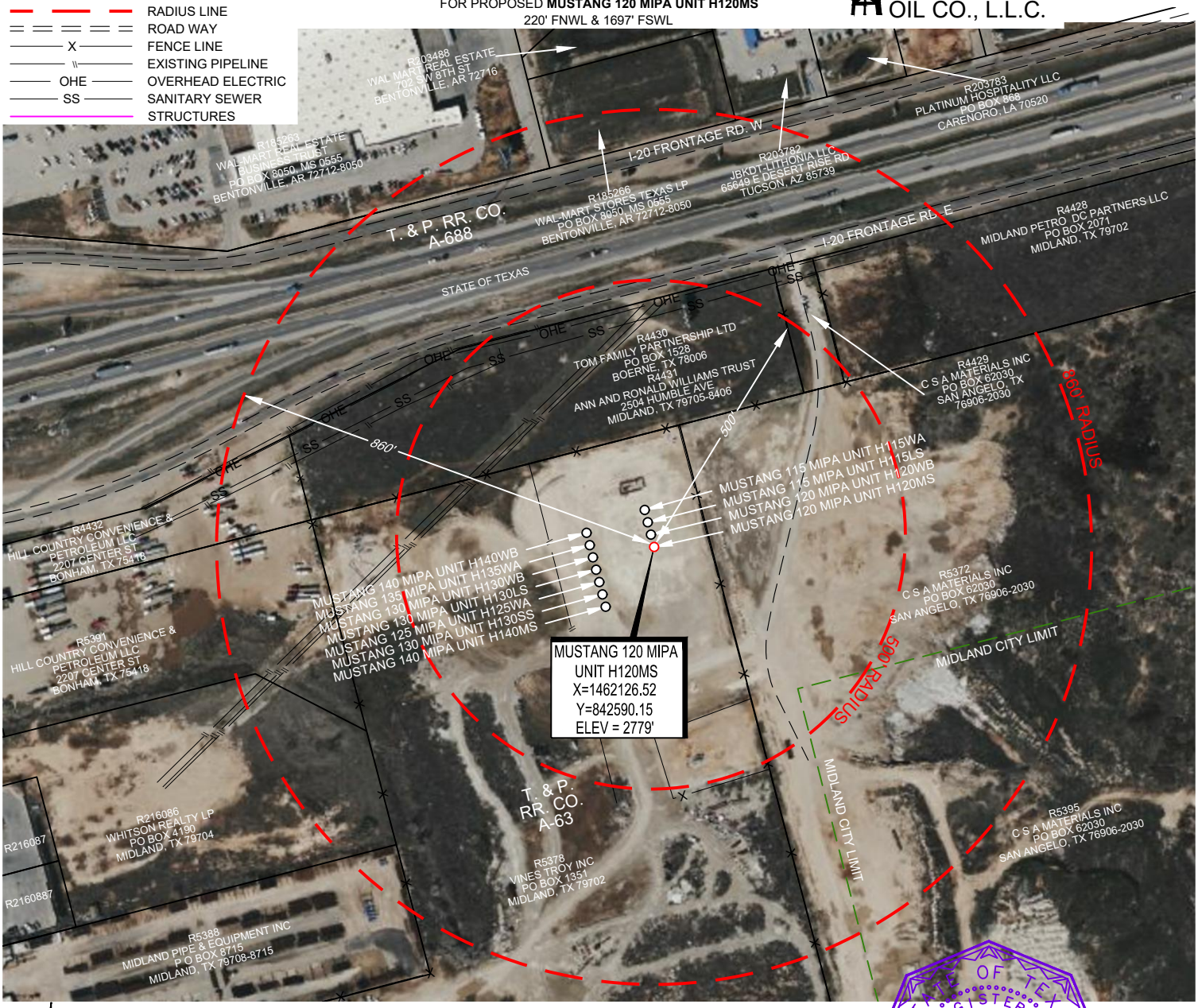
0' 150' 300'

LEGEND

- SURVEY/SECTION LINE
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- SANITARY SEWER
- STRUCTURES

SECTION 11, BLOCK 39, T-2-S
T. & P. RR. CO. SURVEY, A-63
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS
SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **MUSTANG 120 MIPA UNIT H120MS**
220' FNWL & 1697' FSWL

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
DECEMBER 2, 2021

MUSTANG 120 MIPA UNIT H120MS	REVISION:	
	INT	DATE
	DRH	05/19/2022
DATE: 05/17/2022		
FILE: CD_MUSTANG_120MS_REV1		
DRAWN BY: DRH		
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

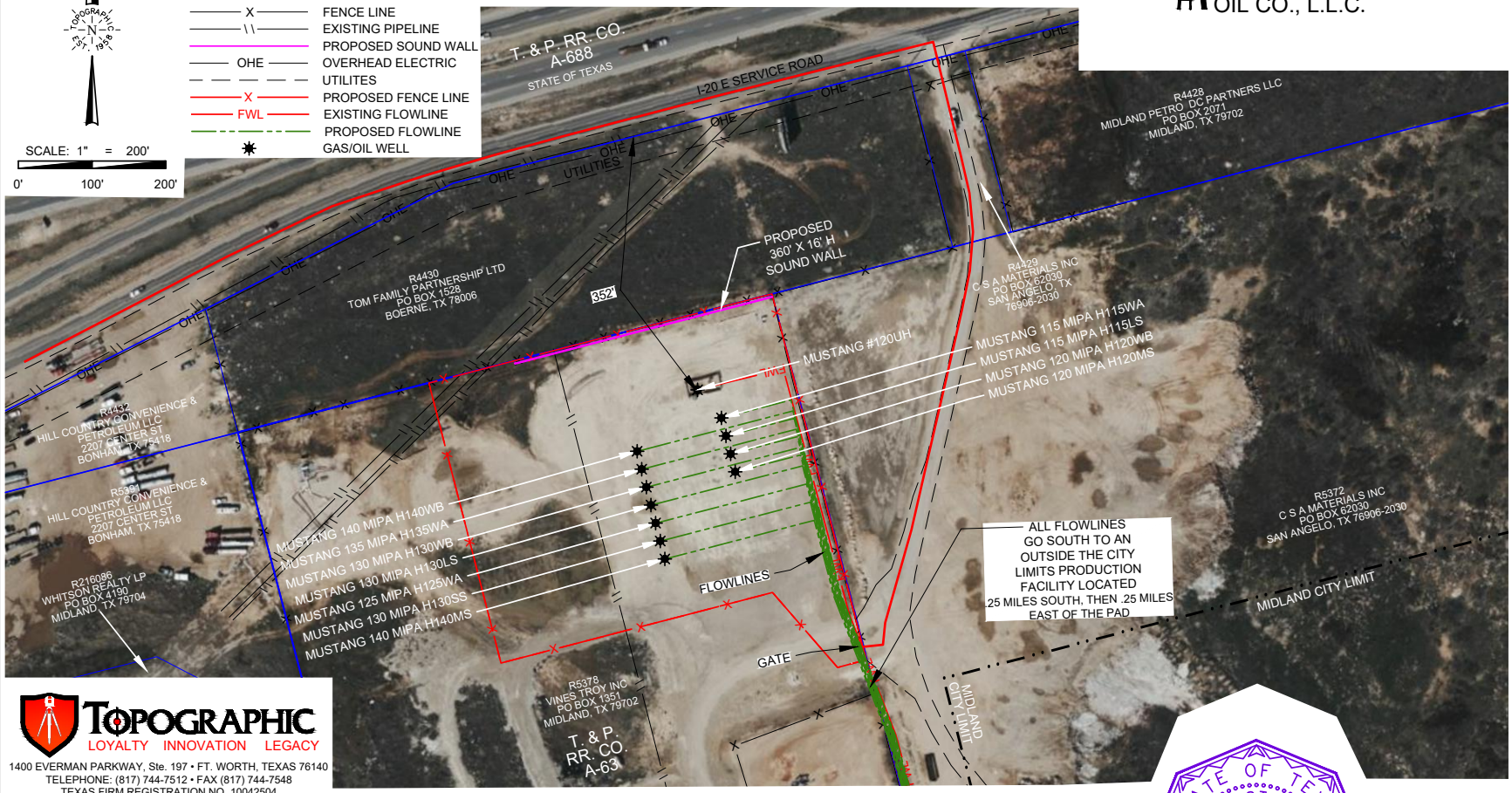
PACKET
16.23
September 13, 2022

S:\SURVEY\ARRINGTON\MUSTANG_UNIT\FINAL_PRODUCTS\CITY_PERMITS\NAD27\CD_MUSTANG_120MS_REV1.DWG 5/19/2022 12:44:13 PM dharris

EXHIBIT "G"

SECTION 11, BLOCK 39, T2S, T. & P. R. R. CO. SURVEY, A-63
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

MUSTANG EAST PAD CITY PERMIT	REVISION:	
	AMD	1/19/2018
	AMD	1/30/2018
	DRH	7/13/2021
DATE: 01/08/2018	DRH	7/14/2021
FILE: SK_MUSTANG_H120UH_CL_PERMIT_REV8	DRH	8/12/2021
DRAWN BY: AMD	DRH	4/11/2022
SHEET : 3 OF 7	DRH	5/2/2022

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS COORDINATE SYSTEM OF 1927, CENTRAL ZONE, U.S. SURVEY FEET.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

STATE OF TEXAS REGISTERED JEFFREY N. LUEDERS 6512 LICENSED PROFESSIONAL LAND SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: JUNE 11, 2021

S:\SURVEY\ARRINGTON\MUSTANG_UNIT\FINAL_PRODUCTS\SKETCH\SK_MUSTANG_H120UH_CL_PERMIT_REV8.DWG 5/2/2022 8:23:07 AM dharris

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location): Surface use: Undeveloped Rangeland, hotels, service company yards
Surface ownership: Hotels and service company yards:

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Mustang 130 MIPA Unit #H130SS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 285' FNL & 1575' FWL, Section 11
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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)].**

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

***ATTACHED AS EXHIBIT M*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

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V. Additional Required Exhibits

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***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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

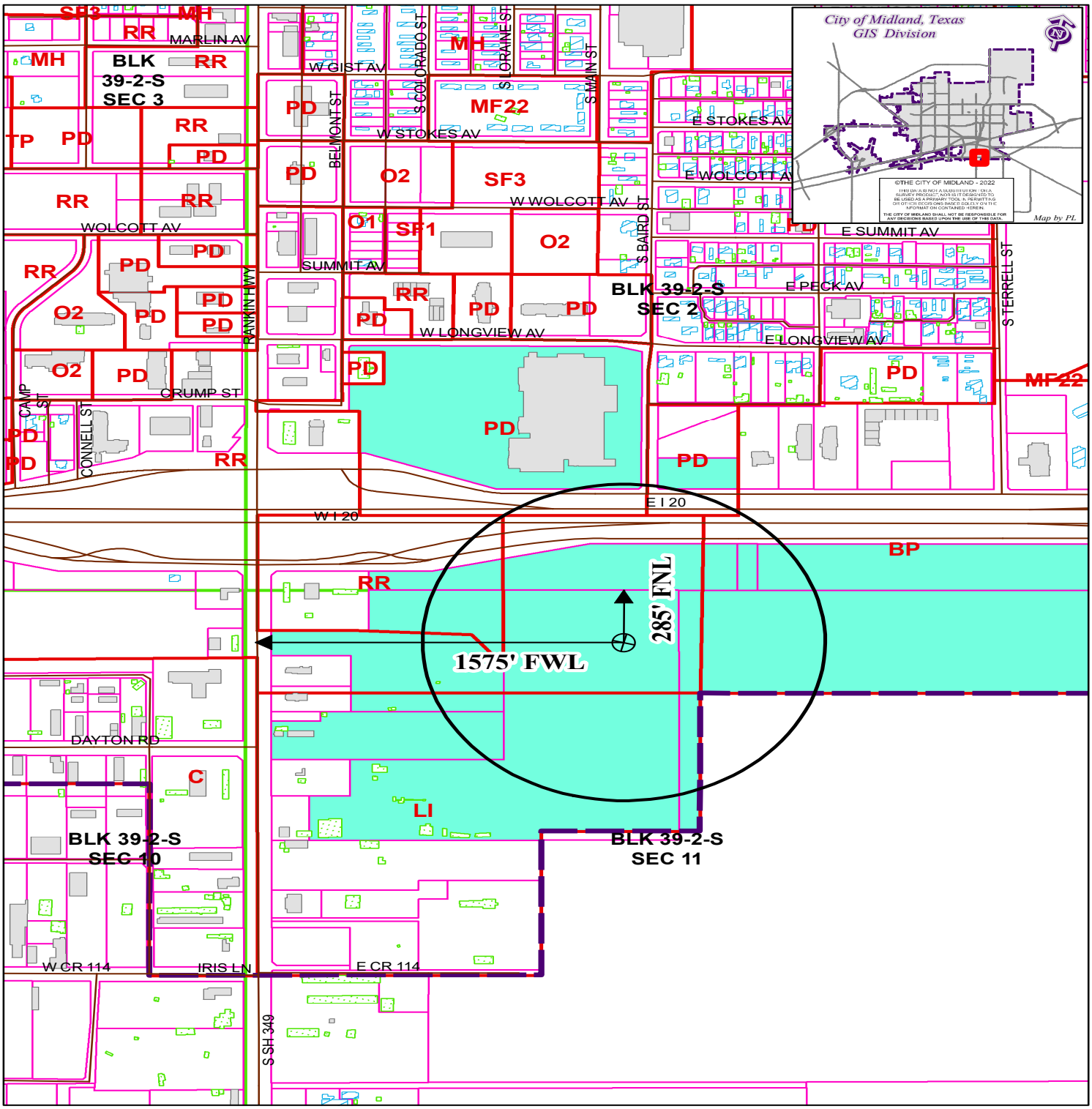
County of Midland)

Kyle Hammond , 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.

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044246 - 2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 285' FNL and 1,575' FWL, Section 11, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,575 feet east of Rankin Highway and 565 feet south of I-20.

Mustang 130 MIPA Unit #H130SS

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, O2	OFFICE
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
RR, R2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location): Surface use: Undeveloped Rangeland, hotels, service company yards
Surface ownership: Hotels and service company yards:

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(2)]**

***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: Mustang 140 MIPA Unit #H140MS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 310' FNL & 1575' FWL, Section 11
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

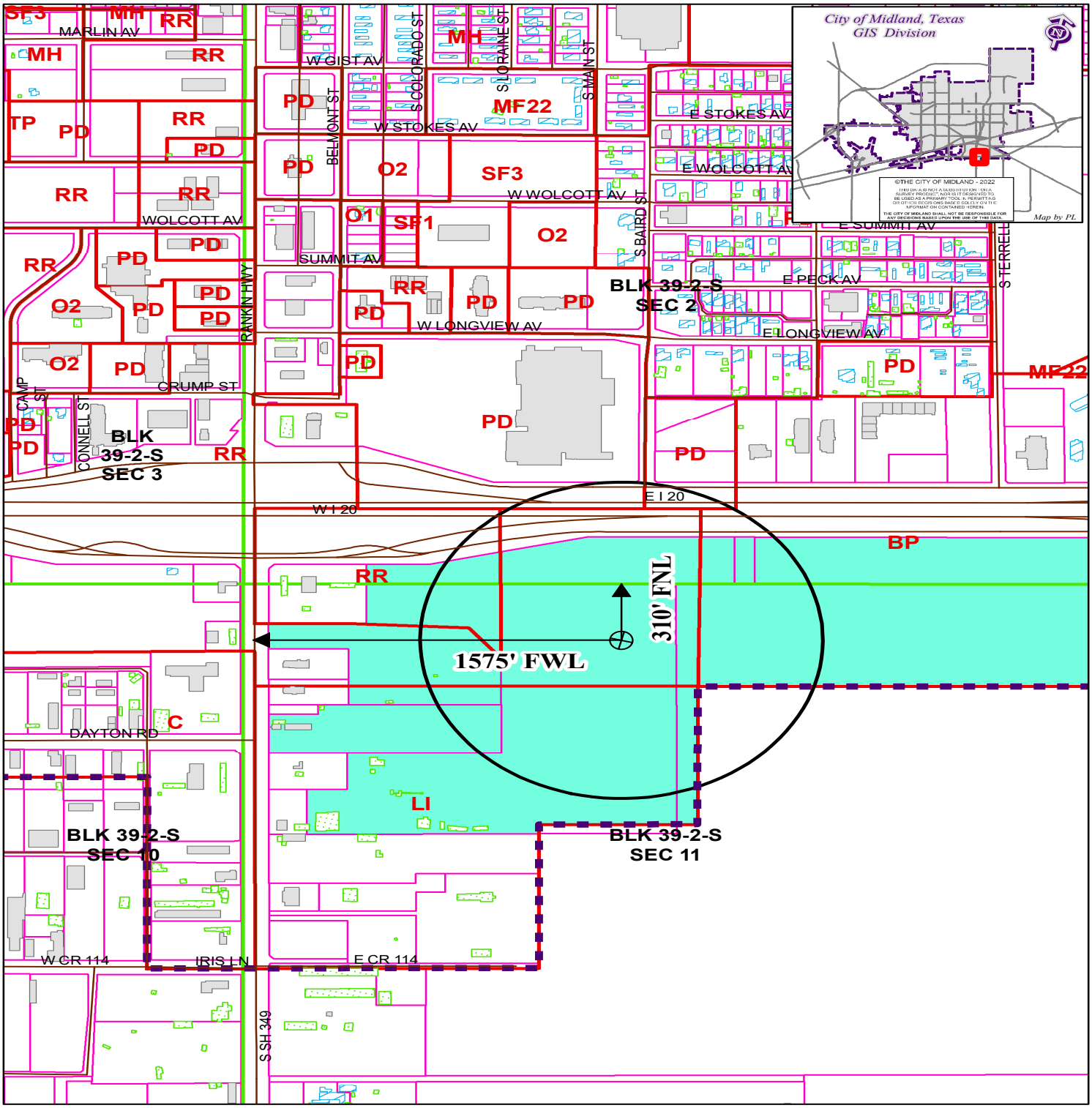
County of Midland)

Kyle Hammond , 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.

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044248 - 2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 310' FNL and 1,575' FWL, Section 11, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,575 feet east of Rankin Highway and 590 feet south of I-20.

Mustang 140 MIPA Unit #H140MS

LEGEND

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

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2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

OIL AND GAS WELL PERMIT

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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 Mustang 120 MIPA Unit #H120MS oil and gas well shall be 220 feet from the north line and 1,697 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Mustang 130 MIPA Unit #H130SS oil and gas well shall be 285 feet from the north line and 1,575 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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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Kyle M. Hammond

General Manager

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The location of Operator's Mustang 140 MIPA Unit #H140MS oil and gas well shall be 310 feet from the north line and 1,575 feet from the west line, Section 11, Block 39, T-2-S, T&P RR Co. 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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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

City Council Meeting

Item Number: 17

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 952 FEET AND 1,121 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 433 FEET AND 460 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving the issuance of permits to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the following oil and gas wells: Mustang 150 MIPA Unit #H150SS and Mustang 160 MIPA Unit #H160MS; said wells being generally located between 952 feet and 1,121 feet west of Rankin Highway and between 433 feet and 460 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and fracing operations being located on the south side of location. Tank battery is in the city limits. There have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests variance to residence or commercial structure:
Mustang 150 MIPA Unit #H150SS of 228 feet to occupied structure.
Mustang 160 MIPA Unit #H160MS of 325 feet to occupied structure.
(2) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(3) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(4) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(5) Permian Deep Rock Oil Company 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.

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION GRANTING VARIANCES FOR TWO OIL AND GAS WELLS TO BE LOCATED CLOSER THAN 500 FEET OF AN OCCUPIED RESIDENCE OR COMMERCIAL STRUCTURE; APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL SAID OIL AND GAS WELLS LOCATED IN SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 952 FEET AND 1,121 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 433 FEET AND 460 FEET SOUTH OF INTERSTATE 20); 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, pursuant to Section 6-1-23(H)(2)(a) of the City Code of Midland, Texas, Operator has requested variances in order to allow said oil and gas wells to be closer than 500 feet of an occupied residence or commercial structure; 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 August 9, 2022; 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 and determines that granting permits to Operator to drill oil and gas wells on the property described in Section Two hereof will not present a health or safety risk; 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, and variances are hereby granted for oil and gas wells to be located on the property described in Section Two hereof by allowing said oil and gas wells to be closer than 500 feet of an occupied residence or commercial structure subject to the conditions of the permits authorized in Section Two.

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:

Mustang 150 MIPA Unit #H150SS and Mustang 160 MIPA Unit #H160MS;

located in Section 10, Block 39, T-2-S, T&P RR Co. Survey, City of Midland, Midland County, Texas. Said permits shall be in forms substantially similar to those attached hereto as Exhibits "A" and "B" 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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 150 MIPA Unit #H150SS oil and gas well shall be 270 feet from the north line and 952 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. The well shall be no closer than 228 feet of an occupied residence or commercial structure.

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

3. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

4. No landscaping or irrigation is required because City water is not available.

5. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

EXHIBIT "B"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 160 MIPA Unit #H160MS oil and gas well shall be 243 feet from the north line and 1,121 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. The well shall be no closer than 325 feet of an occupied residence or commercial structure.

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

3. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

4. No landscaping or irrigation is required because City water is not available.

5. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location): Surface use: Undeveloped Rangeland, hotels, service company yards
Surface ownership: Hotels and service company yards:

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists**

the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]

***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: Mustang 150 MIPA Unit #H150SS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 270' FNL & 952' FEL, Section 10
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

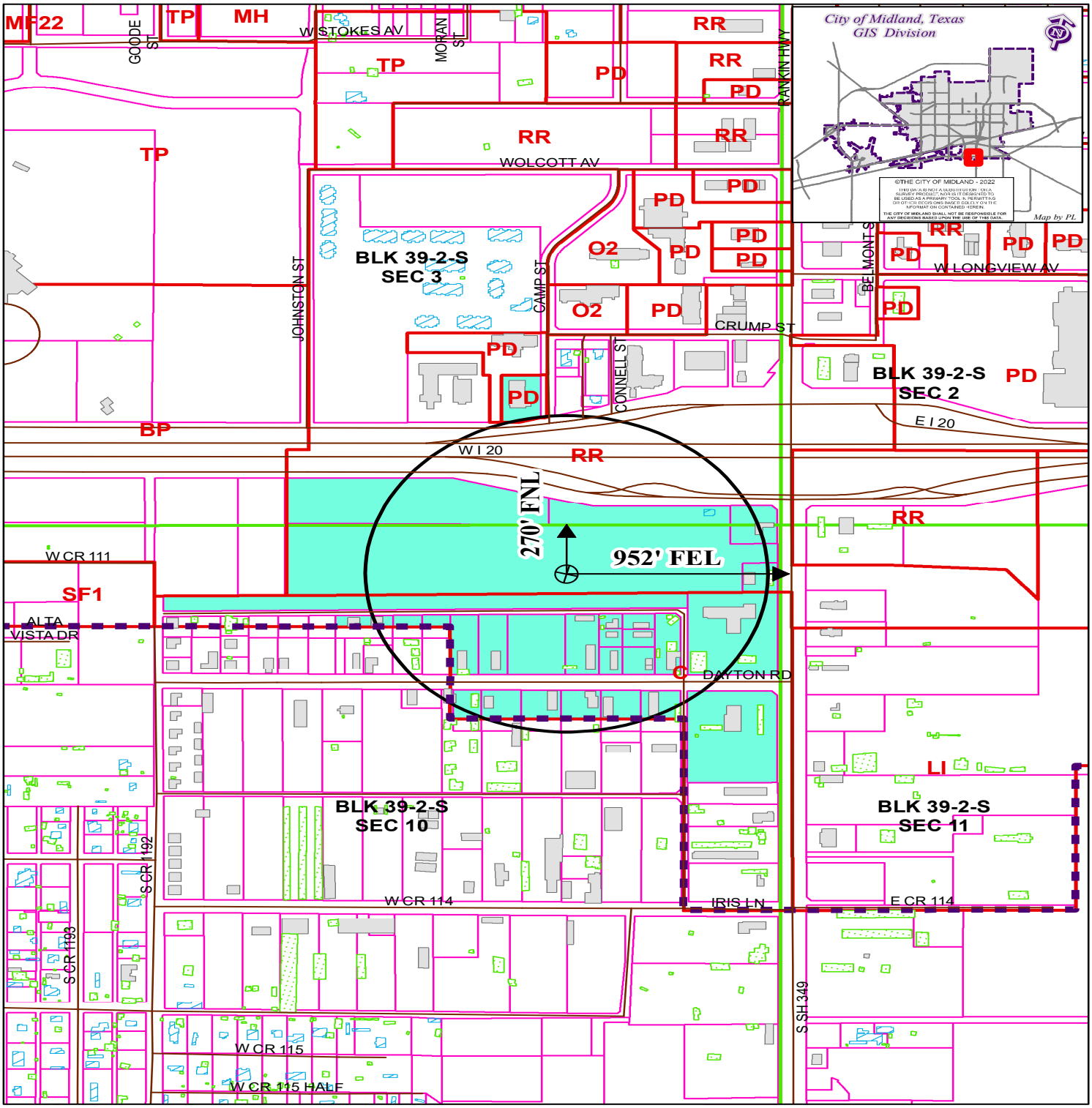
County of Midland)

Kyle Hammond , 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.

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044249 - 2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 270' FNL and 952' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 952 feet west of Rankin Highway and 460 feet south of I-20.

Mustang 150 MIPA Unit #H150SS

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, O2	OFFICE
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

SCALE: 1" = 300'

0' 150' 300'

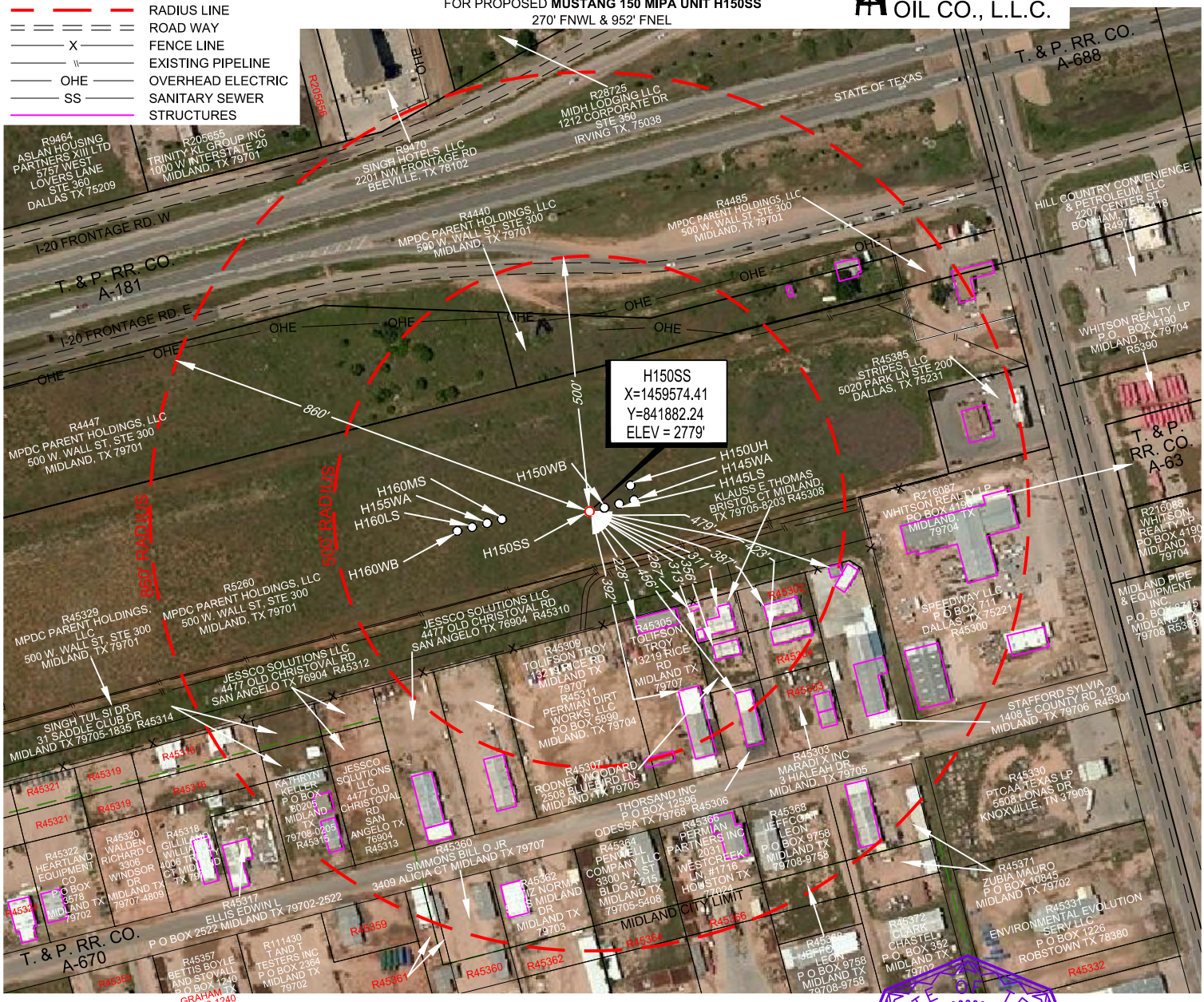
LEGEND

- SURVEY/SECTION LINE
- RADIUS LINE
- ROAD WAY
- X FENCE LINE
- EXISTING PIPELINE
- OHE OVERHEAD ELECTRIC
- SS SANITARY SEWER
- STRUCTURES

T. & P. RR. CO. SURVEY, A-670
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **MUSTANG 150 MIPA UNIT H150SS**
270' FNWL & 952' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
JUNE 11, 2021

MUSTANG 150 MIPA UNIT H150SS	REVISION:	
	DRH	06/04/2021
	DRH	06/15/2021
DATE: 05/12/2021	DRH	05/17/2022
FILE: CD_MUSTANG_150SS_REV6	DRH	05/19/2022
DRAWN BY: D.R.H.	DRH	05/25/2022
SHEET : 1 OF 2	DRH	05/26/2022

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS COORDINATE
3. SYSTEM OF 1927, U.S. SURVEY FEET.
4. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
5. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
6. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

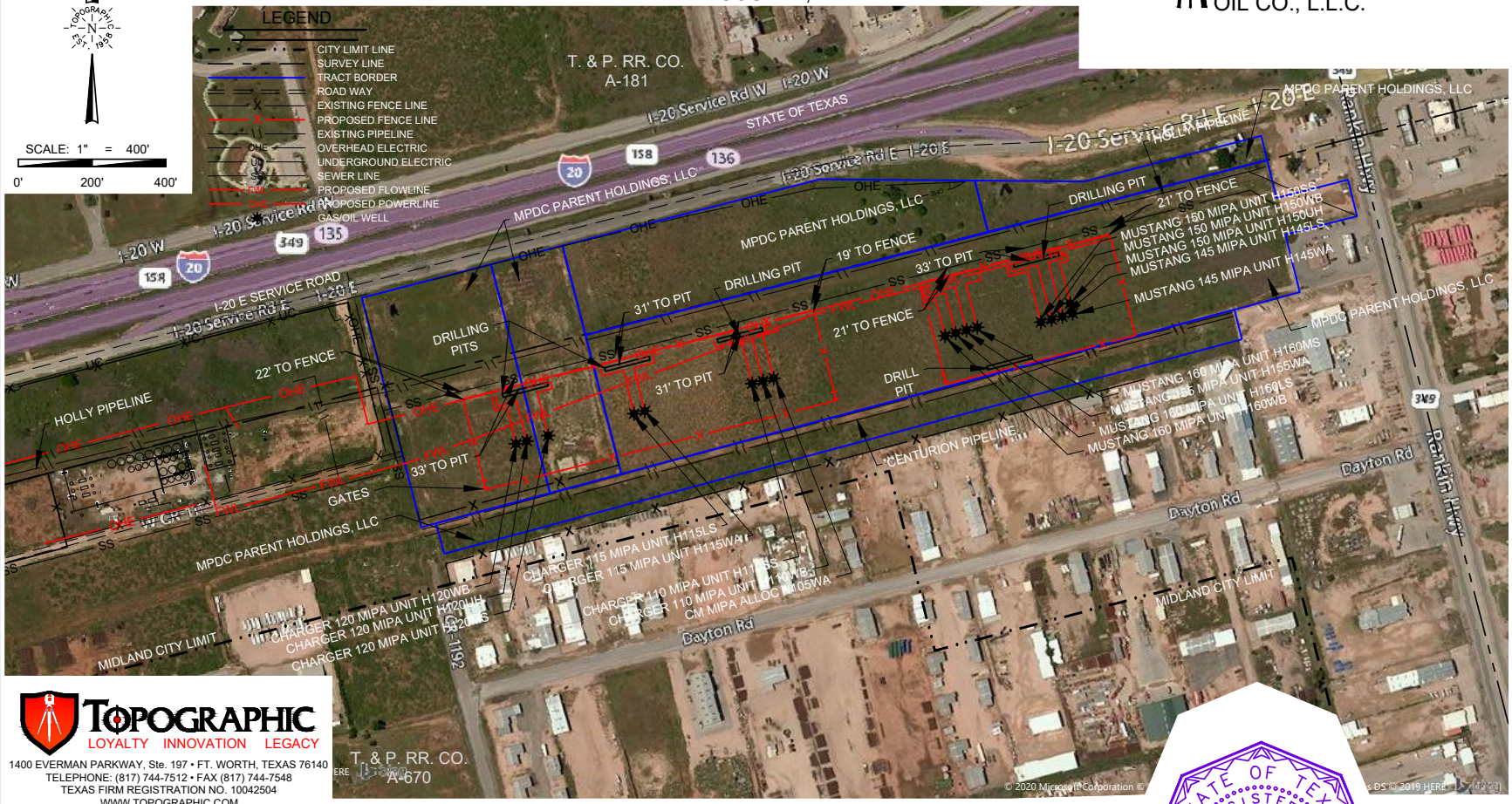
PACKET 17.20 September 13, 2022

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EXHIBIT "G"

SECTION 3, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-181 &
SECTION 10, BLOCK 39, T2S, H. MCCLINTIC SURVEY, A-670
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

CHARGER UNIT CITY PERMIT		REVISION:	
		DRH	06/04/21
		DRH	06/15/21
		DRH	06/16/21
DATE:	03/28/2018	DRH	07/21/21
FILE:	SK_MUSTANG_UNIT_A_CHARGER_UNIT_A_PERMIT_REV19	DRH	08/09/21
DRAWN BY:	GJU	DRH	10/13/21
SHEET :	3 OF 12	DRH	12/10/21

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.
6. D.R.M.C.T. = DEED RECORDS MIDLAND COUNTY, TEXAS
7. C.C.O.R.M.C.T. = C. C. OFFICIAL RECORDS MIDLAND COUNTY, TEXAS

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: JUNE 11, 2021

S:\SURVEY\ARRINGTON\MUSTANG_UNIT\FINAL_PRODUCTS\SKETCH\SK_MUSTANG_UNIT_A_CHARGER_UNIT_A_PERMIT_REV19.DWG 12/10/2021 10:42:30 AM dharris

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location): Surface use: Undeveloped Rangeland, hotels, service company yards
Surface ownership: Hotels and service company yards:

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Mustang 160 MIPA Unit #H160MS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 243' FNL & 1121' FEL, Section 10
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

Kyle Hammond , 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.

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8

SCALE: 1" = 300'

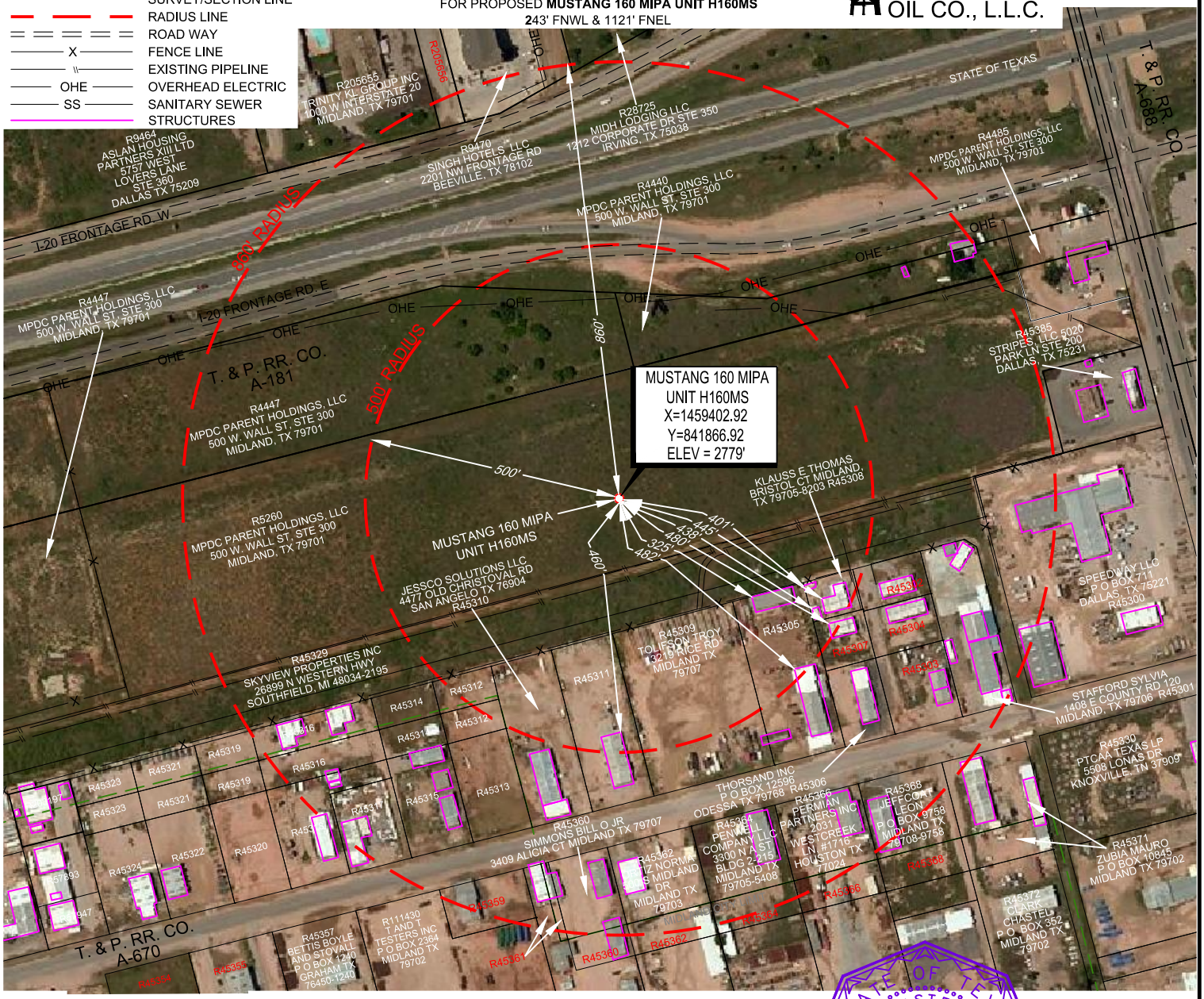
0' 150' 300'

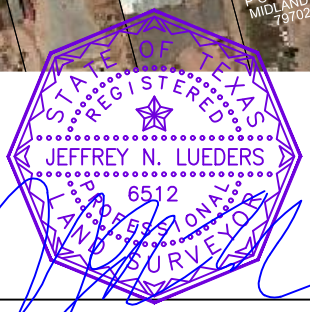
LEGEND

- SURVEY/SECTION LINE
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- SANITARY SEWER
- STRUCTURES

SECTION 10, BLOCK 39, T-2-S
T. & P. RR. CO. SURVEY, A-670
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS
SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **MUSTANG 160 MIPA UNIT H160MS**
243' FNWL & 1121' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.





Jeffery N. Lueders, R.P.L.S. No. 6512
MAY 7, 2021

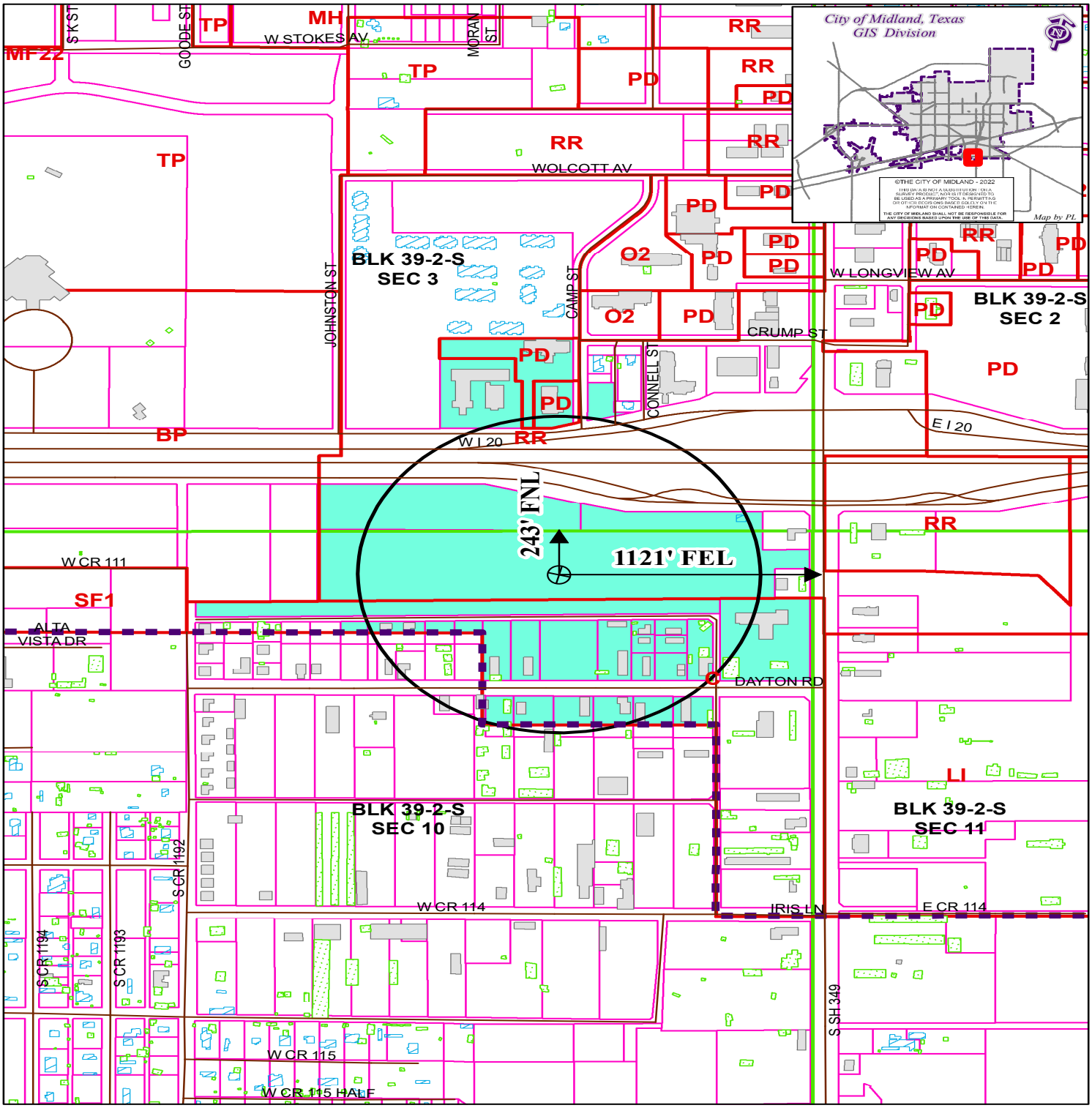
TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

MUSTANG 160 MIPA UNIT H160MS	REVISION: INT	DATE
	DRH	05/25/2022
DATE: 05/18/2022	DRH	05/26/2022
FILE: CD_MUSTANG_160MS_REV2		
DRAWN BY: DRH		
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
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PACKET 17.26 September 13, 2022

S:\SURVEY\ARRINGTON\MUSTANG_UNIT\FINAL_PRODUCTS\CITY_PERMITS\NAD27\CD_MUSTANG_160MS_REV2.DWG 5/26/2022 2:06:55 PM dharris



LOCATION AND ZONING MAP

Oil - 044250 - 2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 243' FNL and 1,121' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,121 feet west of Rankin Highway and 1455 feet south of I-20.

Mustang 160 MIPA Unit #H160MS

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, O2	OFFICE
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Mustang 150 MIPA Unit #H150SS oil and gas well shall be 270 feet from the north line and 952 feet from the east line, Section 10, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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. The well shall be no closer than 228 feet of an occupied residence or commercial structure.

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

3. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

4. No landscaping or irrigation is required because City water is not available.

5. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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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. The well shall be no closer than 325 feet of an occupied residence or commercial structure.

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

3. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

4. No landscaping or irrigation is required because City water is not available.

5. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

City Council Meeting

Item Number: 18

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 183 FEET FROM THE NORTH LINE AND 380 FEET FROM THE WEST LINE, SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF INTERSTATE 20); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permit to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the oil and gas well Rebel #H120MS; said well being generally located 380 feet east of South Lamesa Road and 463 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and completion

operations being located on the north side of location. Tank battery is in the county. There have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.

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

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 183 FEET FROM THE NORTH LINE AND 380 FEET FROM THE WEST LINE, SECTION 12, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 380 FEET EAST OF SOUTH LAMESA ROAD AND 463 FEET SOUTH OF INTERSTATE 20); AND PROVIDING THAT SAID PERMIT DOES NOT REQUIRE A NEW ROAD REPAIR AGREEMENT BUT SHALL BE CONSOLIDATED UNDER AN EXISTING 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 an application to the City of Midland to drill an oil and gas well 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 August 9, 2022; 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 application to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit, on behalf of the City of Midland, that will allow Operator to drill an oil and gas well within the City limits located 183 feet from the north line and 380 feet from the west line, Section 12, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. Said permit is attached hereto as Exhibit "A" and incorporated herein for all legal purposes.

SECTION THREE. That said permit does not require a new road repair agreement but shall be consolidated under the existing road repair agreement between Operator and the City of Midland for Operator's wells located on the property described in Section Two hereof.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Rebel #H120MS oil and gas well shall be 183 feet from the north line and 380 feet from the west line, Section 12, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped pastures, service company yards and apartment complex

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Rebel #H120MS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 183' FNL & 380' FWL,
Section 12 Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: Road use and repair agreement attached**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Compnay
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

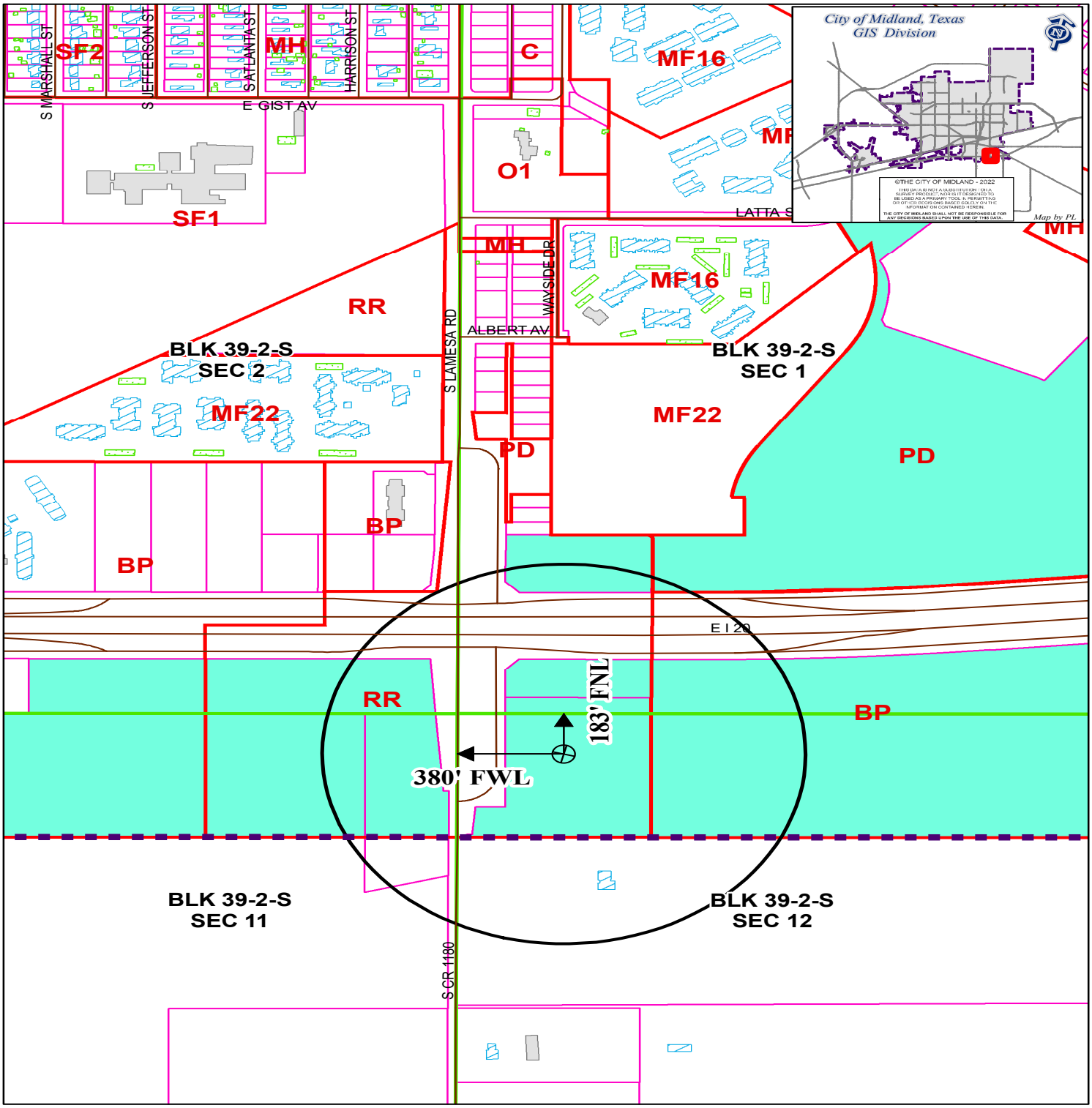
County of Midland)

Kyle Hammond , 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.

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044252 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 183' FNL and 380' FWL, Section 12, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 380 feet east of South Lamesa Road and 463 feet south of I-20.

Rebel #H120MS

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
RE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRS	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

SCALE: 1" = 300'

0' 150' 300'

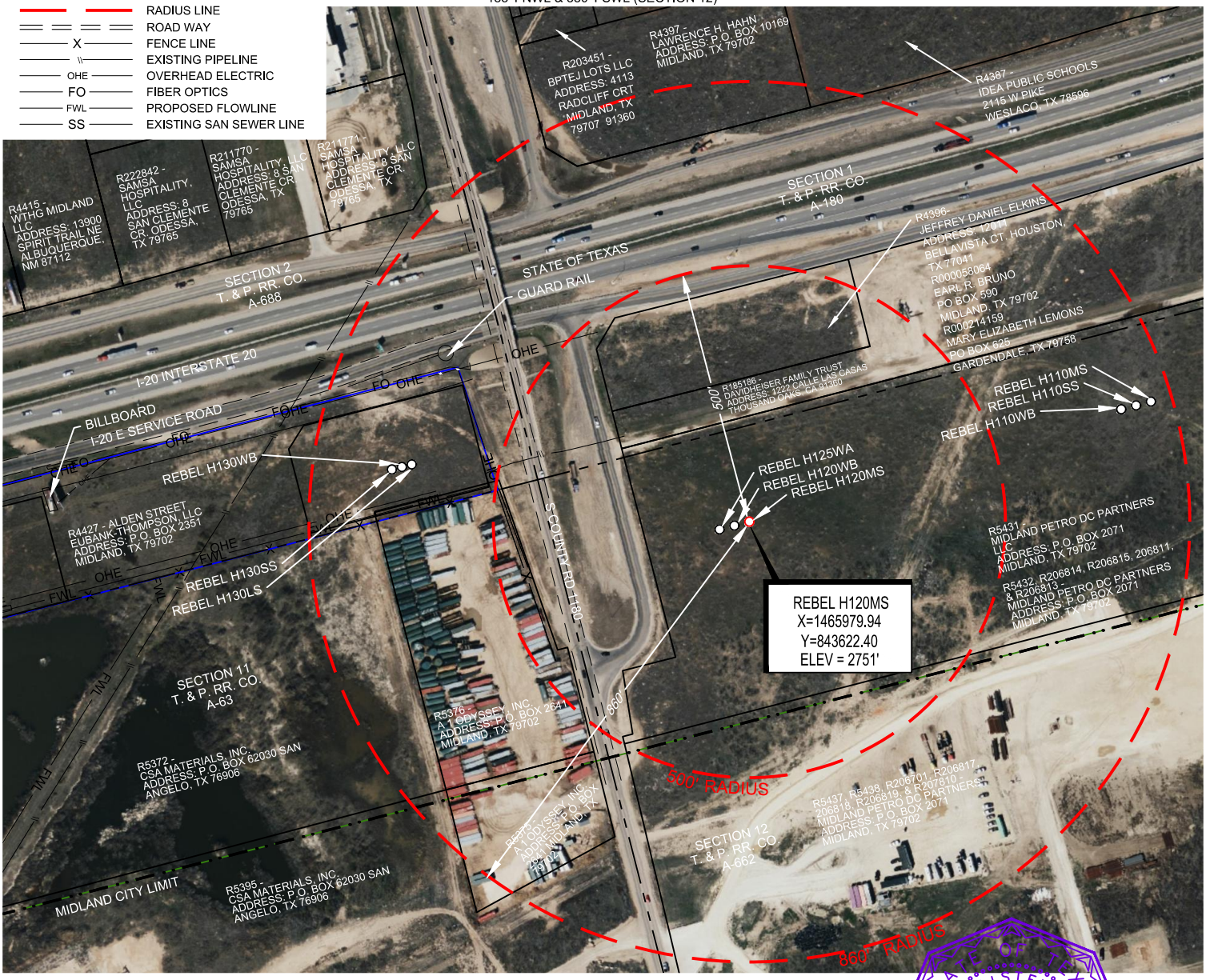
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 12, T. & P. RR. CO. SURVEY, A-662
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H120MS**
183' FNWL & 380' FSWL (SECTION 12)

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: October 7, 2021

REBEL H120MS	REVISION:	
	INT	DATE
	DRH	05/17/2022
DATE: 04/11/2022	DRH	05/27/2022
FILE: CD_REBEL_H120MS_REV2		
DRAWN BY: DRH		
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

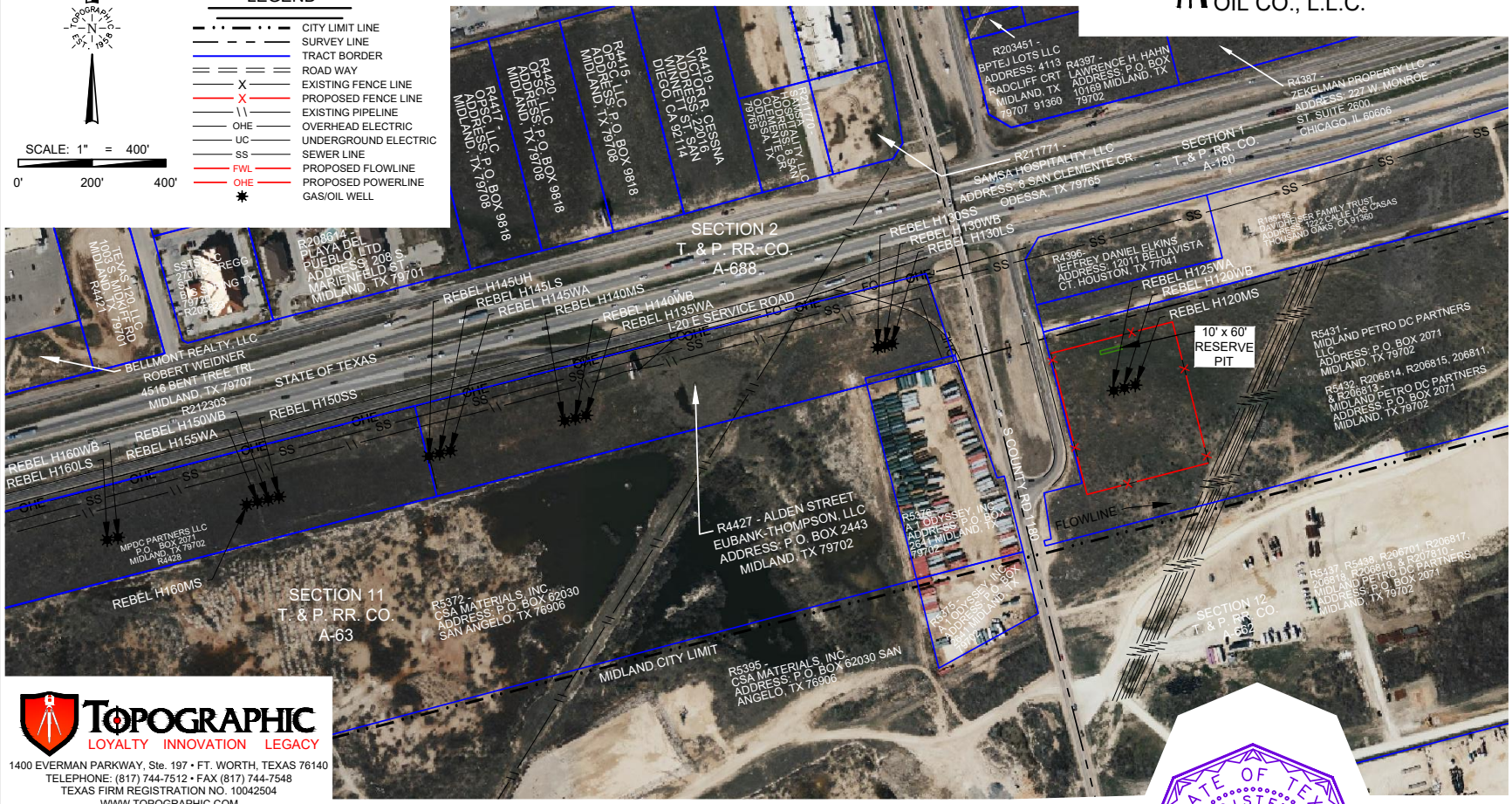
PACKET 18.15 September 13, 2022

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H120MS_REV2.DWG 5/27/2022 9:01:37 AM dharris

EXHIBIT "G"

SECTION 12, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-662
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

REBEL UNIT
CITY PERMIT

DATE:	12/22/2021
FILE:	SK_REBEL_UNIT_PERMIT_E_PAD_REV5
DRAWN BY:	DRH
SHEET :	3 OF 8

REVISION:	
INT	DATE
DRH	01/04/2022
DRH	01/14/2022
DRH	04/11/2022
DRH	04/14/2022
DRH	04/26/2022

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPERTIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
LICENSED
LAND
SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: October 7, 2021

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\SKETCH\SK_REBEL_UNIT_PERMIT_E_PAD_REV5.DWG 4/26/2022 2:44:30 PM dharris

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Rebel #H120MS oil and gas well shall be 183 feet from the north line and 380 feet from the west line, Section 12, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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 completion process directly following the fracing operations.

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

City Council Meeting

Item Number: 19

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 90 FEET FROM THE SOUTH LINE AND 271 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 271 FEET WEST OF SOUTH LAMESA ROAD AND 205 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving the issuance of permit to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the oil and gas well Rebel #H130SS; said well being generally located 271 feet west of South Lamesa Road and 205 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and completion operations being located on the north side of location. Tank battery is in the county. There have

been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(4) Permian Deep Rock Oil Company 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.

Monte William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 90 FEET FROM THE SOUTH LINE AND 271 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 271 FEET WEST OF SOUTH LAMESA ROAD AND 205 FEET SOUTH OF INTERSTATE 20); 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 an application to the City of Midland to drill an oil and gas well 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 August 9, 2022; 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 application to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit, on behalf of the City of Midland, that will allow Operator to drill an oil and gas well within the City limits located 90 feet from the south line and 271 feet from the east line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. Said permit is attached hereto as Exhibit "A" 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 permit.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Rebel #H130SS oil and gas well shall be 90 feet from the south line and 271 feet from the east line, Section 2, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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.
2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
3. No landscaping or irrigation is required because City water is not available.
4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped pastures, service company yards and apartment complex

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Rebel #H130SS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 90' FSL & 271' FEL,
Section 2 Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Compnay
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

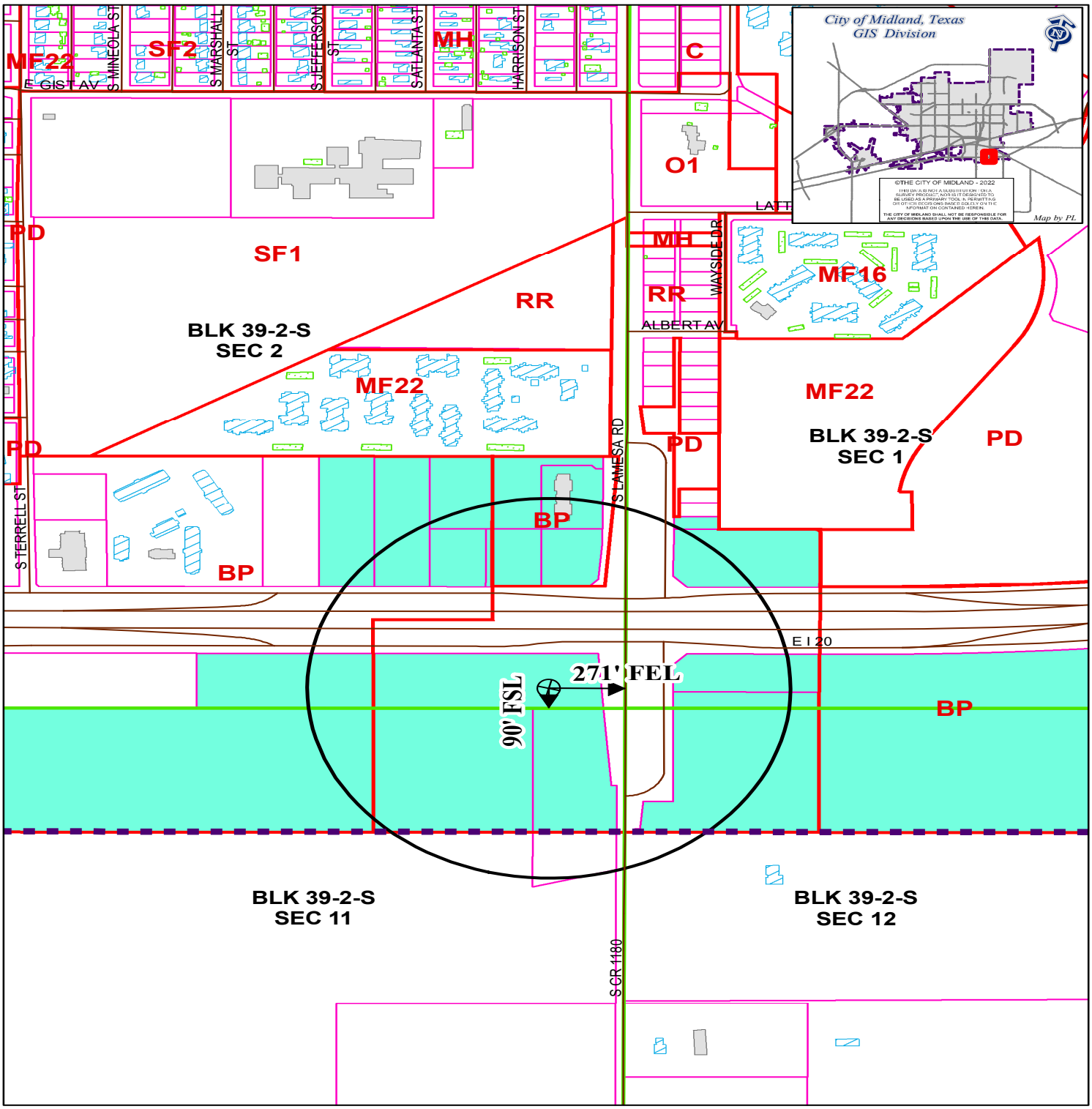
County of Midland)

Kyle Hammond , 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.

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044253 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 90' FSL and 271' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 271 feet west of South Lamesa Road and 205 feet south of I-20.

Rebel #H130SS

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
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	LOW-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

SCALE: 1" = 300'

0' 150' 300'

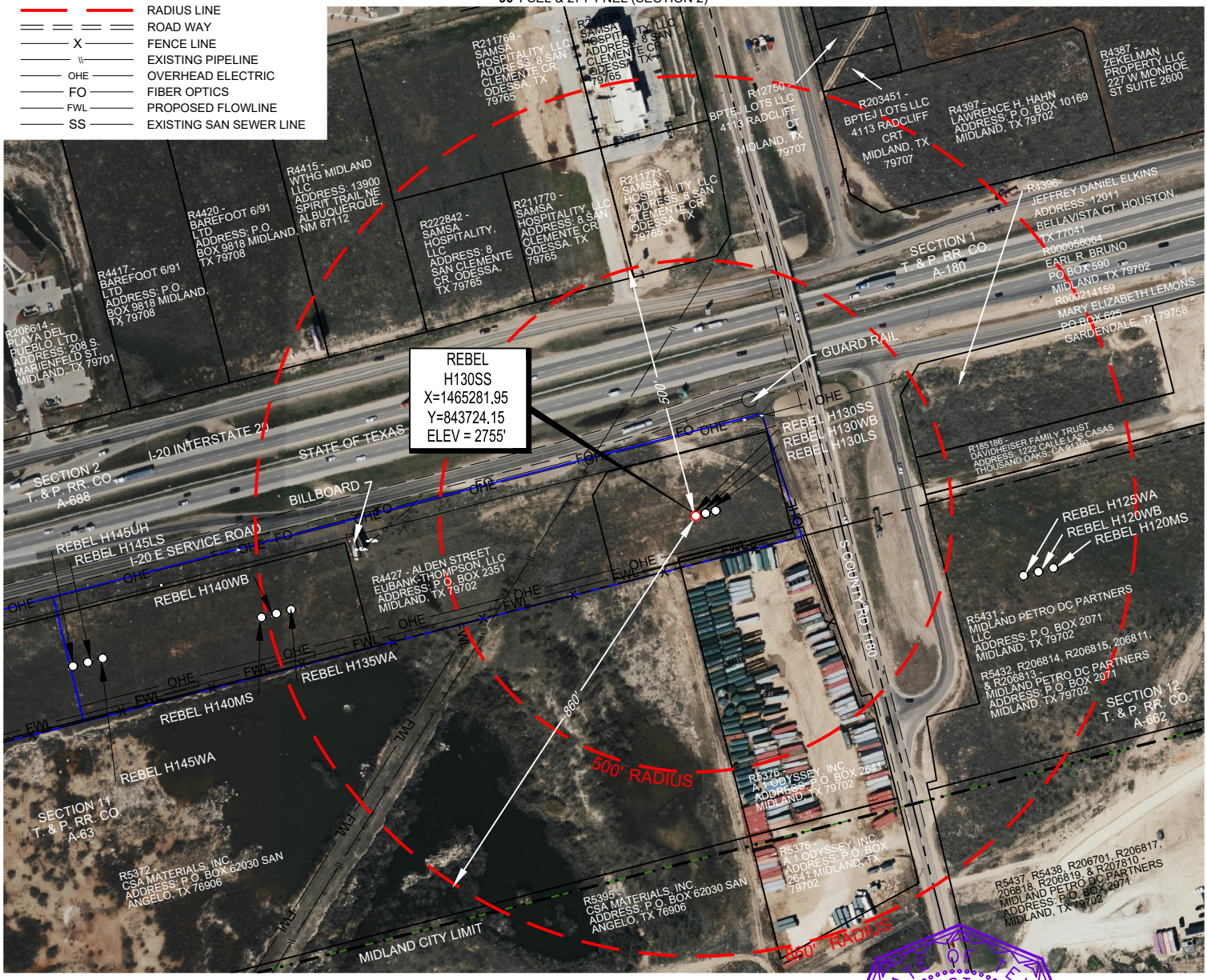
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- FIBER OPTICS
- PROPOSED FLOWLINE
- EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H130SS**
90' FSEL & 271' FNEL (SECTION 2)

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 24, 2021

REBEL H130SS	REVISION: INT	DATE
	DRH	05/17/2022
DATE: 04/11/2022		
FILE: CD_REBEL_H130SS_REV1		
DRAWN BY: DRH		
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 19.15 September 13, 2022

EXHIBIT "G"

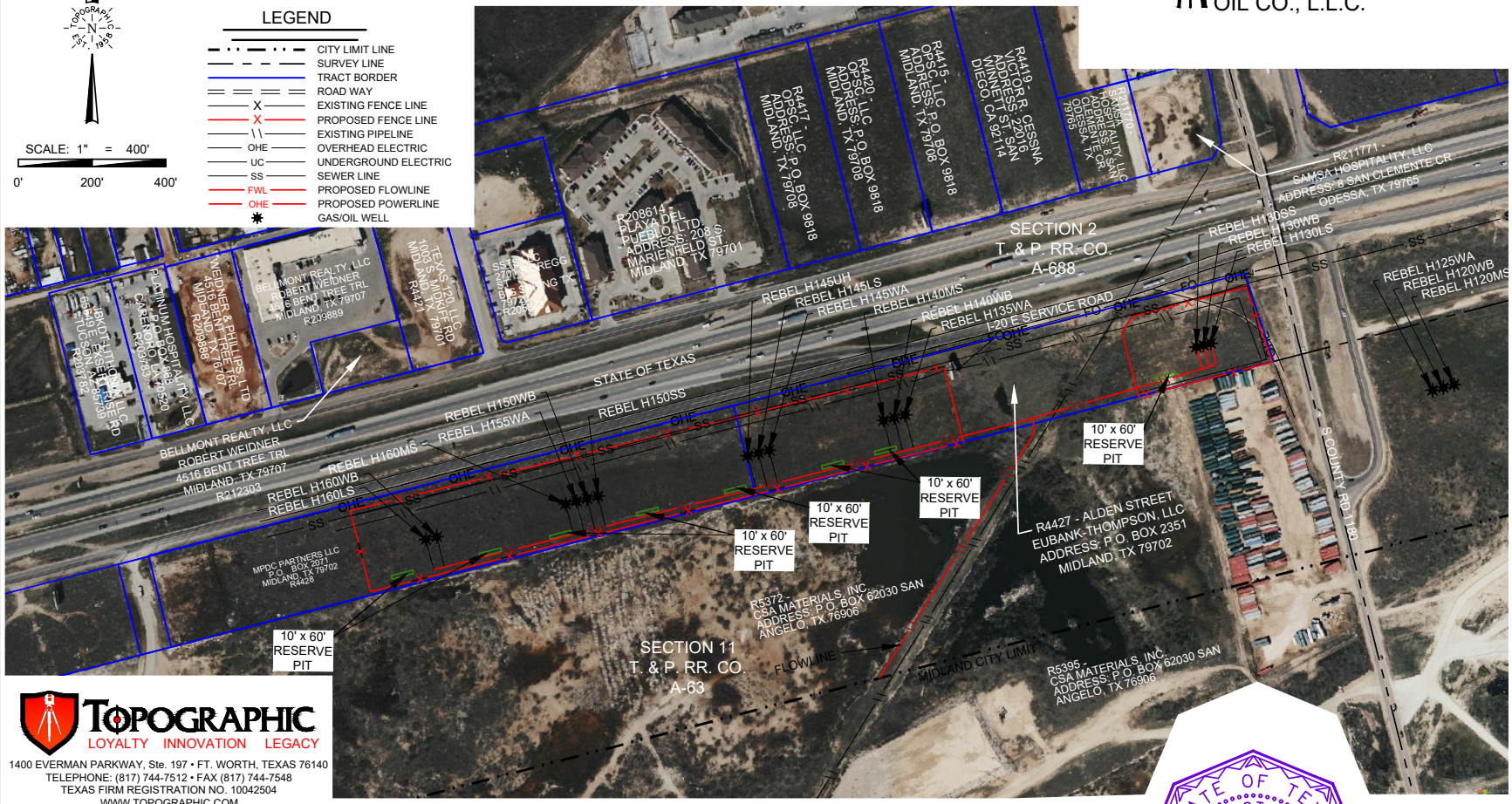
SECTION 2, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-688
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.

LEGEND

- CITY LIMIT LINE
- SURVEY LINE
- TRACT BORDER
- ROAD WAY
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- SEWER LINE
- PROPOSED FLOWLINE
- PROPOSED POWERLINE
- GAS/OIL WELL

SCALE: 1" = 400'
0' 200' 400'



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

REBEL UNIT CITY PERMIT	REVISION: INT	DATE
	DRH	12/17/2021
	DRH	01/14/2022
DATE: 12/07/2021	DRH	03/07/2022
FILE: SK_REBEL_UNIT_PERMIT_REV5	DRH	04/07/2022
DRAWN BY: DRH	DRH	04/14/2022
SHEET : 3 OF 8		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

STATE OF TEXAS REGISTERED JEFFREY N. LUEDERS 6512 PROFESSIONAL LAND SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: November 23, 2021

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\SKETCH\SK_REBEL_UNIT_PERMIT_REV5.DWG 4/14/2022 12:36:35 PM dharris

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Rebel #H130SS oil and gas well shall be 90 feet from the south line and 271 feet from the east line, Section 2, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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.
2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
3. No landscaping or irrigation is required because City water is not available.
4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

City Council Meeting

Item Number: 20

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 110 FEET FROM THE SOUTH LINE AND 1,142 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,142 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving the issuance of permit to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the oil and gas well Rebel #H140MS; said well being generally located 1,142 feet west of South Lamesa Road and 185 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. 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 the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and completion operations being located on the north side of location. Tank battery is in the county. There

have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(4) Permian Deep Rock Oil Company 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.

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL AN OIL AND GAS WELL WITHIN THE CITY LIMITS LOCATED 110 FEET FROM THE SOUTH LINE AND 1,142 FEET FROM THE EAST LINE, SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED 1,142 FEET WEST OF SOUTH LAMESA ROAD AND 185 FEET SOUTH OF INTERSTATE 20); 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 an application to the City of Midland to drill an oil and gas well 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 August 9, 2022; 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 application to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit to Operator to drill an oil and gas well 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 a permit, on behalf of the City of Midland, that will allow Operator to drill an oil and gas well within the City limits located 110 feet from the south line and 1,142 feet from the east line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. Said permit is attached hereto as Exhibit "A" 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 permit.

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., 2022, 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:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on September 13, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated June 1, 2022, 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 Rebel #H140MS oil and gas well shall be 110 feet from the south line and 1,142 feet from the east line, Section 2, Block 39, T-2-S, T&P RR Co. 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 September 13, 2022 through September 13, 2023, 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.
2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.
3. No landscaping or irrigation is required because City water is not available.
4. No road repair agreement is 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 September 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of September 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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
06/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped pastures, service company yards and apartment complex

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists**

the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]

***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: Rebel #H140MS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1142' FEL,
Section 2 Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Compnay
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

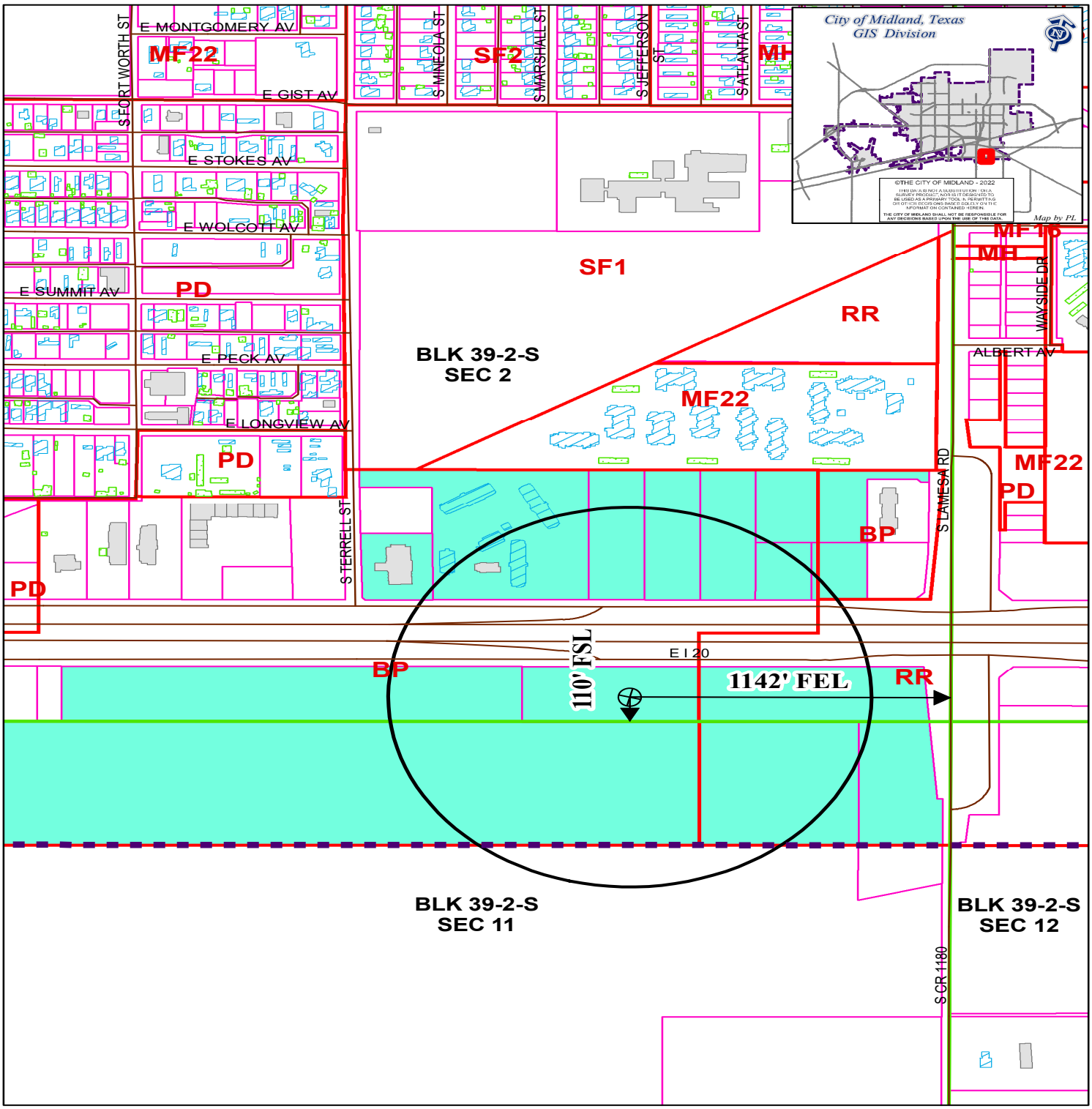
County of Midland)

Kyle Hammond , 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.

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044254 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,142' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,142 feet west of South Lamesa Road and 185 feet south of I-20.

Rebel #H140MS

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

SCALE: 1" = 300'

0' 150' 300'

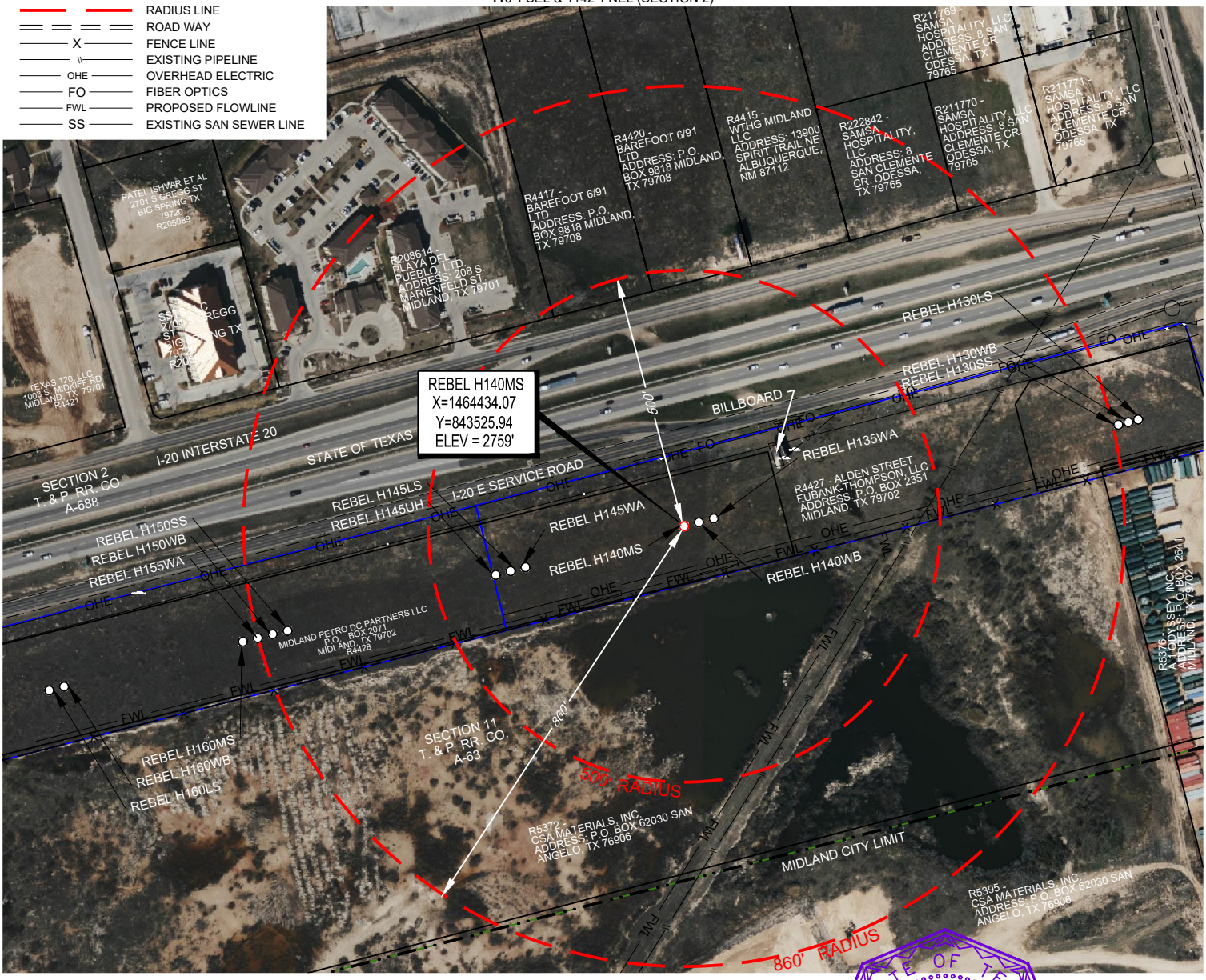
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H140MS**
110' FSEL & 1142' FNEL (SECTION 2)

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: APRIL 5, 2022

REBEL H140MS	REVISION: INT	DATE
	DRH	04/11/2022
DATE: 04/06/2022	DRH	05/17/2022
FILE: CD_REBEL_H140MS_REV2		
DRAWN BY: DRH		
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 20.15 September 13, 2022

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H140MS_REV2.DWG 5/17/2022 9:23:04 AM dharris

EXHIBIT "G"

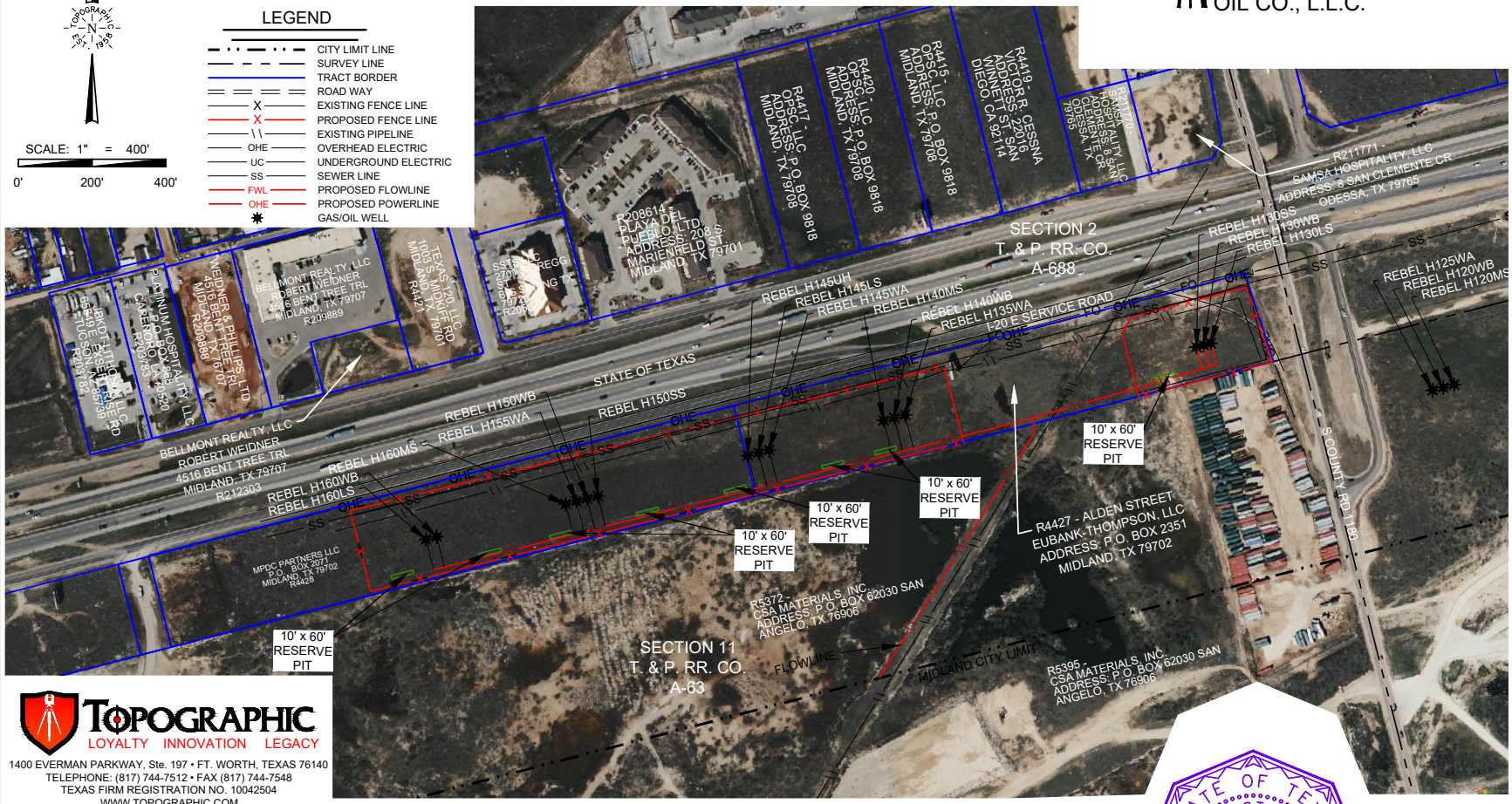
SECTION 2, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-688
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.

SCALE: 1" = 400'
0' 200' 400'

LEGEND

- CITY LIMIT LINE
- SURVEY LINE
- TRACT BORDER
- ROAD WAY
- EXISTING FENCE LINE
- PROPOSED FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- SEWER LINE
- PROPOSED FLOWLINE
- PROPOSED POWERLINE
- GAS/OIL WELL



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LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

REBEL UNIT
CITY PERMIT

DATE: 12/07/2021
FILE: SK_REBEL_UNIT_PERMIT_REV5
DRAWN BY: DRH
SHEET : 3 OF 8

REVISION:	
INT	DATE
DRH	12/17/2021
DRH	01/14/2022
DRH	03/07/2022
DRH	04/07/2022
DRH	04/14/2022

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: November 23, 2021

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\SKETCH\SK_REBEL_UNIT_PERMIT_REV5.DWG 4/14/2022 12:36:35 PM dharris

City Council Meeting

Item Number: 21

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Landon Ochoa, Planner

Subject: **MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF CARROLLWOOD ADDITION, BEING A 31.29-ACRE TRACT OF LAND OUT OF THE NORTHEAST QUARTER OF SECTION 24, BLOCK 40, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF ANTELOPE TRAIL, APPROXIMATELY 3,000 FEET NORTH OF WEST COUNTY ROAD 140 (DISTRICT: NONE) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Schumann Engineering, is requesting to plat a subdivision of 31.29 - acres tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas, to divide tract into six (6) smaller lots and to obtain septic permits.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Current Zoning:

ETJ, Extraterritorial Jurisdiction

This request has been routed to all respective departments for internal review. The comments are below.

BUILDING CODE: (Approved)

ETJ, no jurisdiction. All septic systems are permitted and regulated by the City of Midland Health Department.

SURVEYOR: (Approved)

No comments.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Plat outside designated service areas. Note not required. [For Applicant's Information Only.]

ROW: ROW okay as shown. [For Applicant's Information Only.]

PAVING: South County Road 1232 is sub-standard, construct to City Standards for entire platted frontage or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)2]

WATER: None existing. Construct water to City standards along entire platted frontage, or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)2]

FIRE HYDRANTS: Required as needed to meet NFPA, IFC & City Fire Code; and/or comply with directives of City Fire Marshal. After January 14, 2020 - Fire hydrants shall be spaced no more than 500' apart, Pressure Indicator Rings are to be installed and will require the developers/contractors to pay for the flow test. [For Applicant's Information Only.]

PRO RATA: None [For Applicant's Information Only.]

SEWER: None existing. Construct wastewater to City standards along entire platted frontage, or request a deferral. [Reference Midland City Code Sect. 11-2-3(G)1 & 11-2-4(A)2(a)] Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (A) Areas served by public water systems shall have lots of at least ½ acre.
Per TAC Title 30, Part 1 Chapter 285 Subchapter A, Rule 285.4(a) (1) (B) Areas NOT served by public water systems shall have lots of at least 1 acre.

DRAINAGE: Drainage report approved for platting purposes in 8/10/22. [Reference Midland City Code 11-2-3(D)8]

EASEMENTS: Show existing and proposed. [For Applicant's Information Only.]

SIDEWALKS: Required at building permit. However, subdivision located in county so request a deferral. [Reference Midland City Code Sect. 11-2-3(G)2]

DIMENSION: * * *

OTHER: * * *

TRANSPORTATION: (Approved)

No objections to plat. [For the Applicant's information only.]

FIRE: (Approved)

No comments.

CODE COMPLIANCE: (Approved)

Not in the City limits- no oil or gas jurisdiction.

GIS: (Approved)

No comments.

CRMWD: (Approved)

No comments.

Health:

Each lot 1 is 4.9 acre, lot 2 is 5.1 acre, lot 3 is 5.2 acre, lot 4 is 5.1 acre, lot 5 is 5.1 acre, and lot 6 is 5.6 acre to ensure the proposed plans on the application for the septic system will meet the setbacks from the water well on the property and the water wells on the adjacent properties.

Martin County:

They will need to apply for a permit to tie into SCR 1232.

PLANNING: (Approved with Conditions)

This plat is greater than 25 acres. Therefore, approval by City Council is required at preliminary. [11-2-3(D)11(a)6] [Informational]

Provide a legal description on the plat face. It should read, "Being, a plat of a 31.29 - acres tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas.." [Informational]

Remove topographic details form plat. [Informational]

The planning department supports approval of the Preliminary Plat of Carrollwood Addition subject to condition A.

Conditions:

A. Approval of this preliminary plat is conditioned upon public improvements being completed prior to the approval of a final plat by the City or with an exception when waived or deferred by the Council. Midland City Code 11-2-3(G)2.

Attachments:

Application
Proposed Preliminary Plat
Maps

Robert Patrick

City Manager's Office

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-22-0530
Case Number: P-22-1399

Proposed Subdivision Plat Name: *Carrollwood Addition*

Legal Description (attached sealed Metes and Bounds): *Being a 31.29 acre tract of land in the NE part of Section 24, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas.*

Property Owner Printed Name: *Danny Carroll - Danny's Asphalt*		Phone *432-563-1240* Email *dannyt@dannyspaving.com*	
Address 12820 E. HIGHWAY 191	City Midland	State TX	Zip 79707

Developer *(if different than Owner)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Representative *(if acting as Agent, see affidavit on page 2)* Firm: *Schumann Engineering Co., Inc.* Printed Name: **Eduardo L. Aleman**		Phone *(432) 684-5548* Email *ealeman@schumannonline.net*	
Address *800 N. Marienfeld Suite 100*	City *Midland*	State *TX*	Zip *79701*

Current Zoning:

Reason for Platting: *To divide tract into smaller lots and obtain septic permits*

Plat Information	Total Acreage: *31.29*
Type: ☐ Single-Family Residential ☐ Commercial	☐ Multi-Family Residential ☐ Extraterritorial Jurisdiction (ETJ)
Number of Lots: *6*	Number of Multi-Family Dwelling Units:

Submittal and Fees

Items to be submitted with this application form:

- 1 FOLDED Copy of Dimensioned Plat
- 1 Extra Copy (11x17)
- Digital Files (JPEG & PDF)
- Application Fee – Payable to the 'City of Midland'

Request for a Development Agreement

Do you expect to request a development agreement with the City? ☐ Yes ☐ No
If yes, contact the City Engineer at (432) 685-7286

Provisions

A plat application will not be considered filed pursuant to Section 212.009 of the Texas Local Government Code until all required documents and fees have been submitted and ***all of the terms and conditions of the Subdivision Ordinance, including all necessary studies, plans and supporting information are accepted and approved,*** or the applicant has filed a waiver request for sections from which the plat deviates. Once a plat meets the requirements to be considered filed with the City, the application will be placed on the Planning and Zoning Commission agenda for consideration under the time requirements set out in Section 212.009.

Signature *(by property owner only – authorized agent must sign affidavit below)*

Property Owner (signature): _____ Date: 8-10-22

Property Owner (printed) : Danny Carroll

The Preliminary Plat 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 Subdivision 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 Ed Aleman who, being by me duly sworn, upon oath says: That (s)he is authorized by Danny Carroll, 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.

Eduardo Y Aleman
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 10th day of August, 2022; to certify which witness my hand and seal of office.

KEVIN STARNES
Notary Public, State of Texas
Comm. Expires 03-03-2024
Notary ID 128975224

Kevin Starnes
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization ☑ 1 Copy of Dimensioned Plat ☑ Plat in Digital Format (PDF/JPEG)

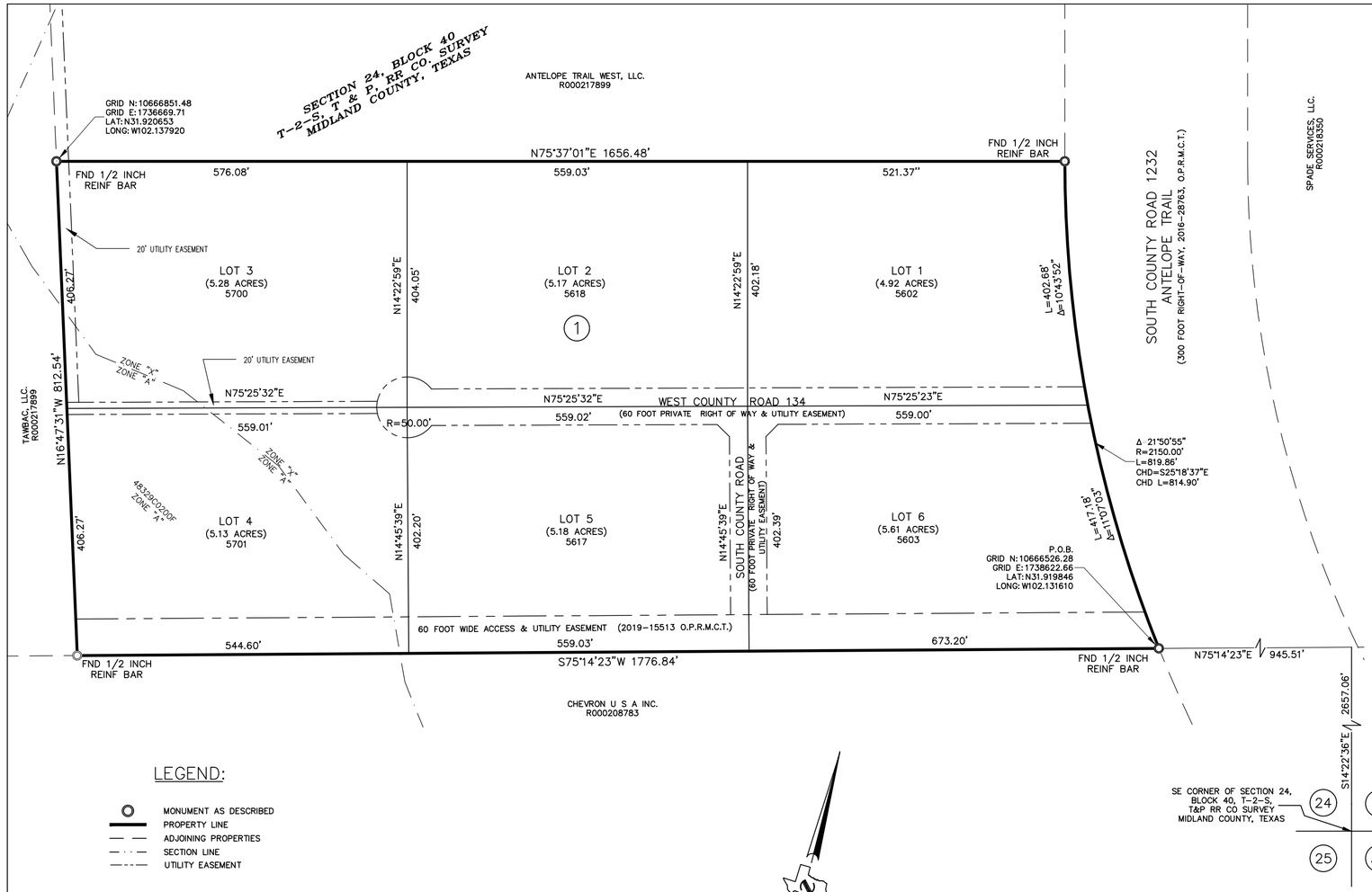
☑ Application Fee ☑ 1 Copy of Plat (11x17)

Check #_____

RECEIVED AUG 10 2022

Received By: _____ Date: 10

Application will not be considered for scheduling until reviewed by a planner.



CARROLLWOOD ADDITION

A SUBDIVISION OF 31.29 ACRES
IN THE NORTHEAST PART OF
SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY,
MIDLAND COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS, WE ARE THE RECORD OWNER(S) OF A TRACT OF LAND SITUATED IN THE NORTHEAST PART OF SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

FIELD NOTE DESCRIPTION OF A 31.29 ACRE TRACT OF LAND, OUT OF THE NORTHEAST PART OF SECTION 24, BLOCK 40, T-2-S, T & P, RR CO. SURVEY, MIDLAND COUNTY, TEXAS. SAID 31.29 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH REINF BAR FOUND (N: ##########, E: #########) IN THE CURVED WEST RIGHT OF WAY LINE OF SOUTH COUNTY ROAD 1223, ALSO KNOWN AS ANTELOPE TRAIL, FOR THE SOUTHEAST CORNER OF THIS TRACT FROM WHICH THE SOUTHEAST CORNER OF SECTION 24, BLOCK 40, T-2-S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS, BEARS NORTH 75°14'23" EAST, 945.41 FEET AND SOUTH 14°22'36" EAST, 2657.06 FEET;

THENCE SOUTH 75°14'23" WEST, 1776.84 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 16°47'31" WEST, 812.54 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE NORTH 75°37'01" EAST, 1656.48 FEET TO A 1/2 INCH REINF BAR FOUND IN THE CURVED WEST RIGHT OF WAY LINE OF SAID SOUTH COUNTY ROAD 1223 FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE IN A SOUTHEASTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 819.86 FEET, RADIUS OF 2150.00 FEET, CENTRAL ANGLE OF 21°50'55", CHORD DIRECTION OF SOUTH 25°18'37" EAST, AND A CHORD DISTANCE OF 814.90 FEET TO THE PLACE OF BEGINNING.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS CARROLLWOOD ADDITION A SUBDIVISION OF 31.29 ACRES IN MIDLAND COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEY, AND EASEMENTS, (AND PARKWAYS) SHOWN HEREON.

WITNESS MY HAND AT MIDLAND, TEXAS, THIS ____ DAY OF _____, 2022.

_____
DANNY CARROLL
DANNY'S ASPHALT PAVING, INC.

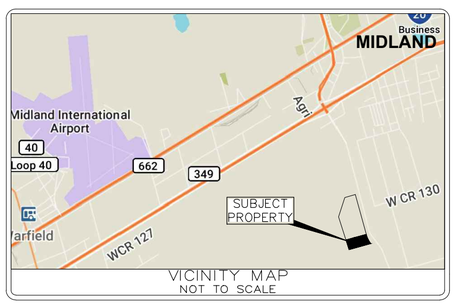
STATE OF TEXAS §
COUNTY OF MIDLAND §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2022, BY DANNY CARROLL OF DANNY'S ASPHALT PAVING, INC..

_____
NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

LEGEND:

- MONUMENT AS DESCRIBED
- PROPERTY LINE
- ADJOINING PROPERTIES
- SECTION LINE
- UTILITY EASEMENT



GRAPHIC SCALE
0 150 300
(1 INCH = 150' FEET)

NOTES:

1. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

2. MONUMENTS ARE A 1/2 INCH REINFORCING BAR SET WITH YELLOW PLASTIC CAP STAMPED "SCHUMANN ENGINEERING" UNLESS OTHERWISE NOTED.

3. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

4. APPROVAL OF A SITE PLAN BY THE CITY OF MIDLAND MAY BE REQUIRED BEFORE THE DEVELOPMENT OF ANY LOT AND BEFORE A BUILDING PERMIT MAY BE OBTAINED.

5. 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 OF FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.

6. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) ANY LOT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN ONE TRACT OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

7. REPRESENTATION OF FLOODPLAIN BOUNDARIES ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY. ANY DEVELOPMENT WITHIN FLOODPLAIN AREAS WILL REQUIRE A FLOODPLAIN DEVELOPMENT PERMIT FROM THE CITY OF MIDLAND FLOODPLAIN ADMINISTRATOR.

8. ANY PERSON WHO DESIRES TO ERECT A NEW STRUCTURE OR REBUILD, REPLACE OR ENLARGE AN EXISTING STRUCTURE, ESTABLISH A NEW USE OR SUBSTANTIALLY CHANGE AN EXISTING USE IN THE AOZ-4 MUST APPLY FOR AND RECEIVE A PERMIT. A PERMIT SHALL BE GRANTED UNLESS THE NEW STRUCTURE OR THE NEW USE WOULD BE A HEIGHT HAZARD OR A PROHIBITED LAND USE AS SET FORTH IN SECTIONS 11-11-8, 11-11-9, AND TABLE 1 OF THIS CHAPTER OR WOULD OTHERWISE VIOLATE THIS CHAPTER. APPLICATIONS FOR PERMITS SHALL BE SUBMITTED TO AND ISSUED BY THE CITY OF MIDLAND BUILDING OFFICIAL.

OWNER(S):

DANNY'S ASPHALT PAVING, INC.,
12820 E. HIGHWAY 191,
MIDLAND, TX 79707
(432) 563-1240
dannyt@dannyspaving.com

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE DIRECTOR OF DEVELOPMENT SERVICES:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CARROLLWOOD ADDITION, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS ___ DAY OF _____, 2022.

SIGNED: _____
CHAIRMAN LUCY SISNIEGA

ATTEST: _____
SECRETARY ELIZABETH SHAUGHNESSY

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES:

SIGNED: _____
ONCOR ELECTRIC DELIVER COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

THAT I, RJ DAUM. A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT 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.

"THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW AND MARK-UP UNDER THE AUTHORITY OF RJ DAUM, RPLS 4826, ON JUNE 21ST, 2022. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, PERMIT OR RECORDING PURPOSES."

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

_____
RJ DAUM
TEXAS RPLS 4826

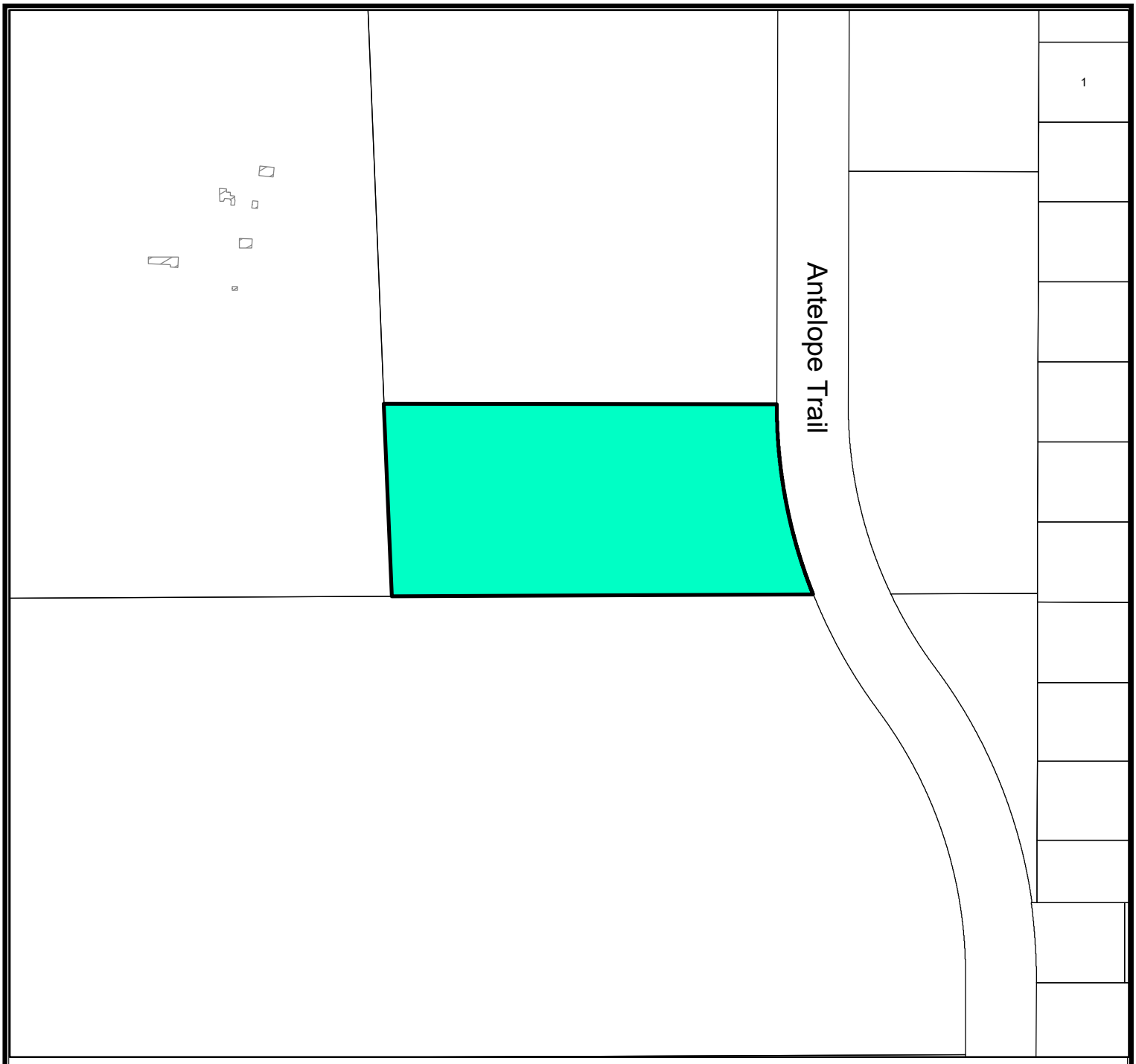
PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. _____ CABINET ____
DATE _____ PAGE ____

NO.	DATE	DESCRIPTION	BY
1	06/21/2022	SKETCH PLAN	JD
2	07/27/2022	PRELIMINARY	JD

DRAWN BY: JD | DATE: 06/21/2022
CHECKED BY: ED/RJ | PROJECT NO.: 78426
JOB NO.: 78,663 | SHEET: 1 OF 1

SCHUMANN ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
800 N. MARIENFELD ST. #100
MIDLAND, TEXAS 79701
(432) 684-5548

CARROLLWOOD ADDITION



LOCATION MAP

SUB-22-0530 **Scale: 1" = 7,227'**

Proposed plat of Carrollwood Addition, a 31.29 - acres tract of land out of the northeast quarter of Section 24, Block 40, T-2-S, T&P, RR Co. Survey, Midland County, Texas.

Generally located on the west side of Antelope Trail, approximately 3,000-feet north of west County Road 140 - Extraterritorial Jurisdiction

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND IS NOT 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: 22

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Cole Furqueron,

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicants, Travis and April Bushman, are requesting a zone change from AE, Agricultural Estates District to CE, Country Estates District located at 3701 Todd Drive for construction of a single-family home.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Current Zoning:

AE, Agricultural Estates District.

Surrounding Zoning and Land Use:

The properties to the north and south are zoned AE, Agricultural Estates District and are the locations of single-family homes. The property to the East is zoned AE, Agricultural Estates District and CE, Country Estates District and is currently vacant. The Property to the west is zoned ETJ, Extraterritorial Jurisdiction, and the location of a single-family home.

Analysis:

The applicants, Travis and April Bushman, are requesting a zone change from AE, Agricultural Estates District, to CE, Country Estates District. The reason for this request is because the applicants are in the process of re-platting their lot. Approval of this zone change is required for the lot to conform to the dimensional regulations of the Zoning Ordinance. Once the property has been re-zoned to CE, Country Estates District, then the lot size will comply with the dimensional regulations.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.04; Residential Zoning District Dimensional Regulation Chart.

This proposed zone change has been circulated to the 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 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objections to zone change. [For Applicant's Information Only.]

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. [For Applicant's Information Only.]

Code: (Approved)

No Oil and Gas Issues. Informational: 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 inside the City Limits. There is no jurisdiction of those wells in the county. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

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. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

Planning:

Although this lot is surrounded by AE, Agricultural Estates zoning, the properties diagonal to it is zoned CE, Country Estates District. If this zone is not approved the applicant will have a lot that cannot be utilized and it will have to sit vacant. This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map" as it designates this area for Urban Residential-Large Lot, which emphasizes single-family homes on large lots and open spaces. This zone change would reflect the characteristics of the surrounding development.

This request was recommended for approval at the August 1, 2022, Planning and Zoning Commission meeting.

Therefore, staff recommends approval of this zone change from AE, Agricultural Estates District, to CE, Country Estates District, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the CE, Country Estates District.**

Letters of Objection:

Staff has not received any letters of objection as of August 18, 2022.

Attachments:

Application
Metes and Bounds (Exhibit A)
Maps

Morris William Jr.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.7-ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO CE, COUNTRY ESTATE DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE 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 a 1.7-acre tract of land out of Lot 6, Block 7, Skyview Development, Section 10, 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 AE, Agricultural Estate 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 to CE, Country Estate 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

MAVERICK
ENGINEERING · SURVEY · WATER RESOURCES
1909 West Wall Street, Suite K · Midland, TX 79701
Tel: 432.262.0999 · Fax: 432.262.0989 · maverick-eng.com
ENGINEER FIRM #: F-15089 | SURVEY FIRM #: 10194514

FIELD NOTE DESCRIPTION OF A 1.70 ACRE TRACT OF LAND

FIELD NOTE DESCRIPTION OF A 1.70 ACRE TRACT OF LAND, BEING A PORTION OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT, AN ADDITION TO MIDLAND COUNTY RECORDED IN CABINET "C", PAGE 175, PLAT RECORDS OF MIDLAND COUNTY, AND BEING FULLY DESCRIBED IN DOCUMENT NUMBER 2021-34640 OF THE OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, ALL OUT OF SECTION 30, BLOCK 38, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILWAY COMPANY SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT N(Y).10,710,681.96, E(X).1,766,725.14, A ONE HALF INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS "THE NORTH 160 FEET OF LOT 6, BLOCK 7, SKYVIEW DEVELOPMENT" IN DOCUMENT NUMBER 2014-17611 OF SAID OFFICIAL PUBLIC RECORDS, FROM WHICH A ONE-HALF INCH IRON ROD WITH RED CAP FOUND FOR THE NORTHEAST CORNER OF SAID "NORTH 160 FEET", BEARS N.13°41'03"W., 159.93 FEET, ALSO BEING A POINT IN THE WEST LINE OF TODD DRIVE, A PUBLIC RIGHT-OF-WAY, AND THE NORTHEAST CORNER HEREOF;

THENCE S.13°41'03"E., ALONG THE WEST LINE OF TODD DRIVE 181.41 FEET, TO A PK NAIL SET AT THE NORTHWEST CORNER OF THE INTERSECTION OF TODD DRIVE AND MARIE DRIVE, A PUBLIC RIGHT-OF-WAY, AND FOR THE SOUTHEAST CORNER HEREOF;

THENCE S.75°37'02"W., ALONG THE NORTH LINE OF SAID MARIE DRIVE, 407.23 FEET TO A ONE-HALF INCH IRON ROD WITH RED PLASTIC CAP MARKED "MAVERICK FIRM #10194514" SET" (RPC) FOR THE SOUTHEAST CORNER OF LOT 32, BLOCK 7, SAID SKYVIEW DEVELOPMENT, AND THE SOUTHWEST CORNER HEREOF;

THENCE N.14°22'40"W., ALONG THE EAST LINE OF SAID LOT 32, 181.38 FEET TO A ONE-HALF INCH IRON ROD FOUND, FROM WHICH A ONE-HALF INCH IRON ROD FOUND BENT FOR THE ACCEPTED NORTHWEST CORNER OF SAID "NORTH 160 FEET," BEARS N.14°22'40"W., 159.73 FEET, AND FOR THE NORTHWEST CORNER HEREOF;

THENCE N.75°36'53"E., ALONG THE SOUTH LINE OF SAID "NORTH 160 FEET," 409.43 FEET TO THE **POINT OF BEGINNING**, CONTAINING 74,067 SQUARE FEET OR 1.70 ACRES OF LAND.

June 27, 2022



Gregory W. Shoults
www.maverick-eng.com
Texas RPLS - No. 5356
Maverick Engineering (FIRM – No. 10194514)

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-22-0298

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: April Bushman		Phone (432) 631-4670 Email bushmanapril@sbcglobal.net	
Address 4901 Granite Ln	City Midland	State Texas	Zip 79707

Property Owner Printed Name: B.Travis & April Bushman		Phone (432) 631-4670 Email bushmanapril@sbcglobal.net	
Address 4901 Granite Ln.	City Midland	State TX	Zip 79707

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 3701 Todd Drive

Legal Description
Lot: 006 Block: 007 Subdivision: Skyview Development-------Lot: 006 S 181.41

Current Zoning: AE	**Proposed Zone:** CE *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: City is requiring change as the current lot is platted with the north lot (3711), and after replatting, (3701 - 1.7 acres) will less than the required 2 acres for an AE zone.

Present Use of Property: Empty lot - no improvements or buildings

Proposed Use of Property: Personal Single Family dwelling

How would this zone change affect the public health, safety and welfare? n/a

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
JUN 28 2022
CF

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date06/24/22
Applicant (printed): April Bushman a Travis Bushman	
Property Owner (signature):	Date: 06/24/22
Property Owner (printed) : B. Travis Bushman & April Bushman	

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 # 3017	
Received By:	Date: 6-28-22

****Application will not be considered for scheduling until reviewed by a planner.****

MAVERICK
ENGINEERING · SURVEY · WATER RESOURCES
1909 West Wall Street, Suite K · Midland, TX 79701
Tel: 432.262.0999 · Fax: 432.262.0989 · maverick-eng.com
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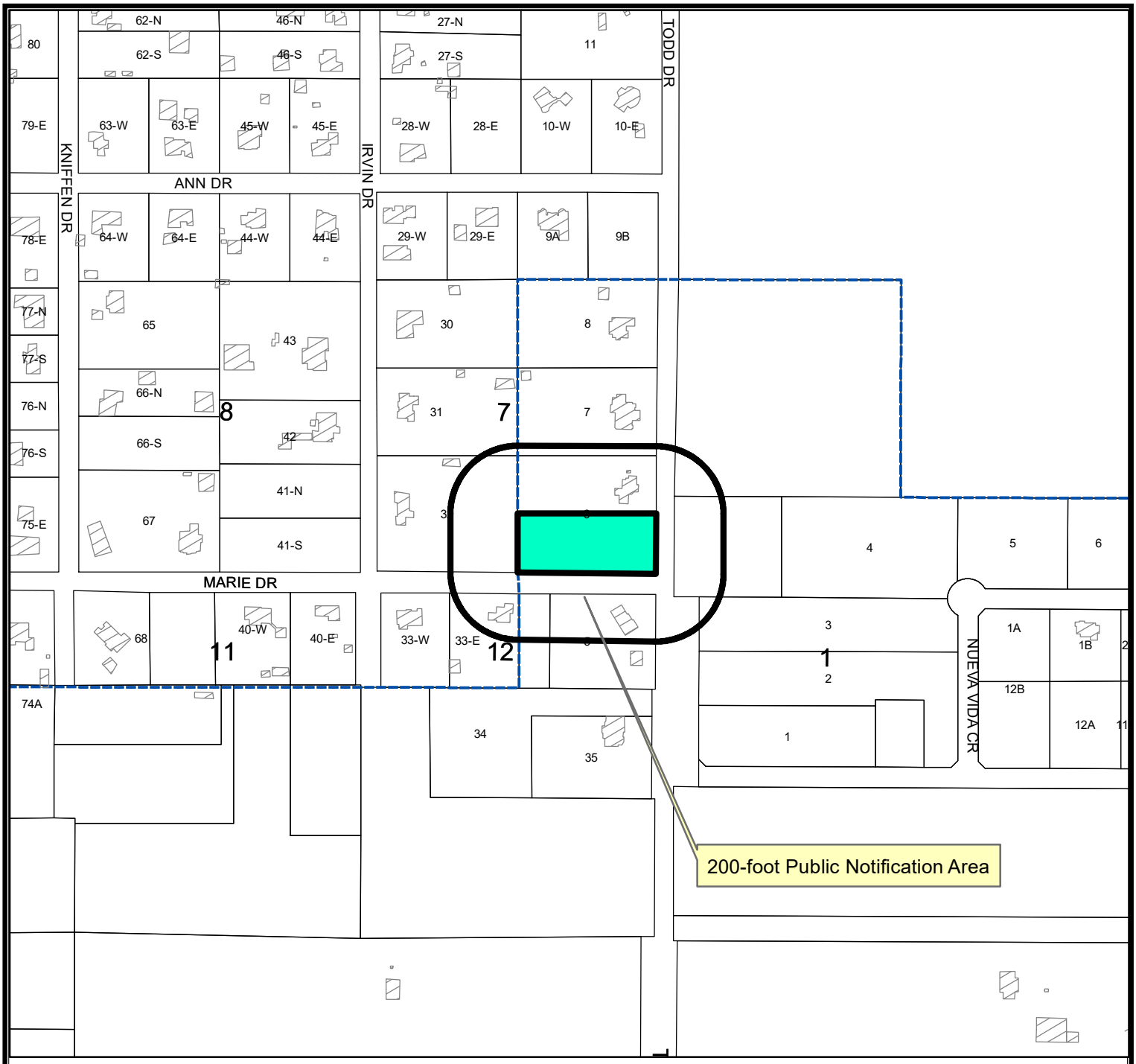
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June 27, 2022



Gregory W. Shoults
www.maverick-eng.com
Texas RPLS - No. 5356
Maverick Engineering (FIRM – No. 10194514)



LOCATION MAP

Z-22-0298 **Scale: 1" = 200'**

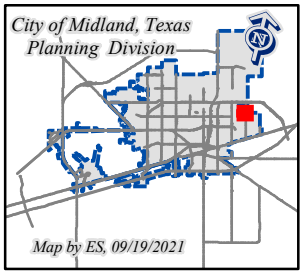
A request by Travis and April Bushman for a zone change from AE, Agricultural Estates District, to CE, Country Estates District, on a 1.7-acre tract of land out of Lot 6, Block 7, Skyview Development, Section 10, City and County of Midland, Texas.

Generally located on the northwest corner of Todd Drive and Marie Drive. – (Council District 2)

MACKEY 22.12

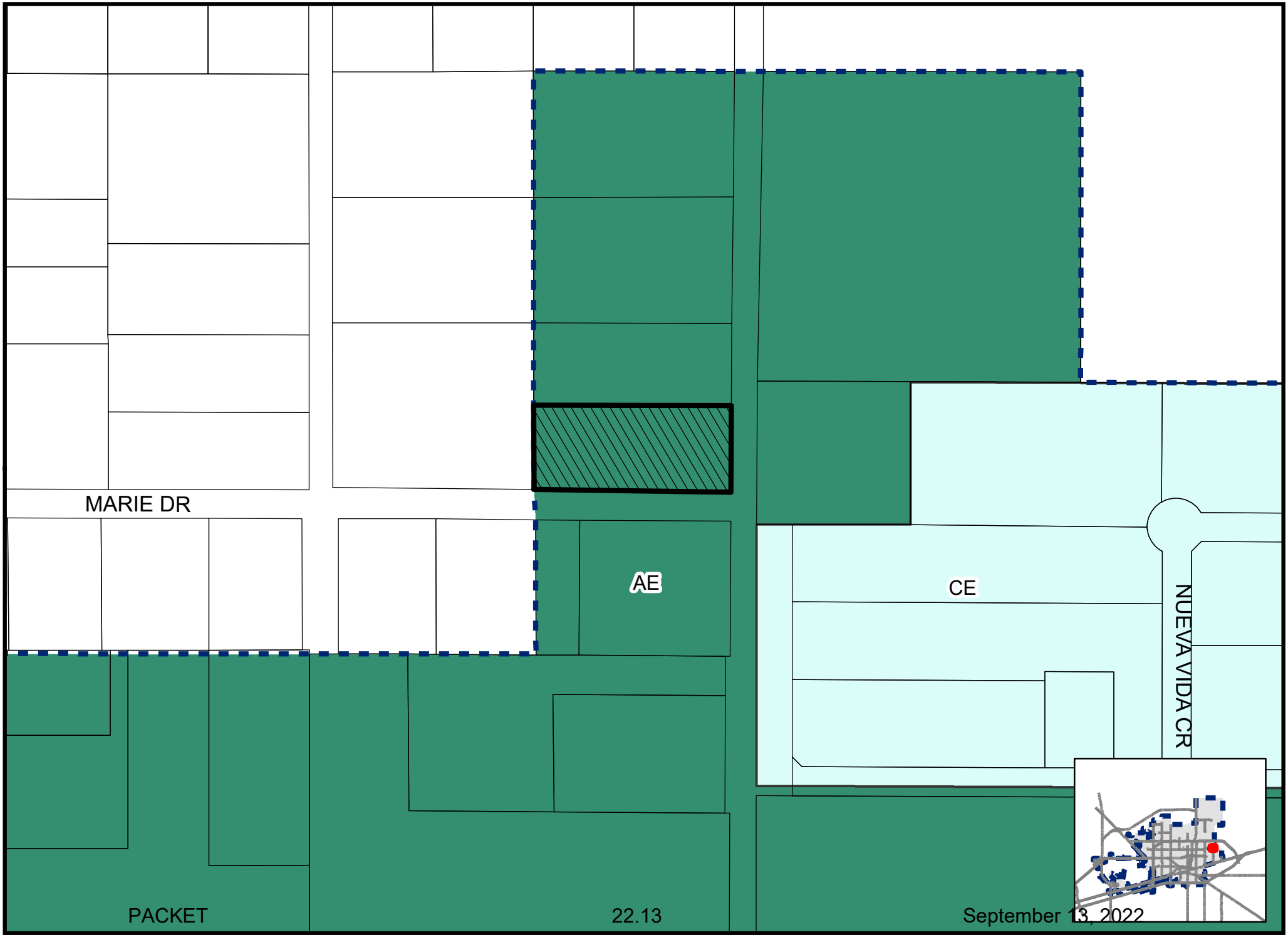
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



September 13, 2022

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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By CF, 7/14/2022

Z-22-0298

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2021: 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: 23

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Alexandra Walling, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Reynaldo Hernandez, is requesting a Zone Change from C, Commercial District to O-1, Office District on 0.77-acre tract of land out of the southeast quarter of Section 10, Block 39, T-2-S, T & P RR CO Survey, Midland County, Texas, for construction of an office building.

Recommended City Council Action:

Approve

Fiscal Impact:

No city funds would be required for this project.

Current Zoning:

C, Commercial District

Surrounding Zoning and Land Use:

The properties to the north are zoned C, Commercial District, which are vacant lots. The properties to the east are zoned MF16, Multi-Family Dwelling District, which are apartments. The properties to the south are zoned O-1, Office District. Lastly, the properties to the west are zoned MH, Manufactured Housing District, which are single-family homes and mobile homes.

Analysis:

The applicant, Reynaldo Hernandez III, is requesting a zone change from C, Commercial District to O-1, Office District for the development of an office building for a security business, conducting business under the name of Aim Straight Drug Screen Company. The property is currently vacant and in the process of replating.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.05: - Nonresidential Zoning District Dimensional Regulations Chart as well as Chapter 9, Landscape Regulations for future landscaping.

This proposed zone change has been circulated to the 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 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant’s information only.] 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. [For the Applicant’s information only.]

Code: (Approved)

No Oil and Gas Issues. Informational: 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. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

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. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

The City of Midland Planning Department supports this rezone because of the existing surrounding uses. Single-family dwellings, multi-family dwellings, businesses, and offices surround the proposed site. According to the Tall City Tomorrow Comprehensive Plan, Urban-Medium Neighborhood Center (U-M NC) land use is intended to promote unique neighborhood villages and centers. This means that small-scale businesses, which include commercial and office use that are low impact can be mixed with townhomes and single-family dwellings. Therefore, Aim Straight Drug Screen Company would create a buffer between the single-family dwellings to the west and the multi-family dwellings to the east of the property.

This request was recommended for approval at the August 1, 2022, Planning and Zoning Commission meeting.

Therefore, staff recommends approval of this zone change from C, Commercial District to O-1, Office District to condition A.

Conditions:

A. That the use and development of the property shall conform to the regulations of the O-1, Office District, except as stated below.

Letters of Objection:

Staff has not received any letters of objection as of August 18, 2022.

Attachments:

Application
Meets and Bounds (Exhibit A)
Maps

Morris William Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.77-ACRE TRACT OF LAND OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO O-1, OFFICE DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF WAYSIDE DRIVE, APPROXIMATELY 57 FEET NORTH OF EAST GIST 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 a 0.77-acre tract of land out of the southeast quarter of Section 10, 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 O-1, Office 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 C, Commercial District to O-1, Office 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., 2022; 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., 2022, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

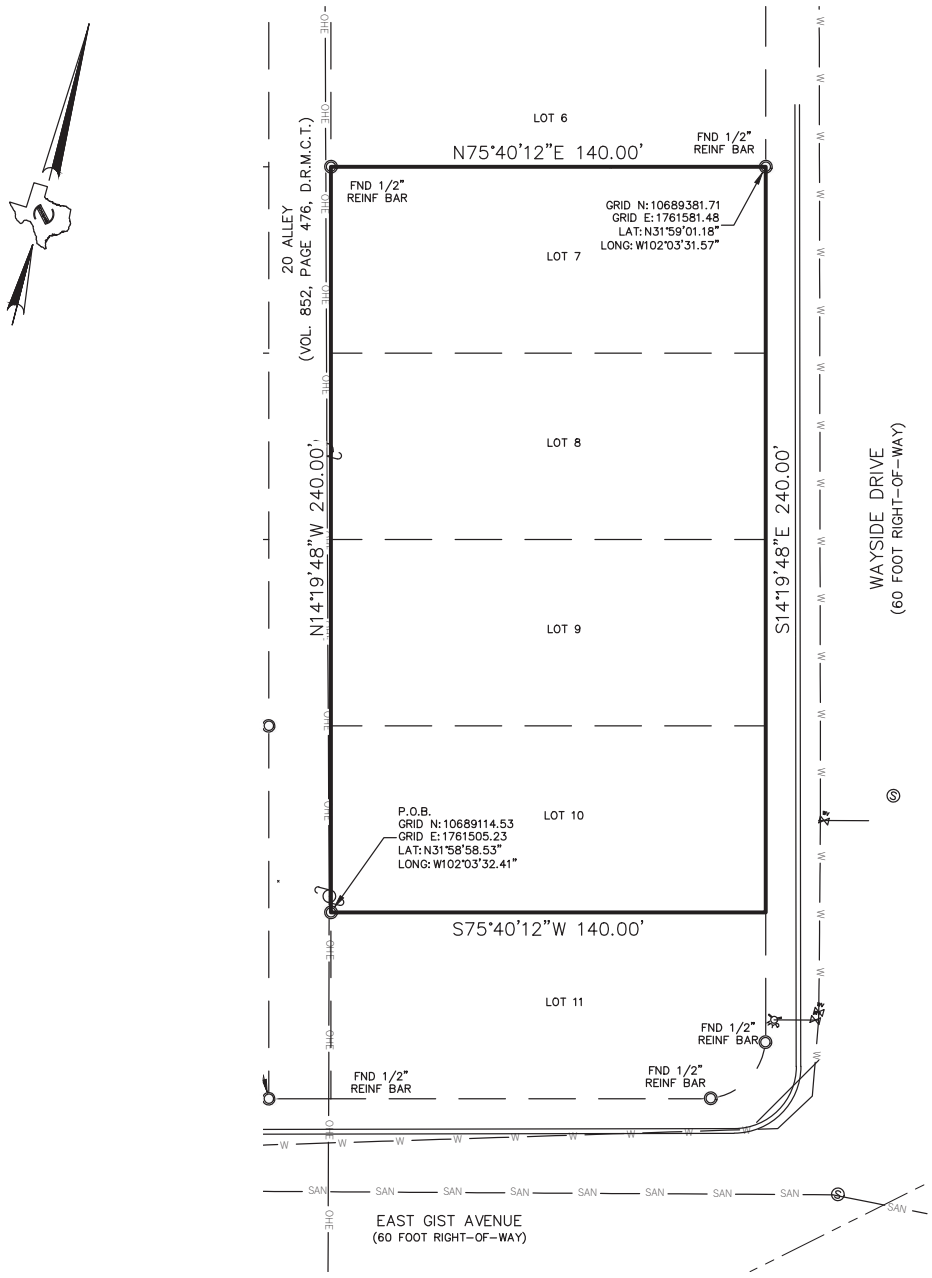
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"



FIELD NOTE DESCRIPTION OF A 0.77 ACRE TRACT OF LAND, BENG LOTS 7–10, BLOCK 5, CAROL CREST ADDITION (UNRECORDED) OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T–2–S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 0.77 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH REINF BAR SET (N:10689114.53, E:1761505.23) FOR THE SOUTHWEST CORNER OF LOT 10, FROM WHICH THE SOUTHEAST CORNER OF LOT 1, BEARS SOUTH 14°19'48" WEST, 140.00 FEET AND SOUTH 75°40'12" WEST, 20.00 FEET;

THENCE NORTH 14°19'48" WEST, 240.00 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE NORTHWEST CORNER OF LOT 7;

THENCE NORTH 75°40'12" EAST, 140.00 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE NORTHEAST CORNER OF LOT 7;

THENCE SOUTH 14°19'48" EAST, 240.00 FEET TO A 1/2 INCH REINF BAR FOUND FOR THE SOUTHEAST CORNER OF LOT 10;

THENCE SOUTH 75°40'12" WEST, 140.00 FEET TO THE PLACE OF BEGINNING.

NOTES:

BEARINGS AND DISTANCES SHOWN ARE BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS NORTH CENTRAL ZONE, NORTH AMERICAN DATUM

SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF THE COUNTY ORDINANCE AND STATE LAW AND MAY BE SUBJECT TO FINES AND WITHHOLDINGS OF UTILITIES AND BUILDING PERMITS

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT. NOT ALL EASEMENTS OR MATTERS OF TITLE MAY BE SHOWN.

THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.

SCHUMANN ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING – LAND SURVEYING
TEXAS FIRM No. F1880 – TEXAS FIRM No. 10149500
800 N. MARIENFELD ST. #100
MIDLAND, TEXAS 79701
(432) 684-5548

RJ DAUM
TEXAS RPLS 4826

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

REZONE EXHIBIT

A 0.77 ACRE TRACT OF LAND,

BEING LOTS 7–10, BLOCK 5,

CAROL CREST ADDITION
(UNRECORDED)

OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T–2–S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS,

SCALE: 1"=40'

PROJECT: 78542
JOB NO: 78542

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-22-0297

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*		Phone (432)209-2928 Email	
Printed Name: Reynaldo Hernandez III - Aim Straight Drug Screen			
Address 4831 ECR 130	City Midland	State TX	Zip 79706

Property Owner		Phone (432) 209-2928 Email 432 209-2928	
Printed Name: Reynaldo Hernandez III			
Address 4831 ECR 130	City Midland	State TX	Zip 79706

Representative *(if different from Applicant or Property Owner)*		Phone (432) 209-2928 Email	
Firm:		rey@ajtsafety.com	
Printed Name: Reynaldo Hernandez III - Aim Straight Drug Screen			
Address 4831 E CR 130	City Midland	State TX	Zip 79706

Street Address: 1512 Wayside

Legal Description

Lot: 15 Block: 5 Subdivision: Carol Crest Addition (Unrecorded)

Current Zoning: O1	**Proposed Zone:** C *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: to match the ajoining lot zones and to replat into 1 larger lot.

Present Use of Property: Vacant

Proposed Use of Property: Office Building

How would this zone change affect the public health, safety and welfare? It won't.

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)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date6/22/2022
Applicant (printed): Reynaldo Hernandez III	
Property Owner (signature):	Date: 6/22/2022
Property Owner (printed) : Reynaldo Hernandez III	

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.

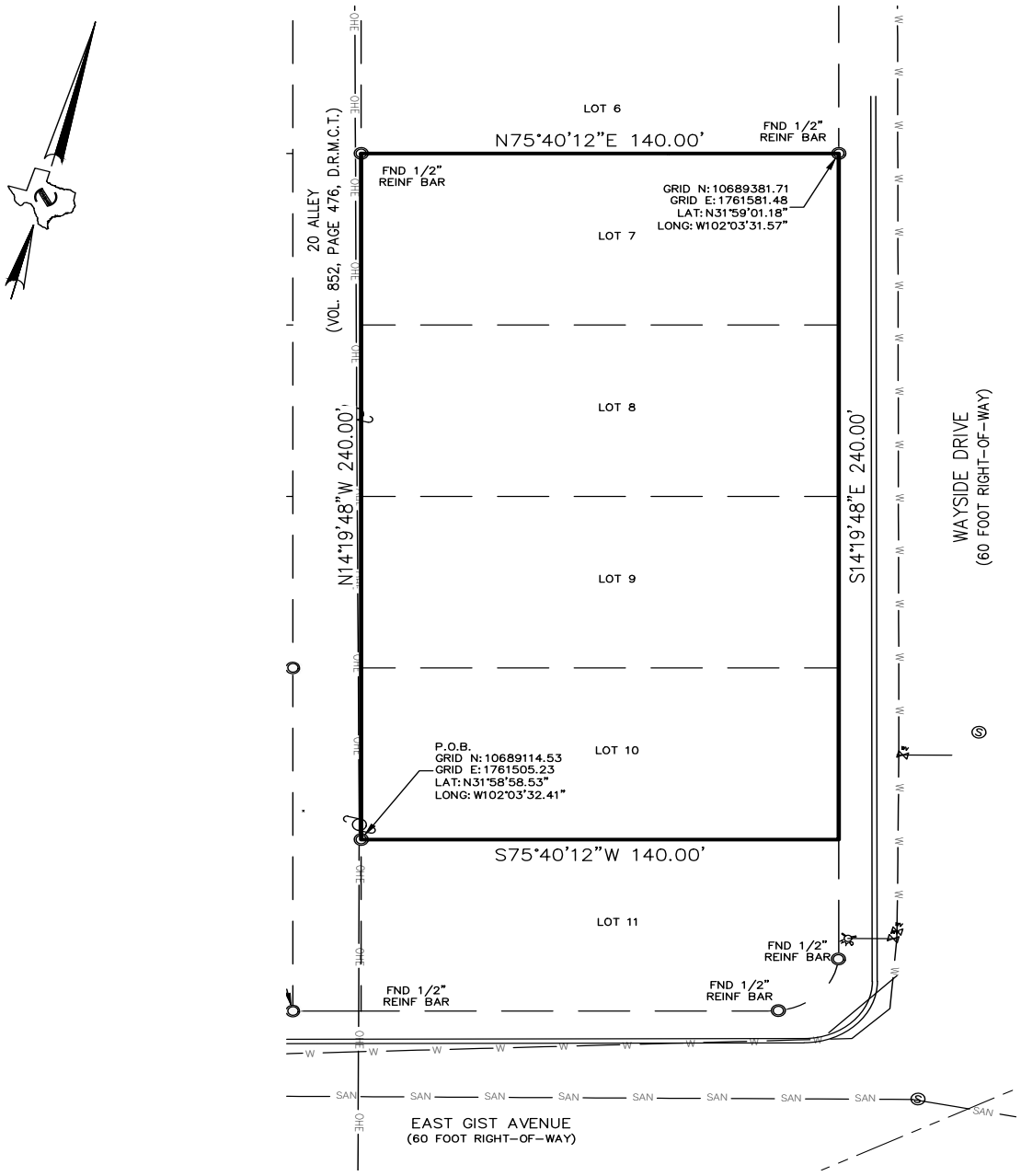
_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 1080	
Received By: Paul Rodriguez	Date: 6/22/22

RECEIVED
JUN 22 2022

****Application will not be considered for scheduling until reviewed by a planner.****



FIELD NOTE DESCRIPTION OF A 0.77 ACRE TRACT OF LAND, BENG LOTS 7–10, BLOCK 5, CAROL CREST ADDITION (UNRECORDED) OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T–2–S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 0.77 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

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SCHUMANN ENGINEERING CO.
A LATERAL LAND COMPANY
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TEXAS FIRM No. F1880 – TEXAS FIRM No. 10149500
800 N. MARIENFELD ST. #100
MIDLAND, TEXAS 79701
(432) 684-5548

PACKET 23.10 September 19, 2020

STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR

RJ DAUM
TEXAS RPLS 4826

REZONE EXHIBIT

A 0.77 ACRE TRACT OF LAND,

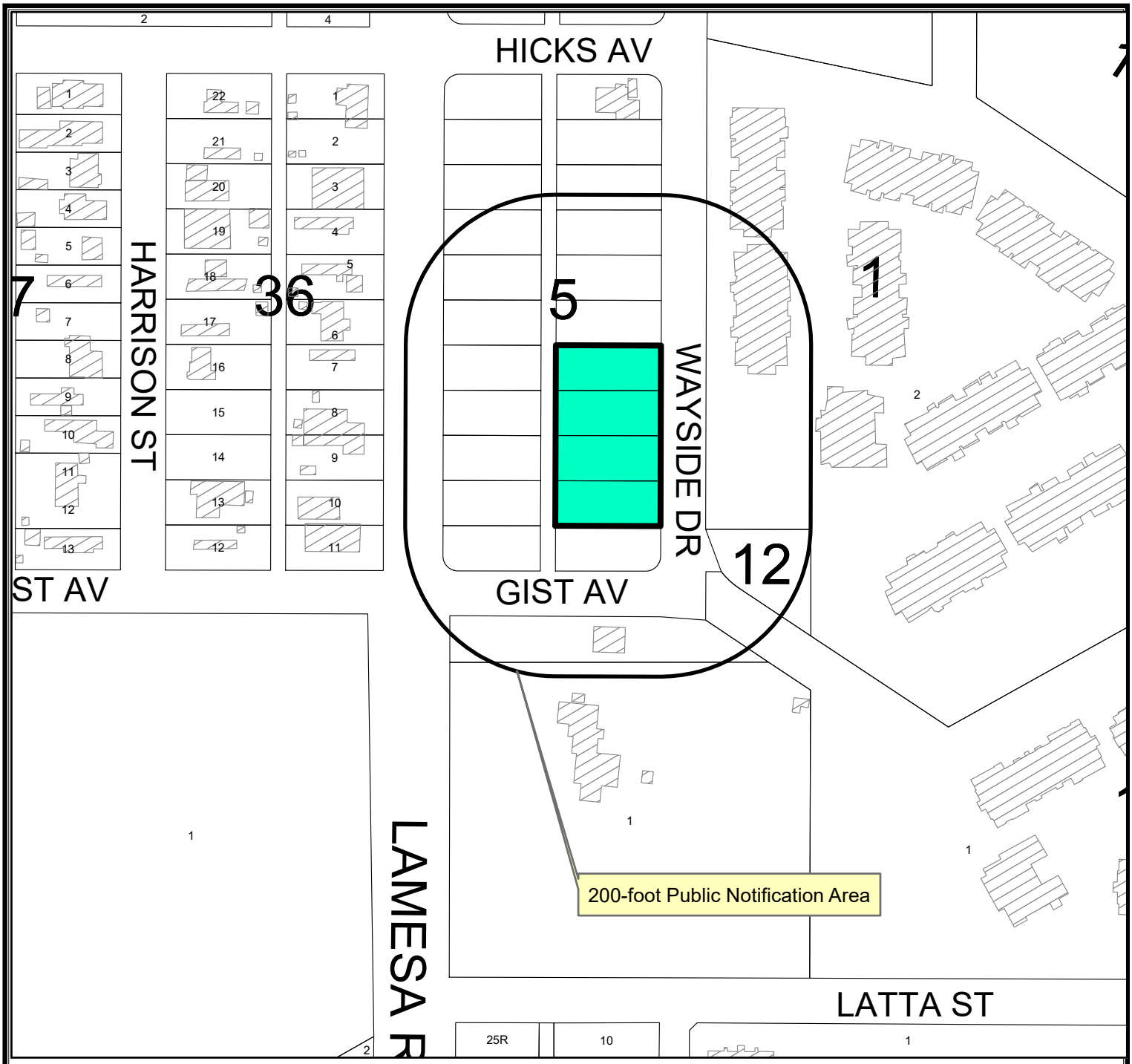
BEING LOTS 7–10, BLOCK 5,

CAROL CREST ADDITION
(UNRECORDED)

OUT OF THE SOUTHEAST QUARTER OF SECTION 10, BLOCK 39, T–2–S, T & P RR CO SURVEY, MIDLAND COUNTY, TEXAS,

SCALE: 1"=40'

PROJECT: 78542
JOB NO: 78542



LOCATION MAP

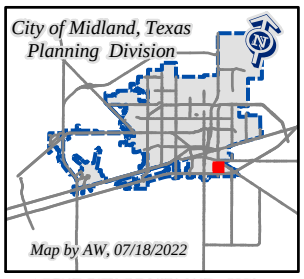
Z-22-0297 **Scale: 1" = 200'**

Request by Reynaldo Hernandez for a zone change from C, Commerical District to O-1, Office District for a 0.77-acre tract of land out of the southeast quarter of Section 10, Block 39, T-2-S, T & P RR CO Survey, Midland County, Texas.

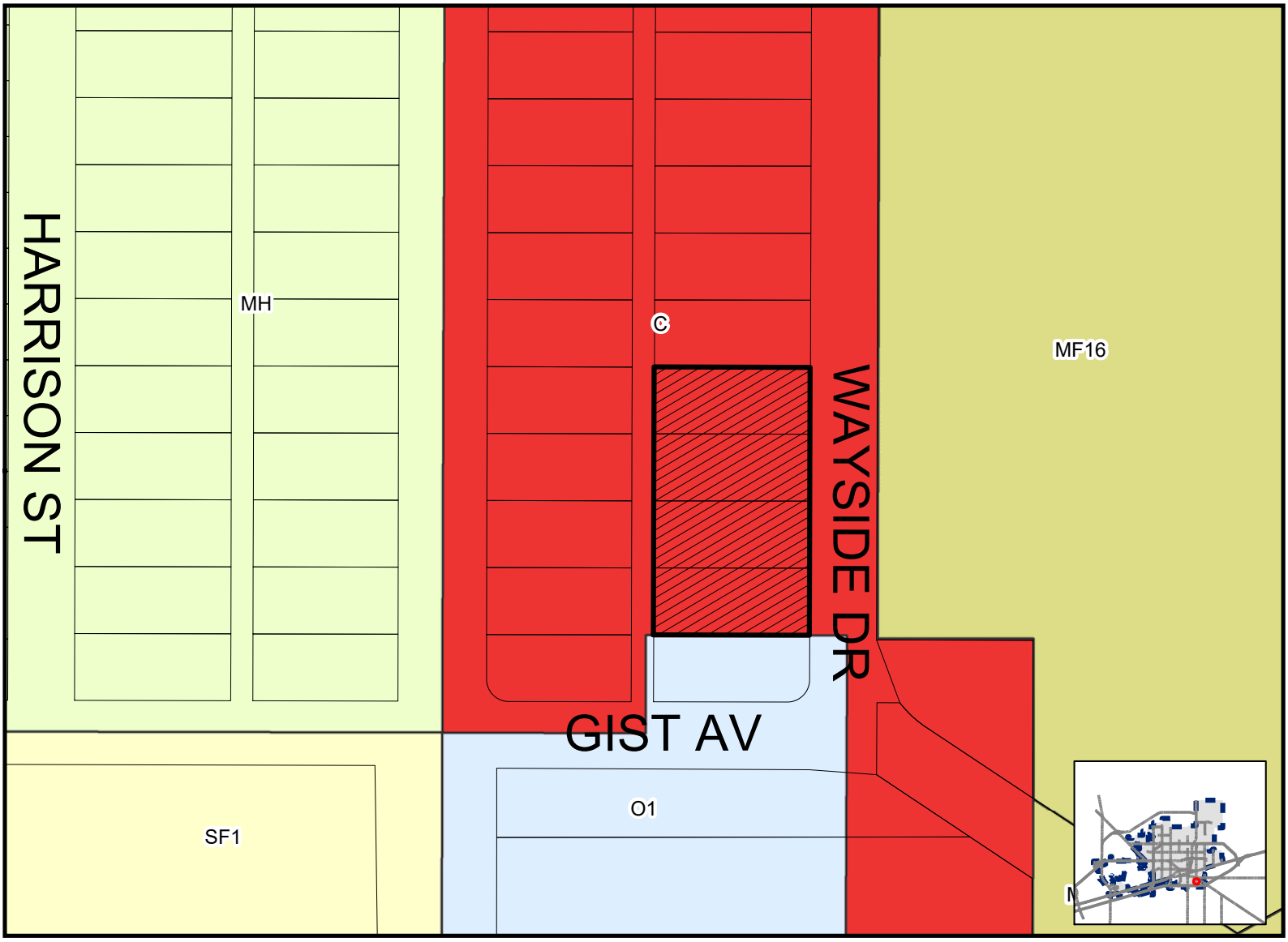
Generally located on the west side of Wayside Drive, approximately 57-feet north of East Gist Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



September 13, 2022



Map By AW, 7/18/2022 **Z-22-0297** **Scale: 1" = 200'** **ZONING MAP**

© THE CITY OF MI
TO BE USED AS A PR
HEREIN.THE CITY OF
UCT, NOR IS IT DESIGNED
INFORMATION CONTAINED
THE USE OF THIS DATA.




Compass Pointe





City Council Meeting

Item Number: 24

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 (DISTRICT 3) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Brew Street, LLC, is requesting a Specific Use Designation with Term, for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant located at 111 N C. Street.

Current Zoning:

O-1, Office District

Recommended City Council Action:

Approve

Surrounding Zoning and Land Use:

This proposal does not have a significant financial impact to the City.

Discussion:

The properties to the north, south, east, and west are zoned O-1, Office District and the location of offices and businesses.

Discussion:

The property is located at 111 N C. Street and is currently zoned O-1 Office District, which permits the sale of alcoholic beverages with the approval of a Specific Use Designation.

The applicant is proposing to convert the property into a restaurant without a drive thru. They will offer a variety of goods including vegan comfort food, specialty coffee, and vegan baked goods. The floor plan attached hereto a “Exhibit A” illustrates that the establishment has a total square footage of 2,468, with an alcohol serviceable area of 1,585 square feet.

The proposed days and hours of operation are:

Monday through Saturday from 7:00 a.m. to 11:00 p.m.

The applicant is requesting the following alcohol serviceable hours.

Monday through Saturday from 10:00 a.m. to 11:00 p.m.

Brew Street does not have adequate parking; however, a special exception to reduce the number of required parking spaces was approved on July 12, 2022.

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.

Brew Street is located within 390-feet of the Midland High Youth Center and 930-feet from Midland Senior High School. They are also located 797-feet from First Presbyterian Church.

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 objections. [For Applicant’s Information Only.]

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. [For Applicant's Information Only.]

Fire: (Approved)

No objections to zone change.

Transportation: (Approved)

No objection to SUD.

Driveways or other access points are approved only with a construction drawing review.

Code Administration: (Approved)

The SUD for Brew Street is acceptable. The property must adhere to the maximum occupant load of 105 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows 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). Brew Street will be a friendly neighborhood café that the community can enjoy.

This request was recommended for approval at the August 1, 2022, 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 restaurant subject to conditions A thought G.

Conditions:

A. **That the alcoholic serviceable area of the restaurant shall be limited to approximately 1,585 square feet as shown in Exhibit "A", 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:**

Monday through Saturday from 10:00 a.m. to 11:00 p.m.

C. **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 the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

G. **That in accordance with Section 11-1-9.07.E.3 of the Zoning Ordinance, the establishment shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of August 18, 2022, staff has received one letter of objection.

Attachments:

Floor Plan (Exhibit A)
Application
Maps

Morris William Jr.

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 LOTS 1 AND 2, BLOCK 12, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH C STREET), WHICH IS PRESENTLY ZONED O-1, OFFICE 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 Lots 1 and 2, Block 12, West End 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 in a restaurant (the "Establishment") for on-premises consumption, together with the uses permitted in the present O-1, Office 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 1,585 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 Saturday from 10:00 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 the operator of the Establishment shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premises consumption to ensure that the conditions of this Specific Use Designation With Term are satisfied.

G. 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

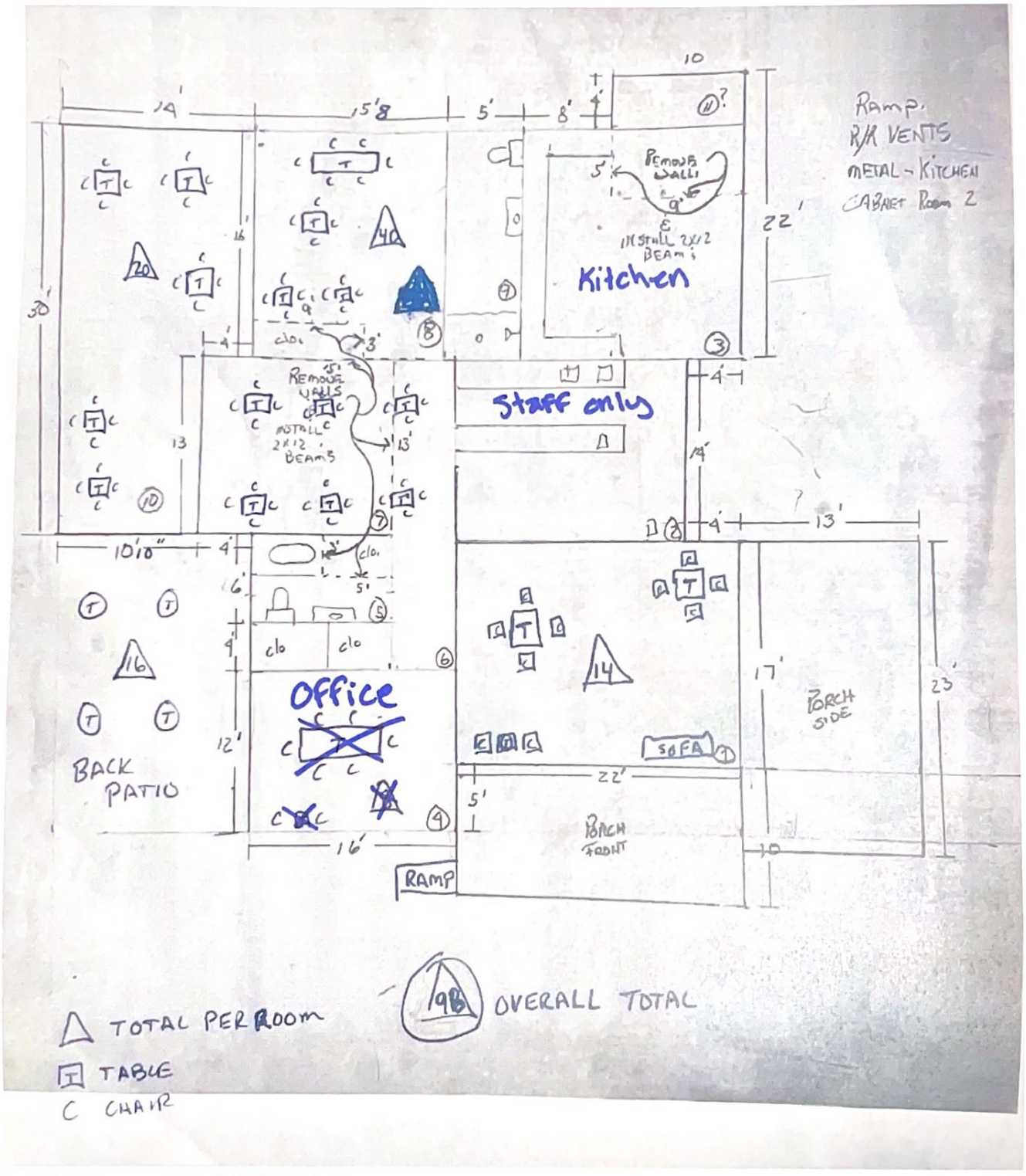
_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney


Ramp.
R/A VENTS
METAL - KITCHEN
CABINET Room 2
Kitchen
Staff only
Office
BACK PATIO
RAMP
PORCH SIDE
PORCH FRONT
SOFA
REMOVE WALLS
INSTALL 2X12 BEAMS
REMOVE WALL
INSTALL 2X12 BEAMS
TOTAL PER ROOM
TABLE
CHAIR
98
OVERALL TOTAL

MIDLAND Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number SUD-22-0136

Case Number _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Brew St. LLC.		Phone (432) 638-4251 Email info@thebrewstreet.com	
Address 111 N. C Street	City Midland	State TX	Zip 79701

Property Owner Printed Name: Carlos & Mary Madrid		Phone (432) 638-4251 Email marygmjm@hotmail.com	
Address 1104 WCR 143	City Midland	State TX	Zip 79706

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 111 N. C. Street Midland, TX 79701

Business Name: Brew Street LLC.

Legal Description
Lot: 0012 Block: 012 Subdivision: West End Addition

Current Zoning: O-1

Reason for Request: Beer and wine license

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Restaurant

Proposed/Current Days and Hours of Operation: Monday-Saturday 7am-10pm

Proposed Days and Hours of Alcohol Service: Monday-Saturday 10am-11pm

Total Square Footage of Business: 2468

Square Footage of Alcohol Serviceable Area: ~~2,468~~ 1585

Restroom Fixtures:				
	Men	**Toilets/Urinals:**	1 / 0	**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: 6/9/22
Applicant (printed): Marcy Madrid	
Property Owner (signature):	Date: 6/9/22
Property Owner (printed): Marcy Madrid	

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, 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 application on behalf of property owner, 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.

_____

Subscribed and sworn to before me, this _____ day of _____, 20 _, to certify which witness my hand and seal of office.

_____

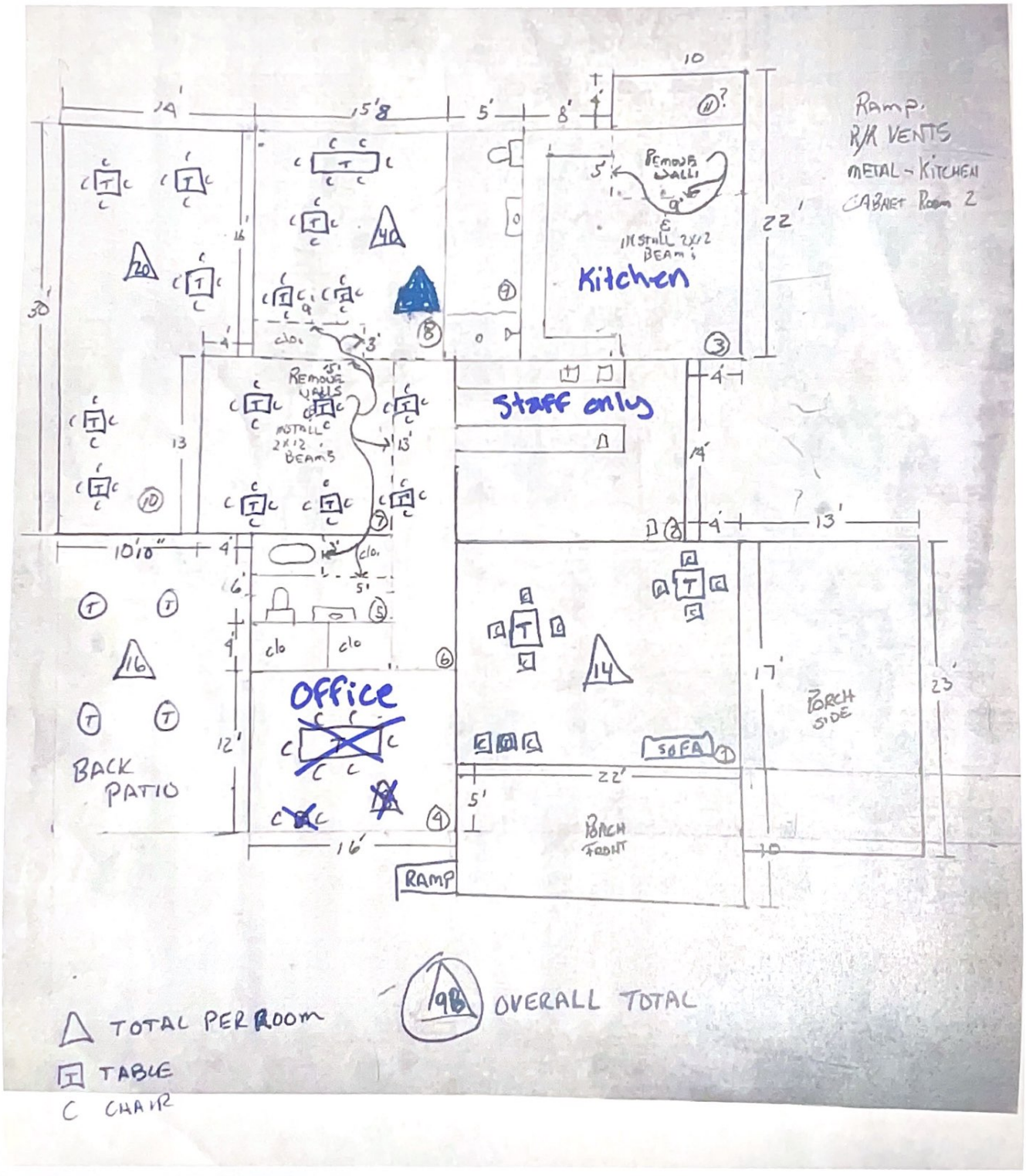
Notary Public

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Floor Plan
☑ Application Fee	☑ Site Plan
~~Check #~~ Creditcard	☑ Plans in Digital Format (PDF/JPEG)
Received By: Email	Date: 7-5-22

RECEIVED
JUL 05 2021
BY: .....

Application will not be considered for scheduling until reviewed by a planner.


Ramp.
R/R VENTS
METAL - KITCHEN
CABINET Room 2
Kitchen
Staff only
Office
BACK PATIO
RAMP
PORCH SIDE
PORCH FRONT
SOFA
REMOVE WALLS
INSTALL 2X12 BEAMS
REMOVE WALL
INSTALL 2X12 BEAMS
14
40
20
16
14
98
TOTAL PER Room
OVERALL TOTAL
TABLE
CHAIR

MIDLAND
Planning Division

RECEIVED
AUG 03 2022

ARCHWAY SUPPORT
1005 W TEXAS
MIDLAND TX 79701

PUBLIC NOTICE

The **Planning and Zoning Commission** of the City of Midland, Texas, will hold a public hearing at **3:30 p.m.** on **Monday, August 1, 2022,** in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas 79701, and via videoconference on a request by **Brew Street, LLC** for a **Specific Use Designation with Term** on the following described property:

LEGAL DESCRIPTION: Lots 1 and 2, Block 12, West End Addition, City and County of Midland, Texas.

LOCATION: Generally located on the southwest corner of the intersection of W. Texas Avenue and N. C Street. (Council District 3)

CURRENT ZONING: O-1, Office District

SPECIFIC USE: For the sale of all alcoholic beverages for on premises consumption in a restaurant.

Not to be considered a part of the Public Notice: 1) See reverse side for location map; 2) In order to be considered as an official objection to this request a response **must be submitted by mail or delivered *in writing*** to the Planning Division at the address listed above. An official objection may be filed by completing this notice and returning it to the address listed above.

I object to this request ✓ **Comments:** Concerned about property Security & late hours that come with alcohol consumption.

Required Information:

Property Owner's Signature — Allison Hartzog (Printed Name) — 1005 W. Texas (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: 15
Date Mailed: July 22, 2022
Case Number: SUD-22-0136
Case Name: Brew Street, LLC
KM Planner's Initials

Elizabeth Shaughnessy
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. The videoconference information can be found on the City's website: http://www.midlandtexas.gov/967/primegov-meetings.

Kelly Martinez

From: Allison Hartzoge <allison@archwaysupport.com>
Sent: Wednesday, August 3, 2022 8:28 AM
To: Kelly Martinez
Subject: Objection to Brew St alcohol
Attachments: Archway objection to Brew St.pdf

RECEIVED
AUG 03 2022

Kelly,
Thank you for your time this morning. I have attached the document with my objection. I am a locally owned, private counseling practice operating between 8am and 7pm. My concerns are regarding property security. Alcohol consumption increases the likelihood of parking and trespassing on our property, especially after hours and also increases misbehavior, like vandalism, damage and theft.
I did not object to the parking hearing because I want to be a good neighbor and support local small business, but this is a quiet neighborhood and the fact that their business will attract high school students will be issue enough causing high traffic in the area.
My goal is to continue to manage my successful small business and have a wonderful, contributing new neighbor without all the parking and security issues that may arise with the addition of alcohol consumption.

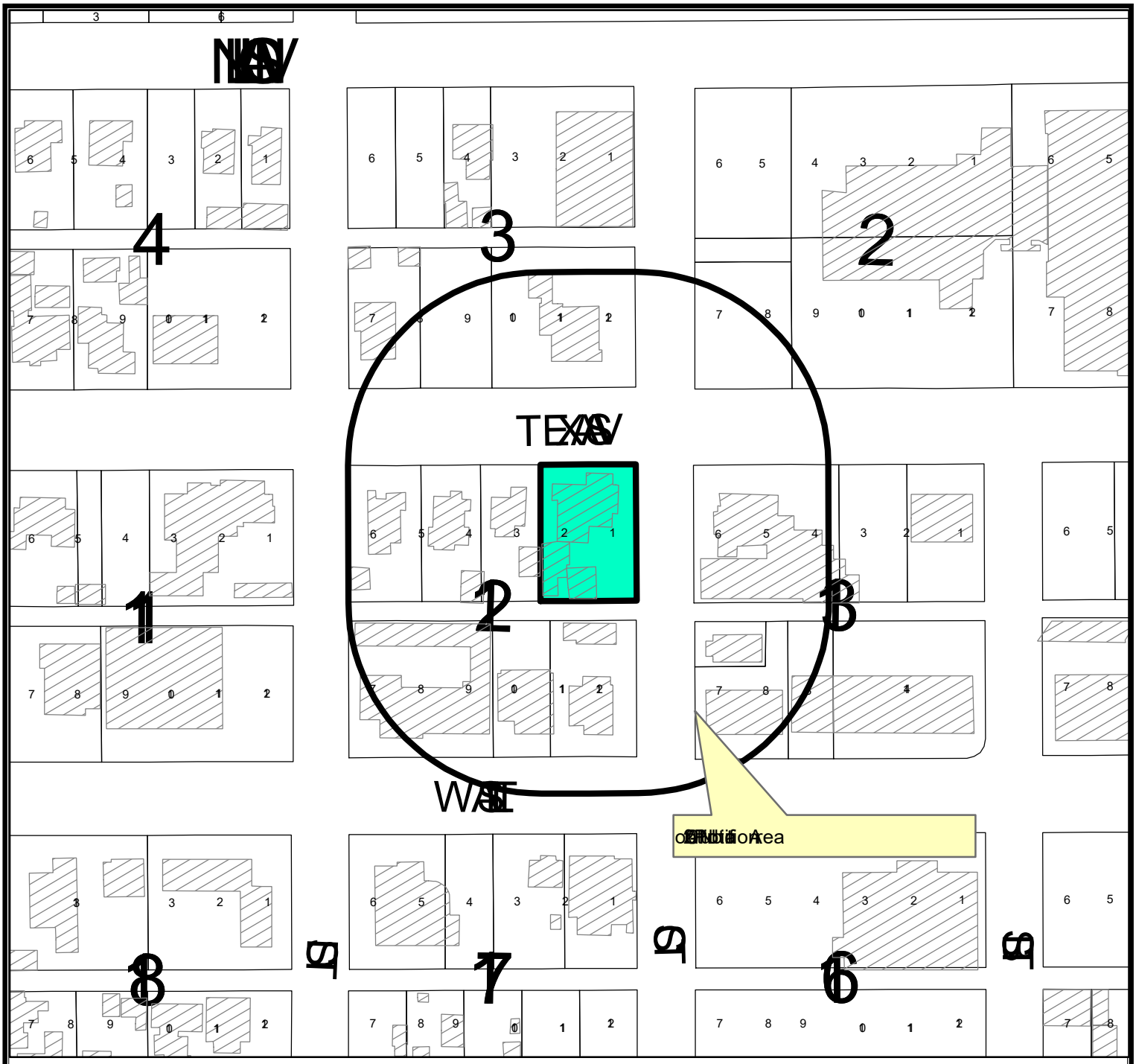
Sincerely,

Allison Hartzoge
MA, LPC-S, NCC, BCN, QEEGD
Licensed Professional Counselor- Supervisor
National Certified Counselor
Board Certified in Neurofeedback - Fellow
Board Certified in Quantitative EEG - Diplomate/Board Chairperson
Owner/Founder, Archway
Executive Director, Archway Outreach

www.ArchwaySupport.com
432-682-2724 ext. 1
1005 W. Texas Avenue, Midland, TX 79701

Confidential: This email and any files transmitted with it are the property of Allison Hartzoge, MA, LPC-S, BCN, QEEGD and Archway Support, Ltd, are confidential, and are intended solely for the use of the individual(s) to whom this email is addressed. Any other use, retention, dissemination, forwarding, printing or copying of this email is strictly prohibited.

CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.



LOCATION MAP

SUD-22-0136 **Scale: 1" = 200'**

Consider a request by Brew Street, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in a restaurant on Lots 1 and 2, Block 12, West End Addition, City and County of Midland, Texas.

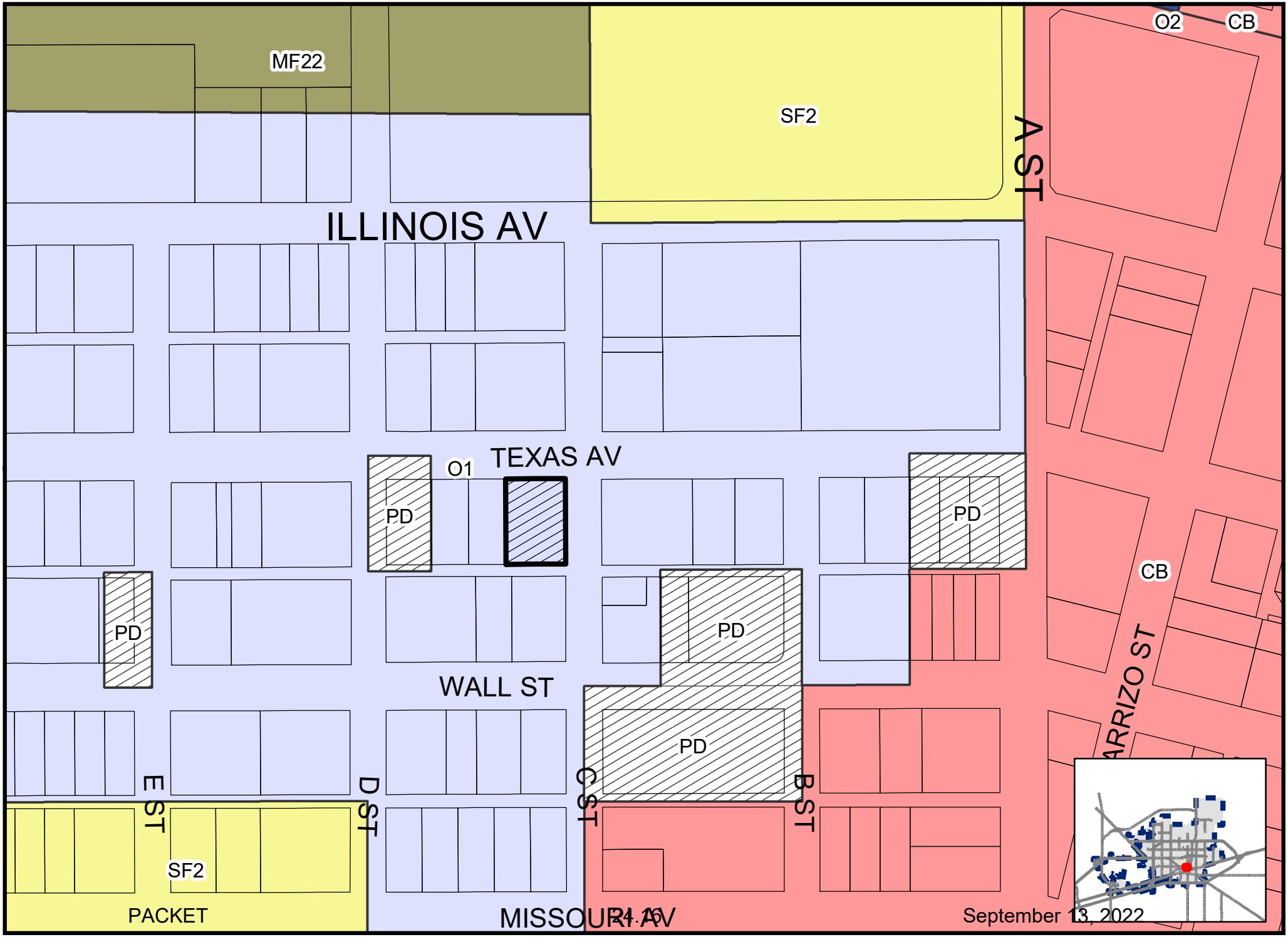
Generally located on the southwest corner of the intersection of W. Texas Avenue and N. C Street. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND IS NOT IT DESIGNED TO BE USED AS THE 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.



Map By Km, 06/06/2022

E-22-0079

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2021: 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.


TEXAS
ONE WAY
STOP
ROAD
CLOSED






1ST
ALARM
WWW.1ST-ALARM.COM
432-530-3535
LIC. #808923

City Council Meeting

Item Number: **25**

Meeting Date: **August 23, 2022**

To: **City Council / City Manager**

From: **Elizabeth Shaughnessy, Planning Division Manger**

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST 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** (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

The applicant, LCA, is requesting a zone change from SF-1, Single Family Dwelling District in part and 2F, Two-Family Dwelling District in part to PD – Planned Development District for a Civic Center and Community Center on Lots 7-9, Block 93, a 0.263-acre portion of Block 96, the North 40-Feet of the West 175-feet of Block 104, the abandoned portions of Brunson Street, a 14, 408 square foot portion W. Indiana Street, a 2,650 square foot portion of the abandoned Brunson Avenue recorded in volume 2933, page 275, all in West End Addition, volume 17, pages 614 & 615, Midland County Deed Records City of Midland and County of Midland, Texas for the future expansion of the Museum of the Southwest and Haley Memorial Library.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

SF-1, Single Family District in part and 2F, Two-Family Dwelling District in part

Surrounding Zoning and Land Use:

The properties to the north, east, and west are zoned SF1, Single Family Dwelling District and 2F, Two-Family Dwelling District, and are the locations of single-family residences, while the properties to the south are the locations of the Museum of the Southwest, Haley Memorial Library, and a parking lot, respectively.

Analysis:

The properties to the north, east, and west are zoned SF1, Single Family Dwelling District and 2F, Two-Family Dwelling District, and are the locations of single-family residences, while the properties to the south are the locations of the Museum of the Southwest, Haley Memorial Library, and a parking lot, respectively.

Analysis:

LAC is requesting a zone change from SF-1, Single Family Dwelling District in part and 2F, Two-Family Dwelling District in part to PD – Planned Development District for a Civic Center and Community Center for the development of the expansion for the Museum of the Southwest and Haley Memorial Library. The property is currently vacant and in the process of being re-plated and including the recently vacated right-of-way of Indiana Avenue and K Street (Ordinance No. 10318). The new site plan, attached hereto as Exhibit A, shows a design of approximately 9,600 square feet for an Archives Building, which will be utilized for storage and research workspace. It also shows 13 parking spaces that will serve the proposed development.

The applicant will be required to adhere to the site plan review standards outline within the City of Midland Zoning Ordinance Section 5.05: - Nonresidential Zoning District Dimensional Regulations Chart as well as Chapter 9, Landscape Regulations for future landscaping.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objections to zone change request.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.]

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. [For the Applicant's information only.]

GIS: (Approved)

No comments.

Code: (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. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

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 zone change would promote the expansion of the Haley Memorial Library as well as the Museum of the Southwest. In doing so, it will provide Midland residents with a unique social gathering experience.

This request was recommended for approval at the August 15, 2022, Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from 2F, Two-Family Dwelling District in part and SF-1, Single Family Dwelling District in part to PD, Planned Development District for a Civic Center and Community Center, subject to condition A through D.

Conditions:

A. **That the use and development of the property shall conform to the regulations of the O-1, Office District.**

B. **That this property shall conform to the site plan, which is attached hereto and incorporated herein as Exhibits "A".**

C. **That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**

D. **That the signage for this property shall conform to the regulations set forth in Title XI, Chapter 7a. of the City Code.**

Letters of Objection:

Staff has not received any letters of objection as of August 18, 2022.

Attachments:

Application
Maps
Site and Floor Plan (Exhibit A)
Metes and bounds with survey plat (Exhibit B)

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE THE TRACT OF LAND DESCRIBED AS LOTS 7 THROUGH 9, BLOCK 93, A 0.263-ACRE PORTION OF BLOCK 96, THE NORTH 40 FEET OF THE WEST 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF THE BRUNSON STREET RIGHT-OF-WAY, A 14,408-SQUARE FOOT PORTION OF WEST INDIANA STREET RIGHT-OF-WAY, AND A 2,650-SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE RIGHT-OF-WAY, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, AND SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A CIVIC CENTER AND COMMUNITY CENTER (GENERALLY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF SOUTH L STREET AND WEST 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

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 the tract of land described as Lots 7 through 9, Block 93, a 0.263-acre portion of Block 96, the north 40 feet of the west 175 feet of Block 104, the abandoned portions of the Brunson Street right-of-way, a 14,408-square foot portion of West Indiana Street right-of-way, and a 2,650-square foot portion of the abandoned Brunson Avenue right-of-way, West End Addition, 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 PD, Planned Development District for a Civic Center and Community Center 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 2F, Two-Family Dwelling (Duplex) District, in part, and SF-1, Single-Family Dwelling District, in part, to PD, Planned Development District for a Civic Center and Community Center.

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 O-1. Office District.

SECTION THREE. 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 Property shall significantly conform to the site plan attached hereto as Exhibit "B".

B. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

C. That all signage shall conform to the regulations set forth in Title XI, Chapter 7a 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
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
FOR THE RE-ZONING OF
ALL OF LOTS 7 THRU 9 BLOCK 93
A 0.263-ACRE PORTION OF BLOCK 96
N 40 FEET OF THE W 175 FEET OF BLOCK 104
THE ABANDONED PORTIONS OF BRUNSON STREET
A 14,408 SQUARE FOOT PORTION W. INDIANA AVENUE
A 2,650 SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE
RECORDED IN VOLUME 2933 PAGE 275, MIDLAND COUNTY DEED RECORDS
ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615,
MIDLAND COUNTY DEED RECORDS
CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS

ZONING FROM SF-1 TO PD

BEING ALL OF LOTS 7 THRU 9, BLOCK 93, ONE-HALF OF THE ABUTTING RIGHT-OF-WAY OF W. INDIANNA AVENUE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at (Y=10,692,906.02' & X=1,750,707.84') a ½' bent Iron Rod (Control Monument) found at the northwest corner of said Lot 7 on the south line of a 20-foot alley and the east right-of-way of S. L Street;

THENCE North 75°25'12" East with the north line of Lots 7 thru 9 of said Block 93 and the south line of said alley, a distance of 150.00 feet to the northeast corner of said Lot 9;

THENCE South 14°40'35" East with the east line of said Lot 9 and in the north half of said W. Indiana right-of-way, a distance of 180.25 feet to the southeast corner of this tract on the centerline of said W. Indiana Avenue;

THENCE South 75°19'25" West with the centerline of said W. Indiana Avenue, a distance of 150.19 feet to the southwest corner of this tract on the east right-of-way line of said S. L Street;

THENCE North 14°36'57" West with the east right-of-way line of said S. L Street, pass a 3/8" spike in a 2" Iron Pipe (Control Monument) found at the southwest corner of Lot 7 of Block 93 of said WEST END ADDITION at 40.5 feet, continuing with the west line of said Lot 7 and the east right-of-way line of said S. L Street, in all a total distance of 180.50 feet to the Point of the Beginning containing 0.63 surface acres.

ZONING FROM 2-F TO PD

BEING A 0.263-ACRE PORTION OF BLOCK 96, N 40 FEET OF THE W 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF BRUNSON STREET, AN 8,350 SQUARE FOOT PORTION W. INDIANNA AVENUE, A 2,650 SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE, RECORDED IN VOLUME 2933 PAGE 275, MIDLAND COUNTY DEED

RECORDS, ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615, MIDLAND COUNTY DEED RECORDS, CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at (Y= 10,692,731.36'& X= 1,750,753.39') a 3/8" spike in a 2" Iron Pipe (Control Monument) found on the east right-of-way of S. L Street, an 80-foot public right-of-way, and the northwest corner of Lot 7 of Block 93 of said WEST END ADDITION bears North 14°40'35" West, a distance of 40.5 feet;

THENCE North 75°19'25" East with the centerline of said W. Indiana Avenue, a distance of 360.19 feet to the northeast corner of this tract;

THENCE South 14°40'35" East, a distance of 39.77 feet to the northernmost southeast corner of this tract on the south right-of-way line of said W. Indiana Avenue;

THENCE South 75°22'02" West with the south right-of-way of said W. Indiana Avenue, and the north line of said Block 96 of said WEST END ADDITION, a distance of 67.88 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set the northeast corner of that certain 2,650 square-foot tract as described in Volume 2933 Page 281 of the Deed Records of Midland County, Texas;

THENCE South 30°26'55" East with the east line of said 2,650 square-foot tract, a distance of 37.98 to a ½" Iron Rod with cap marked "LCA ODESSA TX" set on the centerline of the abandoned Brunson Avenue;

THENCE South 59°36'03" West with the centerline of said abandoned Brunson Avenue, a distance of 78.41 feet to the east line of that certain 2,650 square-foot tract as described in Volume 2933 Page 275 of said Deed Records of Midland County, Texas;

THENCE South 11°15'51" East, with an east line of said 2,650 square-foot tract, a distance of 63.65 feet to a 2" Aluminum Cap stamped "CITY OF MIDLAND" (Control Monument) found at the southeast corner of said 2,650 square-foot tract as described in Volume 2933 Page 275 of said Deed Records of Midland County, Texas;

THENCE South 71°12'01" West, with the south line of said 2,650 square-foot tract as described in Volume 2933 Page 275, a distance of 26.34 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set on the east line of the N 70-feet of the W 175-feet of Block 104 of said WEST END ADDITION;

THENCE South 30°22'40" East with the east line of said N 70-feet of the W 175-feet of Block 104, a distance of 26.48 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set for the southeast corner of said N 70-feet of the W 175-feet of Block 104;

THENCE South 59°42'01" West with the south line of said N 70-feet of the W 175-feet of Block 104, a distance of 175.00 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set at the southwest corner of said N 70-feet of the W 175-feet of Block 104, on the east right-of-way line of S. L Street, a 60-foot public right-of-way;

THENCE North 30°22'21" West with the west line of said Block 104, the abandoned portion of Brunson avenue, as described in Volume 68 Page 612 and Volume 578 Page 459 of said Midland County Deed Records and the east right-of-way of said S. L Street, pass a ½" iron rod in a 2" iron pipe (Control Monument) found at the northwest corner of Lot 6 of said Block 104 at a distance of

120.86 to a ½" iron rod with cap marked "LCA ODESSA TX" set at the northwest corner of said Brunson Avenue abandonment on the south line of said Block 96;

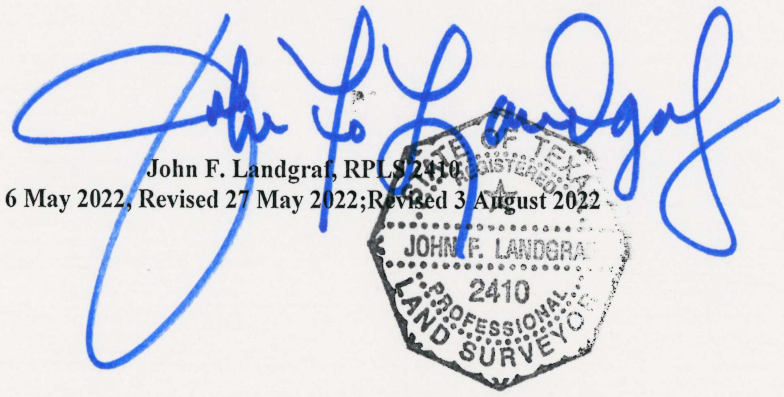
THENCE South 59°42'01" West with the south line of said Block 96, a distance of 3.28 feet to a ½" iron rod with cap marked "LCA ODESSA TX" set at the southwest corner of said Block 96 on the east right of way line of said S. L street;

THENCE North 14°36'57" West with the west line of said Block 96 and the east right-of-way of said S. L Street, a distance of 120.10 feet to the Point of the Beginning containing 1.24-surface acres.

Bearings, distances, and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone, based on the City of Midland GPS Control Monument "E89-6405" (Y=10,695,261.89' and X=1,754,276.95', Elevation = 2782.04 NAVD 29) with a theta angle of -00°54'55" with a combined grid factor of 0.999900197 as published in US Survey feet. Elevations are NAVD 29.

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 May 2022, Revised 27 May 2022; Revised 3 August 2022

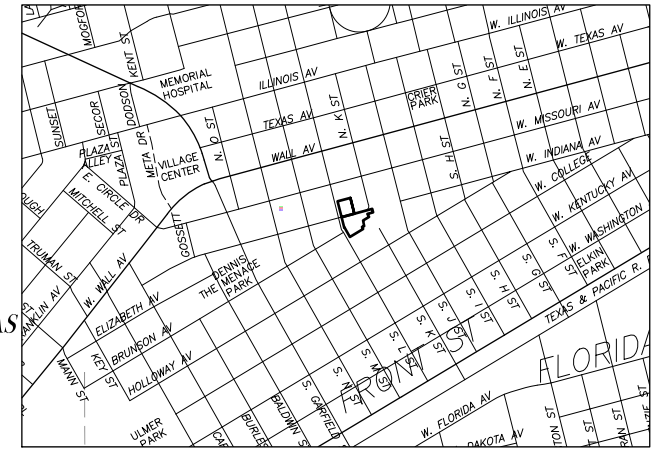
ZONING EXHIBIT

WEST END ADDITION

BEING ALL OF LOTS 7 THRU 9 BLOCK 93
A 0.263-ACRE PORTION OF BLOCK 96 N 40 FEET OF THE W 175 FEET OF BLOCK 104
THE ABANDONED PORTIONS OF BRUNSON STREET
A 14,408 SQUARE FOOT PORTION W. INDIANA AVENUE
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RECORDED IN VOLUME 2933 PAGE 275
ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615
MIDLAND COUNTY DEED RECORDS CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS

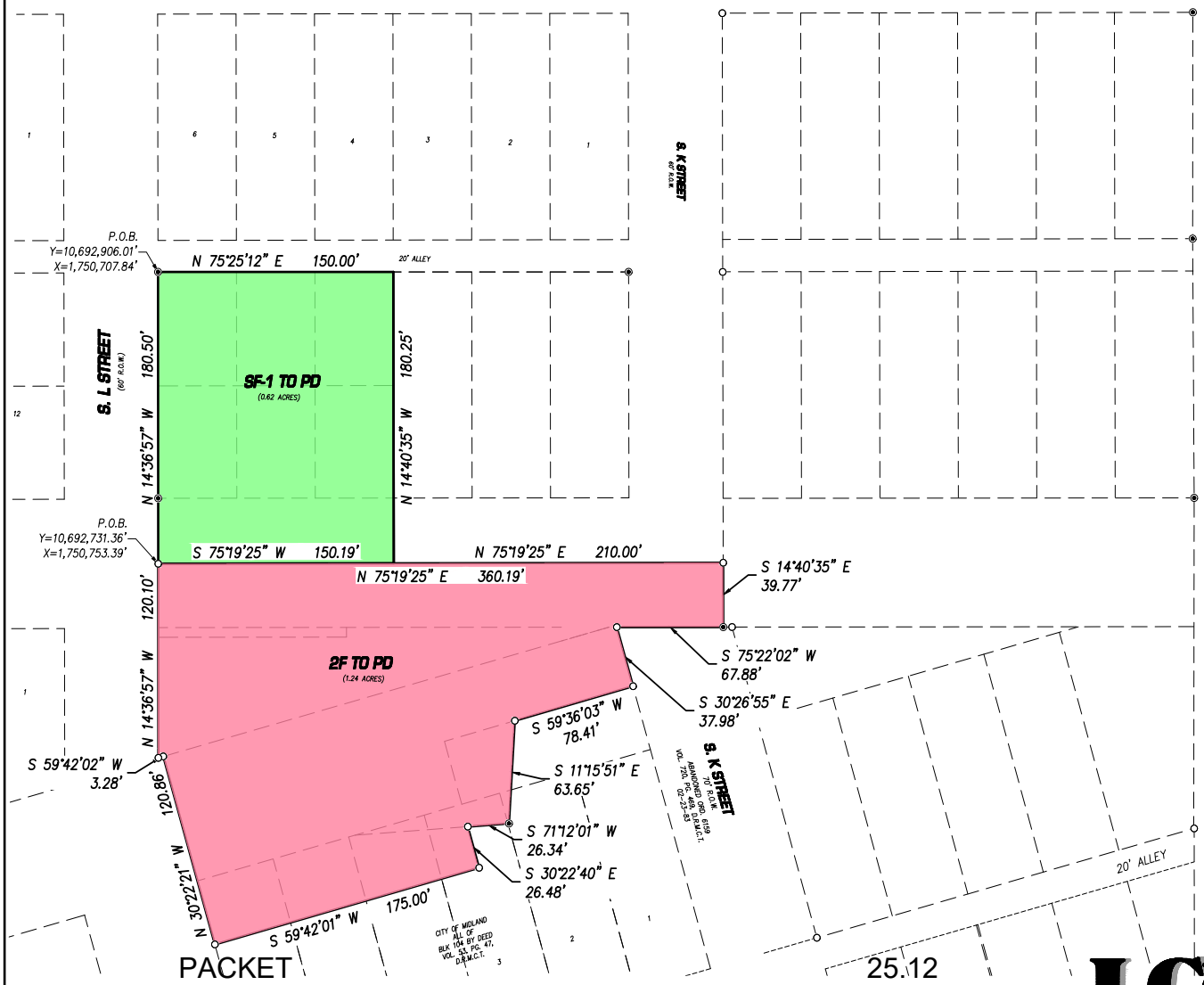
N W E S

50' 0 50'
SCALE : 1" = 50'



VICINITY MAP

SCALE: N.T.S.



LEGEND

◉	FOUND 1/2" I.R. W/CAP UNLESS OTHERWISE NOTED
○	SET 1/2" I.R. W/CAP UNLESS OTHERWISE NOTED
M.C.P.R.	MIDLAND COUNTY PLAT RECORDS
	SF-1 TO PD
	2F TO PD

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.

STATE OF TEXAS
JOHN F. LANDGRAF
2410
REGISTERED PROFESSIONAL LAND SURVEYOR

JOHN F. LANDGRAF, R.P.L.S. # 2410
MAY 27, 2022 Revised Aug. 3,2022

OWNER: NITA STEWART HALEY
1805 W. INDIANA AVE
MIDLAND, TX 79701

OWNER: MUSEUM OF THE SOUTHWEST
1705 W. MISSOURI AVE.
MIDLAND, TX 79701

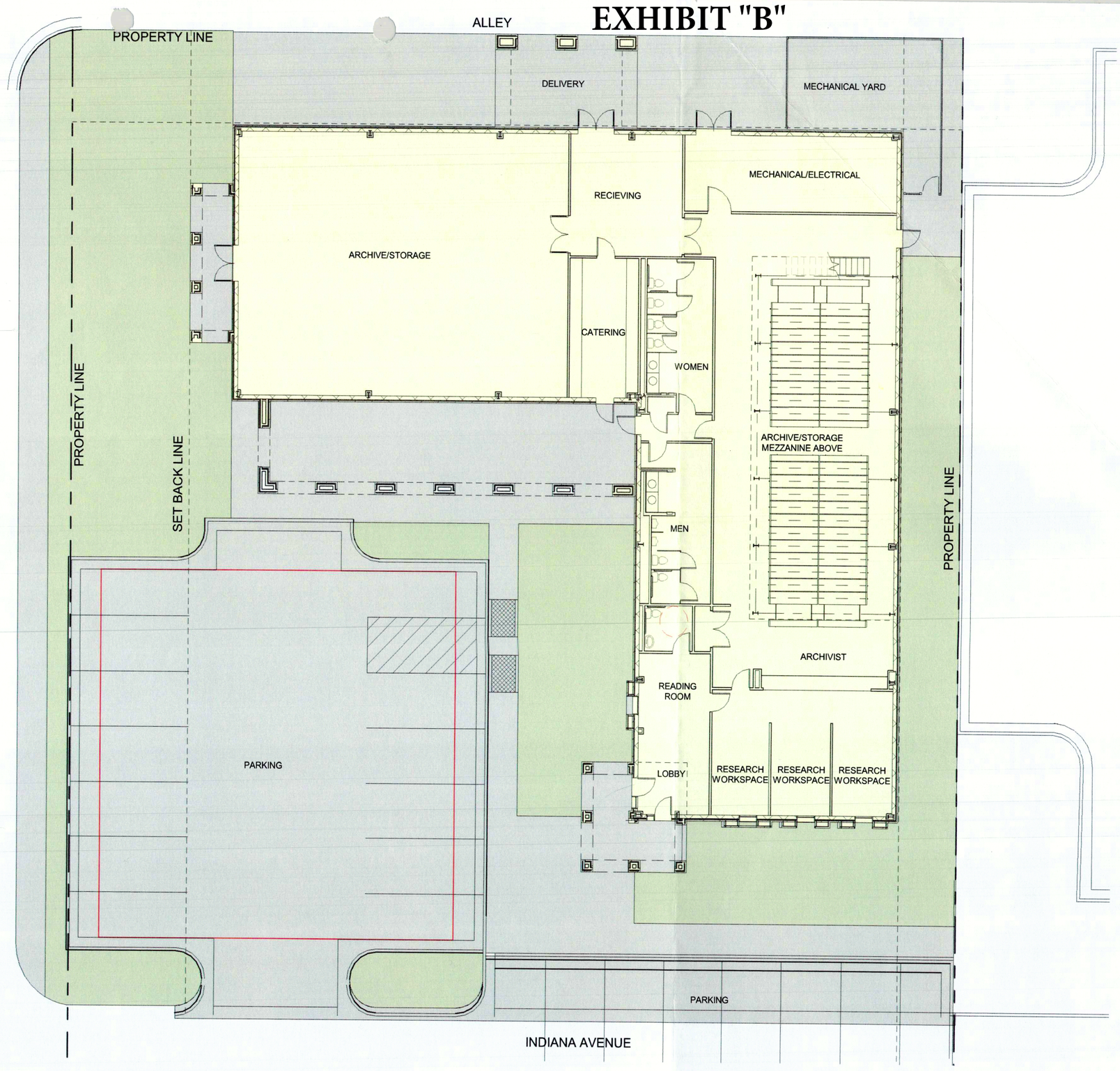
ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.
521 NORTH TEXAS
ODESSA, TEXAS 79761-5131
PHONE: (432) 332-5058

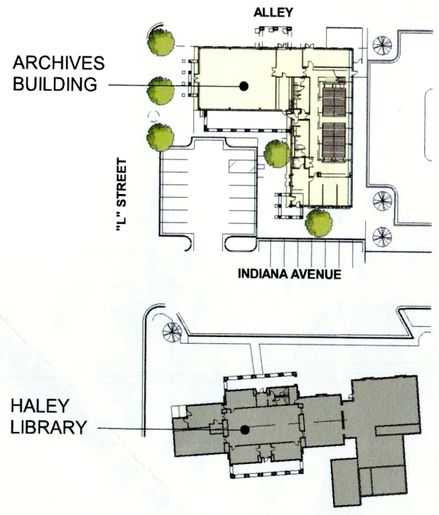
CITY OF MIDLAND TEXAS

LCA JOB No. 2020-029 (REVISED AUG. 3, 2022)
LCA Personal Service, Today and Tomorrow
ENVIRONMENTAL ENGINEERING SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com

E:\2020\2020-029\Drafting\Drawing\Exhibit\2020-029 Zoning Exhibit.dwg, 8/3/2022 10:23:21 AM, AutoCAD PDF (General Documentation).pc3

EXHIBIT "B"



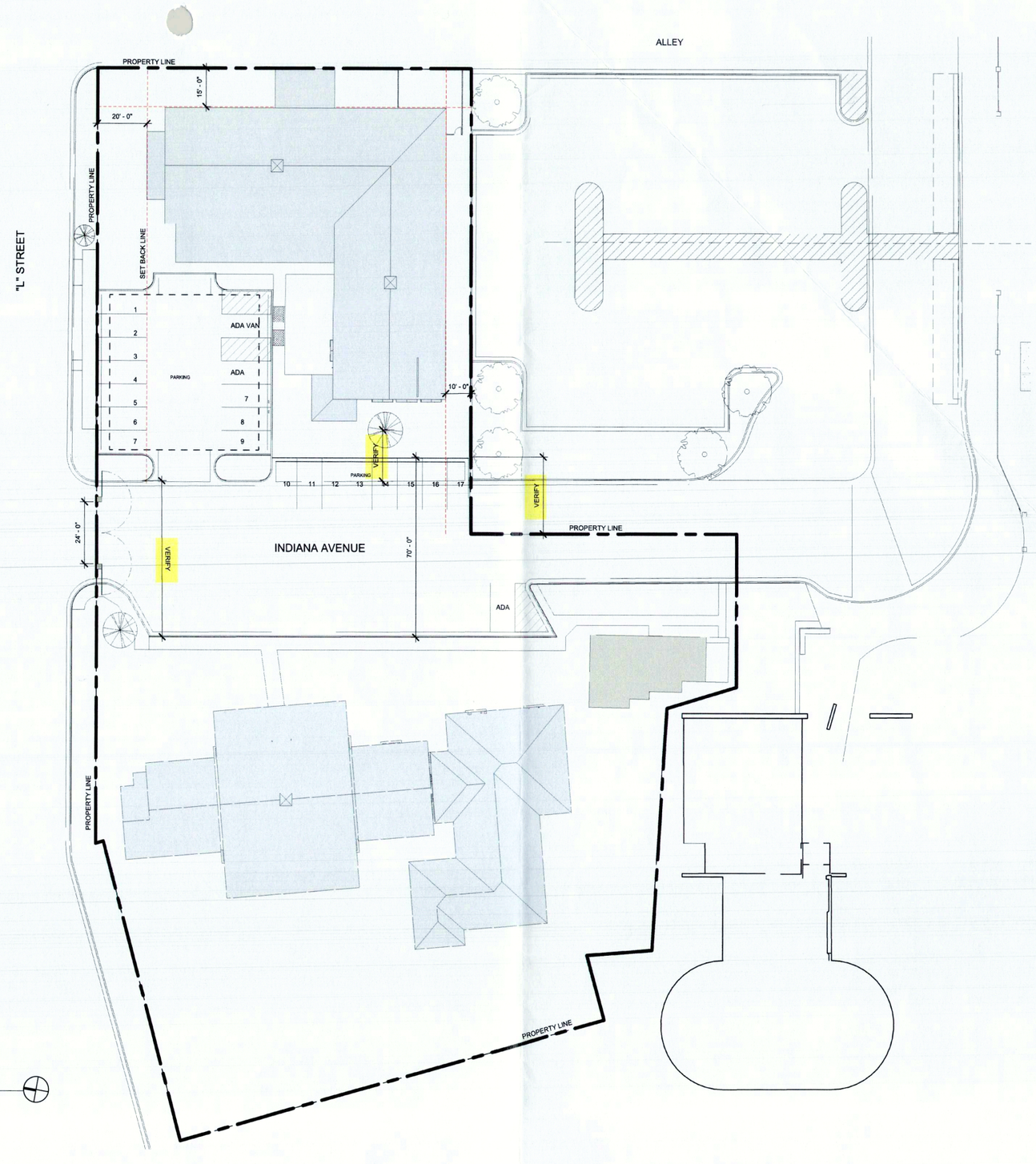


SITE PLAN

HALEY MEMORIAL LIBRARY
AND HISTORY CENTER
Archives Building

PLAN
1/16" = 1'-0"
02-15-2022

rwa
rhotenberry
wellen
architects



1 SP - SITE PLAN
1" = 20'-0"

Haley Library

Enter address here

rwa
rhotenberry
wellen
architects

1102 WEST TEXAS AVE.
MIDLAND, TEXAS 79701
PHONE 432.682.1252
FAX 432.682.1257

△	Date	Description
-		ISSUE FOR INTERIM REVIEW

Seal / Signature

THESE DRAWINGS ARE FOR INTERIM REVIEW AND PRICING ONLY. "NOT INTENDED FOR CONSTRUCTION" - RWA

Project Name

Project Number
1914

Description
SITE PLAN

SD-100

© 2019 Rhotenberry Wellen Architects

PROJECT PATH: T:\Projects 2019 Forward\2019\1914 - Haley Library Expansion\07 Drawings\01 Revit\1914 Haley Library-revised 02-15-2021.rvt
PLOT DATE: 2/15/2021 11:42:17 AM

LCA Job #

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-22-0295

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name SEE REPRESENTATIVE / ACTING AS AGENT		Phone ( ) Email	
Address	City	State	Zip

Property Owner Nita Stewart Haley Memorial Library & Printed Name: Museum of the Southwest		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Landgraf, Crutcher & Associates Printed Name: LCA		Phone (432) 332-5058 Email mbo@lcaodessa.com	
Address 521 N. Texas Avenue	City Odessa	State TX	Zip 79761

Street Address: 207 & 211 S. L Street / 1805 W. Indiana Ave / Portion of proposed to be vacated W. Indiana Ave & S. K Street

Legal Description
Lot: Varies Block: Varies Subdivision: West End Addition (Sketch plat submitted for reference

Current Zoning: SF1 & 2F

Proposed Zone: PD
(List by tracts if more than one district is requested)

Reason for Zone Change Request: To allow the Museum/ Library area to expand and develop under the zoning requirements specific to PD.

Present Use of Property: 207 & 211 S. L Street are vacant lots. 1805 W. Indiana Avenue is currently used as a Memorial Library.

Proposed Use of Property: See attached site plan

How would this zone change affect the public health, safety and welfare? This zoning does include a proposed portion of W. Indiana & S. K street abandonment this will affect incoming traffic. (see attached site plan)

Describe how conditions affecting the property have changed since present zoning designation: A portion of the property has been undeveloped, changing zoning designation will allow the expansion of the museum/ Library plans (see attached site plan)

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 11 2022
BY: Paul Rodriguez

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): JP McDaniel - Ex Dir Haley Library	Date: 4-11-22
Property Owner (printed): Lori Wesley - Ex Dir Museum of the Southwest 4-11-22	

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 JP McDANIEL, LORI WESLEY who, being by me duly sworn, upon oath says: That (s)he is authorized by HALEY LIBRARY MUSEUM OF THE SOUTHWEST, 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.

Brenda N. Tiller
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 11 day of APRIL, 20 22, to certify which witness my hand and seal of office.

BRENDA N TILLER
Notary ID #1561848
My Commission Expires
May 20, 2024

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # Card	
Received By: Paul Rodriguez	Date: 5/11/22

RECEIVED
MAY 11 2022
BY: Paul Rodriguez

****Application will not be considered for scheduling until reviewed by a planner.**

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.

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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 Museum of the Southwest & Haley Memorial Library, 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 11th day of April, 2022, to certify which witness my hand and seal of office.

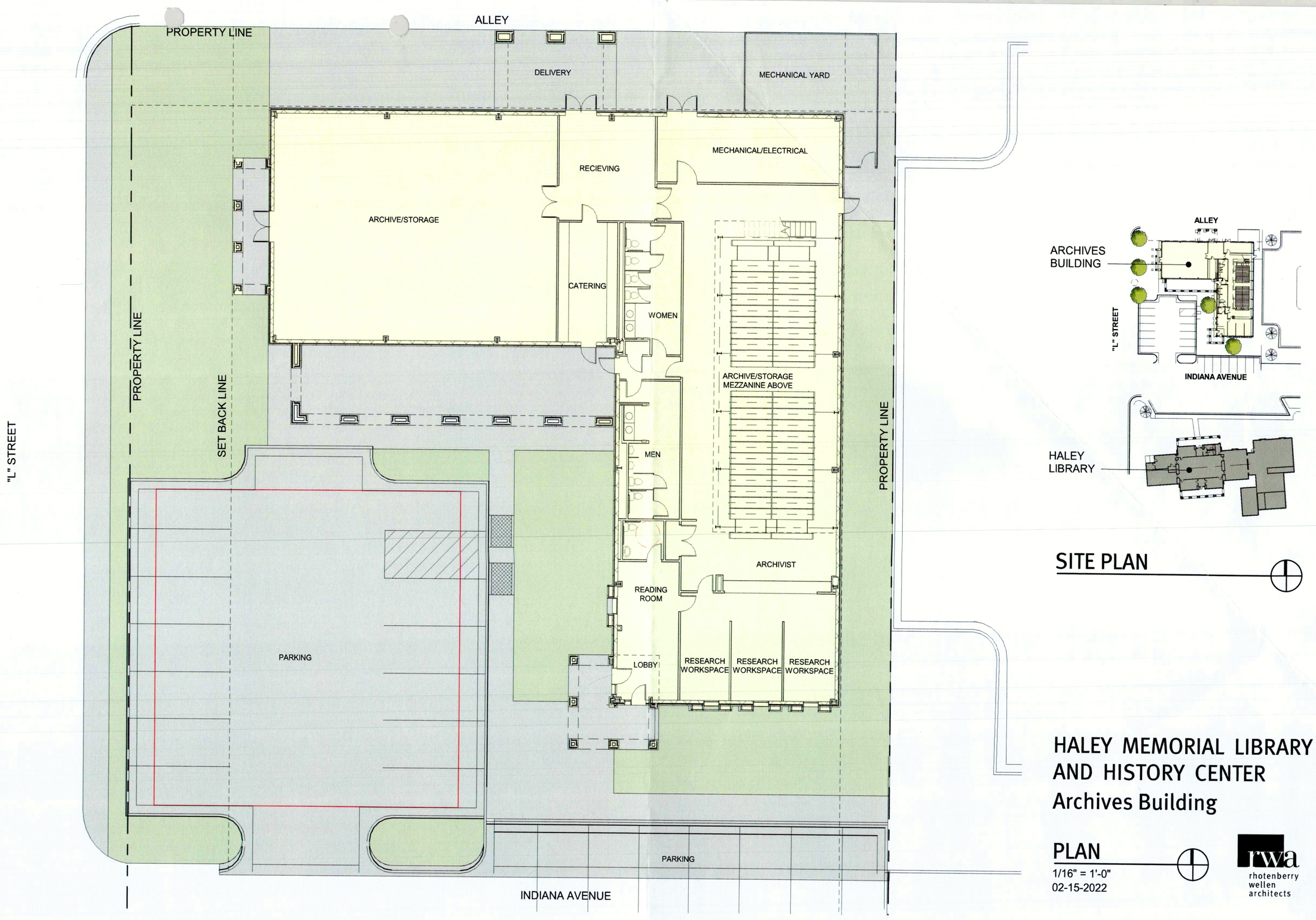
Melanie Martinez
My Commission Expires
12/09/2022
ID No. 130046270

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 # Card	
Received By:	Date:

****Application will not be considered for scheduling until reviewed by a planner.****

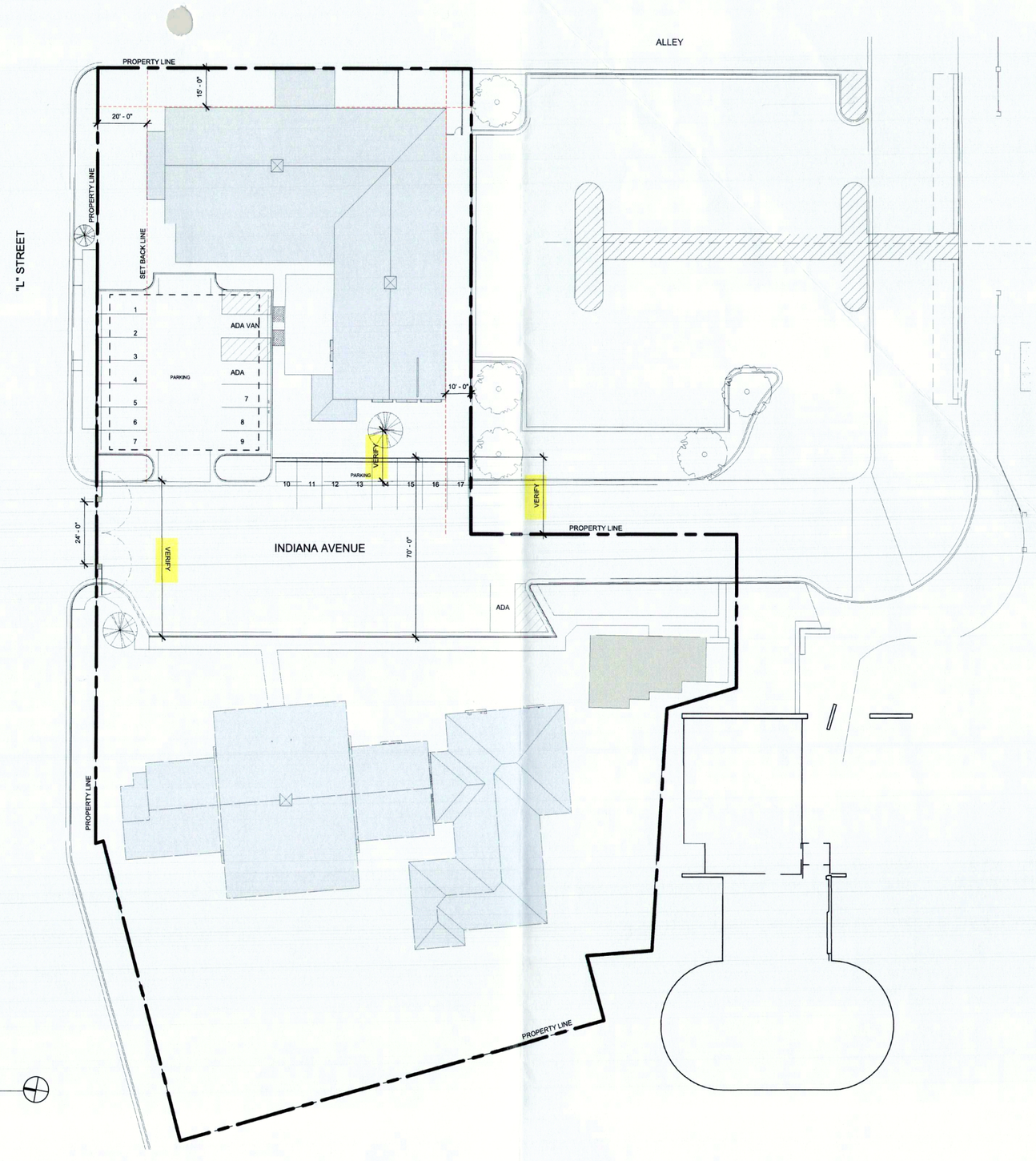


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HALEY MEMORIAL LIBRARY AND HISTORY CENTER
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PLAN
1/16" = 1'-0"
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1 SP - SITE PLAN
1" = 20'-0"

Haley Library

Enter address here

rwa
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1102 WEST TEXAS AVE.
MIDLAND, TEXAS 79701
PHONE 432.682.1252
FAX 432.682.1257

△	Date	Description
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Project Name

Project Number
1914

Description
SITE PLAN

SD-100

© 2019 Rhotenberry Wellen Architects

PROJECT PATH: T:\Projects 2019 Forward\2019\1914 - Haley Library Expansion\07 Drawings\01 Revit\1914 Haley Library-revised 02-15-2021.rvt
PLOT DATE: 2/15/2021 11:42:17 AM

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
FOR THE RE-ZONING OF
ALL OF LOTS 7 THRU 9 BLOCK 93
A 0.263-ACRE PORTION OF BLOCK 96
N 40 FEET OF THE W 175 FEET OF BLOCK 104
THE ABANDONED PORTIONS OF BRUNSON STREET
A 14,408 SQUARE FOOT PORTION W. INDIANA AVENUE
A 2,650 SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE
RECORDED IN VOLUME 2933 PAGE 275, MIDLAND COUNTY DEED RECORDS
ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615,
MIDLAND COUNTY DEED RECORDS
CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS

ZONING FROM SF-1 TO PD

BEING ALL OF LOTS 7 THRU 9, BLOCK 93, ONE-HALF OF THE ABUTTING RIGHT-OF-WAY OF W. INDIANNA AVENUE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at (Y=10,692,906.02' & X=1,750,707.84') a ½' bent Iron Rod (Control Monument) found at the northwest corner of said Lot 7 on the south line of a 20-foot alley and the east right-of-way of S. L Street;

THENCE North 75°25'12" East with the north line of Lots 7 thru 9 of said Block 93 and the south line of said alley, a distance of 150.00 feet to the northeast corner of said Lot 9;

THENCE South 14°40'35" East with the east line of said Lot 9 and in the north half of said W. Indiana right-of-way, a distance of 180.25 feet to the southeast corner of this tract on the centerline of said W. Indiana Avenue;

THENCE South 75°19'25" West with the centerline of said W. Indiana Avenue, a distance of 150.19 feet to the southwest corner of this tract on the east right-of-way line of said S. L Street;

THENCE North 14°36'57" West with the east right-of-way line of said S. L Street, pass a 3/8" spike in a 2" Iron Pipe (Control Monument) found at the southwest corner of Lot 7 of Block 93 of said WEST END ADDITION at 40.5 feet, continuing with the west line of said Lot 7 and the east right-of-way line of said S. L Street, in all a total distance of 180.50 feet to the Point of the Beginning containing 0.63 surface acres.

ZONING FROM 2-F TO PD

BEING A 0.263-ACRE PORTION OF BLOCK 96, N 40 FEET OF THE W 175 FEET OF BLOCK 104, THE ABANDONED PORTIONS OF BRUNSON STREET, AN 8,350 SQUARE FOOT PORTION W. INDIANNA AVENUE, A 2,650 SQUARE FOOT PORTION OF THE ABANDONED BRUNSON AVENUE, RECORDED IN VOLUME 2933 PAGE 275, MIDLAND COUNTY DEED

RECORDS, ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615, MIDLAND COUNTY DEED RECORDS, CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at (Y= 10,692,731.36'& X= 1,750,753.39') a 3/8" spike in a 2" Iron Pipe (Control Monument) found on the east right-of-way of S. L Street, an 80-foot public right-of-way, and the northwest corner of Lot 7 of Block 93 of said WEST END ADDITION bears North 14°40'35" West, a distance of 40.5 feet;

THENCE North 75°19'25" East with the centerline of said W. Indiana Avenue, a distance of 360.19 feet to the northeast corner of this tract;

THENCE South 14°40'35" East, a distance of 39.77 feet to the northernmost southeast corner of this tract on the south right-of-way line of said W. Indiana Avenue;

THENCE South 75°22'02" West with the south right-of-way of said W. Indiana Avenue, and the north line of said Block 96 of said WEST END ADDITION, a distance of 67.88 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set the northeast corner of that certain 2,650 square-foot tract as described in Volume 2933 Page 281 of the Deed Records of Midland County, Texas;

THENCE South 30°26'55" East with the east line of said 2,650 square-foot tract, a distance of 37.98 to a ½" Iron Rod with cap marked "LCA ODESSA TX" set on the centerline of the abandoned Brunson Avenue;

THENCE South 59°36'03" West with the centerline of said abandoned Brunson Avenue, a distance of 78.41 feet to the east line of that certain 2,650 square-foot tract as described in Volume 2933 Page 275 of said Deed Records of Midland County, Texas;

THENCE South 11°15'51" East, with an east line of said 2,650 square-foot tract, a distance of 63.65 feet to a 2" Aluminum Cap stamped "CITY OF MIDLAND" (Control Monument) found at the southeast corner of said 2,650 square-foot tract as described in Volume 2933 Page 275 of said Deed Records of Midland County, Texas;

THENCE South 71°12'01" West, with the south line of said 2,650 square-foot tract as described in Volume 2933 Page 275, a distance of 26.34 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set on the east line of the N 70-feet of the W 175-feet of Block 104 of said WEST END ADDITION;

THENCE South 30°22'40" East with the east line of said N 70-feet of the W 175-feet of Block 104, a distance of 26.48 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set for the southeast corner of said N 70-feet of the W 175-feet of Block 104;

THENCE South 59°42'01" West with the south line of said N 70-feet of the W 175-feet of Block 104, a distance of 175.00 feet to a ½" Iron Rod with cap marked "LCA ODESSA TX" set at the southwest corner of said N 70-feet of the W 175-feet of Block 104, on the east right-of-way line of S. L Street, a 60-foot public right-of-way;

THENCE North 30°22'21" West with the west line of said Block 104, the abandoned portion of Brunson avenue, as described in Volume 68 Page 612 and Volume 578 Page 459 of said Midland County Deed Records and the east right-of-way of said S. L Street, pass a ½" iron rod in a 2" iron pipe (Control Monument) found at the northwest corner of Lot 6 of said Block 104 at a distance of

120.86 to a ½" iron rod with cap marked "LCA ODESSA TX" set at the northwest corner of said Brunson Avenue abandonment on the south line of said Block 96;

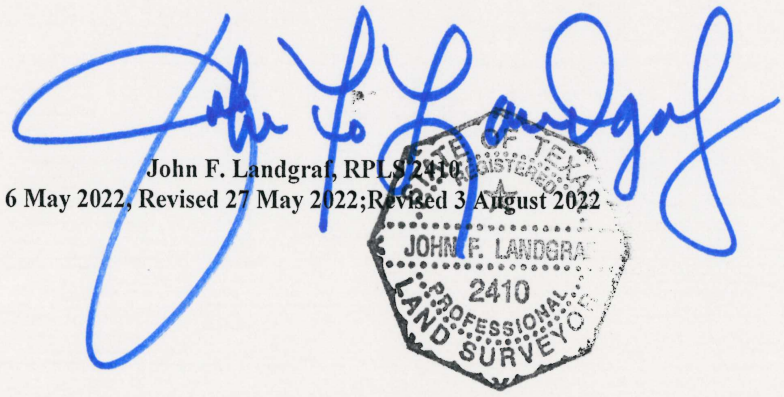
THENCE South 59°42'01" West with the south line of said Block 96, a distance of 3.28 feet to a ½" iron rod with cap marked "LCA ODESSA TX" set at the southwest corner of said Block 96 on the east right of way line of said S. L street;

THENCE North 14°36'57" West with the west line of said Block 96 and the east right-of-way of said S. L Street, a distance of 120.10 feet to the Point of the Beginning containing 1.24-surface acres.

Bearings, distances, and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone, based on the City of Midland GPS Control Monument "E89-6405" (Y=10,695,261.89' and X=1,754,276.95', Elevation = 2782.04 NAVD 29) with a theta angle of -00°54'55" with a combined grid factor of 0.999900197 as published in US Survey feet. Elevations are NAVD 29.

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 May 2022, Revised 27 May 2022; Revised 3 August 2022

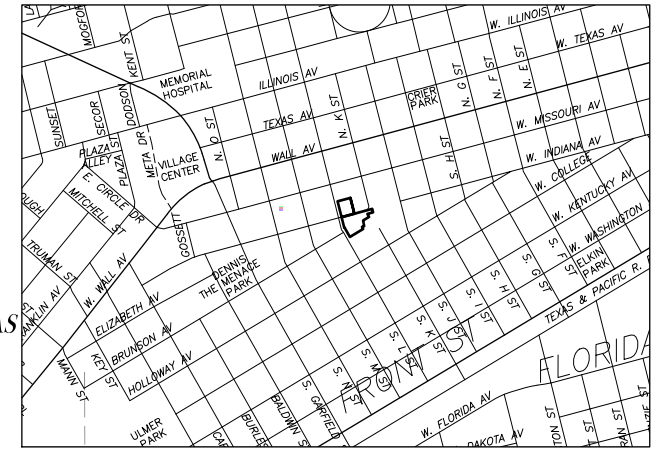
ZONING EXHIBIT

WEST END ADDITION

BEING ALL OF LOTS 7 THRU 9 BLOCK 93
A 0.263-ACRE PORTION OF BLOCK 96 N 40 FEET OF THE W 175 FEET OF BLOCK 104
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RECORDED IN VOLUME 2933 PAGE 275
ALL IN WEST END ADDITION, VOLUME 17 PAGES 614 & 615
MIDLAND COUNTY DEED RECORDS CITY OF MIDLAND & COUNTY OF MIDLAND, TEXAS

N W E S

50' 0 50'
SCALE : 1" = 50'

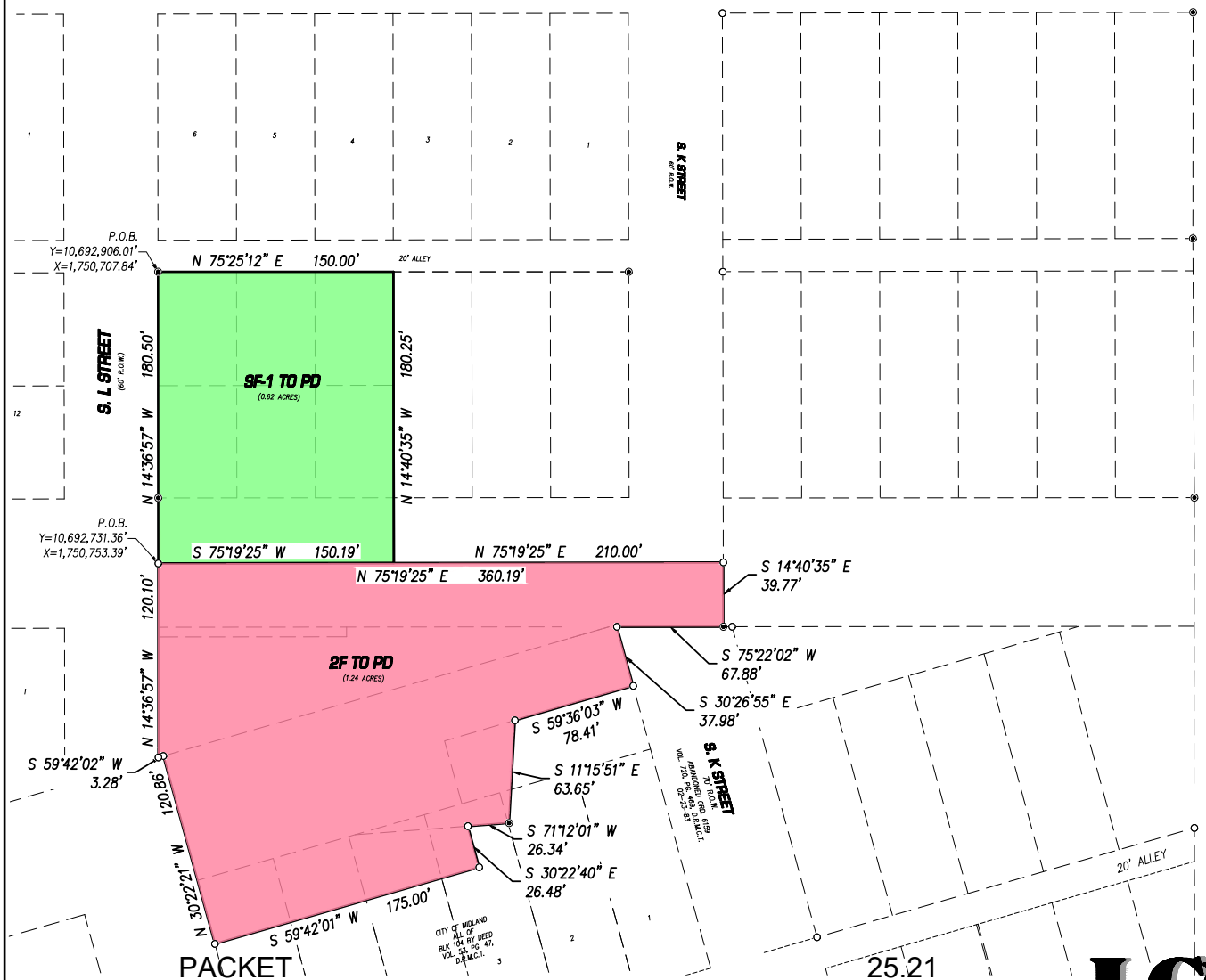


VICINITY MAP

SCALE: N. T. S.

LEGEND

◉	FOUND 1/2" I.R. W/CAP UNLESS OTHERWISE NOTED
○	SET 1/2" I.R. W/CAP UNLESS OTHERWISE NOTED
M.C.P.R.	MIDLAND COUNTY PLAT RECORDS
	SF-1 TO PD
	2F TO PD



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.

STATE OF TEXAS
JOHN F. LANDGRAF
2410
REGISTERED PROFESSIONAL LAND SURVEYOR

JOHN F. LANDGRAF, R.P.L.S. # 2410
MAY 27, 2022 Revised Aug. 3,2022

OWNER: NITA STEWART HALEY
1805 W. INDIANA AVE
MIDLAND, TX 79701

OWNER: MUSEUM OF THE SOUTHWEST
1705 W. MISSOURI AVE.
MIDLAND, TX 79701

ENGINEER: LANDGRAF, CRUTCHER & ASSOC. INC.
521 NORTH TEXAS
ODESSA, TEXAS 79761-5131
PHONE: (432) 332-5058

CITY OF MIDLAND TEXAS

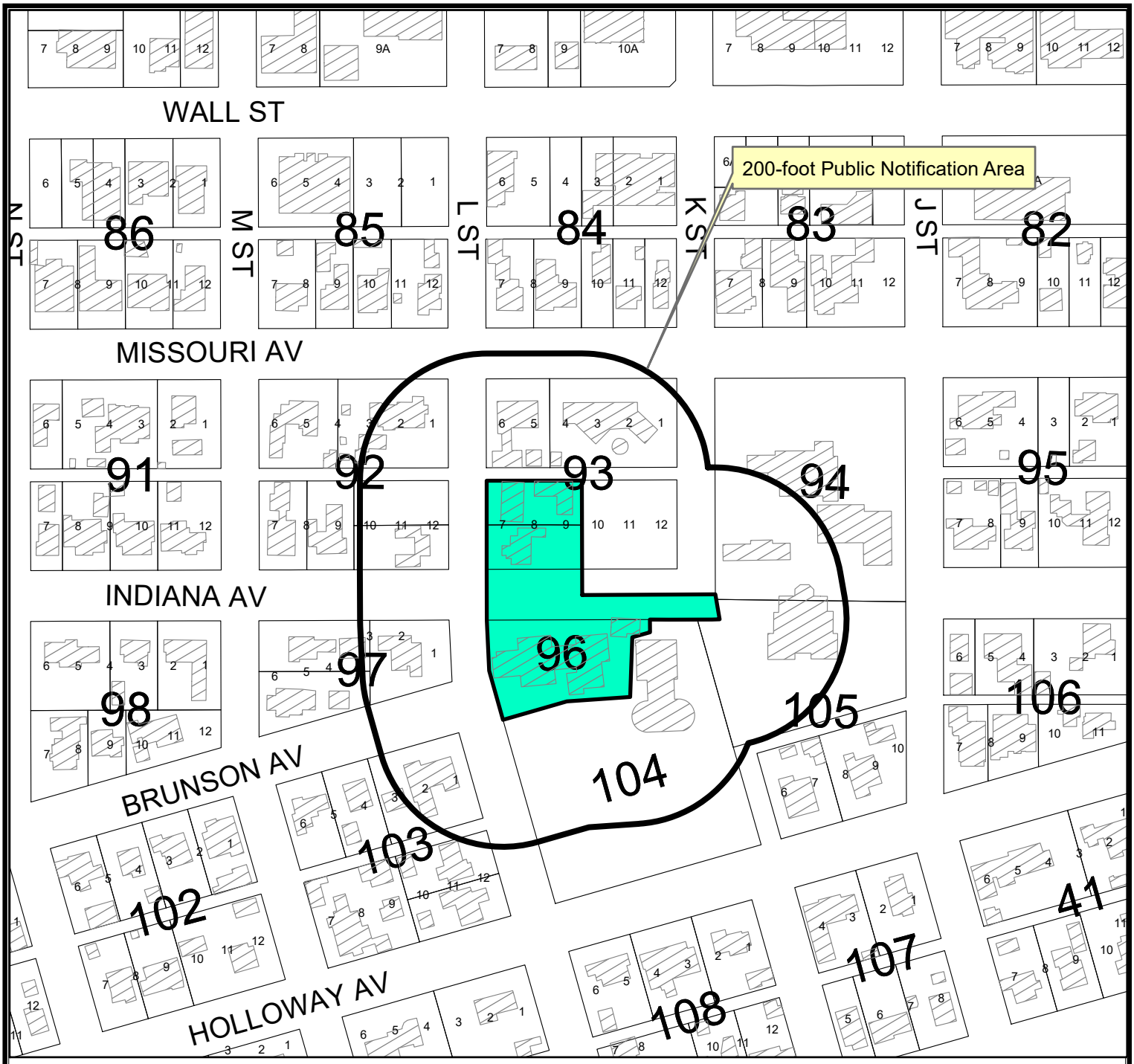
PACKET

September 13, 2022

LCA JOB No. 2020-029 (REVISED AUG. 3, 2022)

LCA Personal Service, Today and Tomorrow
ENVIRONMENTAL ENGINEERING SURVEYING
521 North Texas, Odessa Tx. 79761 F-001363 F-10034300
Phone # (432) 332-5058 E-Mail : lca@lcaodessa.com

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LOCATION MAP

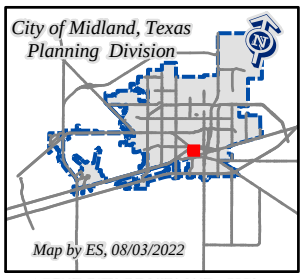
Z-22-0295 **Scale: 1" = 2,701'**

Consider a request by LCA for a zone change from SF-1, Single-Family Dwelling District in part, and 2F, Two-Family Dwelling District in part to PD, Planned Development District for a Civic Center and Community Center on lots 7-9, Block 93, a 0.263-acre portion of Block 96, the North 40-Feet of the West 175-feet of Block 104, the abandoned portions of Brunson Street, a 14, 408 square foot portion W. Indiana Street, a 2,650 square foot portion of the abandoned Brunson Avenue recorded in volume 2933, page 275, all in West End Addition, volume 17, pages 614 & 615, Midland County Deed Records City of Midland and County of Midland, Texas.

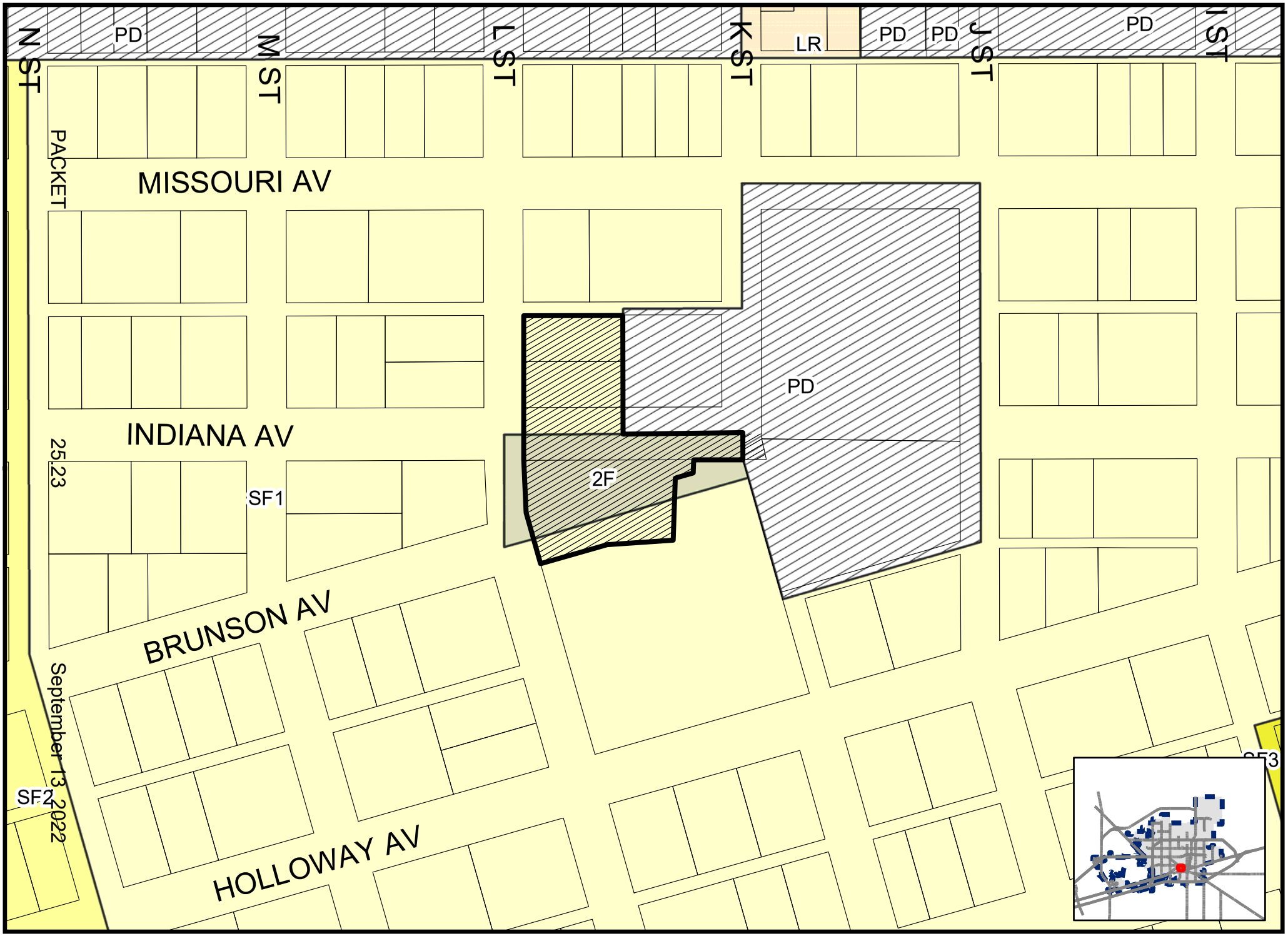
Generally located on the east side of South "L" Street, approximately 150 feet south of W. Missouri Avenue. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



September 13, 2022



Map By ES, 6/9/2022

Z-22-0295

Scale: 1" = 200'

ZONING MAP

LOT, NOR IS IT DESIGNED
INFORMATION CONTAINED
THE USE OF THIS DATA.









City Council Meeting

Item Number: 26

Meeting Date: August 23, 2022

To: City Council / City Manager

From: Kelly Martinez, 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 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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 (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Ginamarie Soto, is requesting a Specific Use Designation with Term, for the sale of all alcoholic beverages, for on-premises consumption, in an Amusement, Commercial (Indoor) known as Urban Air located at 4706 N. Midkiff Rd., Suite 1.

Current Zoning:

RR, Regional Retail District.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Surrounding Zoning and Land Use:

The properties to the north, south, east, and west are zoned RR, Regional Retail District, and the location of a Shopping Center, which consists of various retail stores.

Discussion:

The property is located at 4706 N. Midkiff Rd., Suite 1 and is currently zoned RR, Regional Retail District, which permits the sale of alcoholic beverages with the approval of a Specific Use Designation.

The applicant is proposing an indoor amusement park that will feature lots of attractions for all ages and offer a destination for kid's birthday parties and special events. The floor plan attached hereto a "Exhibit A" illustrates that the establishment has a total square footage of 36,700, with an alcohol serviceable area of 5,800 square feet. Urban air meets the parking requirement for this property. They are required to provide 92 parking spaces and they will have 274 parking spaces.

The proposed days and hours of operation are

Monday through Thursday from 11:00 a.m. to 8:00 p.m.
Friday and Saturday from 11:00 a.m. to 10:00 p.m.
Sunday from 12:00 p.m. (noon) to 8:00 p.m.

The applicant is requesting the following alcohol serviceable hours.

Monday through Sunday from 11:00 a.m. to 12:00 a.m. (midnight)

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 objections.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections.

Code Administration: (Approved)

The SUD for Urban Air is acceptable. The property must adhere to the maximum occupant load of 386 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request follows 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). Urban Air will be the ultimate indoor adventure park and a destination for family fun.

This request was recommended for approval at the August 1, 2022, 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 an Amusement, Commercial (indoor) subject to conditions A thought G.

Conditions:

A. **That the alcoholic serviceable area of the Amusement, Commercial (indoor) shall be limited to approximately 5,800 square feet as shown in Exhibit "A", 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:**

Monday through Sunday from 11:00 a.m. to 12:00 a.m. (midnight)

C. **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 the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

G. **That in accordance with Section 9.07.E.3 of the Zoning Ordinance, the establishment shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of August 18, 2022, staff has not received any letters of objections.

Attachments:

Floor Plan (Exhibit A)
Application
Maps

Morris Williams Jr.

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 36,700-SQUARE FOOT PORTION OF LOT 3A, BLOCK 1, NORTH PARK ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 340 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 AN INDOOR COMMERCIAL AMUSEMENT FACILITY 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 36,700-square foot portion of Lot 3A, Block 1, North Park Addition, Section 5, 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 in an indoor commercial amusement facility that satisfies the definition of "Amusement, Commercial (indoors)" in Section 11-1-2.01.15 of the City Code

(the "Establishment") for on-premises consumption, 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 5,800 square feet as shown in the "SEATING / PARTY ROOMS" portions of 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 Sunday from 11:00 a.m. to 12:00 a.m. (midnight).

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 the operator of the Establishment shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premises consumption to ensure that the conditions of this Specific Use Designation With Term are satisfied.

G. 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

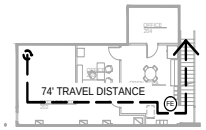
PLAN NOTES

1. 250' MAX TRAVEL DISTANCE SHOWN AS DASHED LINE.
2. FIRE EXTINGUISHER (10-lb-ABC TYPE), VERIFY FINAL LOCATION WITH FIRE MARSHALL.
3. FIRE EXTINGUISHER BRACKETS TO BE MOUNTED AT 36" A.F.F. TO BOTTOM OF FRAME UNLESS NOTED OTHERWISE.
4. WALL-MOUNTED FIRE EXTINGUISHERS TO BE MOUNTED AT 42" MAX TO EXTINGUISHER HANDLE UNLESS NOTED OTHERWISE.
5. FIRE EXTINGUISHER SIGNS ARE REQUIRED ABOVE ALL FIRE EXTINGUISHERS AND SHALL BE VISIBLE FROM ALL DIRECTIONS.
6. G.C. TO ENSURE A 10'X10' CLEAR PATH FROM LOADING DOCK TO LOCATION OF ATTRACTIONS DURING CONSTRUCTION FOR ATTRACTION DELIVERY.
7. EXIT SIGNS. VERIFY LOCATIONS WITH MEP PLANS.
8. EMERGENCY EGRESS FIXTURE. VERIFY EXACT LOCATIONS WITH MEP PLANS.
9. ALL FURNITURE & ATTRACTIONS TO BE PROVIDED BY TENANT.

TOTAL AREA = 36,700 SF

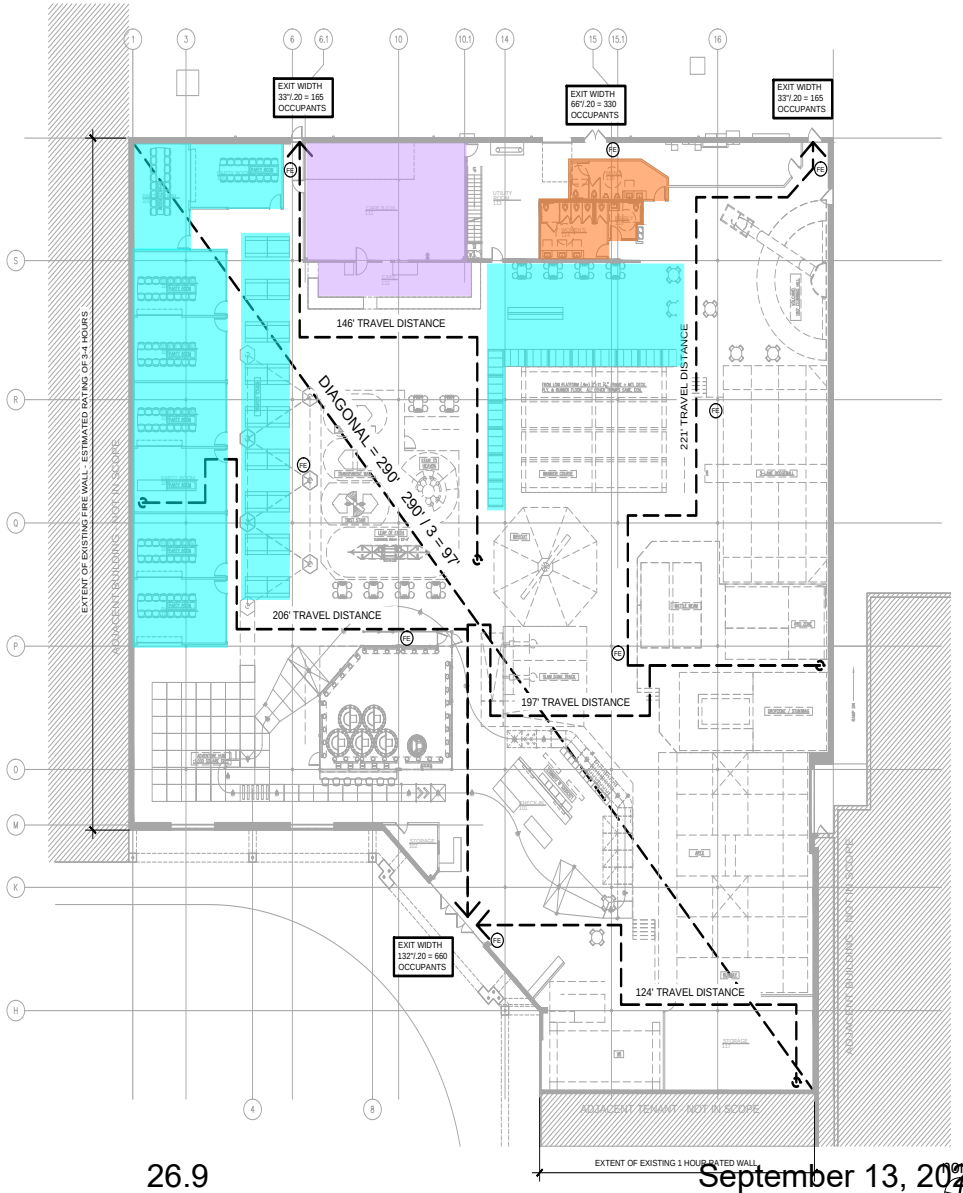
- SEATING / PARTY ROOMS = 5,800 SF
- CAFE / KITCHEN = 1,600 SF
- RESTROOMS = 600 SF

EGRESS WIDTH REQUIRED 10 x .3 = 3"	30'-0" TRAVEL DISTANCE TO NEAREST EXIT FROM STAIRS FOR A TOTAL 104' TRAVEL DISTANCE (250' MAX)
36" PROVIDED	



north

02 LIFE SAFETY PLAN AT MEZZANINE
SCALE: 1/16" = 1'-0"



north

01 LIFE SAFETY PLAN
SCALE: 1/16" = 1'-0"

PACKET

26.9

September 13, 2022

NOVE STUDIOS
5050 QUORUM DR. STE 150
DALLAS, TEXAS 75254
TELEPHONE 214.814.1178

REVISIONS

Urban Air Adventure Park
TENANT IMPROVEMENTS
4706 N. MIDKIFF ROAD NO.1
MIDLAND, TX 79705

LICENSED ARCHITECT
LAURA T. SANDERS
STATE OF TEXAS

6/16/2022

LIFE SAFETY PLAN - FIXTURE PLAN

JOB: 14017-290
DATE: 6.16.22

SHEET:
G01-01

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-22-0135

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Ginamarie Soto, UA Midland Texas, LLC		Phone (432) 530.8491 Email ginamarie@urbanairmidland.com	
Address 6004 Medina Dr.	City Midland	State TX	Zip 79707

Property Owner Printed Name: KR Vineyard, Pilchers North Park Limited Partnership		Phone (214) 520.2800 ext.103 Email KR@pilchers.com	
Address 7001 Preston Rd, Ste.200/LB 18	City Dallas	State TX	Zip 75205

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4706 N. Midkiff Rd., Ste. 1; Midland, TX 79705

Business Name: Urban Air Midland Adventure Park

Legal Description
Lot: 1 Block: 2 Subdivision: North Park, Section 2

Current Zoning: The subject property, 4706 N Midkiff Road, is located within the City limits of Midland County, and is zoned RR, Regional Retail District with an underlying district of LR-2, Local Retail District. Ordinance No. 5599 regulates this property

Reason for Request: Requesting sales of Beer/wine for the facility

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Indoor Amusement Park

Proposed/Current Days and Hours of Operation: Monday- Thursday 11:00am - 8:00pm; Friday 11:00am-10pm Saturday 11:00am-10:00pm; Sunday 12:00pm-8:00pm

Proposed Days and Hours of Alcohol Service: ~~Monday-Thursday 11:00am-8:00pm; Friday 11:00am-10:00pm Saturday 11:00am-10:00pm; Sunday 12:00pm-8:00pm~~ Monday - Sunday 11:00am - 12:00pm.

Total Square Footage of Business: 36,051

Square Footage of Alcohol Serviceable Area: 5800 s/f, party table in the party room, cafe

Restroom Fixtures:			
Men	**Toilets/Urinals:** 3 / 5	**Bathroom Sinks:** 3
Women	**Toilets:** 5	**Bathroom Sinks:** 3

RECEIVED
JUN 28 2022
Paul Rodriguez

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: 6/25/22
Applicant (printed): Ginamarie Soto, owner of UA Midland Texas, LLC/Urban Air Midland	
Property Owner (signature):	Date: 6/25/22
Property Owner (printed): KR Vineyard, Pilchers North Park Limited Partnership	

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 Ginamarie Soto who, being by me duly sworn, upon oath says: That (s)he is authorized by KR Vineyard, Pilchers North Park Limited Partnership, 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*)

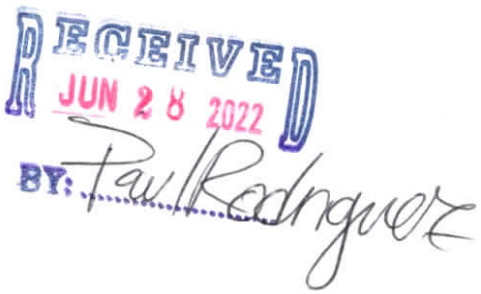
Subscribed and sworn to before me, this 27 day of June, 20 22, to certify which witness my hand and seal of office.

TYLER M. PENDLETON
My Notary ID # 126594666
Expires July 18, 2024

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 #_____	☐ Plans in Digital Format (PDF/JPEG)
Received By:_____	Date:_____



Application will not be considered for scheduling until reviewed by a planner.

PLAN NOTES

1. 250' MAX TRAVEL DISTANCE SHOWN AS DASHED LINE.
2. FIRE EXTINGUISHER (10-lb-ABC TYPE), VERIFY FINAL LOCATION WITH FIRE MARSHALL.
3. FIRE EXTINGUISHER BRACKETS TO BE MOUNTED AT 36" A.F.F. TO BOTTOM OF FRAME UNLESS NOTED OTHERWISE.
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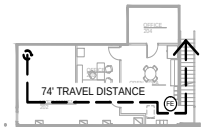
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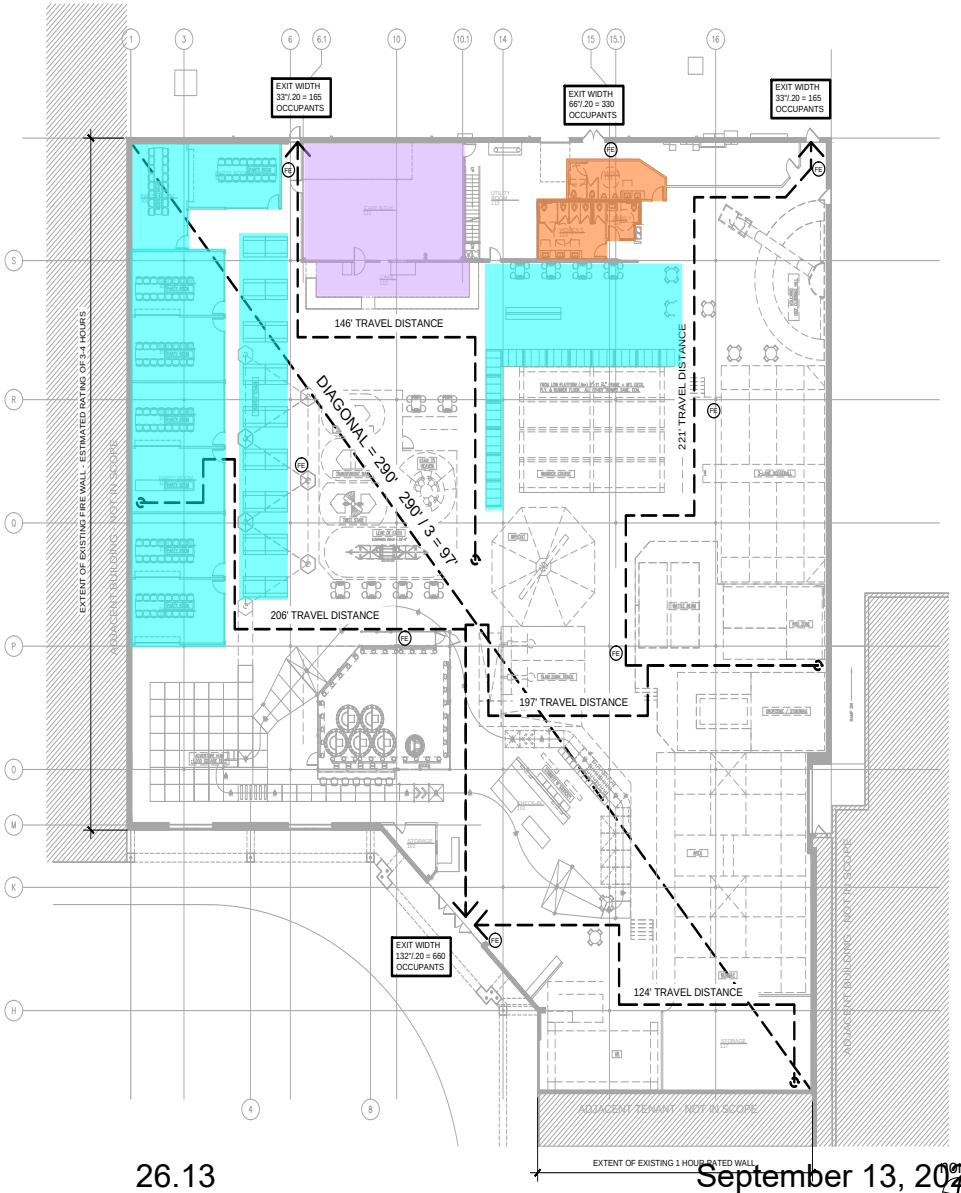
RESTROOMS = 600 SF

EGRESS WIDTH REQUIRED 10 x .3 = 3"	30'-0" TRAVEL DISTANCE TO NEAREST EXIT FROM STAIRS FOR A TOTAL 104' TRAVEL DISTANCE (250' MAX)
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SCALE: 1/16" = 1'-0"



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SCALE: 1/16" = 1'-0"

PACKET

26.13

September 13, 2022

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REVISIONS

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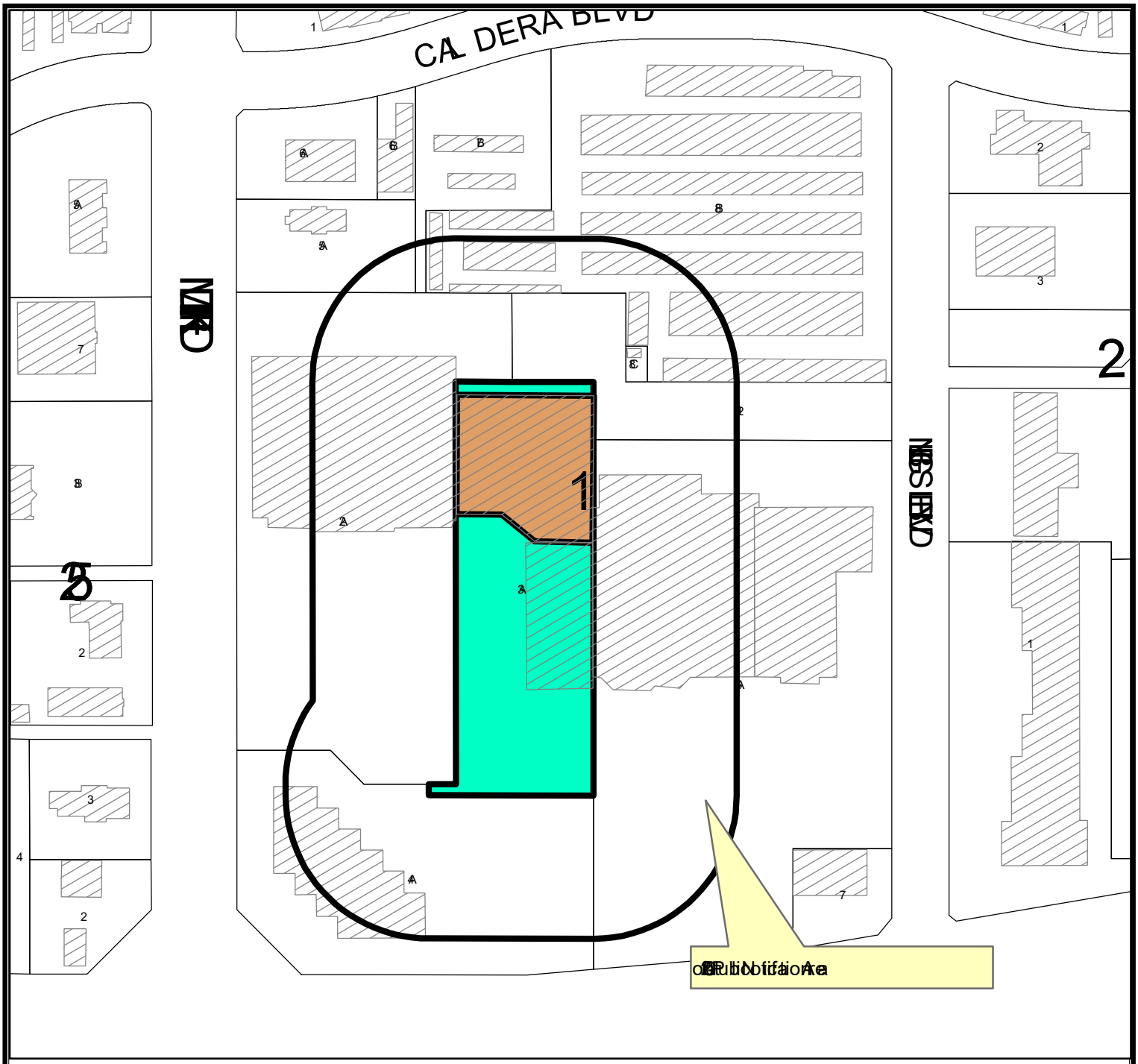
LICENSED ARCHITECT
LAURA T. SAMANIEGO
STATE OF TEXAS

6/16/2022

LIFE SAFETY PLAN - FIXTURE PLAN

JOB: 14017-290
DATE: 6.16.22

SHEET:
G01-01



LOCATION MAP

SUD-22-0135 **Scale: 1" = 200'**

Consider a request by Ginamarie Soto, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in an Amusement, Commercial (indoor) on a 36,700 square foot portion of Lot 3A, Block 1, North Park, Section 5, City and County of Midland, Texas.

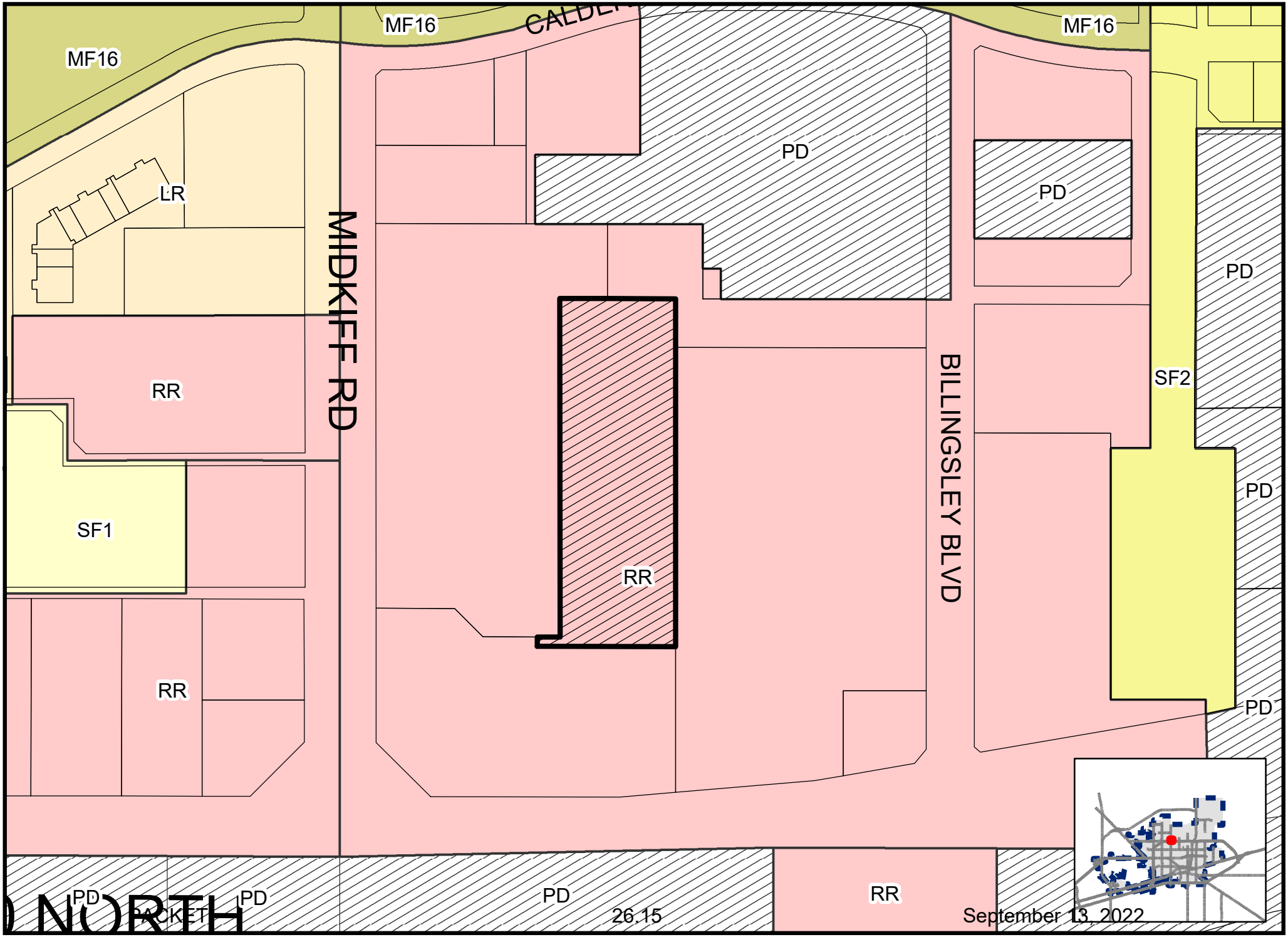
Generally located on the east side of North Midkiff Road, approximately 340 feet north of West Loop 250 North. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY OR ABSTRACT NOR IS IT DESIGNED TO BE USED AS THE 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.



Map By KM, 07/07/2022

SUD-22-0135

Scale: 1" = 200'

ZONING MAP

© THE CITY OF MIDLAND - 2021: 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.


Stein Mart
Stein Mart
urban air
FIRE LANE NO PAR


FORCE MARINES
NAVY
SALLY




FIRE LANE NO PARKING

City Council Meeting

Item Number: 27

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Alexandra Walling, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 7,592-SQUARE FOOT PORTION OF THE TRACT OF LAND DESCRIBED AS THE WEST FIVE FEET OF LOT 5, LOTS 6 THROUGH 13, AND LOTS 19 THROUGH 21, BLOCK A, GARRETT PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLTON STREET AND WEST WALL 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 (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jazmin Sandoval Hernandez, representing El Capitan Mexican Restaurant Marisco's and Bar Corp., is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant conducting business as El Capitan, located at 2411 W. Wall Street.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Current Zoning:

RR, Regional Retail District (Ordinance No. 8082).

Surrounding Zoning and Land Use:

The properties to the north are zoned RR, Regional Retail District, in part, O-1, Office District, in part, and MF-16, Multi-Family Dwelling District, in part and the location of single-family houses. The properties to the east are zoned RR, Regional Retail District, and the location of businesses. The properties to the south are zoned MF-22, Multi-Family Dwelling District, in part and SF2, Single-Family Dwelling District, in part and the location of single-family dwellings. The properties to the west are zoned RR, Regional Retail District, in part, and SF-2, Single-Family Dwelling District and the location of single-family dwellings and businesses.

Discussion:

The applicant, Jazmin Sandoval Hernandez, representing El Capitan Mexican Restaurant Marisco's and Bar Corp., is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant conducting business as El Capitan, located at 2411 W. Wall Street.

The restaurant currently in operation and has a specific use designation for the sale of all alcoholic beverages (Ordinance No. 8082) but would like to extend the hours of business and update the new ownership information. The property is zoned RR, Regional Retail District, which permits the sale of alcoholic beverages with the approval of a Specific Use Permit.

The floor plan provided, attached hereto as Exhibit A, shows a total square footage of 7,592 square feet, with an alcohol serviceable are of 4,024 square feet. The breakdown of the square footage of the proposed alcohol serviceable areas are as follow:

Dining area = 2,340 square feet
Bar area = 784 square feet
Patio area= 900 square feet

The restaurant has a total of seating capacity of 220 people. A total of 55 parking spaces are provided, of which 1 will be accessible spaces. Based on the seated occupancy and kitchen floor area, a total of 68 parking spaces are required. However, this case is nonconforming, as the new owners are not making any changes to the existing structure, therefore existing parking will be sufficient.

The restaurant has the following hours of operation:

Monday through Thursday from 11 a.m. to 12 a.m. (the next day)
Friday and Saturday from 11 a.m. to 1 a.m. (the next day)
Sunday from 11 a.m. to 10 p.m.

The restaurant is proposing the following hours of alcohol service:

Monday through Thursday from 11 a.m. to 12 a.m. (the next day)
Friday and Saturday from 11 a.m. to 1 a.m. (the next day)
Sunday from 11 a.m. to 10 p.m.

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.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objections.

GIS: (Approved)

N/A.

Engineering: (Approved)

No objections.

Oil & Gas: (Approved)

No objections.

Transportation: (Approved)

No objections.

Building Code: (Approved)

No objections.

Planning:

This request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 2, “Identify partnerships to produce neighborhood and commercial centers that are attractive, functional, and of high quality.” (Tall City Tomorrow page 137) El Capitan is an establishment that promotes a positive environment where Midland residents can gather and socialize.

This request was recommended for approval at the August 15, 2022, Planning and Zoning Commission Meeting.

Staff recommends approval of this Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to conditions A through G..

Conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 4,024 square feet as shown in Exhibit “A”, 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:**

    Monday through Thursday from 11 a.m. to 12 a.m. (the next day)
    Friday and Saturday from 11 a.m. to 1 a.m. (the next day)
    Sunday from 11 a.m. to 10 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 the applicant shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on premises consumption to ensure that the conditions of this permit are satisfied.**

G. **That in accordance with Section 9.07.E.3 of the zoning ordinance, the restaurant shall be in operation within 120 days from the final adoption date of this ordinance.**

Letters of Objection:

As of September 06, 2022, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance No. 8082

Morris Williams Jr.

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 7,592-SQUARE FOOT PORTION OF THE TRACT OF LAND DESCRIBED AS THE WEST FIVE FEET OF LOT 5, LOTS 6 THROUGH 13, AND LOTS 19 THROUGH 21, BLOCK A, GARRETT PLACE, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLTON STREET AND WEST WALL 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

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 7,592-square foot portion of the tract of land described as the west five feet of Lot 5, Lots 6 through 13, and Lots 19 through 21, Block A, Garrett Place, 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 in a restaurant (the "Establishment") for on-premises consumption,

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 4,024 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 11:00 a.m. to 12:00 a.m. (midnight);
Friday and Saturday from 11:00 a.m. to 1:00 a.m. of the following day; and
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 the operator of the Establishment shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premises consumption to ensure that the conditions of this Specific Use Designation With Term are satisfied.

G. 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

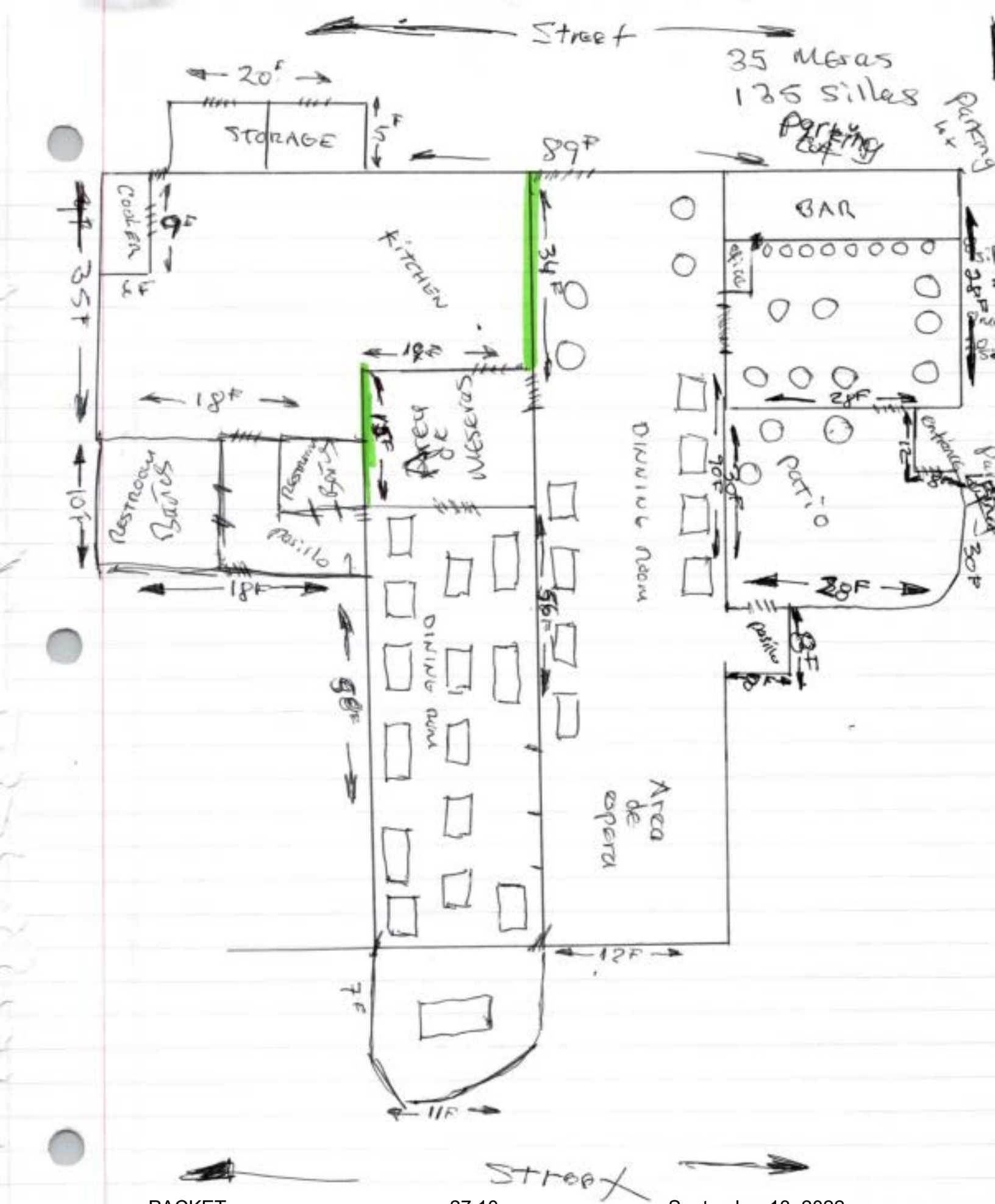

Street
35 Meras
135 Silles
Parking
Parking
20F
STORAGE
5F
89F
BAR
KITCHEN
34F
18F
Area
DINING Room
Patio
28F
30F
Restrooms
Patio
56F
Area de operar
12F
7F
11F
Street

EXHIBIT "A"

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-22-0137

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: JAZMIN SANDOVAL HERNANDEZ		Phone (432) 682-5074 Email chiva.gordo.0104@gmail.com	
Address 2411 W WALL ST	City MIDLAND	State TX	Zip 79701

Property Owner Printed Name: EL CAPITAN MEXICAN RESTAURANT MARISCOS AND BAR CORP		Phone (same Email same	
Address 2411 W WALL ST	City MIDLAND	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Octavio Pena Rico Printed Name:		Phone (432) 312-7520 Email chonitito@aol.com	
Address 2411 W. Wall	City Midland	State TX	Zip 79701

Street Address: 2411 W WALL ST

Business Name: EL CAPITAN MEXICAN RESTAURANT MARISCOS AND BAR

Legal Description Lot: Block: A Subdivision: Garrett Place

Lot: The West 5' of Lot 5, All of 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21

Current Zoning: LR-3

Reason for Request: WE WANT TO EXTEND HOURS UNTIL MIDNIGHT

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: RESTAURANT

Proposed/Current Days and Hours of Operation: M-Thurs. 11Am-11p Friday-SAT 11Am-12 Sunday 11Am-10pm
MON-SUN 11 AM-12AM

Proposed Days and Hours of Alcohol Service: " " " Same
MON-SUN 11AM-12AM

Total Square Footage of Business: 7592 SQ FT 3,610

Square Footage of Alcohol Serviceable Area: 3,610

Restroom Fixtures:				
Men	**Toilets/Urinals:**	1 1 1	**Bathroom Sinks:**	1
Women	**Toilets:**	2 2	**Bathroom Sinks:**	2

RECEIVED
JUL 21 2022

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: 7-20-22
Applicant (printed): JAZMIN SANDOVAL HERNANDEZ	
Property Owner (signature):	Date: 7-20-22
Property Owner (printed) : JAZMIN SANDOVAL HERNANDEZ	

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 Octavio Pena Rico who, being by me duly sworn, upon oath says: That (s)he is authorized by JAZMIN Sandoval Hernandez, 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.

Octavio Pena Rico
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 20 day of July, 20 22, to certify which witness my hand and seal of office.

MANUEL R. NATIVIDAD
Notary Public, State of Texas
Comm. Expires 04-27-2024
Notary ID 2879870

Manuel R. Natividad
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

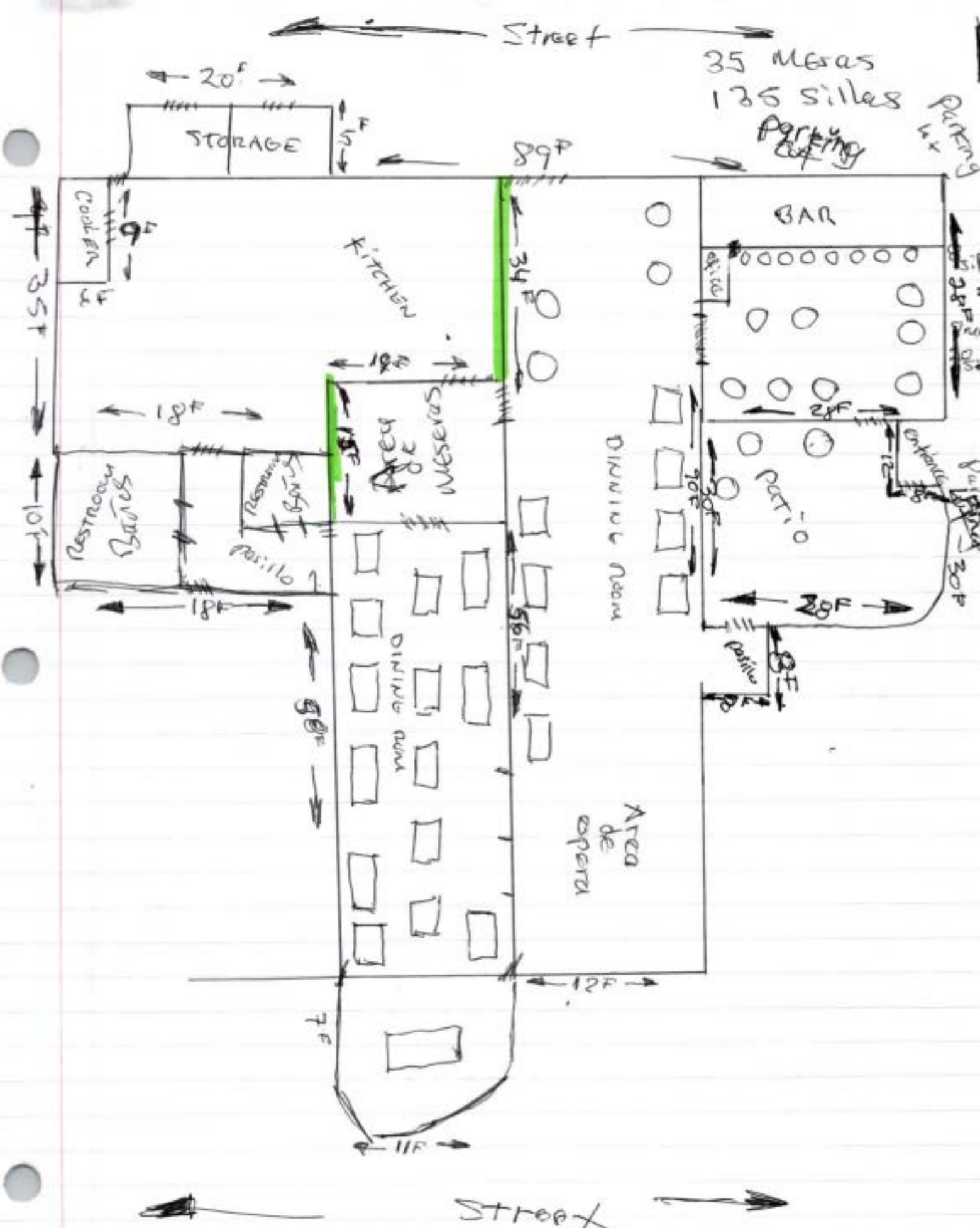
RECEIVED
JUL 21 2022

Application will not be considered for scheduling until reviewed by a planner.

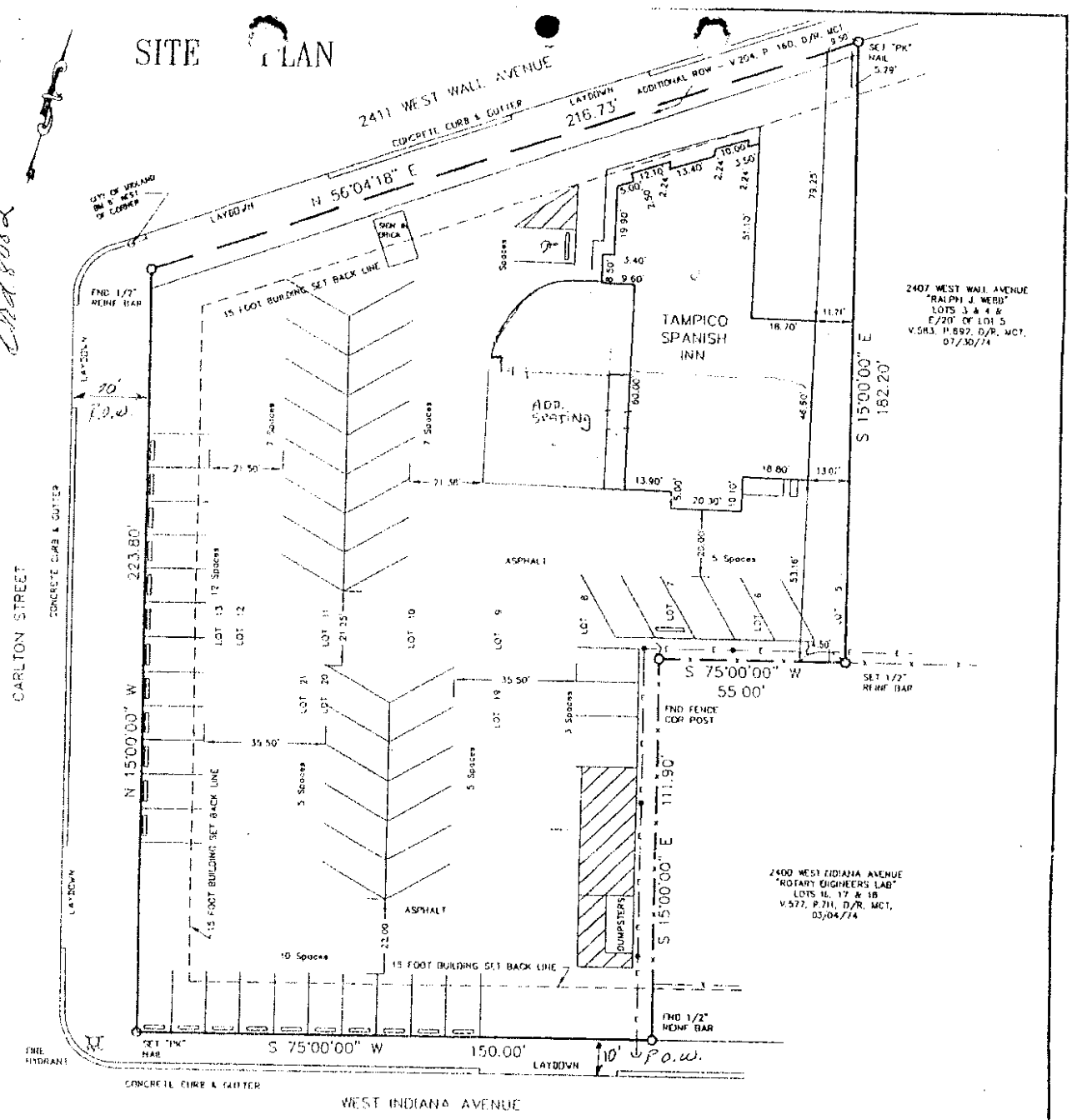
FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # Card	☐ Plans in Digital Format (PDF/JPEG)
Received By: Paul Rodriguez	Date: 7/21/22

RECEIVED
JUL 21 2022

Application will not be considered for scheduling until reviewed by a planner.


Street
35 Meras
135 Silles
Parking
Parking
20'
STORAGE
5'
89'
BAR
COOLER
9'
KITCHEN
34'
35'
18'
Servers
Area
DINING Room
Restroom
Restroom
Patio
10'
18'
56'
28'
Patio
30'
Area de espera
12'
7'
11'
Street

SITE PLAN



54 PARKING SPACES
HANDICAPPED SPACES

LEGEND:

BUMPER STOP

HANDICAP PARKING

FOR FLOOD INSURANCE RATING PURPOSES: THIS PROPERTY LIES WITHIN FLOOD INSURANCE ZONE DESIGNATION "X" AS DEPICTED ON FLOOD INSURANCE RATE MAP (FIRM) NUMBER 48329-C0103C, MIDLAND COUNTY, TEXAS AND INCORPORATED AREAS EFFECTIVE DATE: SEPTEMBER 27, 1991, AS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). CENSUS TRACT NO. 11

TO THE LIENHOLDERS, MR. AND MRS. EFRAIN PERALES

(OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER, THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

DATED THIS 15TH DAY OF SEPTEMBER, 1997

MAX A. SCHUMANN, JR.
RPLS 137

STATE OF TEXAS
REGISTERED
MAX A. SCHUMANN, JR.
137
PROFESSIONAL
LAND SURVEYOR

SCHUMANN ENGINEERING CO., INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
LICENSED STATE LAND SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
TEXAS and NEW MEXICO

Civil Engineering ~ Land Surveying

408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504

Office (915) 684-5548
Fax (915) 684-6973

SURVEY PLAT

THE WEST 5.00 FEET OF LOT 5 AND ALL OF LOTS 6, 7, 8, 9, 10, 11, 12, 13, 19, 20 AND 21

BLOCK "A"

GARRETT PLACE

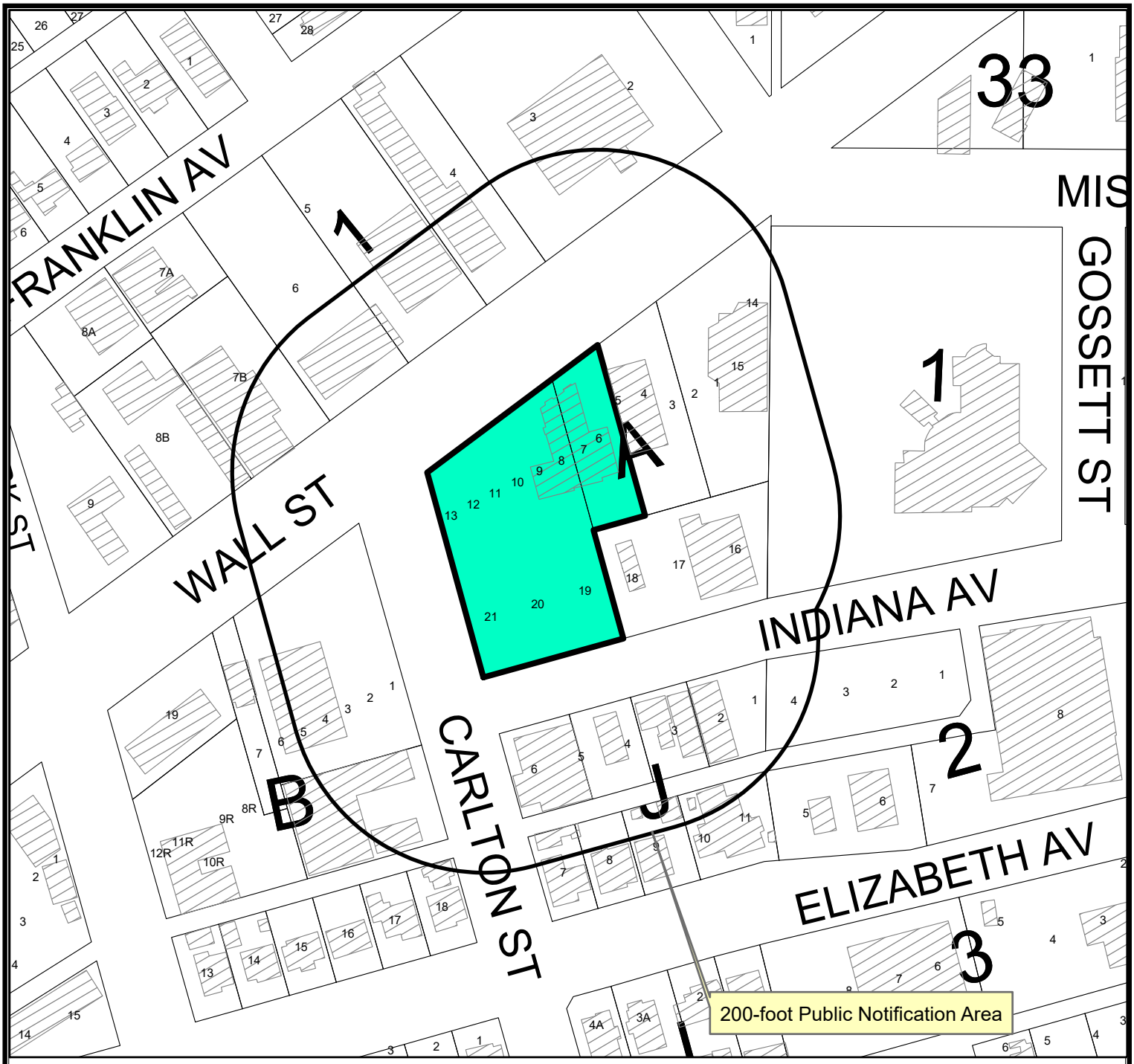
AN ADDITION TO THE CITY OF MIDLAND, AS PER PLAT OF RECORD IN VOLUME 57, PAGE 187, DEED RECORDS, MIDLAND COUNTY, TEXAS

SCALE: 1" = 30'

PROJECT: 632418E
JOB NO. 63,241

CASE NO. S-97-003

PARKING LAYOUT REVISED - 09/26/97
PARKING ADDED - 09/29/97



LOCATION MAP

SUD-22-0137 **Scale: 1" = 200'**

Request by El Capitan Mexican Restaurant Marisco's and Bar Corp., on a 7,592 square foot portion of the west 5-feet of Lot 5, all of Lots 6-13 and 19-21, Block A, Garrett Place, City and County of Midland, Texas.

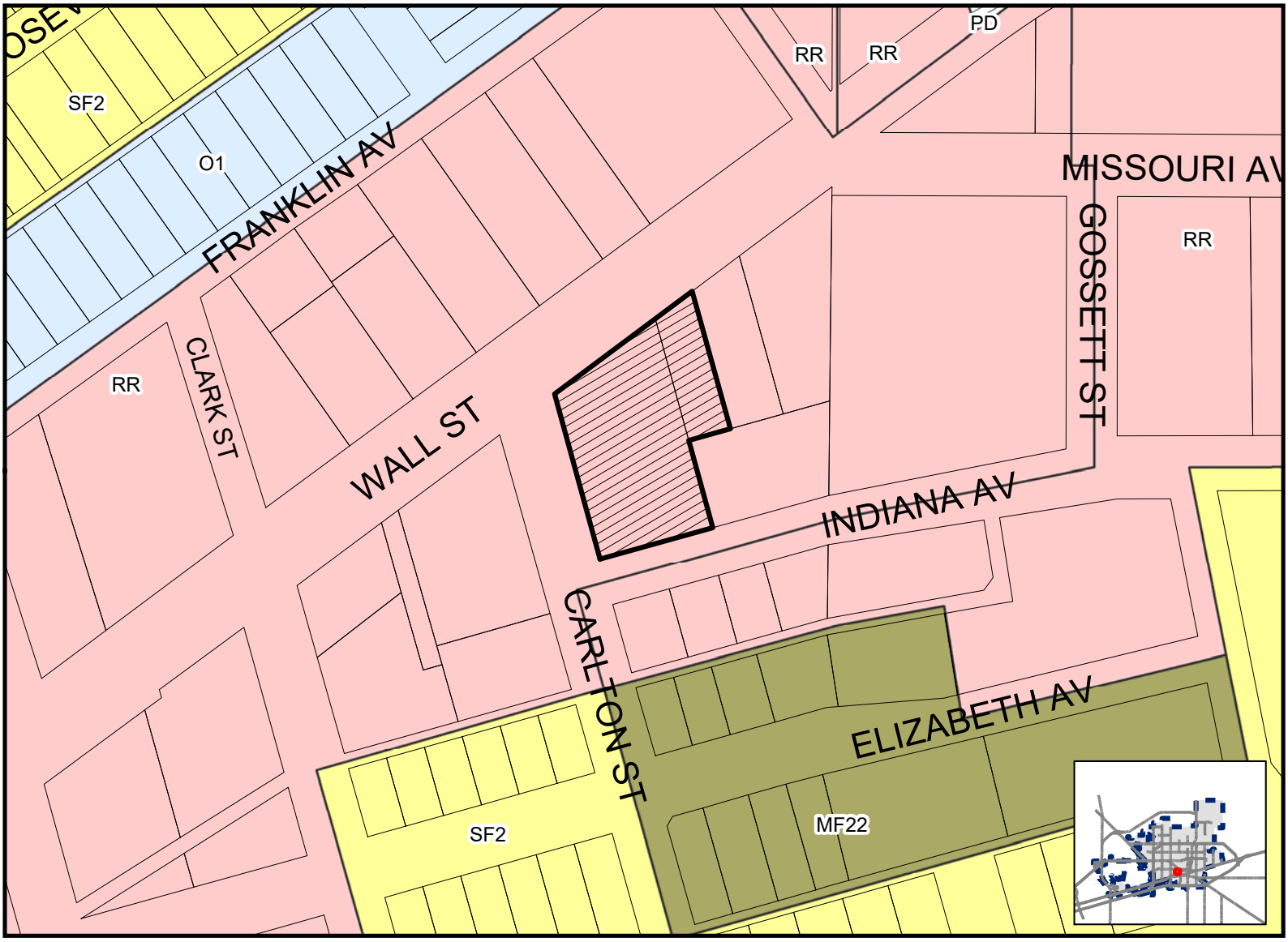
Generally located on the southeast corner of the intersection at Carlton Street and W. Wall Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



September 13, 2022



Map By AW, 7/26/2022 **SUD-22-0137** **Scale: 1" = 200'** **ZONING MAP**

© THE CITY OF MI
TO BE USED AS A PR
HEREIN. THE CITY OF
UCT, NOR IS IT DESIGNED
INFORMATION CONTAINED
THE USE OF THIS DATA.

ORDINANCE NO. 8082

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED LR-3, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND EXPRESSLY REPEALING ORDINANCE NO. 7669; 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 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 the granting of a Specific Use Permit With Term, 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-3, Local Retail District, to wit:

the west 5 feet of Lot 5, all of Lots 6 through 13 and 19

through 21, Block A, Garrett Place Addition, City and County of Midland, Texas

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in the present LR-3, Local Retail District.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

A. That the use and development of this tract as a restaurant shall conform in all respects to the site plan attached hereto as Exhibit "A" and made a part hereof for all legal purposes;

B. That the area of this restaurant shall not exceed 7,592 square feet;

C. That the seating capacity of the restaurant shall not exceed 220 persons;

D. That the days and hours of operation shall not exceed Tuesday through Saturday from 11:00 a.m. until 10:00 p.m. and Sunday from 11:00 a.m. until 4:00 p.m.;

E. That no sign advertising alcoholic beverage sales be permitted on the outside of the building and no outside entrance to a separate bar area be allowed;

F. That Ordinance Number 7669 shall be repealed.

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, and Ordinance No. 7669 is hereby expressly repealed.

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 9th day of April, A.D., 2002; and passed to second reading on motion of Council member Bradford, seconded by Council member Morgan, by the following vote:

Council members voting "AYE":	Bradford, Morgan, Dingus, Canon and Dufford
Council members "ABSTAINING":	Simpson
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 Dufford, on the 23rd day of April, A.D., 2002, at a regular meeting of the City Council:

Council members voting "AYE": Morgan, Dufford, Dingus, Canon and Bradford

Council members "ABSTAINING": Simpson

Council members voting "NAY": None

PASSED AND APPROVED THIS 23rd day of April, A.D., 2002.

Michael J. Canon, Mayor

ATTEST:

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney


MAC'S
SHACK




Pilot


MIDLAND SMALL ENGINE SERVICE

City Council Meeting

Item Number: 28

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **The proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the oil and gas well Rebel 115 MIPA Unit #H120LS; said well being generally located 410 feet east of South Lamesa Road and 463 feet south of I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)**

Purpose:

The proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the following oil and gas well Rebel 115 MIPA Unit #H120LS; said well being generally located 410 feet east of South Lamesa Road and 463 feet south of I-20. Council may consider these permits following a 30-day public comment period and at a regularly scheduled meeting. No notices of objection received.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

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

Discussion:

The Oil and Gas Advisory Committee has reviewed the well site in detail and recommends approval with updated exhibit. A 160 ft. long 16 ft. sound wall will be used during drilling and completion operations being located on the north side of location. Tank battery is in the county. There have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.

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

Robert Patrick

City Manager's Office

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
07/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped pastures, service company yards and apartment complex

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]**

***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: Rebel 115 MIPA Unit #H120LS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 183' FNL & 410' FWL,
Section 12 Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: Road use and repair agreement attached**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Compnay
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

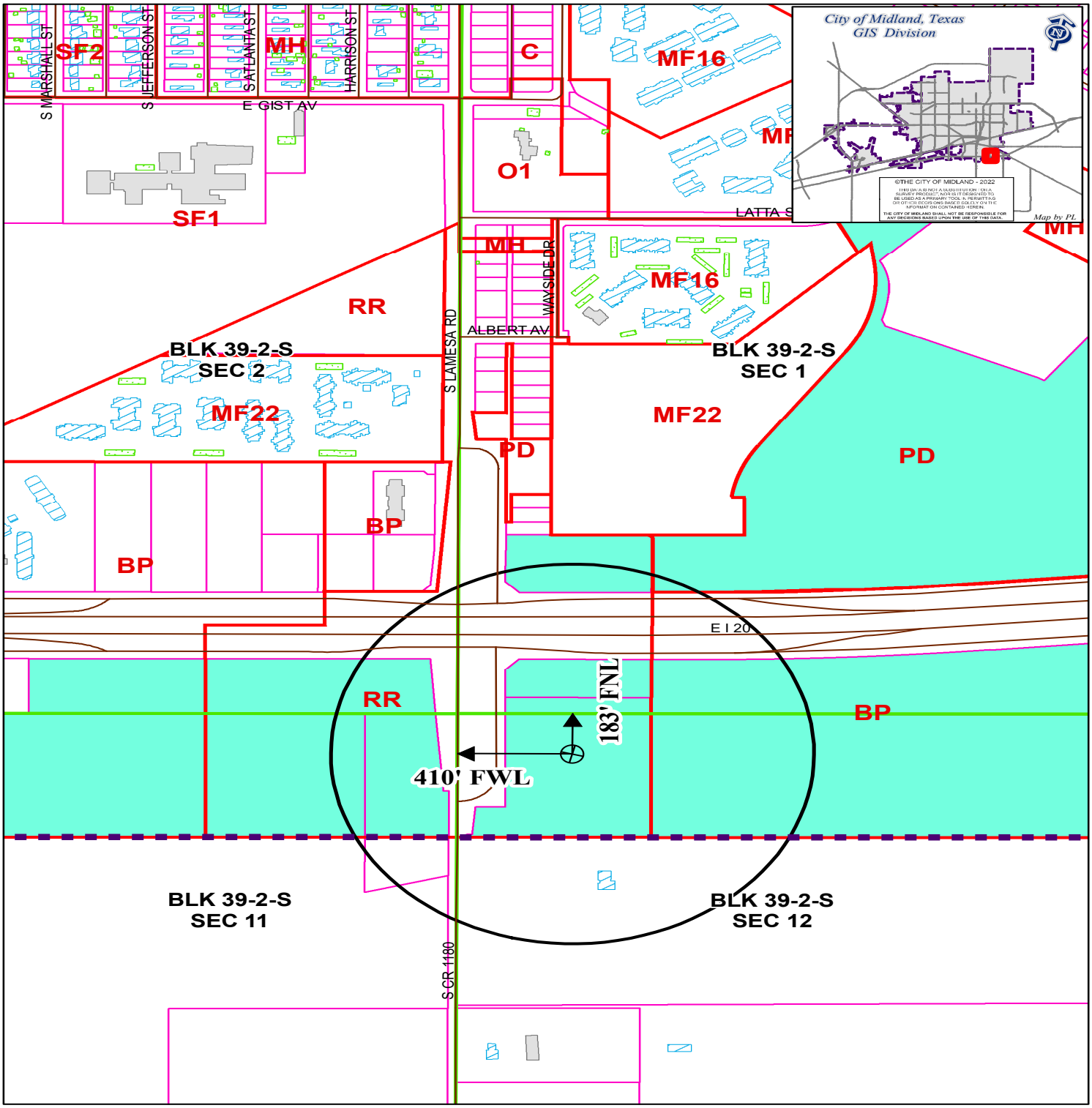
County of Midland)

Kyle Hammond , 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.

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044950 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 183' FNL and 410' FWL, Section 12, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 410 feet east of South Lamesa Road and 463 feet south of I-20.

Rebel 115 MIPA Unit #H120LS

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
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CLRS	COMMERCIAL 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

SCALE: 1" = 300'

0' 150' 300'

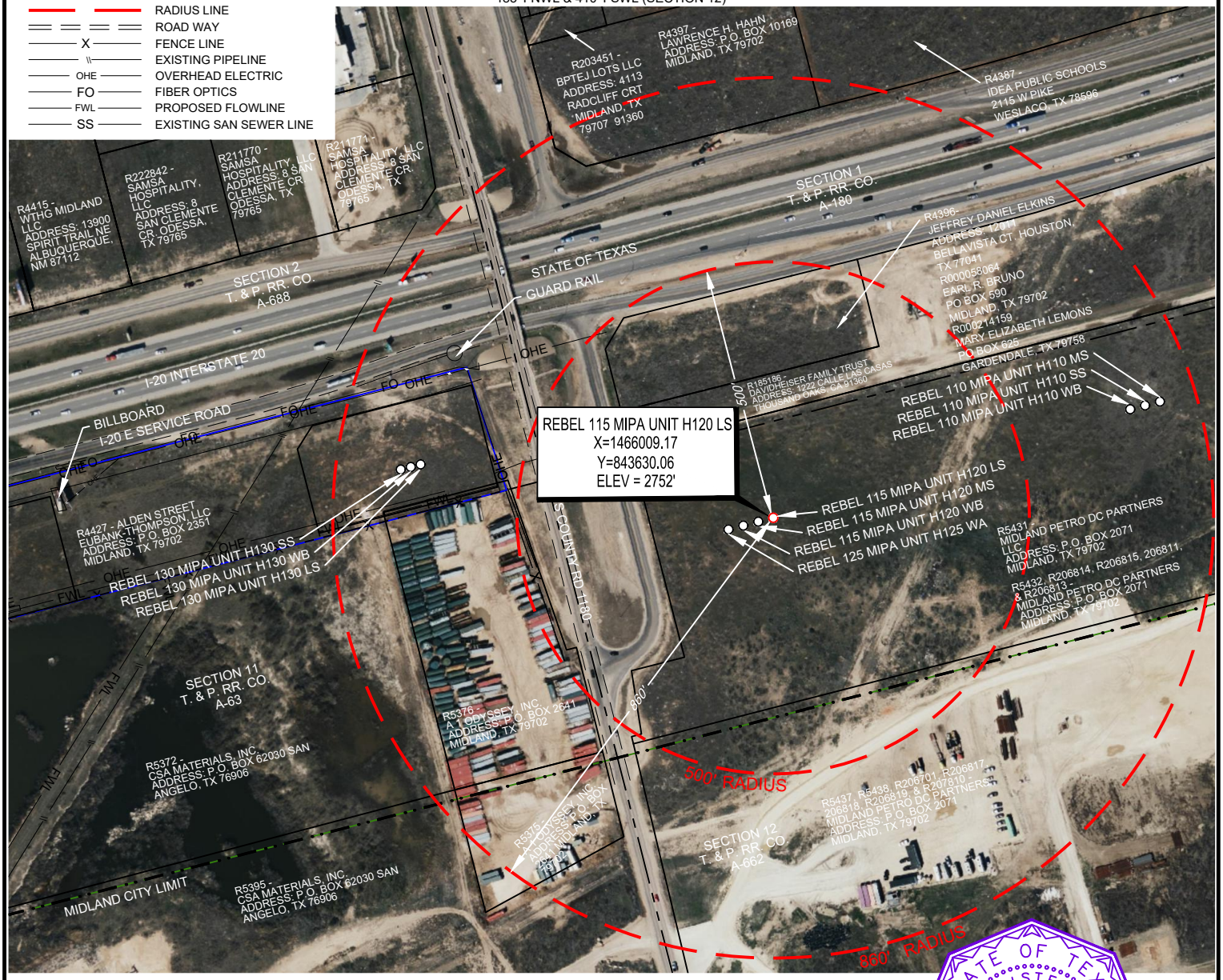
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 12, T. & P. RR. CO. SURVEY, A-662
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED REBEL 115 MIPA UNIT H120 LS
183' FNWL & 410' FSWL (SECTION 12)

PERMIAN DEEP ROCK OIL CO., L.L.C.



STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: October 7, 2021

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

REBEL 115 MIPA UNIT H120 LS	REVISION:	
	INT	DATE
DATE: 06/20/2022		
FILE: CD_REBEL115 MIPA UNIT H120 LS		
DRAWN BY: RAM		
SHEET : 1 OF 2		

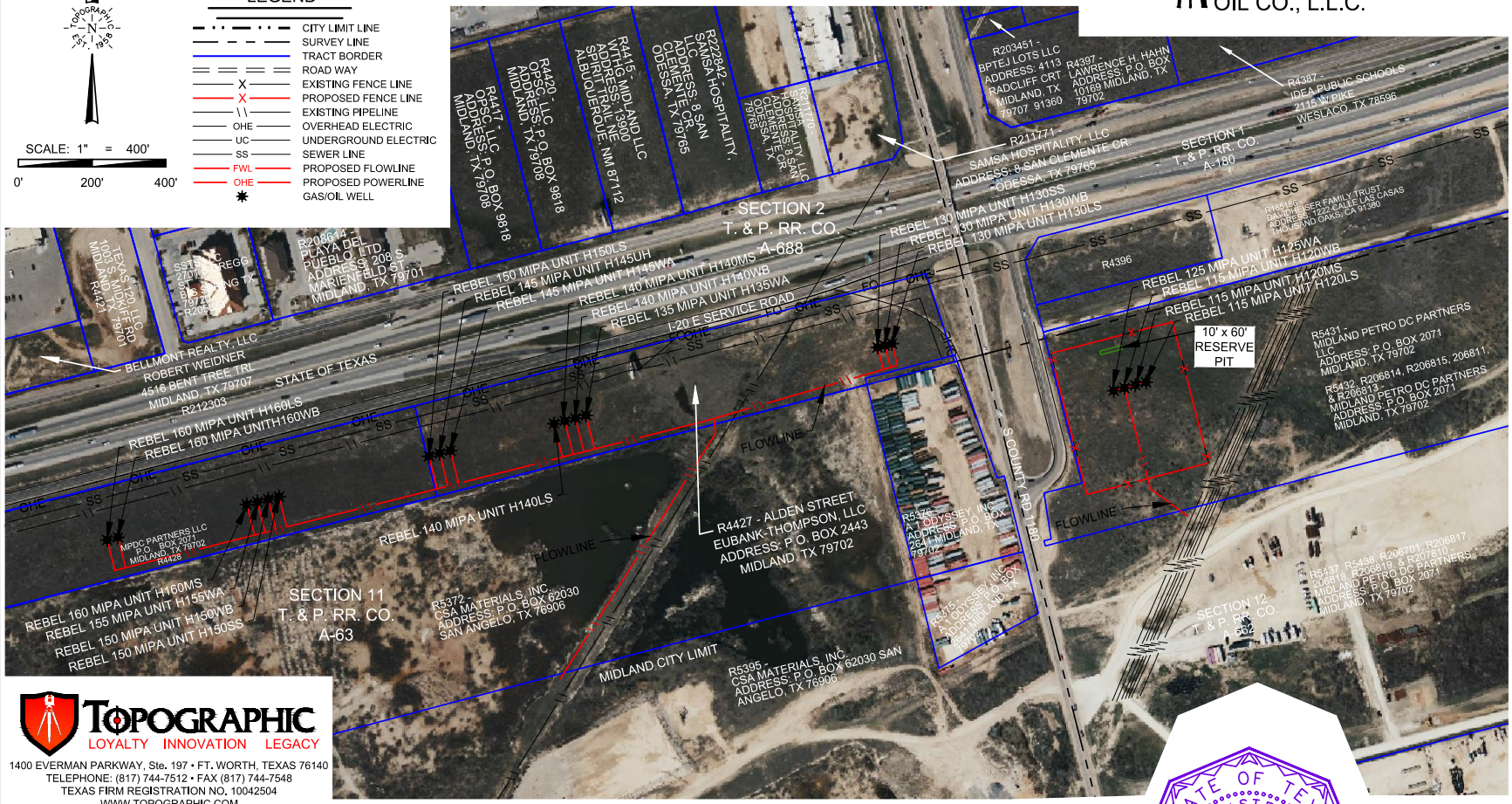
NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
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3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 28.8 September 13, 2022

EXHIBIT "G"

SECTION 12, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-662
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

REBEL UNIT CITY PERMIT	REVISION:	
	DRH	04/11/2022
	DRH	04/14/2022
	DRH	04/26/2022
DATE: 12/22/2021	DRH	06/03/2022
FILE: SK_REBEL_UNIT_PERMIT_E_PAD_REV10	DRH	06/10/2022
DRAWN BY: DRH	DRH	06/21/2022
SHEET : 3 OF 8	DRH	06/22/2022

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

STATE OF TEXAS REGISTERED JEFFREY N. LUEDERS 6512 PROFESSIONAL LAND SURVEYOR

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: October 7, 2021

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\SKETCH\SK_REBEL_UNIT_PERMIT_E_PAD_REV10.DWG 6/23/2022 10:45:34 AM dharris

City Council Meeting

Item Number: 29

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: The proposed granting of an oil and gas well permit to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the oil and gas well Rebel 140 MIPA Unit #H140LS; said well being generally located 1,172 feet west of South Lamesa Road and 185 feet south of I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC ("Operator") for the drilling of the following oil and gas well Rebel 140 MIPA Unit #H140LS; said well being generally located 1,172 feet west of South Lamesa Road and 185 feet south of I-20. Council may consider these permits following a 30-day public comment period and at a regularly scheduled meeting. No notices of objection received.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

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

Discussion:

The Oil and Gas Advisory Committee has reviewed the well site in detail and recommends approval with updated exhibit. A 16 ft. sound wall will be used during drilling and completion operations being located on the north side of location. Tank battery is in the county. There have been previous permitted applications near this well pad requiring the same variances. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

.
(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(4) Permian Deep Rock Oil Company 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

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
07/01/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ 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):*** See Exhibit "A"

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped pastures, service company yards and apartment complex

See Exhibit "D"

ATTACHED AS EXHIBIT D **is** ,

Current Tax Roll from Midland Central Appraisal District), **which lists**

the name(s) and address(es) of all surface owners within 860 feet of the surface well location. [See § J(6)]

***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: Rebel 140 MIPA Unit #H140LS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1172' FEL,
Section 2 Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

***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*: No city roads will be used**

***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) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

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* : 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 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)].**

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Compnay
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

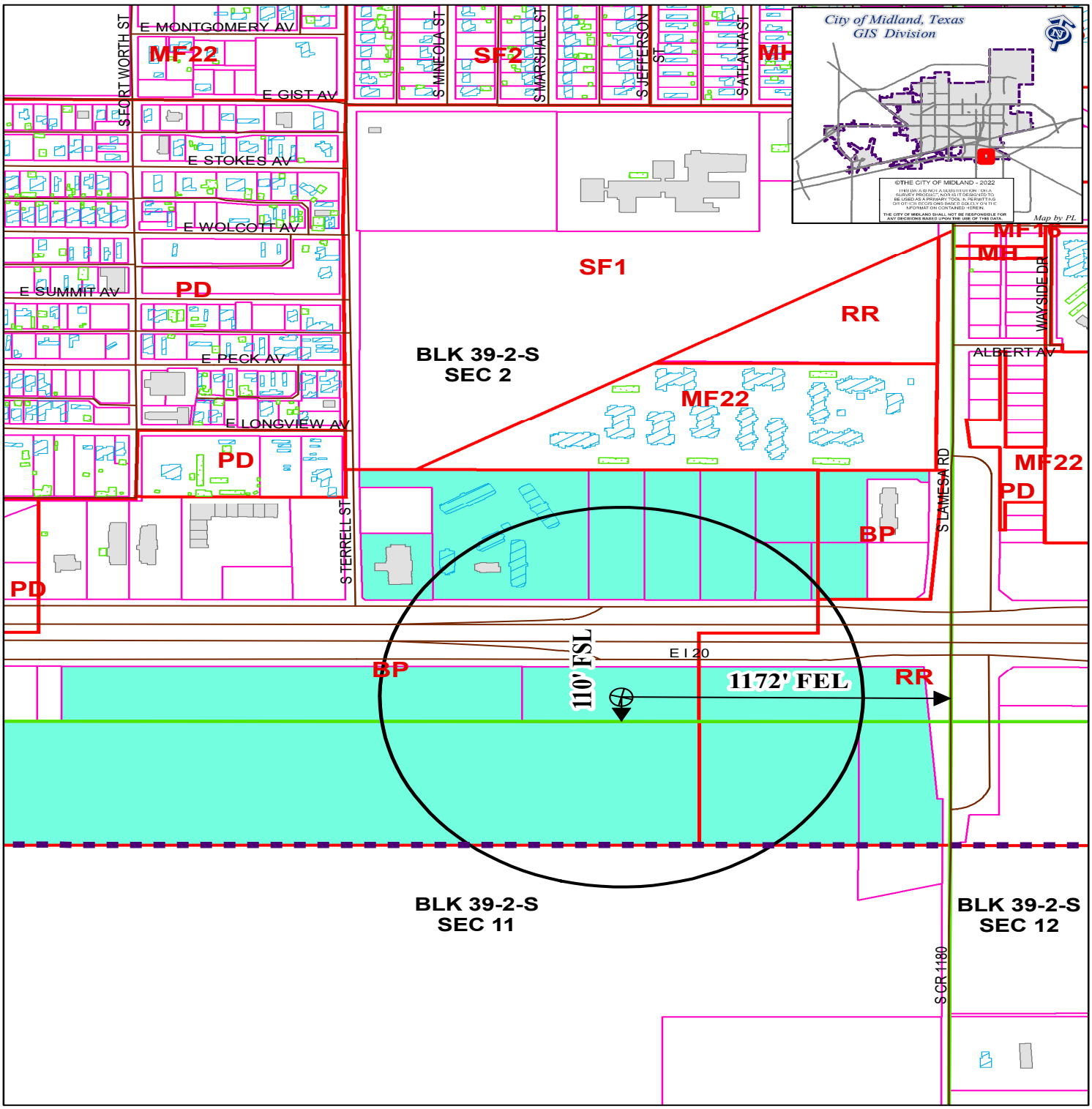
County of Midland)

Kyle Hammond , 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.

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 044948 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,172' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,172 feet west of South Lamesa Road and 185 feet south of I-20.

Rebel 140 MIPA Unit #H140LS

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, O2	OFFICE
RR	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
SF1, SF2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

SCALE: 1" = 300'

0' 150' 300'

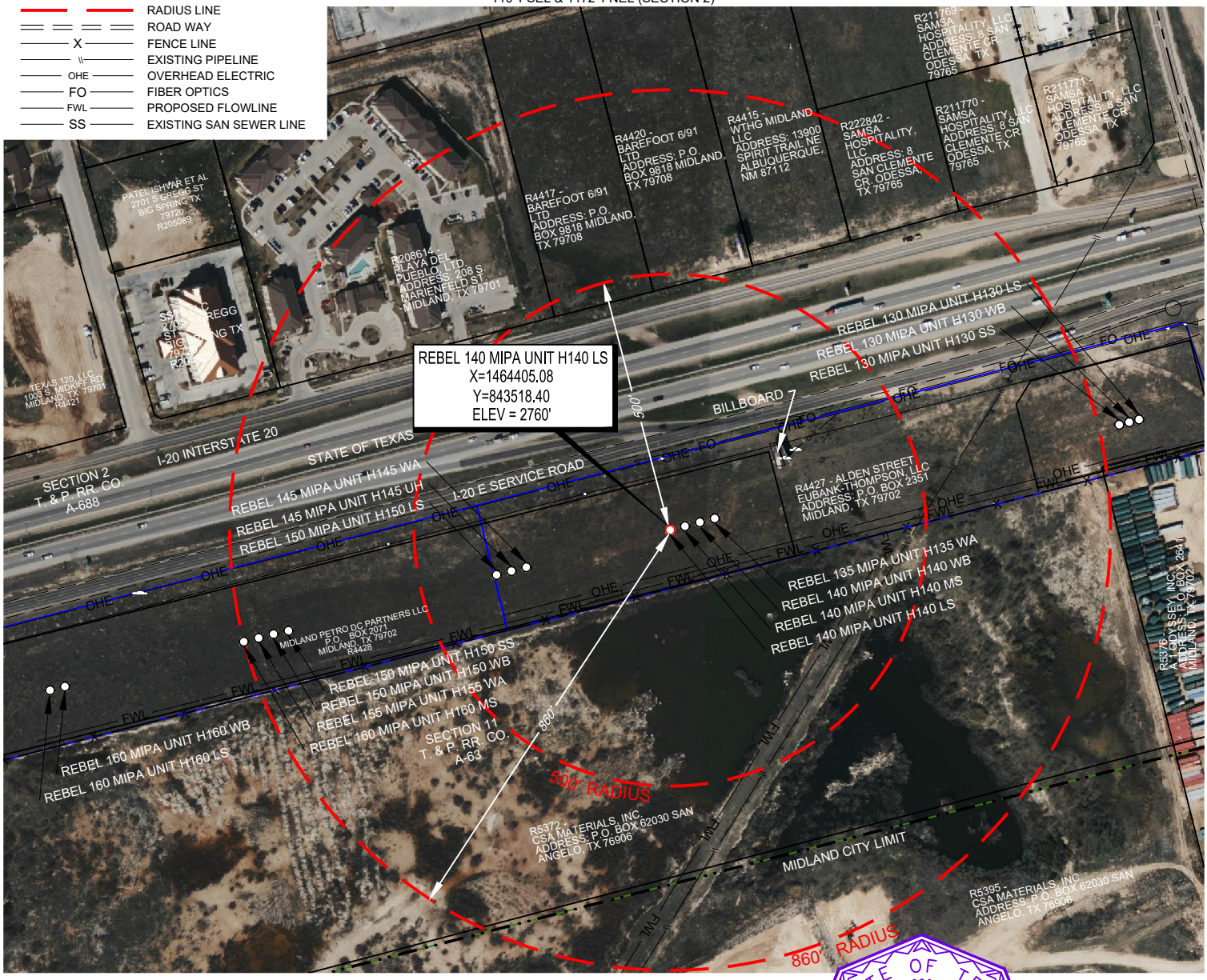
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED REBEL 140 MIPA UNIT H140 LS
110' FSEL & 1172' FNEL (SECTION 2)

PERMIAN DEEP ROCK OIL CO., L.L.C.



N

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STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: APRIL 5, 2022

REBEL 140 MIPA UNIT H140 LS	REVISION:	
	INT	DATE
DATE: 06/20/2022		
FILE: CD_REBEL140 MIPA UNIT H140 LS		
DRAWN BY: RAW		
SHEET : 1 OF 2		

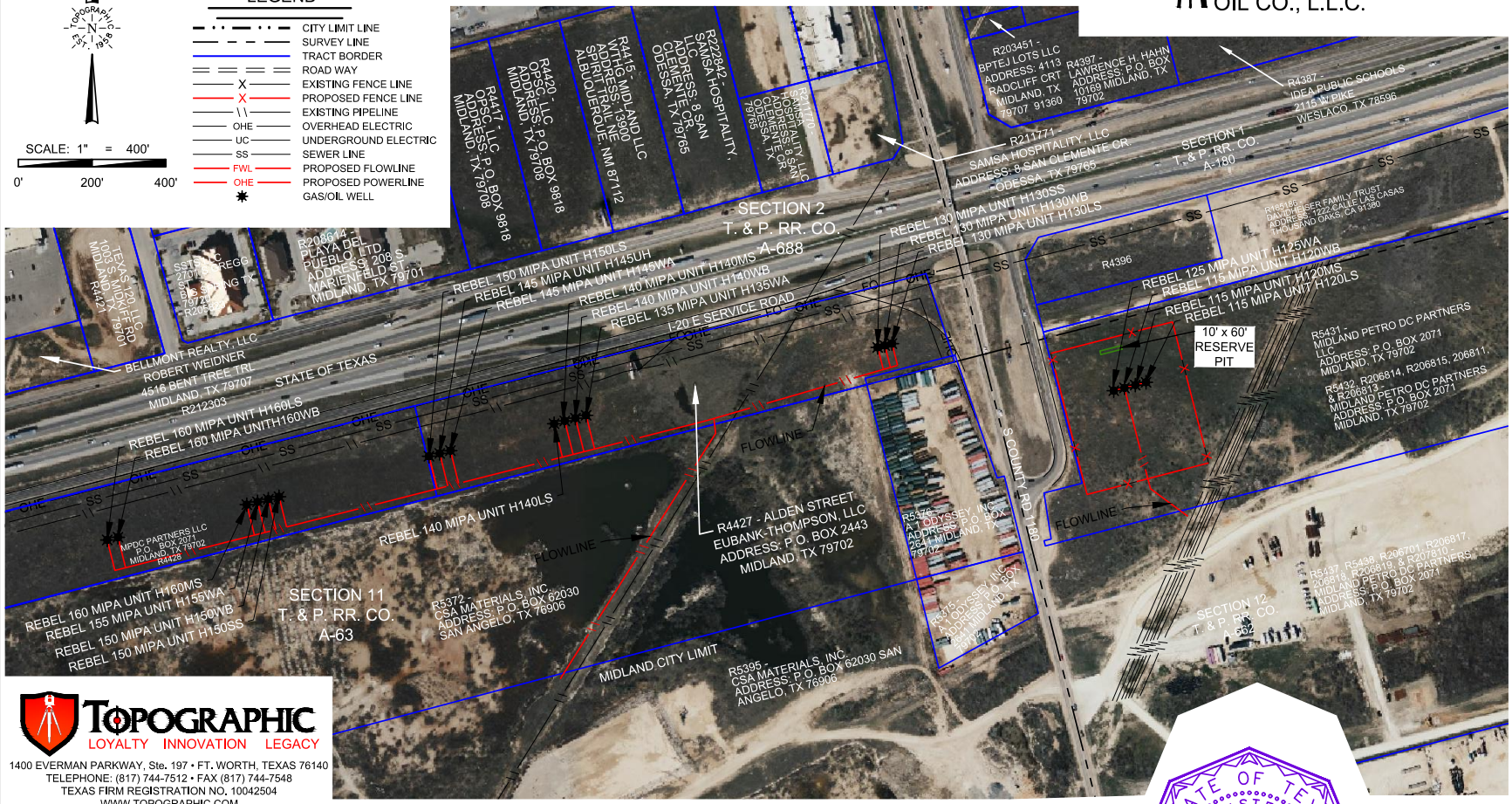
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5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET
29.8
September 13, 2022

EXHIBIT "G"

SECTION 12, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-662
MIDLAND COUNTY, TEXAS

PERMIAN DEEP ROCK OIL CO., L.L.C.


LEGEND
CITY LIMIT LINE
SURVEY LINE
TRACT BORDER
ROAD WAY
EXISTING FENCE LINE
PROPOSED FENCE LINE
EXISTING PIPELINE
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
SEWER LINE
PROPOSED FLOWLINE
PROPOSED POWERLINE
GAS/OIL WELL
SCALE: 1" = 400'
0' 200' 400'
SECTION 2 T. & P. RR. CO. A-688
SECTION 1 T. & P. RR. CO. A-180
SECTION 11 T. & P. RR. CO. A-63
SECTION 12 T. & P. RR. CO. A-662
STATE OF TEXAS
I-20 E SERVICE ROAD
S COUNTY RD 1180
MIDLAND CITY LIMIT
10' x 60' RESERVE PIT
FLOWLINE
R4427 - ALDEN STREET EUBANK-THOMPSON, LLC ADDRESS: P.O. BOX 2443 MIDLAND, TX 79702
R5372 - CSA MATERIALS, INC. ADDRESS: P.O. BOX 62030 SAN ANGELO, TX 76906
R5395 - CSA MATERIALS, INC. ADDRESS: P.O. BOX 62030 SAN ANGELO, TX 76906
R4420 - OPSCO, LLC ADDRESS: P.O. BOX 9818 MIDLAND, TX 79708
R4417 - OPSCO, LLC ADDRESS: P.O. BOX 9818 MIDLAND, TX 79708
R4415 - MIDLAND LLC 3900 ADDRESS: APRIT TRAIL NE ALBUQUERQUE, NM 87112
R222842 - SAMSA HOSPITALITY, LLC ADDRESS: 8 SAN CLEMENTE CIR ODESSA, TX 79765
R211771 - SAMSA HOSPITALITY, LLC ADDRESS: 8 SAN CLEMENTE CIR ODESSA, TX 79765
R203451 - BPTEJ LOTS LLC ADDRESS: 4113 RADCLIFF CRT MIDLAND, TX 79707 91360
R4397 - LAWRENCE H. HAHN ADDRESS: P.O. BOX 10169 MIDLAND, TX 79702
R4387 - IDEA PUBLIC SCHOOLS 2115 W PIKE WESLACO, TX 78596
R206814 - PLAYA DEL PUEBLO, LTD. ADDRESS: 208 S MARIENFELD ST MIDLAND, TX 79701
TEXAS 120 LLC 1003 S MIDKIFF RD MIDLAND, TX 79701 R4421
BELLMONT REALTY, LLC ROBERT WEIDNER 4516 BENT TREE TRL MIDLAND, TX 79707 R212303
MPDC PARTNERS LLC P.O. BOX 2071 MIDLAND, TX 79702 R4426
R5376 - A TODYSSEY INC ADDRESS: P.O. BOX 2611 MIDLAND, TX 79702
R5431 - MIDLAND PETRO DC PARTNERS LLC ADDRESS: P.O. BOX 2071 MIDLAND, TX 79702
R5432, R206814, R206815, 206811, & R206813 - MIDLAND PETRO DC PARTNERS ADDRESS: P.O. BOX 2071 MIDLAND, TX 79702
R5437, R5438, R206701, R206817, R206818, R206819, & R2078101 - MIDLAND PETRO DC PARTNERS ADDRESS: P.O. BOX 2071 MIDLAND, TX 79702
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R8011
R8012
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R8014
R8015
R8016
R8017
R8018

City Council Meeting

Item Number: 30

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **The proposed granting of oil and gas well permits to Pioneer Natural Resources, USA, Inc. (“Operator”) for the drilling of the following oil and gas wells: Stimson E17B 102H; Stimson E17C 103H; Stimson E17D 104H; Stimson E17E 105H; Stimson E17F 106H; Stimson E17G 107H; Stimson E17H 108H; Stimson E17I 109H; and Stimson E17J 110H; said wells being generally located between 405 feet and 406 south of Arapahoe Road and between 1,182 feet and 1,342 west of Elkins Road (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

The proposed granting of oil and gas well permits to Pioneer Natural Resources, USA, Inc. (“Operator”) for the drilling of the following oil and gas wells: Stimson E17B 102H; Stimson E17C 103H; Stimson E17D 104H; Stimson E17E 105H; Stimson E17F 106H; Stimson E17G 107H; Stimson E17H 108H; Stimson E17I 109H; and Stimson E17J 110H; said wells being generally located between 405 feet and 406 south of Arapahoe Road and between 1,182 feet and 1,342 west of Elkins Road. Council may consider these permits following a 30-day public comment period and at a regularly scheduled meeting. No notices of objection received.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

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

Discussion:

The Oil and Gas Advisory Committee has reviewed the well site in detail and recommends approval with updated exhibits. A 24 ft. sound wall will be used during drilling and fracturing

operations being located on the north, west and south side of location. Closest homes approximately 880 feet to the north east of the drill pad site. Pad site is planned to be a 20 well pad site. No quiet frac system being used. Tank Battery will be in the County to the east of Elkins Road. The operator has a surface agreement. Receiving support of the Oil & Gas Advisory Committee, Pioneer Natural Resources is requesting the following variances:

(1) Pioneer Natural Resources requests to allow for twenty-four-hour fracing operations.
(2) Pioneer Natural Resources requests variance to close reserve pit 3 months (90 days) after operations are completed on all wells on the pad.
(3) Pioneer Natural Resources requests a variance to remove drill cuttings from surface location to be taken off site.
(4) Pioneer Natural Resources requests variance for irrigation and landscaping of the pad. Proposed fencing provides adequate screening around the pad.

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

Robert Patrick

City Manager's Office

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
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3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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):

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

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IV. Well & Operations Information

Proposed Well Name: Stimson E17B 102H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

405' FNL, 1342' FEL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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***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)].**

Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

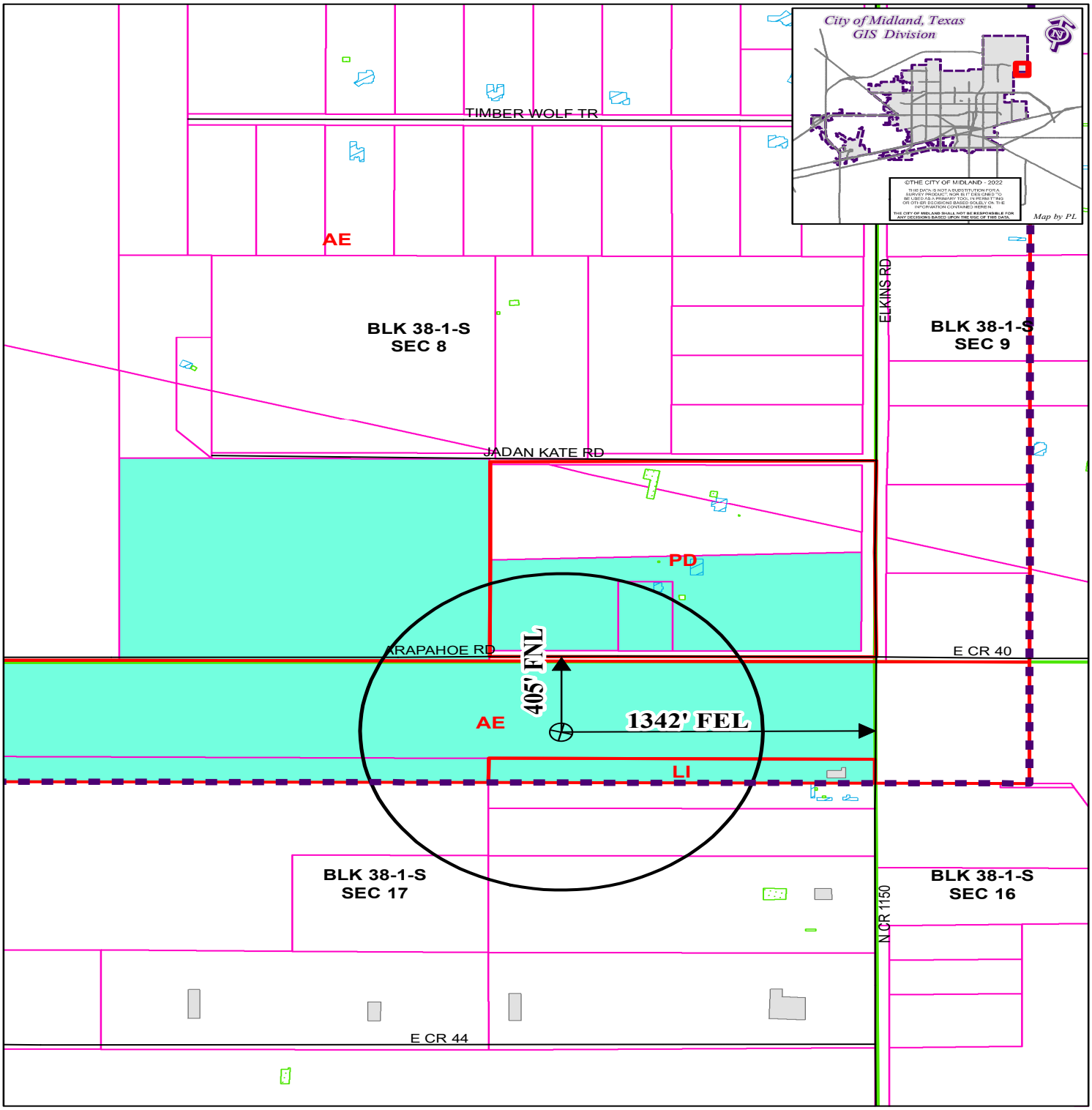
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044054-2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 405' FNL and 1342' FEL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 405 feet south of Arapahoe Road and 1,342 feet west of Elkins Road.

Stimson E17B 102H

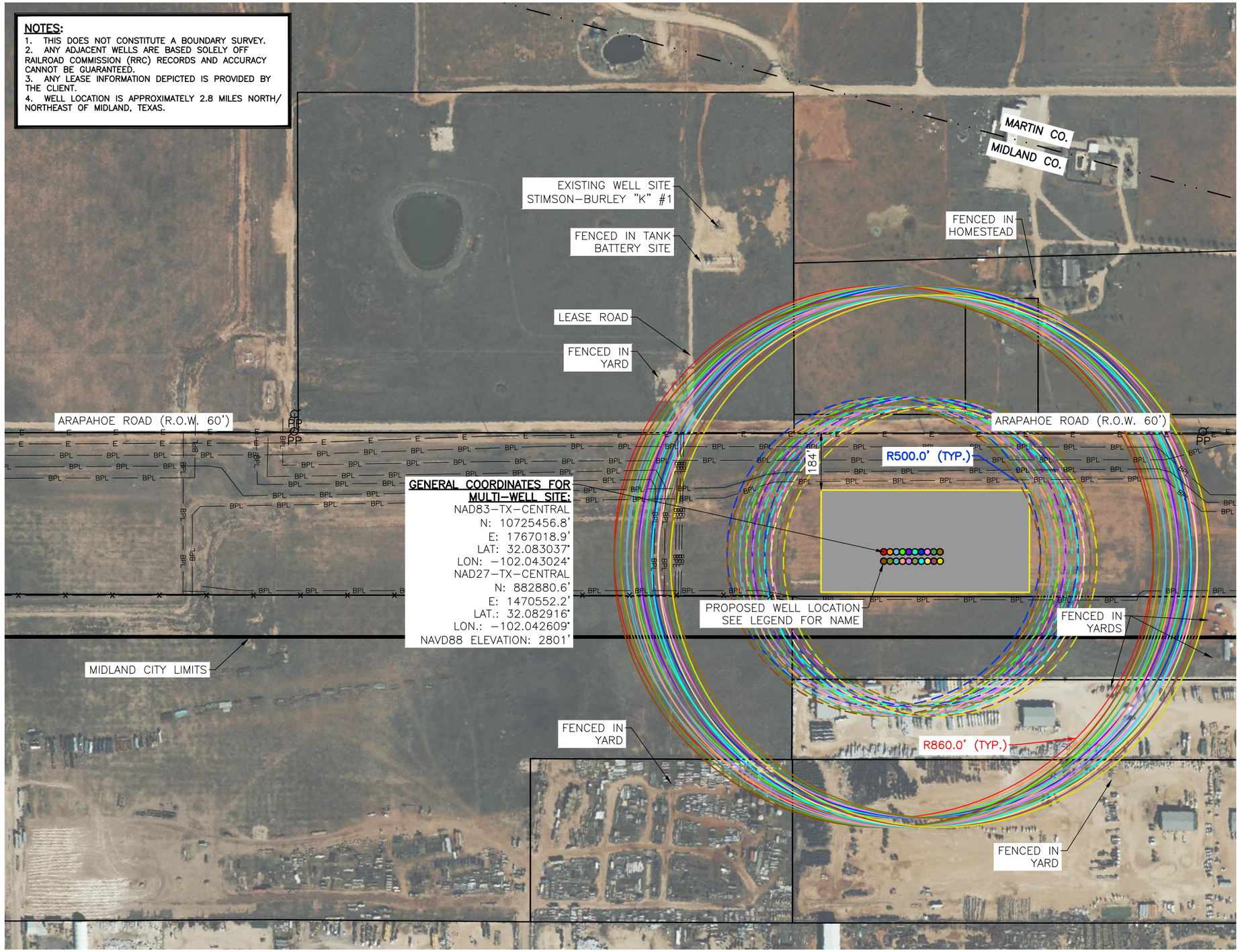
LEGEND

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, O2	OFFICE
	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
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

NOTES:
1. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
2. ANY ADJACENT WELLS ARE BASED SOLELY OFF RAILROAD COMMISSION (RRC) RECORDS AND ACCURACY CANNOT BE GUARANTEED.
3. ANY LEASE INFORMATION DEPICTED IS PROVIDED BY THE CLIENT.
4. WELL LOCATION IS APPROXIMATELY 2.8 MILES NORTH/ NORTHEAST OF MIDLAND, TEXAS.



LEGEND

	STIMSON E17A #101H
	STIMSON E17B #102H
	STIMSON E17C #103H
	STIMSON E17D #104H
	STIMSON E17E #105H
	STIMSON E17F #106H
	STIMSON E17G #107H
	STIMSON E17H #108H
	STIMSON E17I #109H
	STIMSON E17J #110H
	STIMSON E17K #111H
	STIMSON E17L #112H
	STIMSON E17M #113H
	STIMSON E17N #114H
	STIMSON E17O #115H
	STIMSON E17P #116H
	STIMSON E17Q #117H
	STIMSON E17R #118H
	STIMSON E17S #119H
	STIMSON E17T #120H
MULTI–COLOR	860–FOOT BUFFER/HALO
MULTI–COLOR	500–FOOT BUFFER/HALO
	PROPOSED WELL PAD SITE
	PROPERTY OWNERSHIP BOUNDARY
	COUNTY LINE
	CITY LIMITS
BPL	BURIED PIPELINE
E	OVERHEAD ELCTRIC
X	FENCE

N

0' 300' 600'

SCALE: 1" = 300'

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
TBPELS SURVEYING FIRM #10193998

DATE: 10/20/2021
REV.: 05/16/2022
BY: J. ALVAREZ
AVO: 39678.704

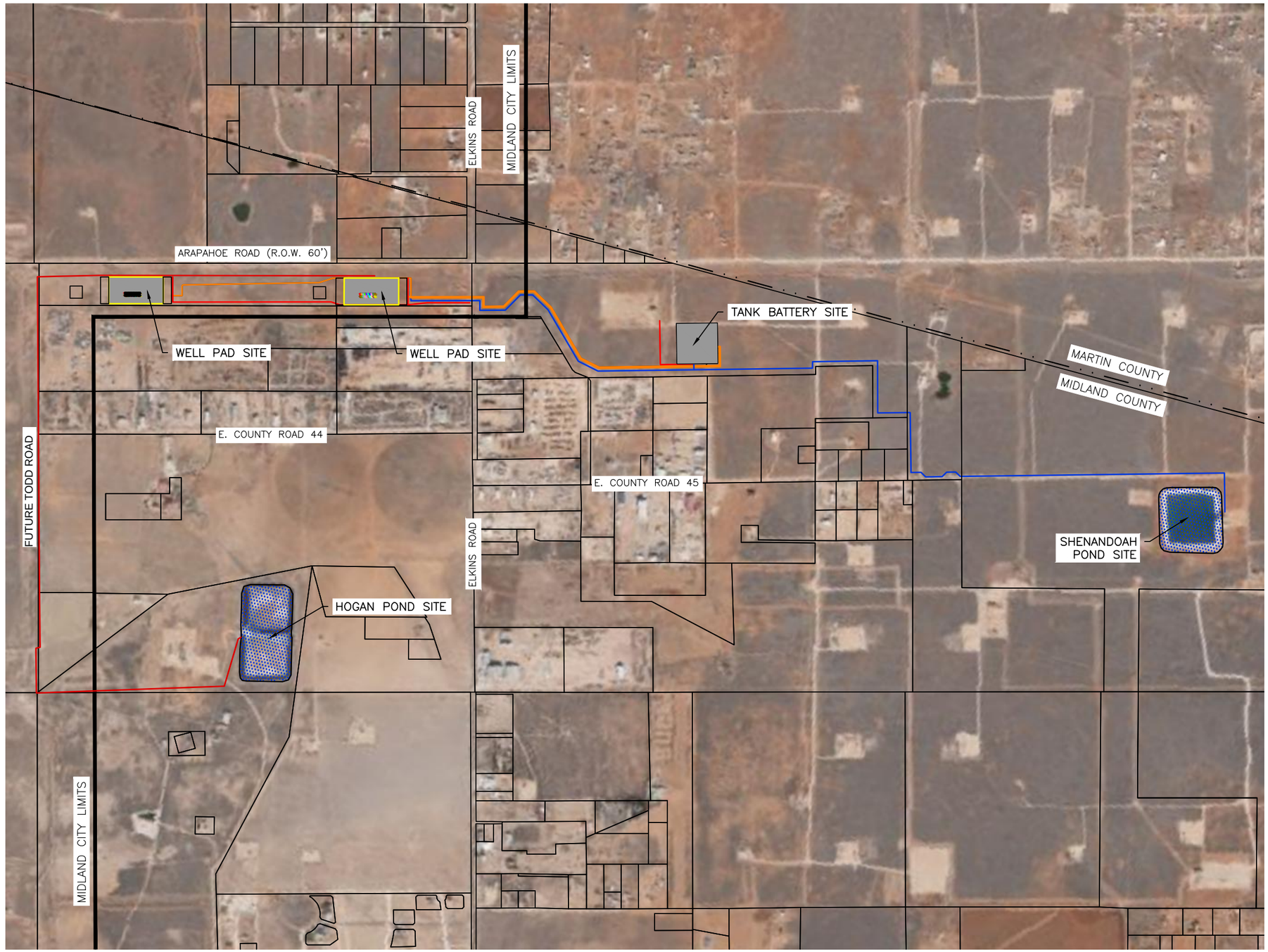
PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "E"
AERIAL SITE PLAN

STIMSON E17A–E17T #101H–#120H

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP–1–SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

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N

0' 1200' 2400'

SCALE: 1" = 1200'

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LEGEND

- WELL SURFACE LOCATION
- PROPOSED WELL PAD SITE
- TANK BATTERY SITE
- POND SITE
- PROPOSED FLOWLINE
- PROPOSED PRODUCED WATERLINE
- PROPOSED TEMPORARY WATERLINE
- PROPOSED ELECTRICAL
- E — E — EXISTING OVERHEAD ELECTRICAL
- UG — UG — EXISTING BURIED PIPELINE

HALFF®
3300 NORTH A STREET, BUILDING 2, SUITE 120
MIDLAND, TX 79705-5471
TEL (432) 253-3255
TBPELS SURVEYING FIRM #10193998

DATE: 4/27/2022
REV.: 05/16/2022 J. ALVAREZ
BY: J. GONZALEZ
AVO: 39678.698

PIONEER NATURAL RESOURCES USA, INC.

EXHIBIT "N"
DRILL SITE, GATHERING LINES, ELECTRICAL

STIMSON 17 PADS

LOCATED IN
SECTION 17, BLOCK 38,
TOWNSHIP-1-SOUTH,
T. & P. R.R. CO. SURVEY,
ABSTRACT NO. 152,
MIDLAND COUNTY, TEXAS

I:\39000s\39678\698\CADD\SheetsMLD\EXHIBIT_PLATS\039678.698_EXHIBIT_N_DRILL_SITE.dwg

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

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III. Surface Ownership & Use

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

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Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

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IV. Well & Operations Information

Proposed Well Name: Stimson E17C 103H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

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405' FNL, 1322' FEL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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

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[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

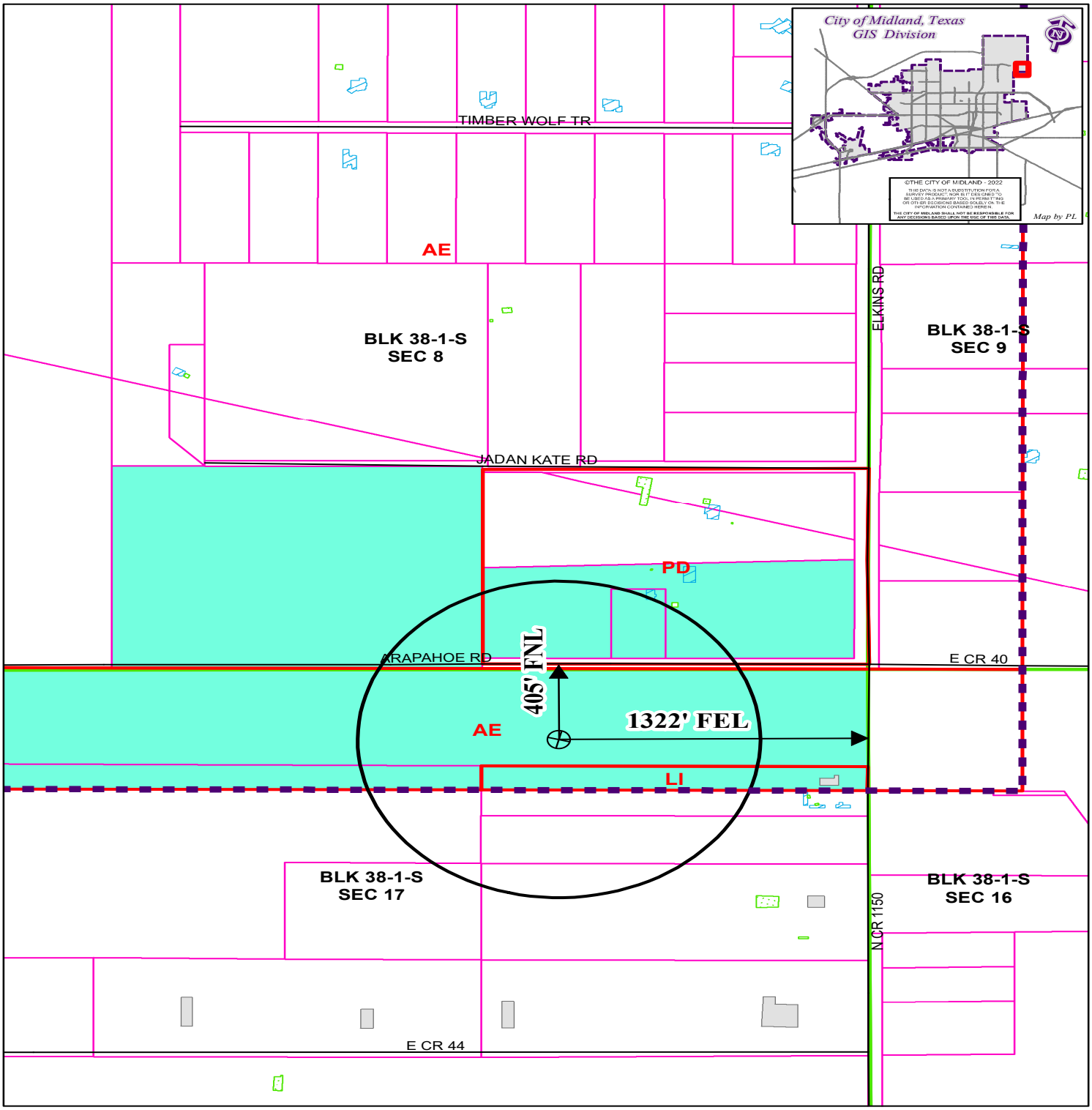
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044056-2022 **Scale: 1" = 600'**

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Stimson E17C 103H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
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ZONING	ACCESSORY BLDGS	SURVEY SEC.

ZONING DISTRICTS:

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PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
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***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: Stimson E17D 104H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

406' FNL, 1302' FEL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

***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)].**

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***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: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

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The route for electric lines can be found on Exhibit N

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

A freshwater pit is proposed. See Exhibit O and V for details on closing. Variance on timing is requested.

V. Additional Required Exhibits

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

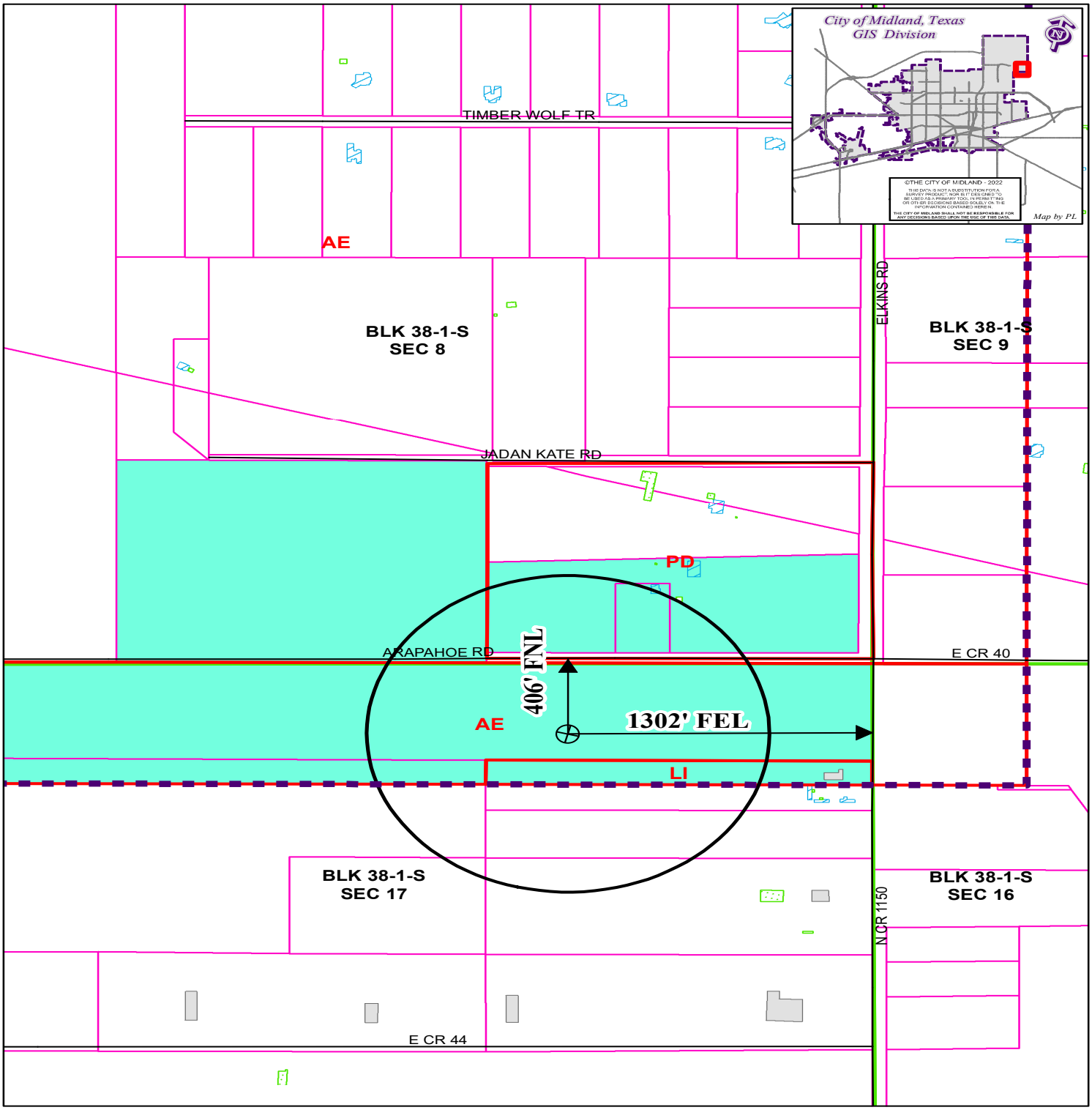
State of Texas)

County of DALLAS)

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HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044057-2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 406' FNL and 1302' FEL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 406 feet south of Arapahoe Road and 1,302 feet west of Elkins Road.

Stimson E17D 104H

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CBD, RC, LI-3	LOOP RETAIL
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MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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
04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):
Pioneer Remote Operations Hub
3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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):

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

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IV. Well & Operations Information

Proposed Well Name: Stimson E17E 105H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

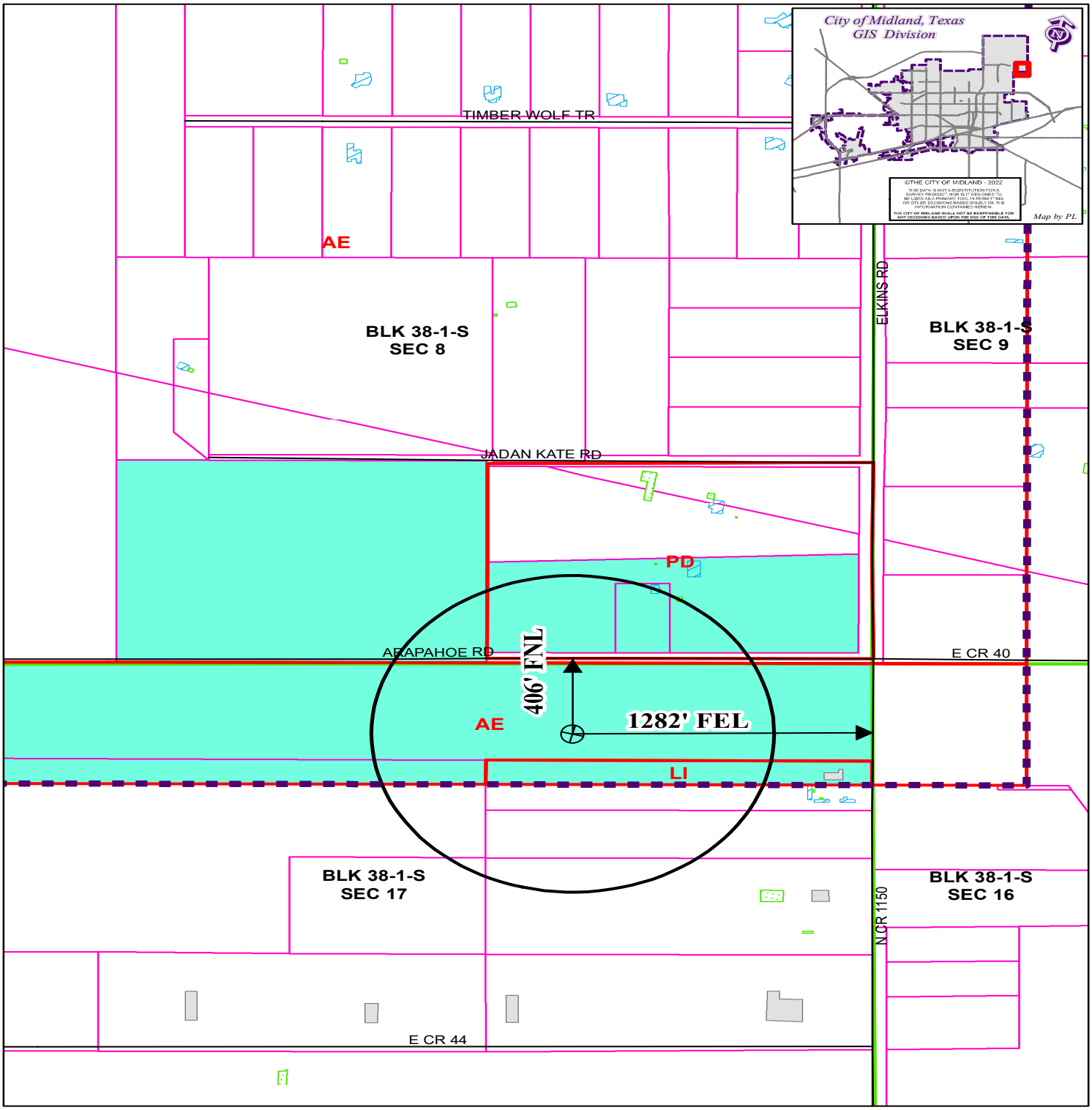
State of Texas)

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ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044058-2022 **Scale: 1" = 600'**

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Generally located 406 feet south of Arapahoe Road and 1,282 feet west of Elkins Road.

Stimson E17E 105H

LEGEND

CITY PARCELS	PUBLIC BLDGS	CITY LIMITS
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MIDLAND Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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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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Proposed Well Name: Stimson E17F 106H

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

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

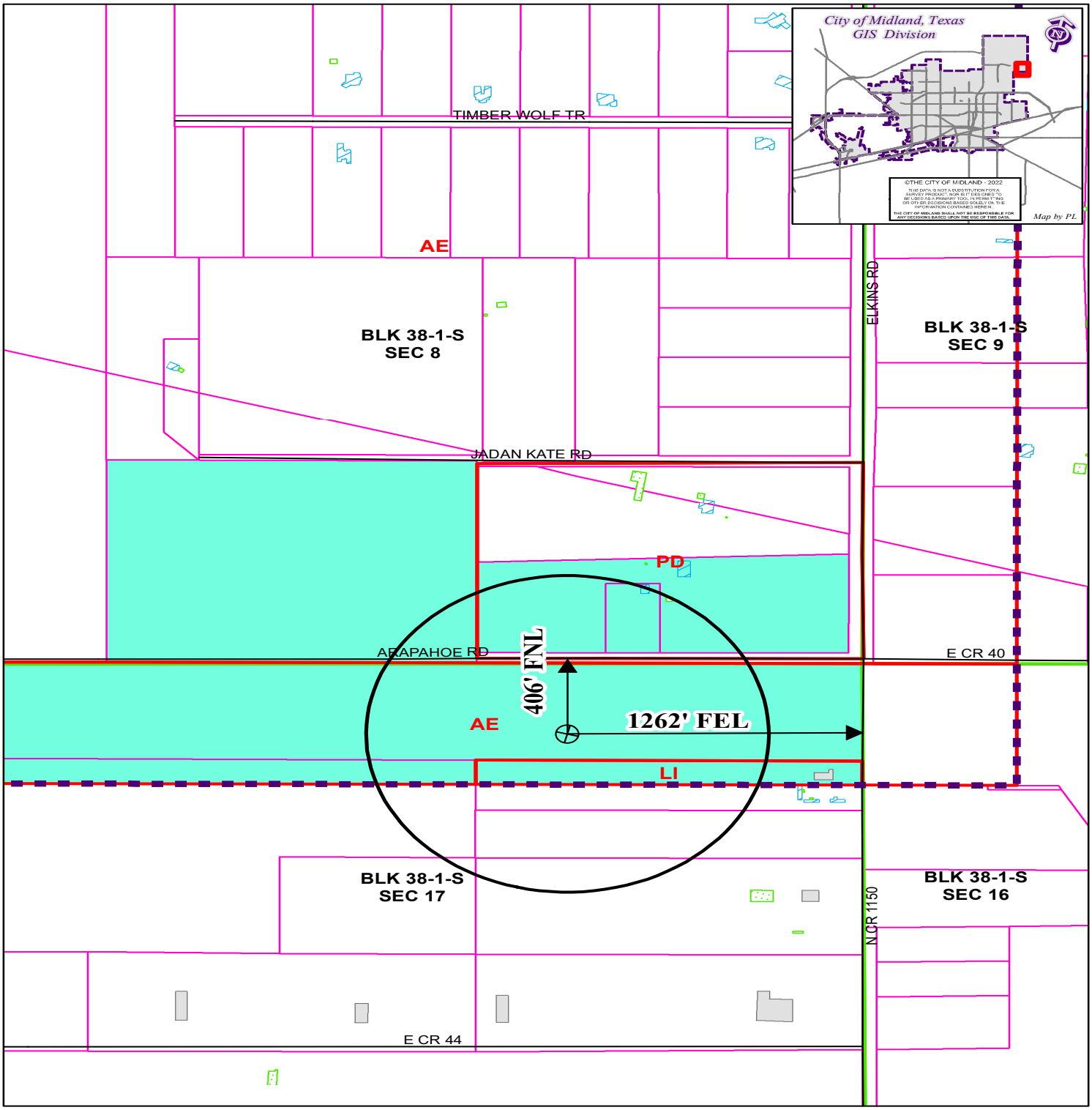
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Comm. Exp. 06-01-2022
[SEAL]

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Stimson E17F 106H

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

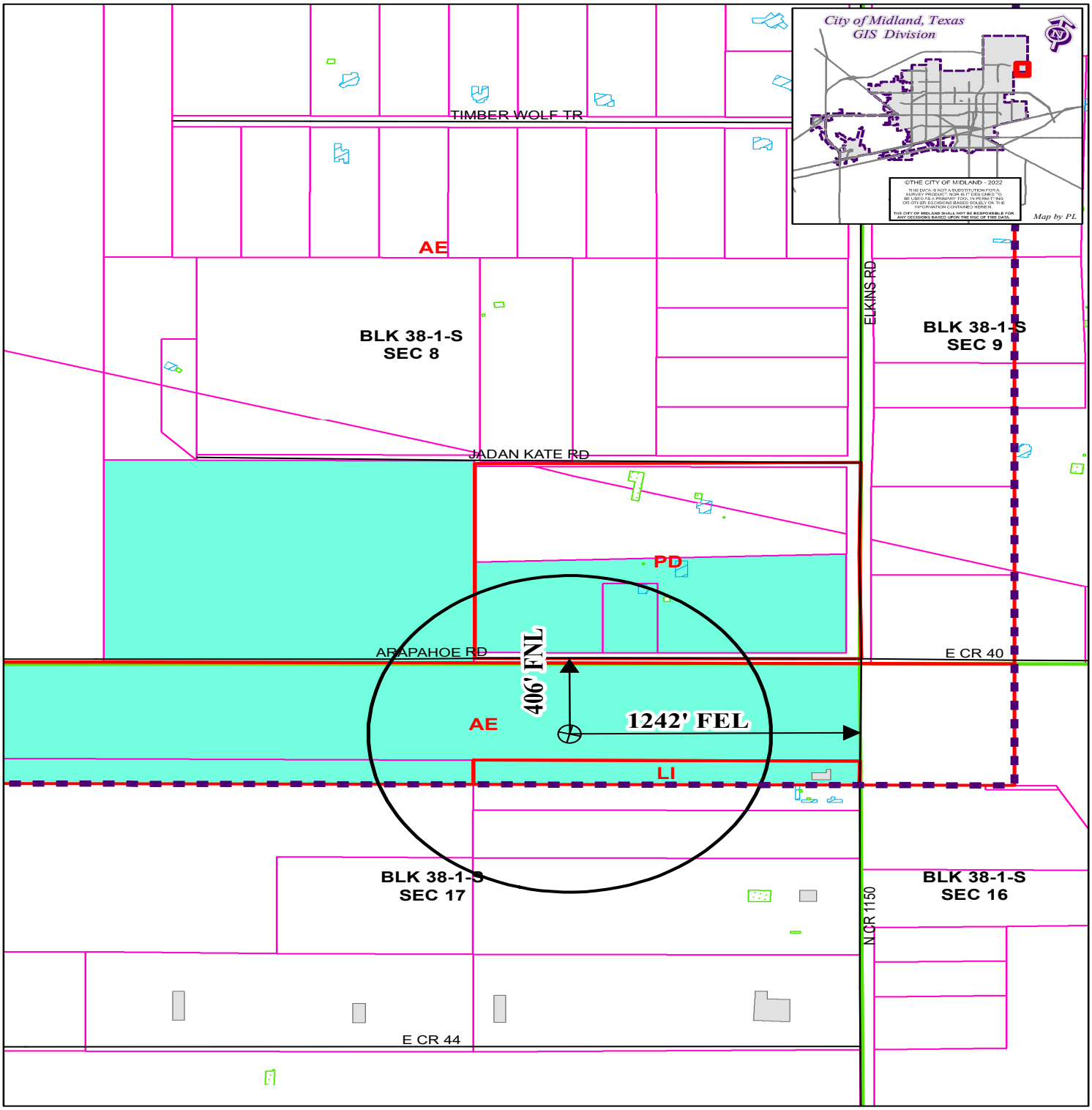
State of Texas)

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, 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.

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NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044060-2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 406' FNL and 1242' FEL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 406 feet south of Arapahoe Road and 1,242 feet west of Elkins Road.

Stimson E17G 107H

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
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AE	AGRICULTURE ESTATE	01, O2	OFFICE
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(Pursuant to Midland City Ordinance No. 8769)

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04/27/2022	Pioneer Natural Resources, USA, Inc.	777 Hidden Ridge Lane Irving, Texas 75038

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Matt Mathis, Field Production Operations Manager	3617 N Big Spring St Midland, Texas 79705	432-571-3086 Office 469-203-5174 Mobile 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): Laura Wallace, Sr Staff Regulatory Specialist
972-969-1742 Office or 817-682-3483 Mobile

Option A:

24/7 Answering Services - No. 1 (Tele.): 432-571-2666 **No. 2 (Tele.):**

Option B:

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

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3617 N Big Spring St. Midland, Texas 79705
432-571-2666 (Available 24/7)

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

II. Mineral Ownership

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

1. See Attached Exhibit C
2.
3.

ATTACHED AS EXHIBIT C **is (a** ***Title Opinion by*** Various - See Exhibits ***, 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)].**

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

Located in Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

Surface is owned by Pioneer Natural Resources. There are seven additional owners of property within 860' of proposed Surface Hole Locations. See attached Exhibit C for details.

Property is currently undeveloped. Tank battery will be located outside the city limits.

ATTACHED AS EXHIBIT D **is a Current Tax Roll from Martin & Midland Central Appraisal District.**

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IV. Well & Operations Information

Proposed Well Name: Stimson E17H 108H

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

A wellbore schematic with the applicable information is attached within Exhibit G.

Legal Description of Proposed Well Site: Surface Hole Location:

406' FNL, 1222' FEL, Section 17, Block 38, T1S, T&P RR Co., Abstract 152, Midland County, Texas

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Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

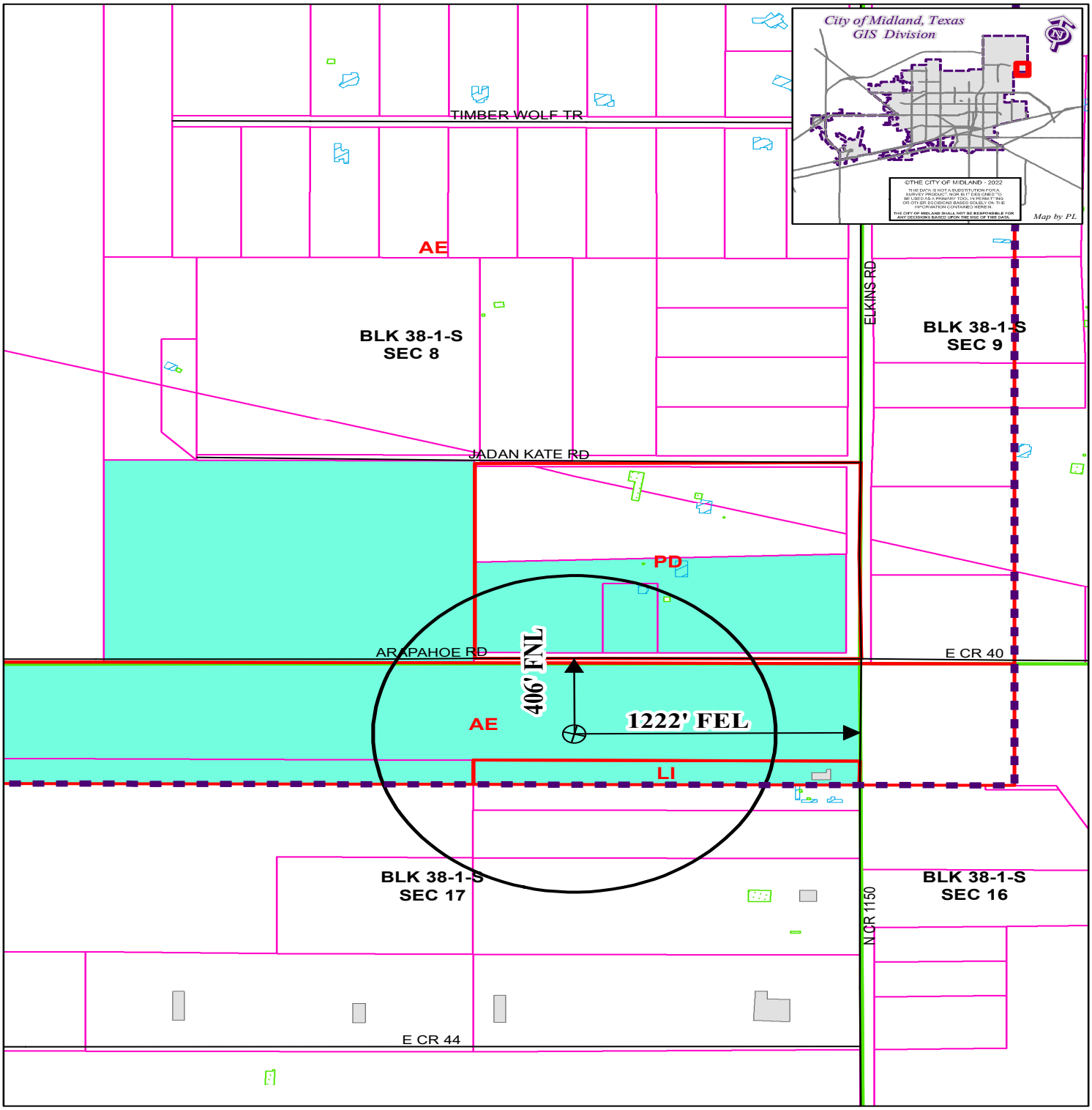
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ID# 11239288
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Comm. Exp. 06-01-2022
[SEAL]

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Oil-044063-2022 **Scale: 1" = 600'**

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LEGEND

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[NAME OF COMPANY]

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Its Regulatory Advisor

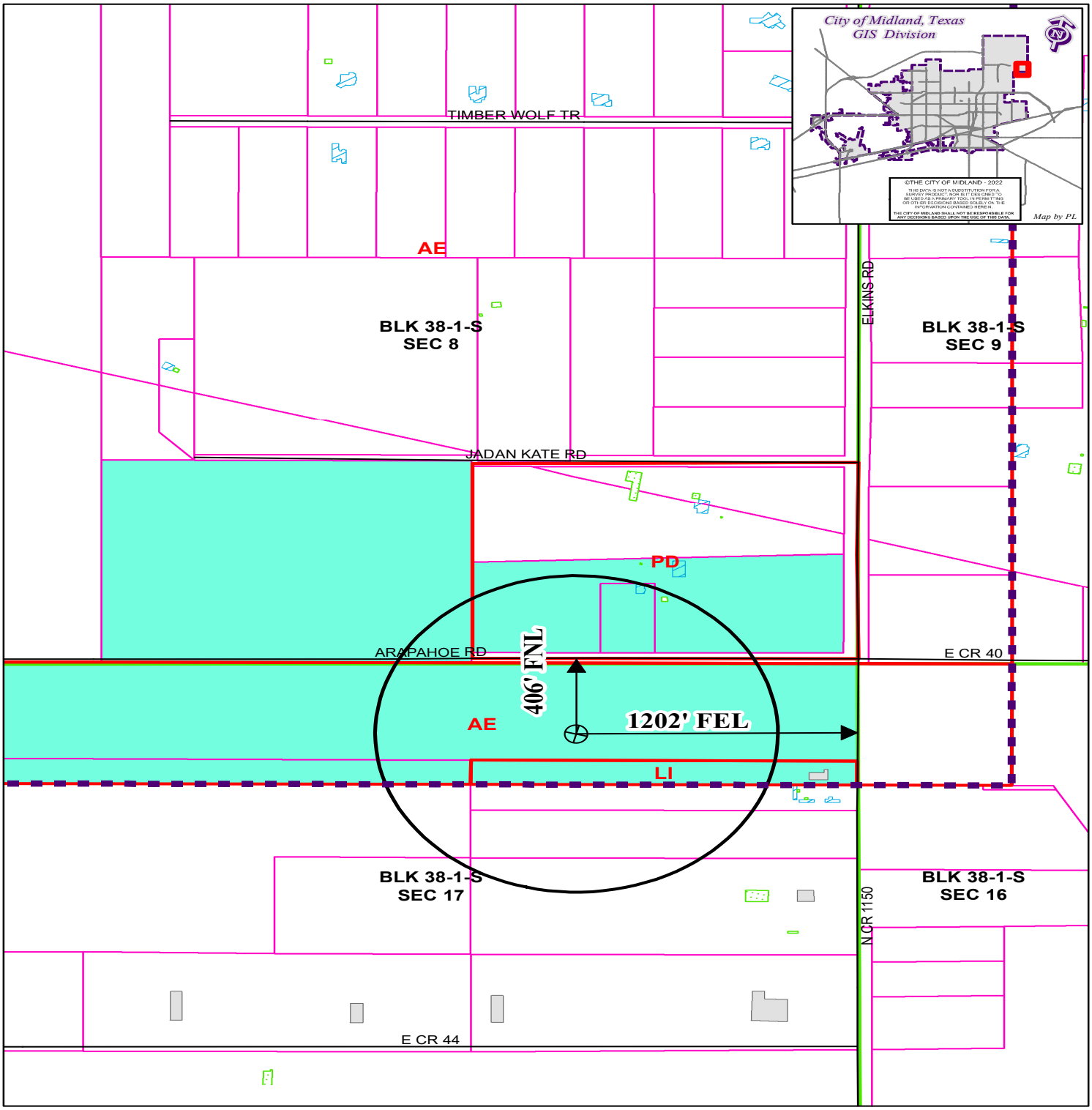
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***ATTACHED AS EXHIBIT L* is the Fencing and Irrigation Plan. [See § J(30)].**

***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: N/A

(2) Operations: Electric is required to support production operations for this well.

Description of water source to be used during Drilling:

Water for drilling will be pulled from an existing fresh water pond located 3750' southeast of the pad. See Exhibit N.

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

The route for electric lines can be found on Exhibit N

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

A freshwater pit is proposed. See Exhibit O and V for details on closing. Variance on timing is requested.

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)].**

Pioneer Natural Resources
[NAME OF COMPANY]

By Laura E Wallace
Its Regulatory Advisor

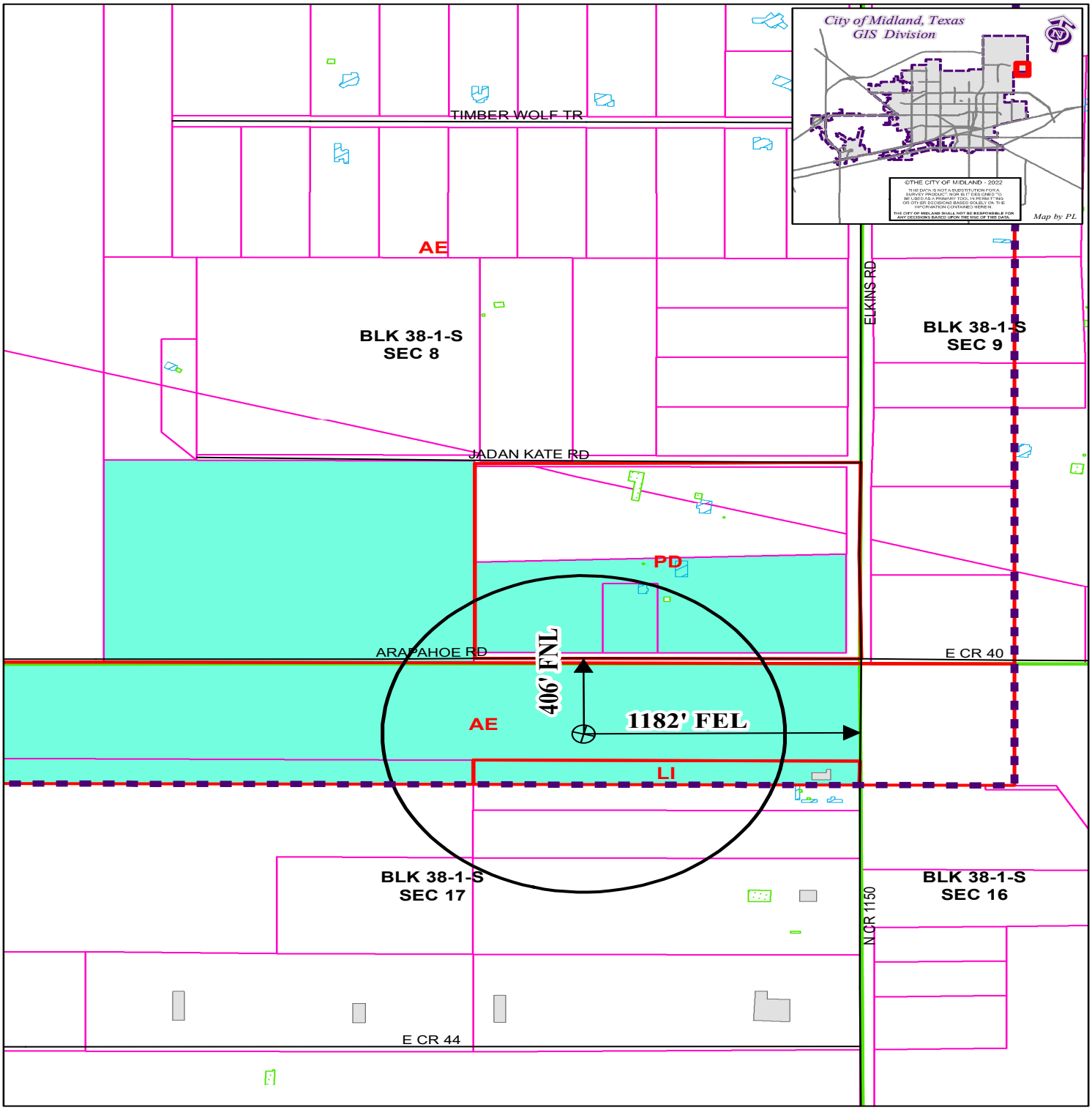
State of Texas)

County of DALLAS)

, 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.

HEATHER M BARCIA
NOTARY PUBLIC
ID# 11239288
State of Texas
Comm. Exp. 06-01-2022
[SEAL]

Notary Public, State of 6/01/2022



LOCATION AND ZONING MAP

Oil-044062-2022 **Scale: 1" = 600'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 406' FNL and 1182' FEL, Section 17, Block 38-1-S, T&P RR CO Survey, Midland County, Texas.

Generally located 406 feet south of Arapahoe Road and 1,182 feet west of Elkins Road.

Stimson E17J 110H

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, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	CR1, CR2, CR3	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

City Council Meeting

Item Number: 31

Meeting Date: September 13, 2022

To: City Council / City Manager

From: James Reber, Planner

Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 4, FANNIN TERRACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CAMARIE AVENUE, APPROXIMATELY 180 FEET WEST FROM NORTH GARFIELD STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; 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 (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

The applicant, William Hughes, is requesting a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, for a reduced minimum rear yard setbacks for the property located at 2305 Camarie Avenue.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant's property is located at 2305 Camarie Avenue, which has a zoning of SF-1, Single-Family Dwelling District and the location of a residence. The applicant is requesting a

special exception to the minimum rear yard setbacks. They are proposing to build a 20'x25' garage towards the rear, placing the addition right onto the rear property lines near the alley. The garage will not meet the rear yard setback requirements of the current zoning ordinance.

Per our City of Midland Zoning Ordinance:

> Section 5.04 – Residential Zoning District Dimensional Regulations Chart
> Minimum rear yard setback: 5 feet

Therefore, the proposed addition of the garage must maintain 5 feet from the rear yard property line as listed in the zoning ordinance, as it does not represent any hardship.

This request has been circulated to all pertinent City departments for review. Below are the departments' comments.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.]

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. [For the Applicant's information only.]

Transportation: (Approved)

No objection to zone change. [For the Applicant's information only.]

Fire: (Approved)

No objections.

Code Compliance: (Approved)

No Oil and Gas issues.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Planning Analysis:

As this request represents a deviation from the existing Zoning Ordinance, staff recommends

denial of this application for a Special Exception to the City of Midland Zoning Ordinance, *Section 5.04 – Residential Zoning District Dimensional Regulations Chart,* for a reduced minimum rear yard setback. This garage has a door opening on the alley and therefore requires a minimum 5 foot setback. This provides for adequate turning distance to enter the garage.

Should the City Council approve this request, the property shall be subject to conditions A and B:

Conditions:

A. That Property shall significantly conform to the conditions shown in Exhibit "A", which is attached hereto and incorporated herein.

B. That the minimum rear yard setback for the proposed addition to the garage shall be 0 (zero).

Letters of Objection:

As of July 06, 2022, staff has not received any letters of objection.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Morris William Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 3, BLOCK 4, FANNIN TERRACE ADDITION, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF CAMARIE AVENUE, APPROXIMATELY 180 FEET WEST FROM NORTH GARFIELD STREET), BY PERMITTING A REDUCED MINIMUM REAR YARD SETBACK; 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 Ordinance, 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 3, Block 4, Fannin Terrace Addition, Section 3, City and County of Midland, Texas (the "Property"). Said special exception shall allow a reduced minimum rear yard setback.

SECTION TWO. Said special exception is subject to the following special conditions:

A. That the minimum rear yard setback for the detached garage shall be zero feet (0').

B. That the Property shall significantly conform to the conditions shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

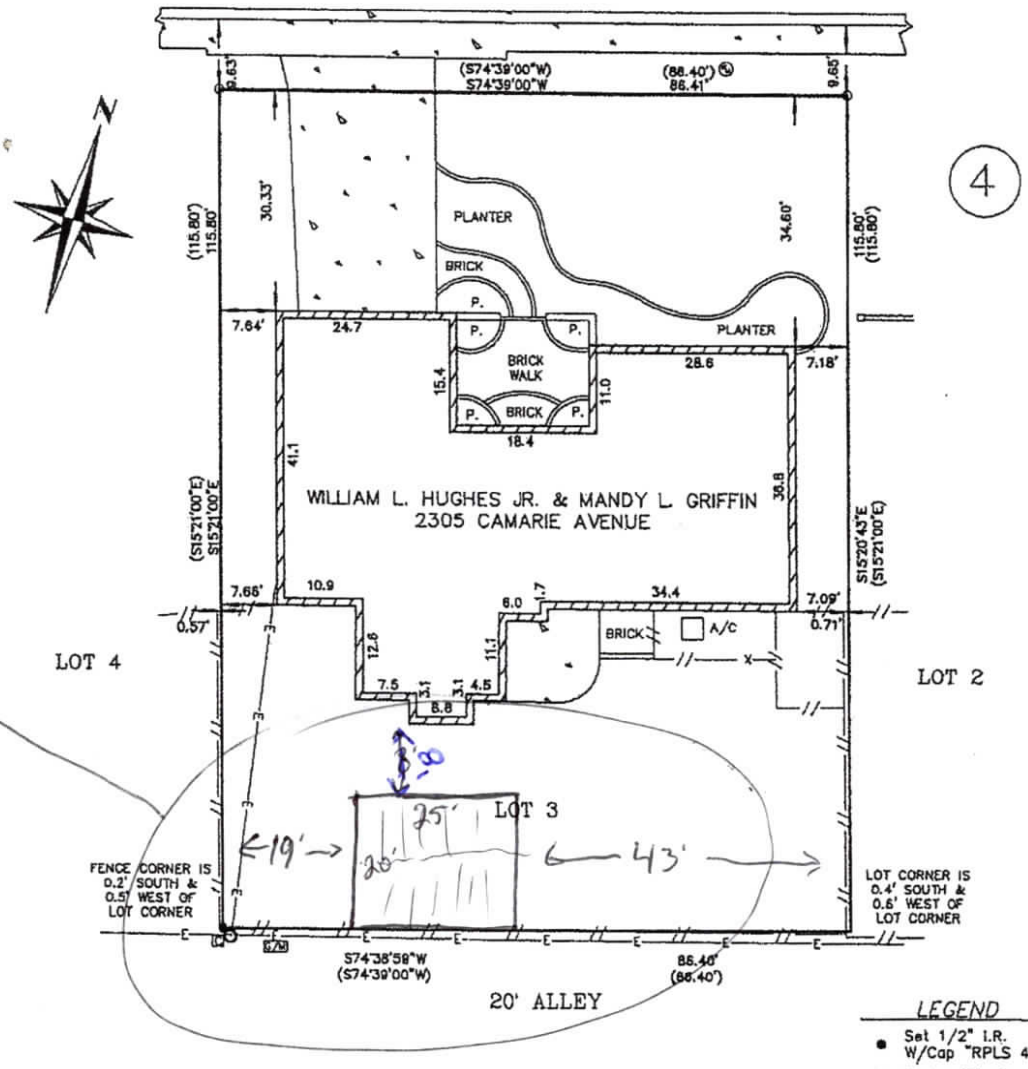
_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Site Plan (Exhibit A)

COPYRIGHT 2022
This survey plat is being provided solely for the use of: William L. Hughes Jr. & Mandy L. Griffin, LRS Financial Network, & West Texas Abstract & Title Co., and that no license has been created, express or implied, to copy the survey plat except as is necessary in conjunction with the original transaction dated April 20, 2022, which shall take place within 90 days after the survey was provided.



See Contractor Notes for Details

The following Easements, Rights-of-way, and Restrictive covenants as listed on the title commitment furnished by:
West Texas Abstract and Title Co., Inc.,
G.F. No.: 48802220651

Restrictive Covenants:
Vol. 294, Pg. 130,
Deed Records,
Midland Co., Texas

SURVEY OF
LOT THREE (3), BLOCK FOUR (4),
FANNIN TERRACE SECTION 3,
AN ADDITION TO THE CITY OF MIDLAND
MIDLAND COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET A, PAGE 25, PLAT RECORDS, MIDLAND COUNTY, TEXAS

LEGEND
- Set 1/2" I.R. W/Cap "RPLS 4170"
- Fnd. 1/2" I.R.
- Gas Meter
- Water Meter
- Power Pole
- Overhead Electric Line
- Cable TV Junct. Box
- Wood Fence line

Census Tract: 2

This tract is in Flood Zone "AE" as shown on the Flood Insurance Rate Map, Dated September 16, 2005 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0088 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Basis of Bearings:
NORTH Line of this Lot

Bearings and Distances Shown
Inside ( ) Indicate Record Information

20 10 0 20

SCALE: 1" = 20'

Dated this the 20th day of April 2022.

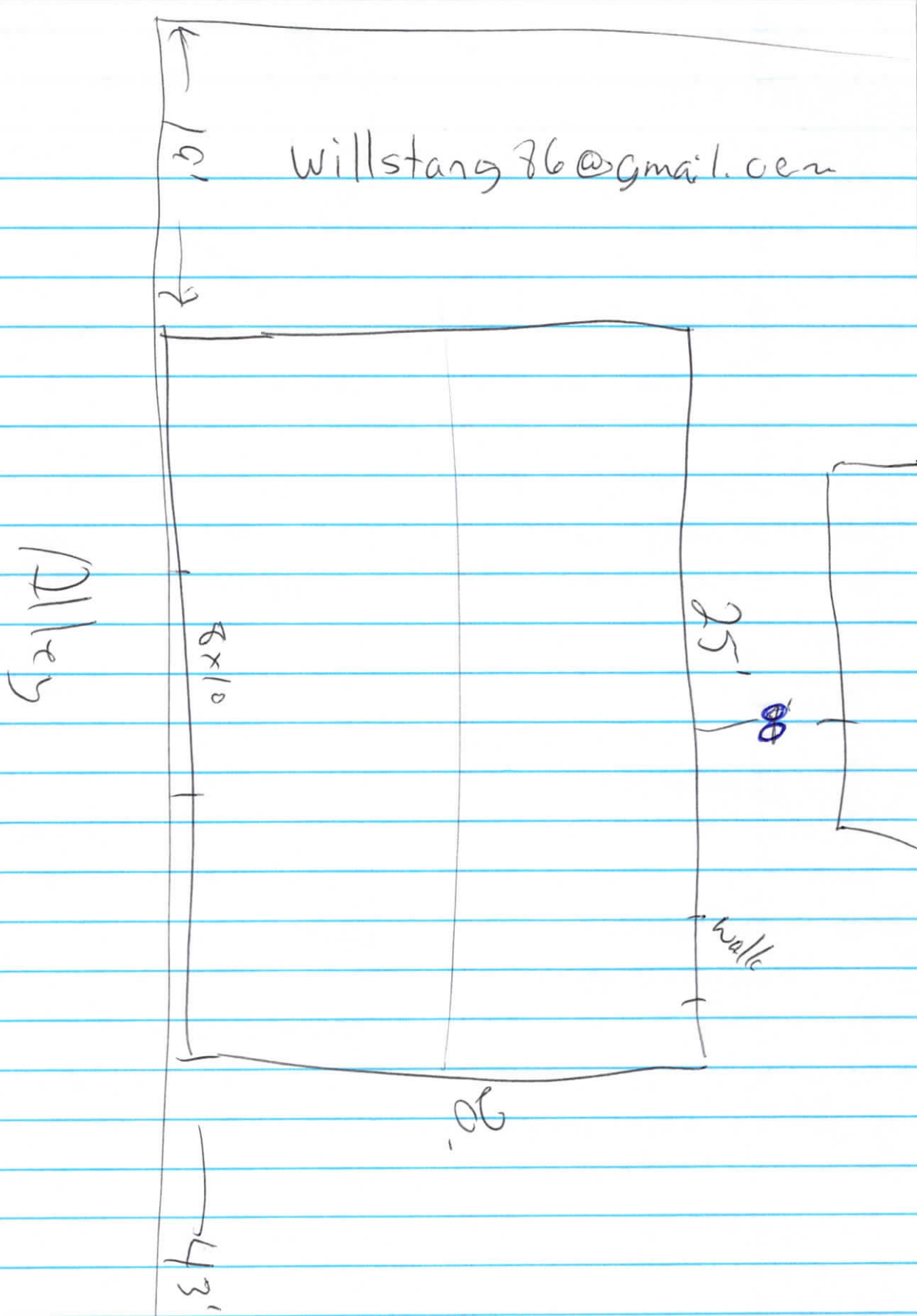
Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 04/20/2022

(IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT)

STATE OF TEXAS
REGISTERED
BRUCE R. PENNELL
4170
PROFESSIONAL
LAND SURVEYOR

PENNELL LAND SURVEYING
PROFESSIONAL LAND SURVEYING
P.O. BOX 51622, MIDLAND, TEXAS 79710
VOICE:(432)570-6256 FAX: (432)682-3262 MOBILE: (432)528-1027

ABSTRACT OFFICE: WEST TEXAS	G.F. #: 48802220651	COMMITMENT EFFECTIVE DATE: 03/18/2022	
CAD FILE: BRP23145	DATA FILE: 2305CAMARIE	DRAWN BY: TOBY P.	FIRM NO.: 10193978


2
Willstang86@gmail.com
2
Patio
8x10
25'
8
walk
30'
3'

MIDLAND Planning Division

Special Exception Application

Project Number: E-22-0084

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Benny Fehr - Schmith Exteriors		Phone (432) 661-3236 Email benny@schmithrc.com	
Address 351 CR 311	City Seminole	State TX	Zip 79360

Property Owner Printed Name: William Hughes		Phone (575)441 3935 Email willstang86@gmail.com	
Address 2305 Camarie Ave	City Midland	State TX	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: ~~Schmith~~ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 2305 Camarie Ave Midland TX 79705

Legal Description
Lot: 3 Block: 4 Subdivision: Fannon Terrace

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: To build shop/Storage in back yard on the properti.e like

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)

Signatures	
Applicant (signature):	Date: 7-19-2022
Applicant (printed): Benny Fehr	
Property Owner (signature): William Hughes	Date: 7-19-2022
Property Owner (printed): William Hughes	

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 Benny Fehr who, being by me duly sworn, upon oath says: That (s)he is authorized by William Hughes, 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 19th day of July, 2022, to certify which witness my hand and seal of office.

Margarita Wall Friesen
My Commission Expires
8/5/2025
Notary ID
133252870

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

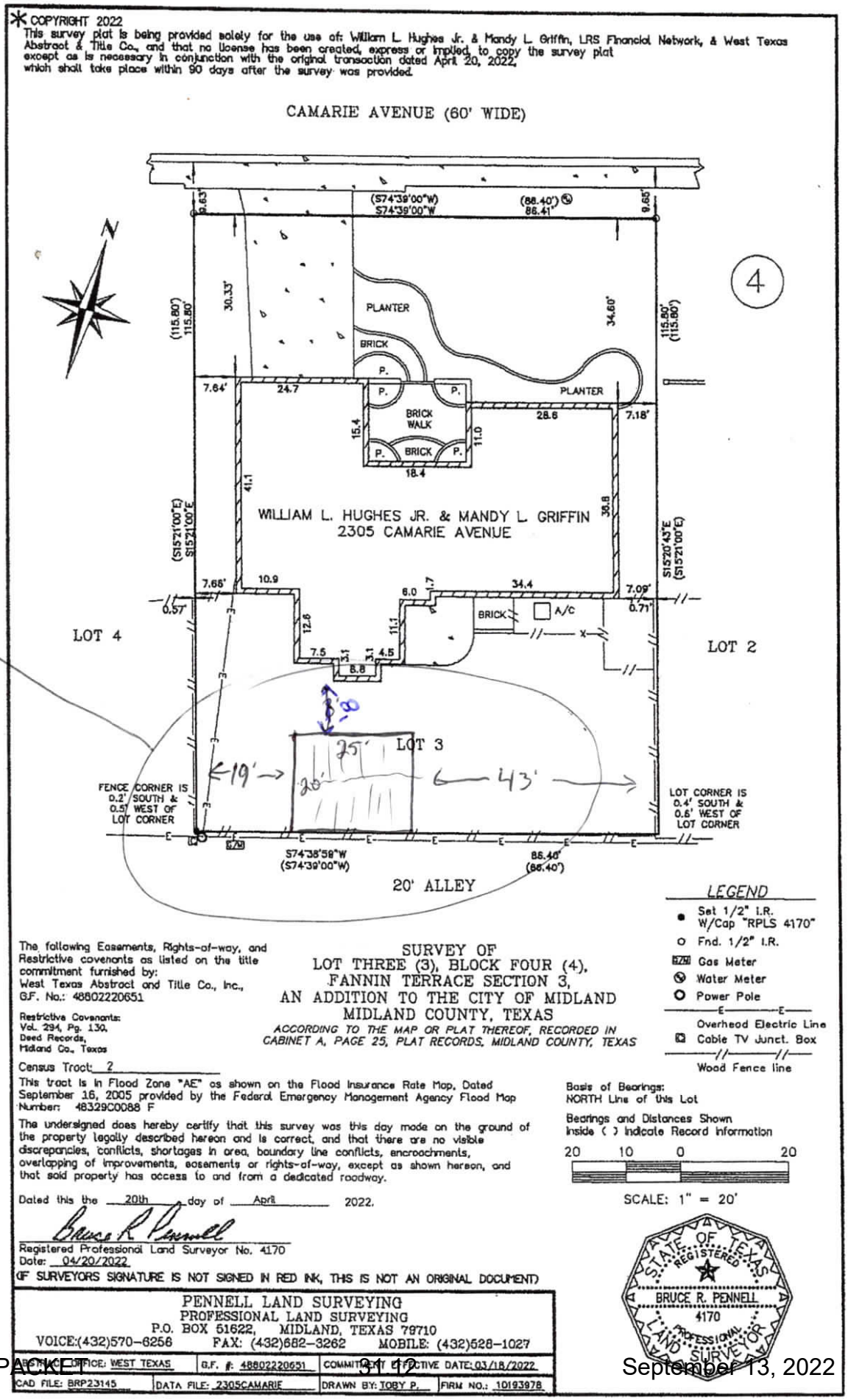
FOR OFFICE USE ONLY

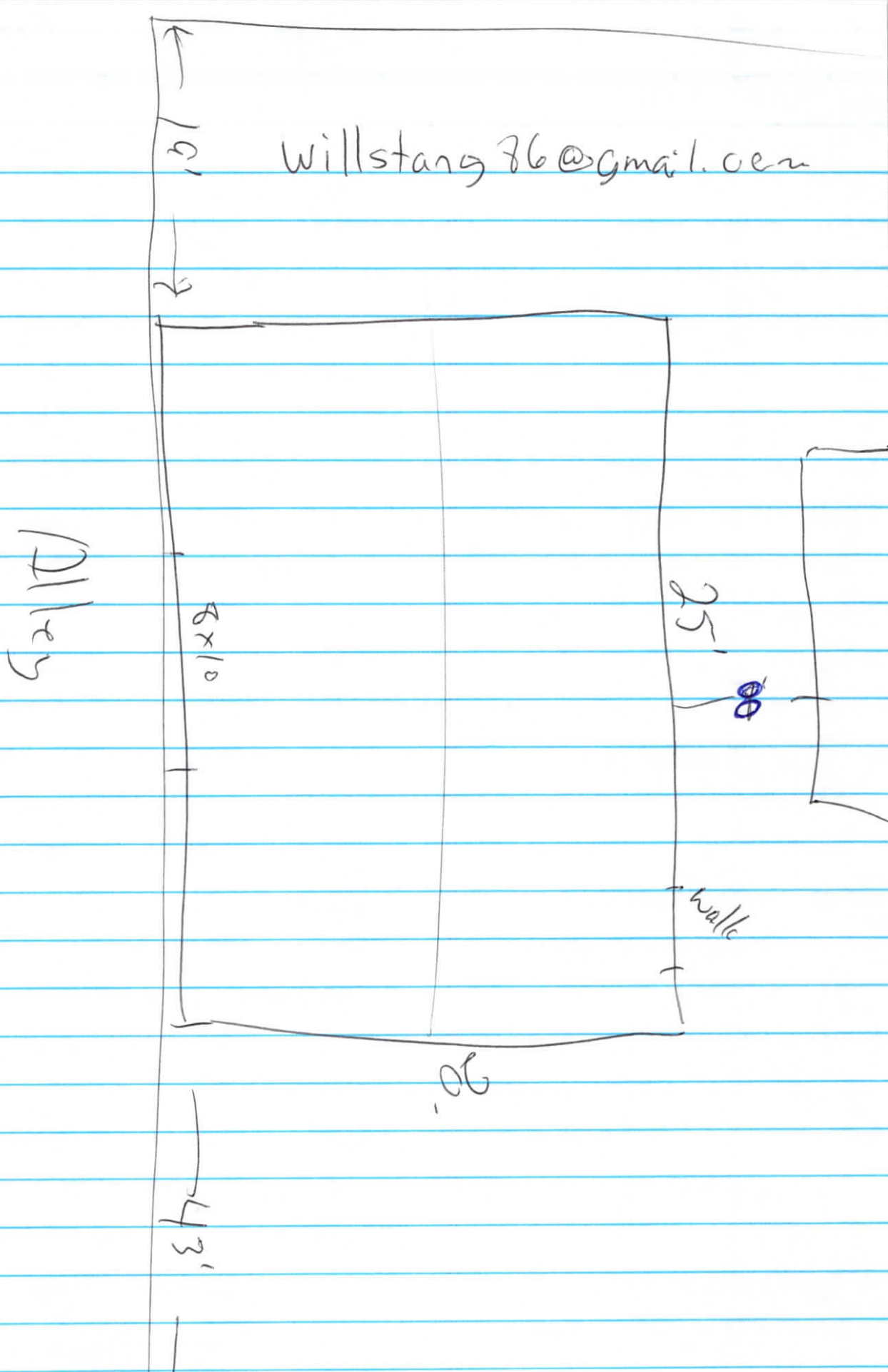
☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # CC (authorization form provided)	
Received By: James Reber	Date: 8/8/22

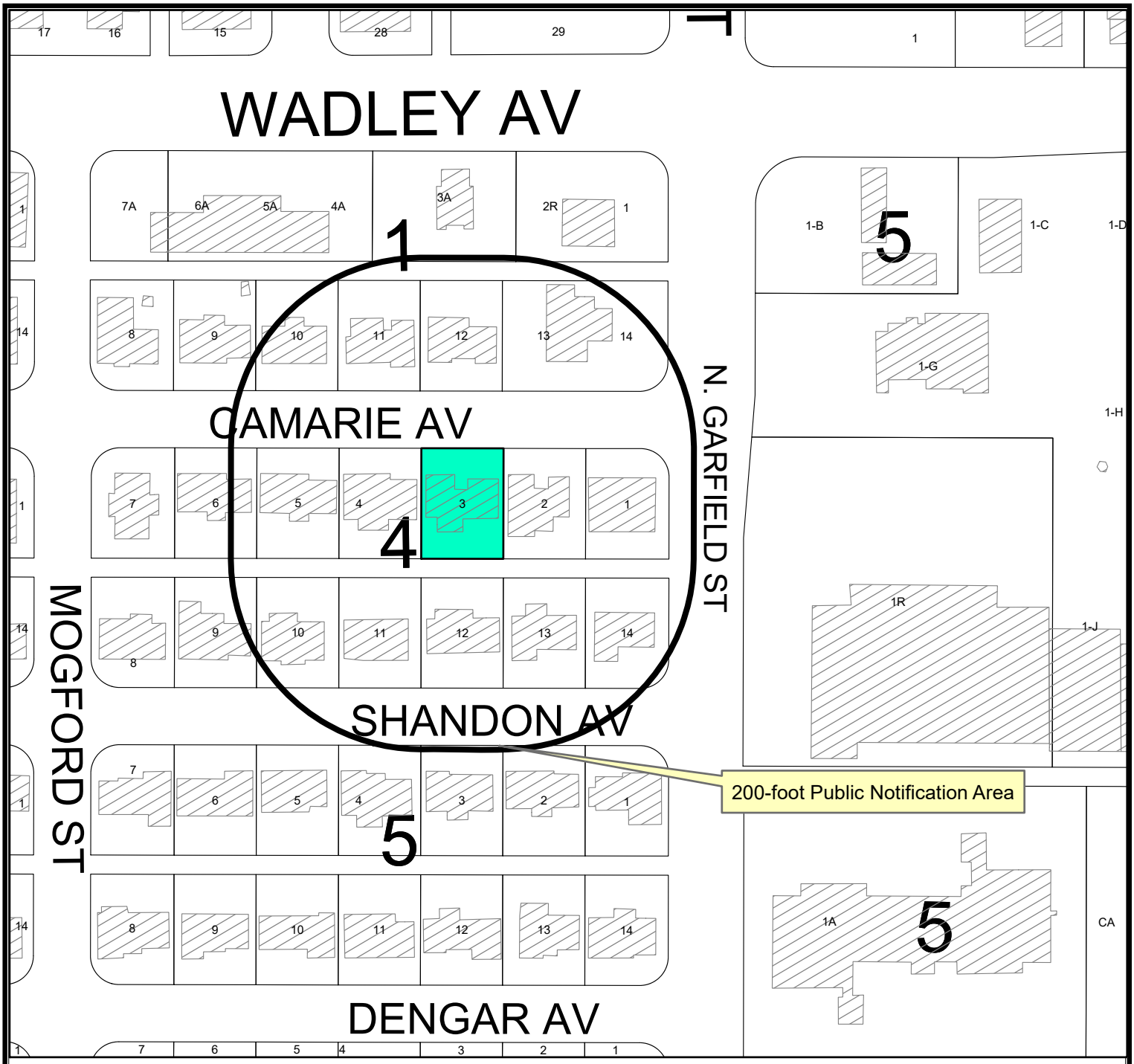
RECEIVED
AUG 08 2022
BY: James Reber

****Application will not be considered for scheduling until reviewed by a planner.****

Site Plan (Exhibit A)




2'
willstang76@gmail.com
2'
25'
8'
8x10
walk
30'
3'



LOCATION MAP

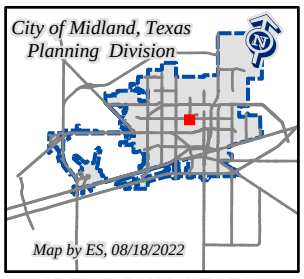
E-22-0084 **Scale: 1" = 200'**

Consider a request by William Hughes for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning a reduced minimum rear yard setback on Lot 3, Block 4, Fannin Terrace Addition, Section 3, City and County of Midland, Texas.

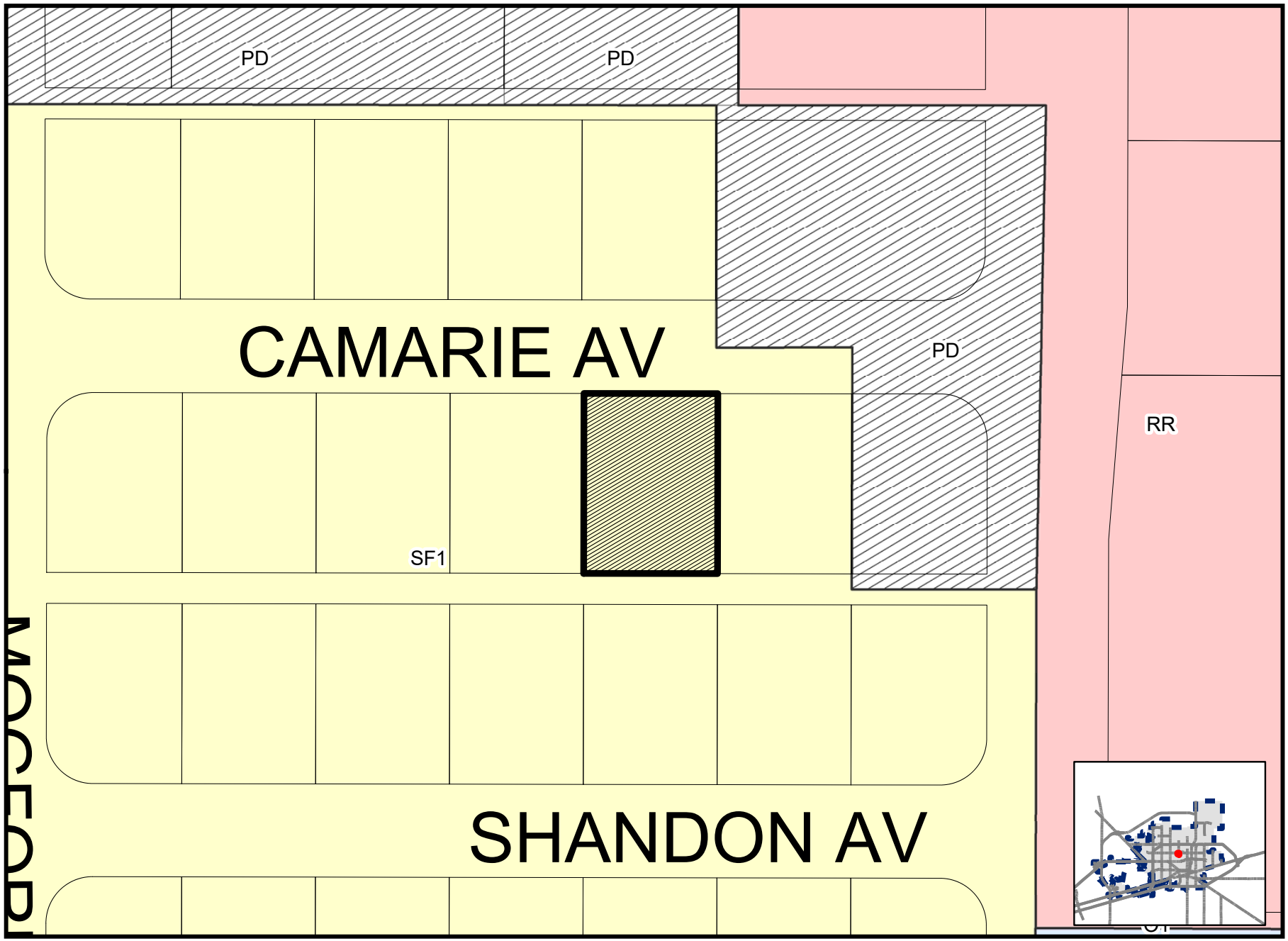
Generally located on the south side of Camarie Avenue, approximately 180 feet west from N Garfield Street. (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



September 13, 2022



Map By ES, 8/18/2022

E-22-0084

Scale: 1" = 200'

ZONING MAP

NOR IS IT DESIGNED
INFORMATION CONTAINED









City Council Meeting

Item Number: 32

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Landon Ochoa, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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 (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Maverick Engineering, is requesting a zone change from SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, to PD, Planned Development District for Housing Development to allow for the development of multi-use site including single family housing, townhomes, cottage housing, retail, and greenspace/detention.

Recommended City Council Action:

Approve

Fiscal Impact:

This project will not require any City funds.

Current Zoning:

SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part.

Surrounding Zoning and Land Use:

The property to the north is zoned SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and LR, Local Retail District, in part. The property to east and south is zoned AE, Agricultural Estate District. The properties to the west are zoned SF-3 Single-Family-Dwelling District, in part, PD, Planned Development District for Housing Development, in part, SF-2, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, MF-16, Multiple-Family Dwelling District, in part, LR, Local Retail District.

Analysis:

The applicant, Maverick Engineering, who is representing Betenbough, is requesting approval of a zone change for the development of a multi-use site, including a mix of residential, commercial, and greenspace uses. This proposed subdivision will have a total of nine hundred and twenty-four (924) residential lots, one approximately 6.235-acre local retail lot, and approximately 72.91 acres of greenspace/detention pond that is composed of parks, trails, common areas, and drainage ponds.

The current zoning is SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, and the location of vacant lots. The proposed development will consist of a variety of uses but will predominantly be a residential development. The proposed residential districts include, SF, Single Family Dwelling District lots, and TH, Townhouse (Attached) Dwelling District lots. The applicant is also proposing to provide a local retail zoning area along the northeast corner of the intersection of E. Mockingbird Lane and N. Fairgrounds Road. Throughout the proposed development is a greenspace/detention that will be a new concept to Midlander’s.

The applicant is proposing the development to be executed in nine (9) phases. The lots width will vary from either 45, 50, 60, 75, or 85 feet and the minimum depth would be 77 feet. The properties that fall in the minimum lot depth is less than 1%. Below is a chart with the lot class tabulation, representing them by phases and percentage by lot widths.

LOT CLASS TABULATION

Product Class		Phases									Percent of Total
		1	2	3	4	5	6	7	8	9	
Core	45'	49	17		15	23	30		31	19	19.9%
	50'	89	22		43	89	82		115	63	54.4%
Reserve	50'			14				12			4.3%
	60'			44		2		21			7.3%
	75'			5		3		1			1.0%
	85'			6				4			1.1%
Cottages						62			23		9.2%
Townhome 30' Lots			14							26	2.8%
PHASE TOTAL		138	53	69	58	179	112	38	169	108	100%
OVERALL TOTAL		924									

The site plan introduces a new housing prototype called Cottages. These homes will have an underlying zoning of SF-3, Single Family Dwelling District but with the following amendments.

1. A minimum lot Width shall be 50 feet;
2. A minimum lot Depth be 77 feet; and
3. A minimum lot Area shall be 4,200 square feet

The site plan also introduces a new housing prototype called Core, that split into two front widths. These homes will have an underlying zoning of SF-3, Single Family Dwelling District. However, the 45' Front Width Core will have an underlying zoning of SF-3, Single Family Dwelling District but with the following amendment.

1. A minimum lot Width shall be 45 feet.

Furthermore, the site plan also shows housing prototype called Townhomes. These homes will have an underlying zoning of TH, Townhouse Dwelling but with the following amendments.

1. A one-car garage, provided, that each lot shall have two additional off-street parking.

As mentioned before this development will consist of a variety of uses but will predominantly be a residential development. The proposed residential districts include:

- 687 - Core (SF-3, Single Family Dwelling District lots);
- 112 - Reserve (SF-3, Single Family Dwelling District lots);
- 26 – Townhomes (TH, Townhouse Dwelling District lots);
- 99 – Cottages (SF-3, Single Dwelling District lots);

The proposed density for each district is as followed:

- Core (SF-3): 4.56 units per acre
- Cottage (SF-3): 6.6 units per acre
- Townhouse (TH-Attached): 8.3 units per acre
- Reserve (SF-3): 3.9 units per acre

The appropriate setbacks and maximum height of future development must meet the regulations as described in Section 5.04 Residential Zoning District Dimensional Regulations chart. The proposed lots meet or exceed these requirements.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.]

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. [For the Applicant's information only.]

Code: (Denied)

The non- City permitted Stimson Burley B #2 is identified and on plan and will need a 135 ft. radius included in final platting. Informational: 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. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

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. [For the Applicant's information only.] No objection to zone change.

[For the Applicant's information only.]

Planning:

This request is not in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Future Land Use Map". However, the area is classified as Urban Residential-Low, in part, which calls for restrictive land use, emphasizing single-family detached development. The area is also classified as Urban Medium which calls for a mix of complementary uses, including single-family housings, multi-family housing, schools, mid-sized parks and churches, commercial and mixed use. The plan also calls for a parkway that would run through the property which is identified on the site plan.

The Tall City Tomorrow Comprehensive Plan, Chapter 3 An Integrated Land Use Vision, "Development Policy Areas" labels this area as part of the "Current Development Area" which seeks to address the compatibility of uses, "specifically between different housing intensities," As shown in the proposed site plan, the applicant is planning to create a gradual transition from existing housing developments at the western edge of the property in question.

Principle 4 of Chapter 3 of the Tall City Tomorrow Plan seeks to increase the diversity of the housing stock in Midland specifically including the need of smaller lot homes. This proposal works in compliance since the development will be introducing a neighborhood with a mix of housing intensities to include smaller townhouse sized lots as well as larger single-family lots. Additionally, Principle 8 of the Chapter 3 requests that land use policies and regulations support the creation of more balanced neighborhoods, which include "a variety of housing options, access to open space, and contain activity centers such as parks…" The applicant is proposing to develop more specifically delineated park space and trails in the development which will help give the residents a diversity of recreation allowing for a more balance feel.

Principle 5 of Chapter 3 requests planning for community amenities such as parks and open space to support "community activity, personal interaction a sense of place, and ultimately a sense of ownership in the community." The applicant is proposing to include a park, greenspace, and trails all of which will contribute to creating a sense of place for new residents.

This request was recommended for approval at the August 15, 2022, Planning and Zoning Commission Meeting.

The base zoning districts to which the use and development of the Property shall conform, except as modified by conditions listed below, are as follows:

A. **That the portions of the Property identified as "Commercial" in Exhibit A, LR, Local Retail District;**

B. **That the portions of the Property identified as "Core" in Exhibit A, SF-3, Single-Family Dwelling District;**

C. **That the portions of the Property identified as "Cottages" in Exhibit A, SF-3, Single-Family Dwelling District;**

D. **That the portions of the Property identified as "Townhomes" in Exhibit A, TH, Townhouse Dwelling District;**

E. **That the portions of the Property identified as "Reserve" in Exhibit A, SF-3, Single-Family Dwelling District;**

If this Zone Change from SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part. to PD, Planned Development District for Housing Development, is approved, staff recommends that is should be subject to conditions A through F.

Conditions:

A. **That the Property shall significantly conform to the site plan attached hereto as Exhibit "A & B".**

B. **That each lot identified as Exhibit "A" as "Cottage" is subject to the following conditions and regulation:**

    1. **The minimum lot Width shall be 50 feet.**

    2. **The minimum lot Depth be 77 feet.**

    3. **The minimum lot Area shall be 4,200 square feet**

C. **That each lot identified as Exhibit "A" as "45' Front Width - Core" is subject to the following condition and regulation:**

    1. **The minimum lot Width shall be 45 feet.**

D. **That each lot identified as Exhibit "A" as "Townhomes" is subject to the following condition and regulation:**

    1. **A one-car garage and off-street parking for two vehicles.**

E. **That the landscaping shown in Exhibit "A" shall be considered illustrative. The landscape shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**

F. **That the signs on the property shall conform to the regulations set in Title XI, Chapter 7a.**

Letters of Objection:

Staff has not received any letters of objection as of September 06, 2022.

Attachments:

Application
Sit Plan (Exhibit A)
Metes and Bounds (Exhibit B)
Detail Site Plan 1
Detail Site Plan 2
Detail Site Plan 3
Open Space Concept
Entry Concept
Rendering of Cottage Homes
Maps

.

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 317.56-ACRE TRACT OF LAND OUT OF SECTION 18, BLOCK 38, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-2, SINGLE-FAMILY DWELLING DISTRICT, IN PART, SF-3, SINGLE-FAMILY DWELLING DISTRICT, IN PART, TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT, IN PART, 2F, TWO-FAMILY DWELLING (DUPLEX) DISTRICT, IN PART, MF-16, MULTIPLE-FAMILY DWELLING DISTRICT, IN PART, AND RR, REGIONAL RETAIL DISTRICT, IN PART, TO PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH FAIRGROUNDS AND EAST MOCKINGBIRD 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 317.56-acre tract of land out of Section 18, Block 38, T-1-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 PD, Planned Development District for a Housing Development 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 SF-1, Single-Family Dwelling District, in part,

SF-2, Single-Family Dwelling District, in part, SF-3, Single-Family Dwelling District, in part, TH, Townhouse (Attached) Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, MF-16, Multiple-Family Dwelling District, in part, and RR, Regional Retail District, in part to PD, Planned Development District for a Housing Development.

SECTION TWO. That the base zoning districts to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, are as follows:

A. For the portions of the Property identified as "COMMERCIAL TRACT" in Exhibit "B", which is attached hereto and incorporated herein for all purposes, LR, Local Retail District;

B. For the portions of the Property identified as "45' FRONT WIDTH - CORE", "50' FRONT WIDTH - CORE", "50' FRONT WIDTH - COTTAGE", "50' FRONT WIDTH - RESERVE", "60' FRONT WIDTH - RESERVE", "75' FRONT WIDTH - RESERVE" and "80' FRONT WIDTH - RESERVE" in Exhibit "B", SF-3, Single-Family Dwelling District; and

C. For the portions of the Property identified as "30' FRONT WIDTH - TOWNHOME" in Exhibit "B", TH, Townhouse (Attached) Dwelling District.

SECTION THREE. 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 Property shall significantly conform to the site plan attached hereto as Exhibit "B".

B. That each lot identified as "50' FRONT WIDTH - COTTAGE" in Exhibit "B" shall have:

1. A minimum lot width of 50 feet;
2. A minimum lot depth of 77 feet; and
3. A minimum lot area of 4,200 square feet.

C. That each lot identified as "45' FRONT WIDTH - CORE" in Exhibit "B" shall have a minimum lot width of 45 feet.

D. That each lot identified as "30' FRONT WIDTH - TOWNHOME" in Exhibit "B" shall be allowed to have a one-car garage; provided, however, that each lot shall have two additional off-street parking spaces.

E. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

F. That all signage shall conform to the regulations set forth in Title XI, Chapter 7a 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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

STATE OF TEXAS §
COUNTY OF MIDLAND §

SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH,
TEXAS and PACIFIC RAILWAY COMPANY SURVEY
MIDLAND COUNTY, TEXAS.

FIELD NOTE DESCRIPTION OF A 317.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, TOWNSHIP 1 SOUTH, ABSTRACT NUMBER 734, GLO FILE NUMBER 66103, TEXAS and PACIFIC RAILWAY COMPANY SURVEY, MIDLAND COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 340.49 TRACT DESCRIBED IN DOCUMENT NUMBER 2021-35675 OF THE OFFICIAL PUBLIC RECORDS OF SAID MIDLAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT N.(Y):10719693.07, E.(X):1764462.90, A FIVE EIGHTHS INCH IRON ROD FOUND IN THE NORTH LINE OF SECTION 20, SAME BLOCK, FOR THE SOUTH COMMON CORNER OF SECTION 17, SAME BLOCK AND SAID SECTION 18, FROM WHICH A SIX INCH STEEL FENCE POST CALLED THE NORTHWEST CORNER OF A CALLED 244.4 ACRE TRACT AS DESCRIBED IN DOCUMENT NUMBER 2017-34694, OF SAID OFFICIAL PUBLIC RECORDS, BEARS N.63°31'14"W., 44.34 FEET, AND A 2 INCH IRON PIPE CALLED THE SOUTHWEST CORNER OF A CALLED 316.39 ACRE TRACT IN DOCUMENT NUMBER 2011-8666 OF SAID OFFICIAL PUBLIC RECORDS BEARS N.82°07'34"W., 36.64 FEET, AND BEING THE SOUTHEAST CORNER HEREOF;

THENCE S.75°43'57"W., ALONG THE LINE COMMON TO SAID SECTIONS 20 AND 18, AT 75.80 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT OR NEAR THE NORTH COMMON CORNER OF SAID SECTION 20 AND SECTION 19, SAME BLOCK, CONTINUING ALONG SAID COMMON LINE, AT 572.95 FEET PASSING NEAR A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF TRACTS 2 AND 3 AS DESCRIBED IN DOCUMENT NUMBER 2018-20726, OF SAID OFFICIAL PUBLIC RECORDS, AT 1981.61 FEET PASSING A ONE HALF INCH IRON ROD AT THE NORTH COMMON CORNER OF SAID TRACT 2 AND A CALLED "TRACT 3" IN DOCUMENT NUMBER 2018-2268, OF SAID OFFICIAL PUBLIC RECORDS, AT 3801.97 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID TRACT 3, BEING THE NORTHEAST CORNER OF A TRACT CALLED 12.3 ACRES IN VOLUME 867 ON PAGE 35 OF THE DEED RECORDS OF SAID MIDLAND COUNTY, AT 3951.98 FEET PASSING A COPPERWELD ROD WITH CAP AT THE NORTHWEST CORNER OF SAID CALLED 12.3 ACRE TRACT, BEING THE NORTHEAST CORNER OF A CALLED TRACT 1, IN SAID DOCUMENT NUMBER 2018-2268, IN ALL 4984.62 FEET TO A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "MAVERICK FIRM#10194514" (RPC) SET AT THE SOUTHEAST CORNER OF A CALLED 22.96 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2019-3532 OF SAID OFFICIAL PUBLIC RECORDS, FROM WHICH A ONE HALF INCH IRON ROD WITH A GREEN PLASTIC CAP MARKED "ASB 5689" BEARS S.75°43'57"W., 388.28 FEET AND A ONE HALF INCH IRON ROD WITH A RED PLASTIC CAP MARKED "PSC RPLS 6453" BEARS S.75°08'25"W., 392.12, FOR THE SOUTHWEST CORNER HEREOF;

THENCE THE FOLLOWING NINE COURSES AND DISTANCES ALONG THE EAST LINE OF SAID CALLED 22.96 ACRE TRACT FOR THE WEST LINE HEREOF;

1. N.14°23'29"W., 60.57 FEET TO A POINT;
2. N.58°53'33"W., 71.33 FEET TO A POINT;
3. N.14°23'29"W., 82.07 FEET TO THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
4. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1490.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 436.87 FEET, AN ARC DISTANCE OF 438.35 FEET TO THE POINT OF REVERSE CURVATURE;
5. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1360.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.22°49'41"W., 398.75 FEET, AN ARC DISTANCE OF 400.19 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
6. N.14°23'53"W., 99.99 FEET TO A MAG NAIL FOUND AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT;
7. ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 1500.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 308.82 FEET, AN ARC DISTANCE OF 309.37 FEET TO A MAG NAIL FOUND AT THE POINT OF REVERSE CURVATURE;
8. ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET WITH A CHORD BEARING AND DISTANCE OF N.20°18'24"W., 277.95 FEET, AN ARC DISTANCE OF 278.44 FEET TO A MAG NAIL FOUND THE POINT OF TANGENCY;
9. N.14°24'01" W., 859.28 FEET TO AN "RPC" SET IN SAID EAST LINE FOR THE NORTHWEST CORNER HEREOF;

THENCE N.75°43'57"E., 95.07 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE N.74°47'34"E., 79.96 FEET TO AN "RPC" SET FOR AN EXTERIOR CORNER HEREOF;

THENCE S.59°20'03"E., 28.32 FEET TO AN "RPC" SET FOR AN INTERIOR CORNER HEREOF;

THENCE N.75°43'57"E., 651.20 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 920.00 FEET AND A CHORD BEARING AND DISTANCE OF N.64°37'59"E., 354.21 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 356.44 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE RIGHT HAVING A RADIUS OF 1950.00 FEET AND A CHORD BEARING AND DISTANCE OF N.77°01'32"E., 1554.60 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONVEX TO THIS TRACT, 1599.03 FEET TO AN "RPC" SET AT THE POINT OF REVERSE CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF S.88°33'08"E., 349.94 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 351.41 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION LEFT;

THENCE N.07°37'18"W., 115.00 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.78°25'37"E., 137.13 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 137.24 FEET TO AN "RPC" SET AT THE POINT OF TANGENCY;

THENCE N.72°23'25"E., 72.42 FEET TO AN "RPC" SET AT THE POINT OF CURVATURE FOR A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET AND A CHORD BEARING AND DISTANCE OF N.51°36'34"E., 637.86 FEET;

THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 649.32 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT;

THENCE S.57°05'08"E., 115 FEET TO A POINT OF INTERSECTION AT THE POINT OF CURVATURE ON A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 1110.00 FEET AND A CHORD BEARING AND DISTANCE OF N.30°10'44"E., 105.95 FEET;

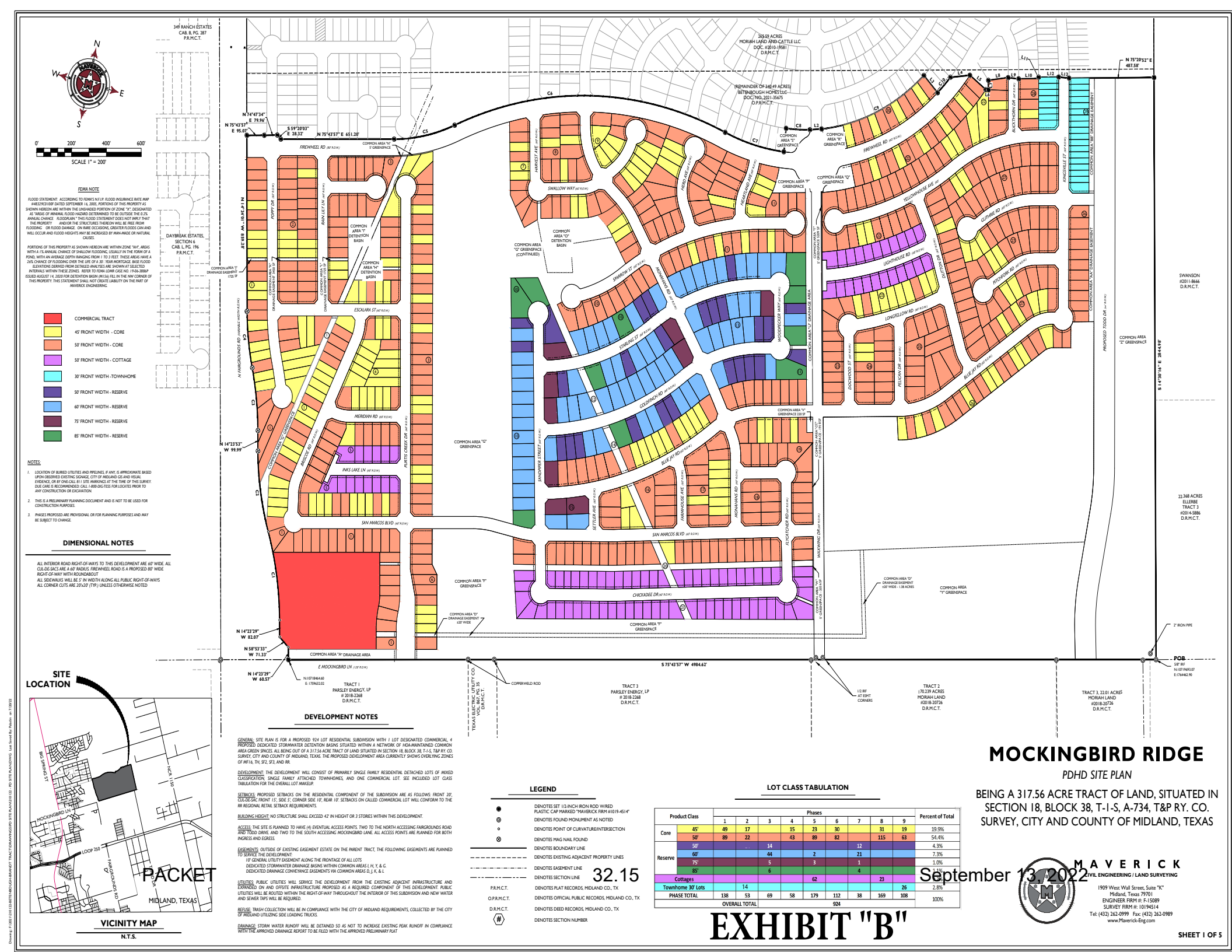
THENCE ALONG THE ARC OF SAID CURVE, BEING CONCAVE TO THIS TRACT, 105.99 FEET TO AN "RPC" SET AT A POINT OF INTERSECTION RIGHT, FOR AN EXTERIOR CORNER HEREOF;

THENCE THE FOLLOWING 11 COURSES AND DISTANCES, ALL TO AN "RPC" FOR ANGLE POINTS IN THE BOUNDARY HEREOF;

1. N.70°45'27"E., 112.51 FEET;
2. S.66°30'04"E., 115.00 FEET;
3. N.77°16'15"E., 15.51 FEET;
4. N.14°39'08"W., 46.14 FEET;
5. N.69°08'15"E., 114.62 FEET;
6. N.81°18'37"E., 60.27 FEET;
7. N.75°20'52"E., 115.00 FEET;
8. N.14°25'02"W., 7.06 FEET;
9. N.75°20'52"E., 115.00 FEET;
10. N.80°51'01"E., 60.26 FEET;
11. N.75°20'52"E., 487.58 FEET TO AN "RPC" SET ON THE WEST LINE OF A CALLED 632.79 ACRE TRACT, DESCRIBED IN DOCUMENT NUMBER 2011-8666 OF SAID DEED RECORDS, ON THE LINE COMMON TO SAID SECTIONS 17 AND 18, FOR THE NORTHWEST CORNER HEREOF;

THENCE S.14°30'16"E., ALONG THE COMMON LINE OF SAID SECTIONS 17 AND 18, AT 1623.59 FEET PASSING A ONE HALF INCH IRON ROD FOR THE NORTHWEST CORNER OF A CALLED 22.368 ACRE TRACT IN DOCUMENT NUMBER2014-5886 OF SAID OFFICIAL PUBLIC RECORDS, BEARING S.75°32'01"W., 15.87 FEET, AT 2815.90 FEET PASSING SAID 6 INCH STEEL FENCE POST BEARING S.75°29'44"W., 33.47 FEET, IN ALL 2844.98 FEET TO THE **POINT OF BEGINNING**, CONTAINING 317.56 ACRES OF LAND.

BASIS OF BEARING, DISTANCE, COORDINATES AND AREA ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT, HAVING A CONVERGENCE ANGLE (theta) OF -0°53'04.89" AND A COMBINED SCALE FACTOR OF 0.999925027 AT THE POINT OF BEGINNING.



PACKET 32.15 September 13, 2022

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-22-0299

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Betenbough Homes		Phone ( ) Email	
Address	City	State	Zip

Property Owner Printed Name: See Applicant		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Maverick Engineering Printed Name: Paladin Huckaba		Phone (432) 262-0999 Email phuckaba@maverick-eng.com	
Address 1909 W Wall St Ste K	City Midland	State TX	Zip 79701

Street Address: NA County Rd 40

Legal Description
Lot: Block: 38 T-1-S Subdivision:

Current Zoning: In Part: SF3, TH, SF2, MF16, SF1, 2F, RR

Proposed Zone: PDHD
(List by tracts if more than one district is requested)

Reason for Zone Change Request: To advance the proposed housing development associated with this request

Present Use of Property: vacant

Proposed Use of Property: residential

How would this zone change affect the public health, safety and welfare? This development will contribute to the housing inventory of the City of Midland, adding needed options to the housing makeup of the community

Describe how conditions affecting the property have changed since present zoning designation: No change since original zoning

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): Chris Berry	Date: 7-18-2022
Applicant (printed): Chris Berry	
Property Owner (signature): See Applicant	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 Andrew L Millen who, being by me duly sworn, upon oath says: That (s)he is authorized by Bitterbough Homes, 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 Millen
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 20th day of July, 2022, to certify which witness my hand and seal of office.

Kelsey Ann Lewis
My Commission Expires
2/19/2026
Notary ID
131456388

Kelsey Lewis
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

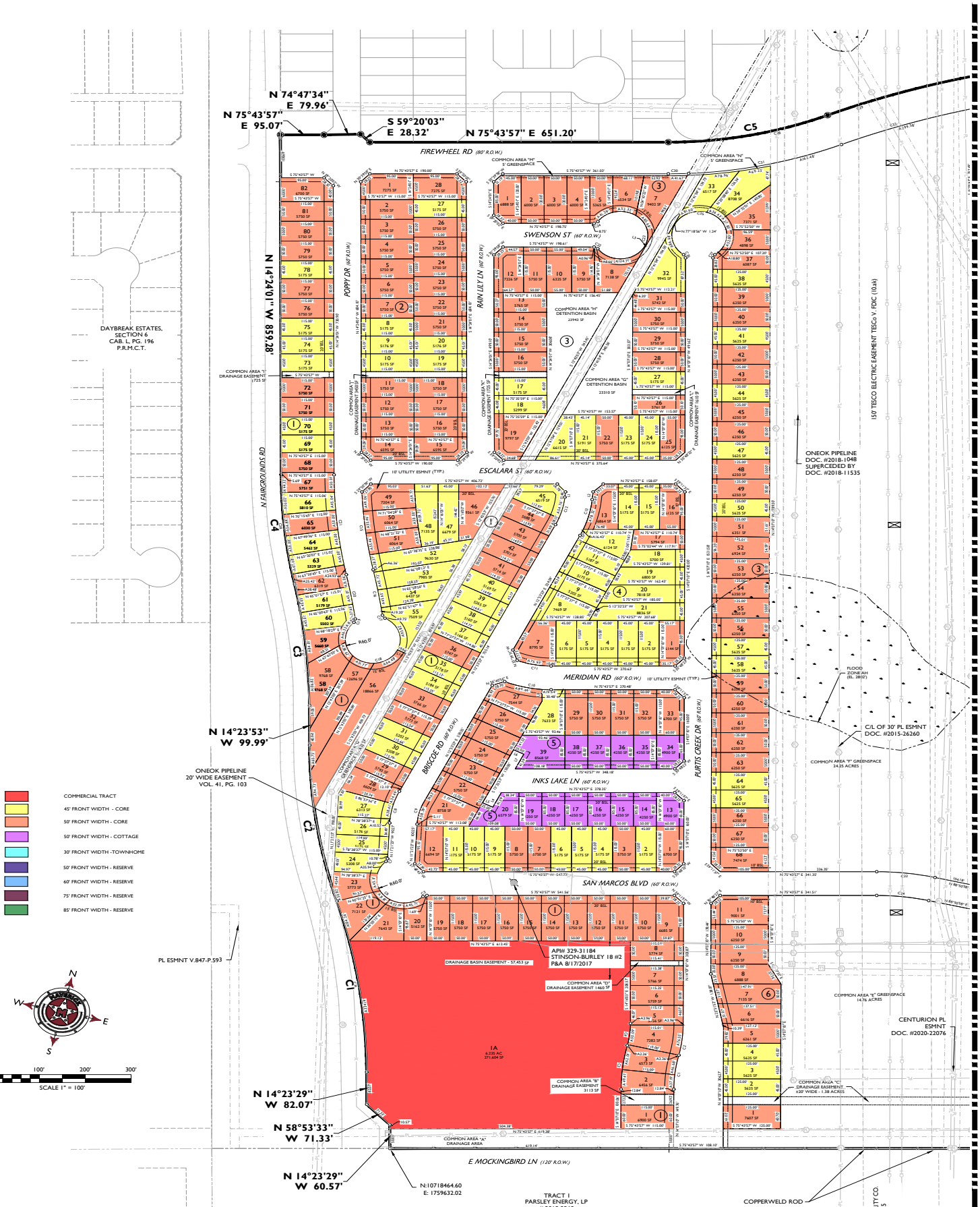
☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee Check # 3818	☒ Plans in Digital Format (PDF/JPEG)
Received By: KM	Date: JUL 20 2022

****Application will not be considered for scheduling until reviewed by a planner.**

MOCKINGBIRD RIDGE

DETAIL SHEET #1

BEING A 317.56 ACRE TRACT OF LAND, SITUATED IN
SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO.
SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS



PACKET

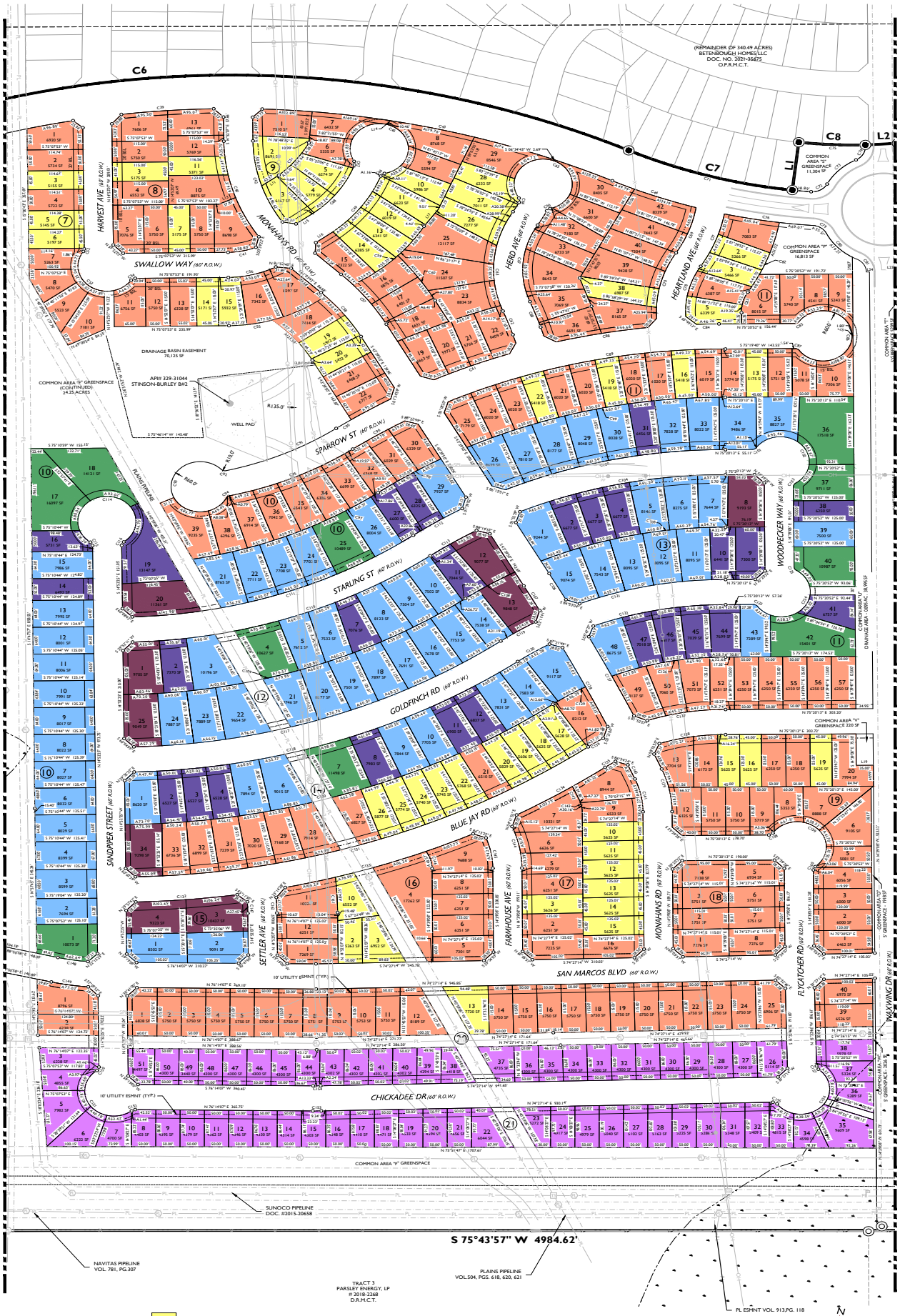
32.18

September 13, 2022

MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

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P:\2021\101023BT\BMDOUGH\BMANOT TRACT\DWG\MKNG\PD SITE PLAN\101023 - PD SITE PLAN.DWG



45' FRONT WIDTH - CORE
50' FRONT WIDTH - CORE
50' FRONT WIDTH - COTTAGE
30' FRONT WIDTH -TOWNHOME
50' FRONT WIDTH - RESERVE
60' FRONT WIDTH - RESERVE
75' FRONT WIDTH - RESERVE
85' FRONT WIDTH - RESERVE

MOCKINGBIRD RIDGE

DETAIL SHEET #2

BEING A 317.58 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

PACKET

32.19

September 13, 2022

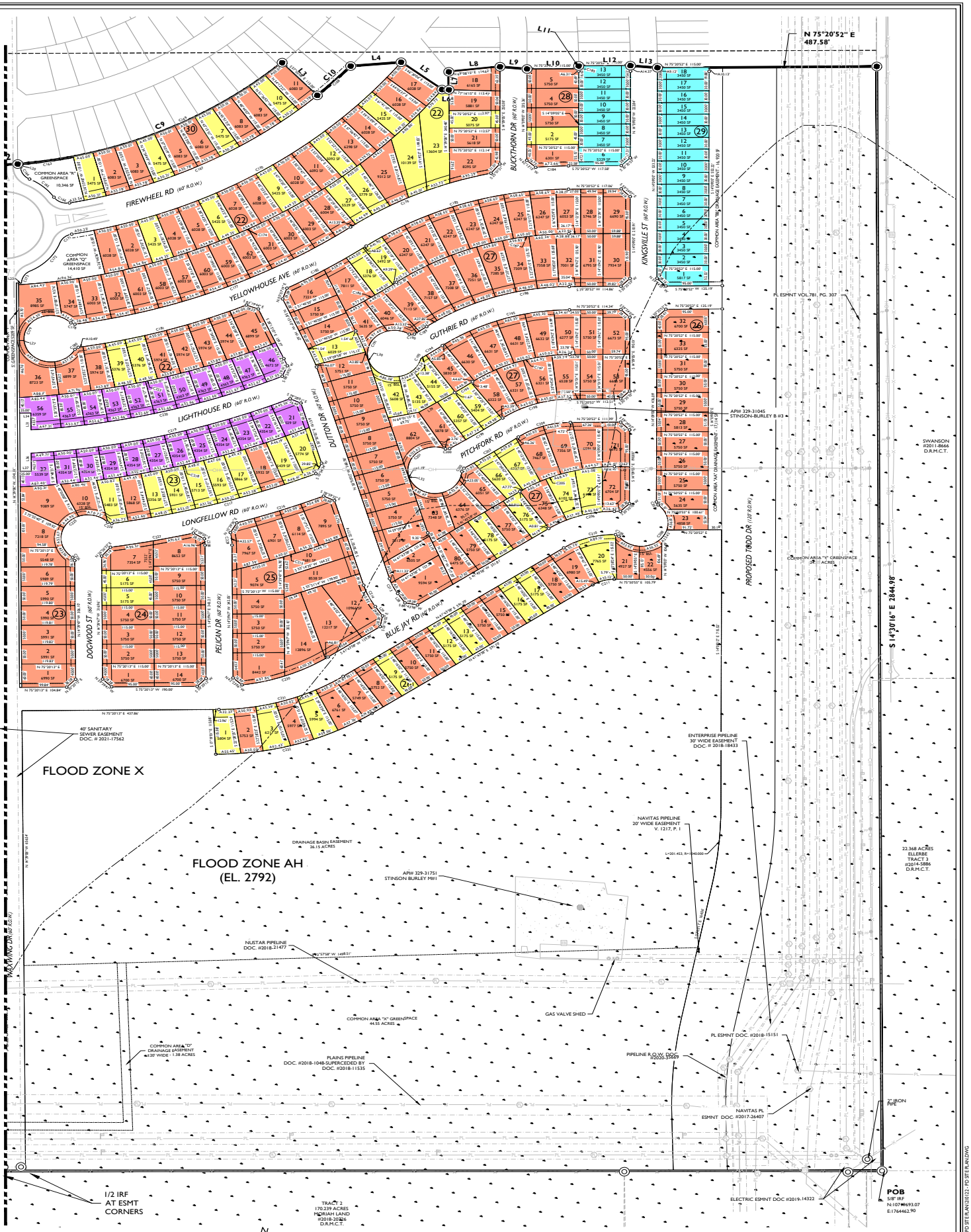
SCALE 1" = 100'

SHEET 3 OF 5

MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-10089
SURVEY FIRM #: 10194514
Tel: (432) 262-0999 Fax: (432) 262-0989
www.Maverick-Eng.com

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P:\2021\10\10-8\DWG\BASE\MOCKINGBIRD TRACT\DRAWING\DWG\ SITE PLAN\10-8 2 - PD SITE PLAN.DWG



MOCKINGBIRD RIDGE

DETAIL SHEET #3

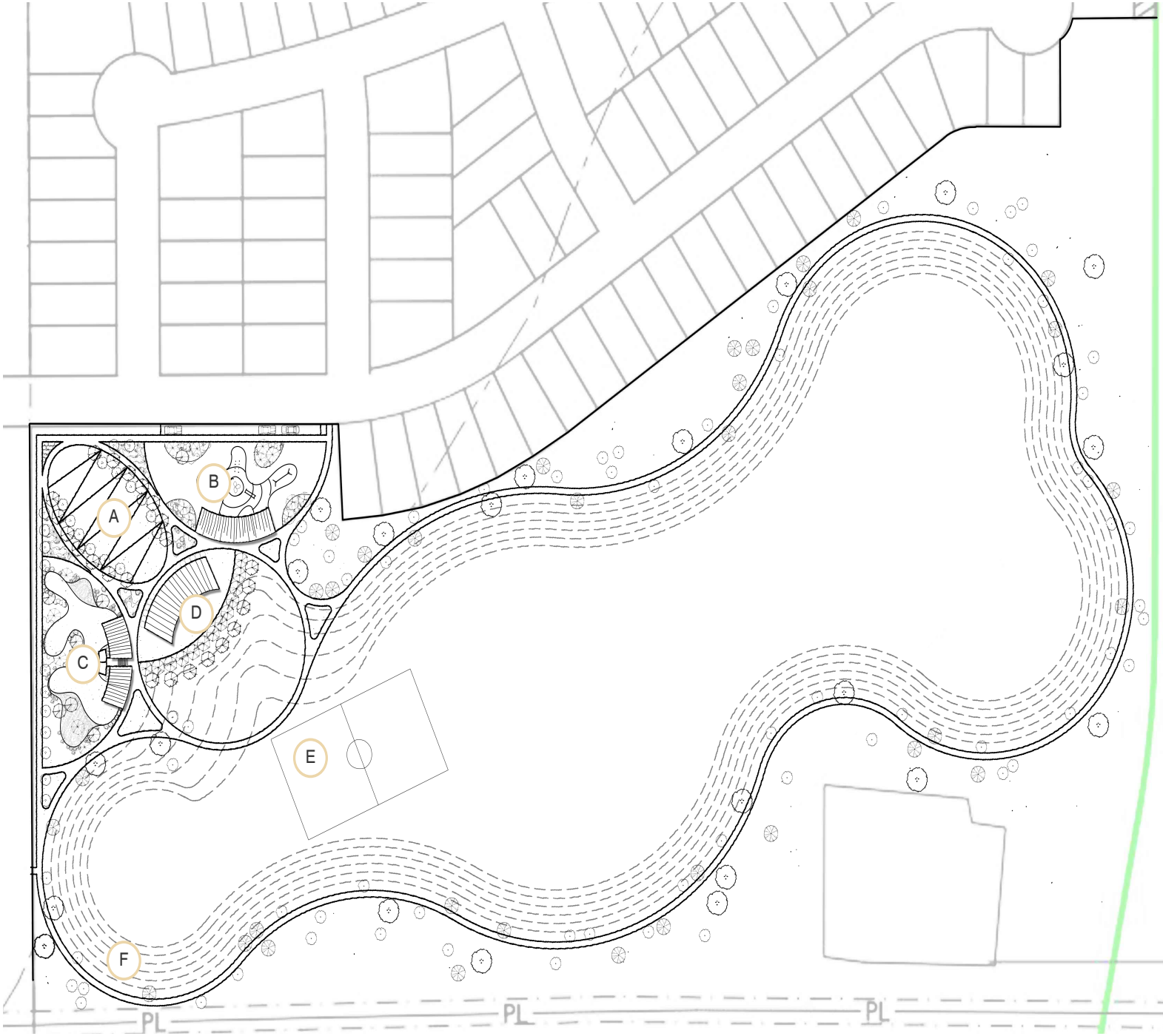
BEING A 317.56 ACRE TRACT OF LAND, SITUATED IN SECTION 18, BLOCK 38, T-1-S, A-734, T&P RY. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

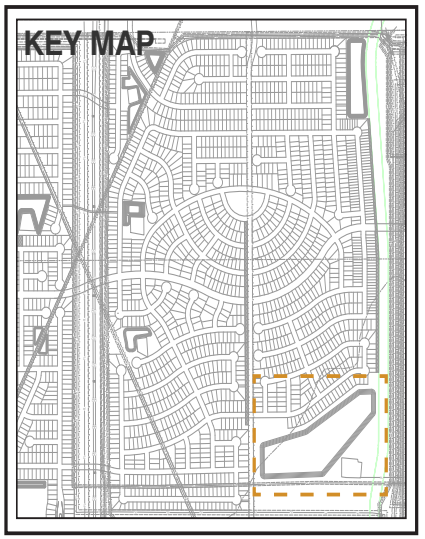
32.20 PACKET September 13, 2022

MAVERICK
ENGINEERING / SURVEY / WATER RESOURCES
1909 West Wall Street, Suite "K"
Midland, Texas 79701
ENGINEER FIRM #: F-15089
SURVEY FIRM #: 10194514
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www.Maverick-Eng.com

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F:\2021\2012\BETHOUGH\BANDIT TRACT\DWG\PDF\SITE PLAN\20122 - PDF SITE PLAN.DWG





SCALE: NOT TO SCALE

LEGEND

- A ACTIVITY LAWN
- B PLAYGROUND + PAVILLION
- C DOG PARK + PAVILLIONS
- D EVENT PAVILLION
- E SPORTS FIELD
- F TRAIL SYSTEM

NORTH

0 15' 30' 60' 120'

SCALE: 1" = 60'

MOCKINGBIRD RIDGE

MIDLAND, TX

OPEN SPACE CONCEPT

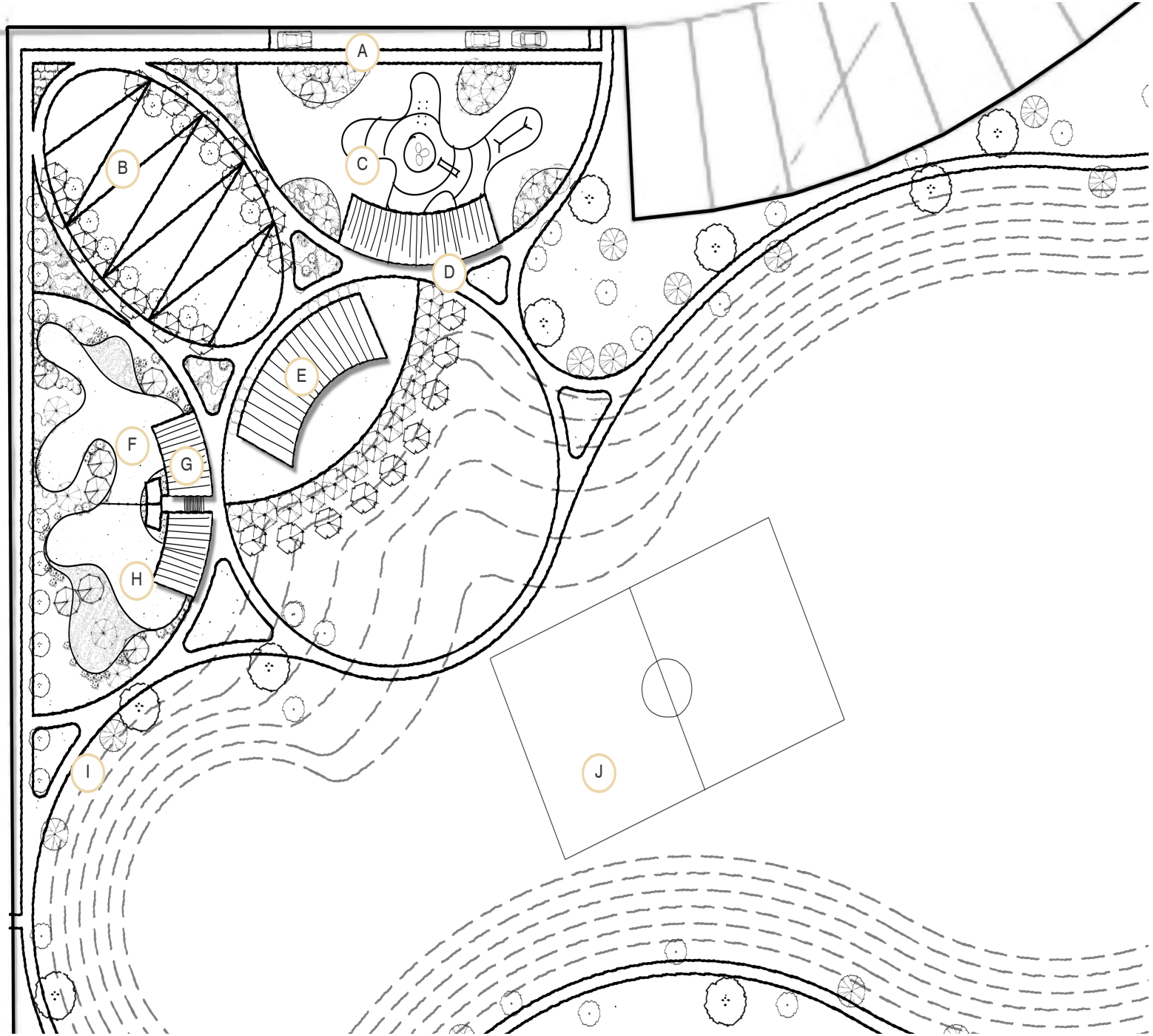
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THIS GRAPHIC IS CONCEPTUAL. THE INFORMATION SHOWN IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

BETENBOUGH HOMES®

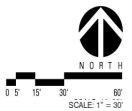
Kimley»Horn

6/28/2022



LEGEND

- A ON STREET PARKING
- B ACTIVITY LAWN WITH FESTOON LIGHTING
- C "THE NEST" ALL AGES PLAYGROUND
- D SHADE & PICNIC PAVILLION
- E ACTIVITY PAVILLION
- F SMALL DOG PARK
- G DOG PARK ENTRY WITH COVERED SEATING AREAS
- I TRAIL SYSTEM
- J SPORTS FIELD



MOCKINGBIRD RIDGE

MIDLAND, TX

OPEN SPACE CONCEPT

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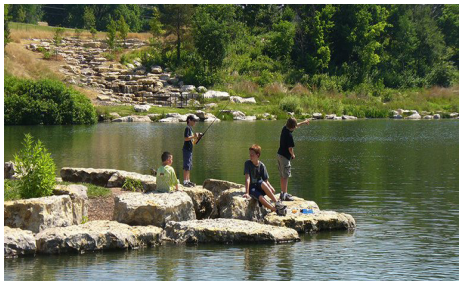
BETENBOUGH HOMES®

Kimley»Horn

6/28/2022







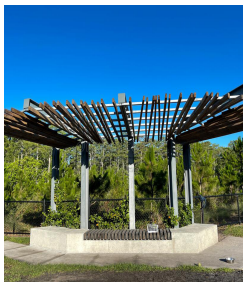


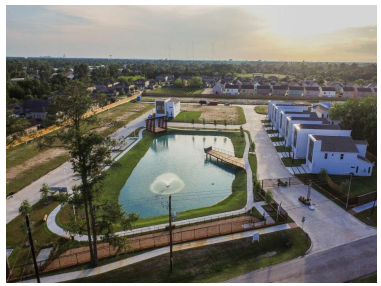








PACKET

32.23

September 13, 2022

MOCKINGBIRD RIDGE

MIDLAND, TX

OPEN SPACE CONCEPT

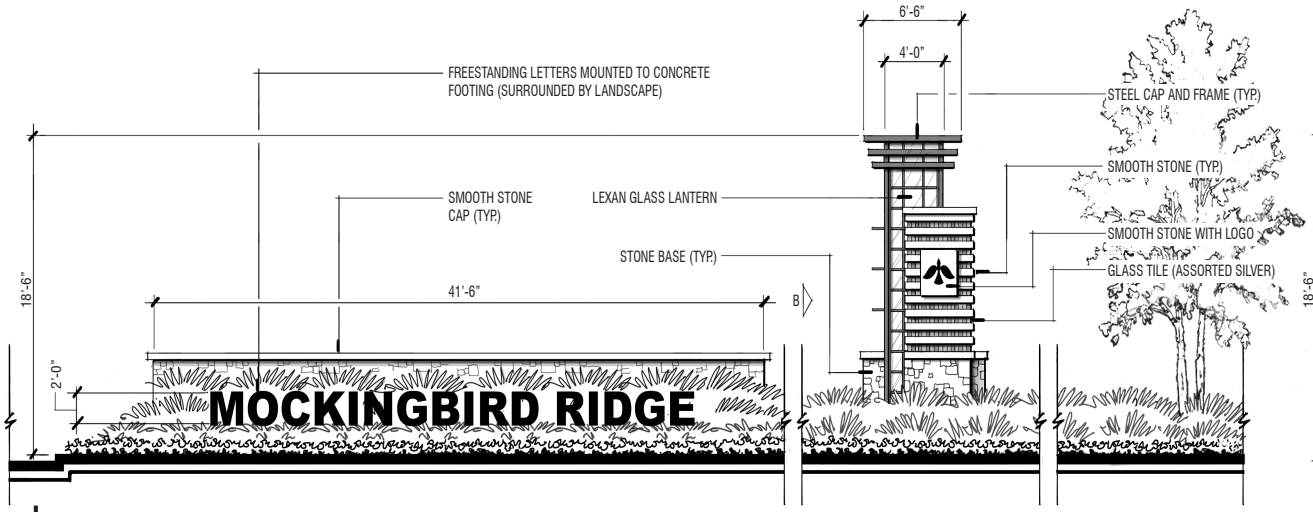
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BETENBOUGH HOMES®

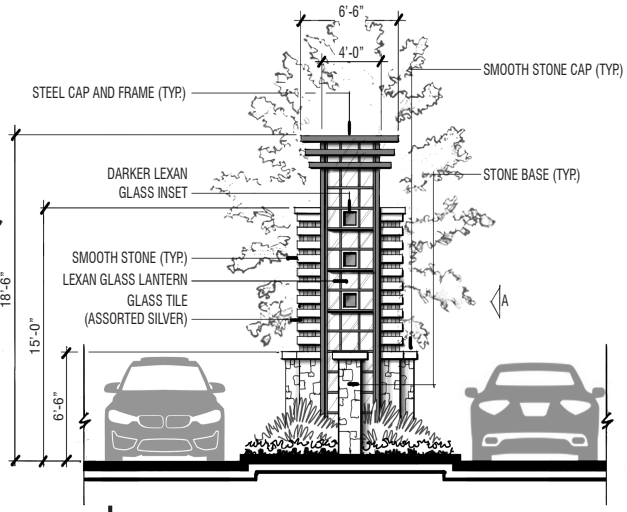
Kimley»Horn

6/28/2022

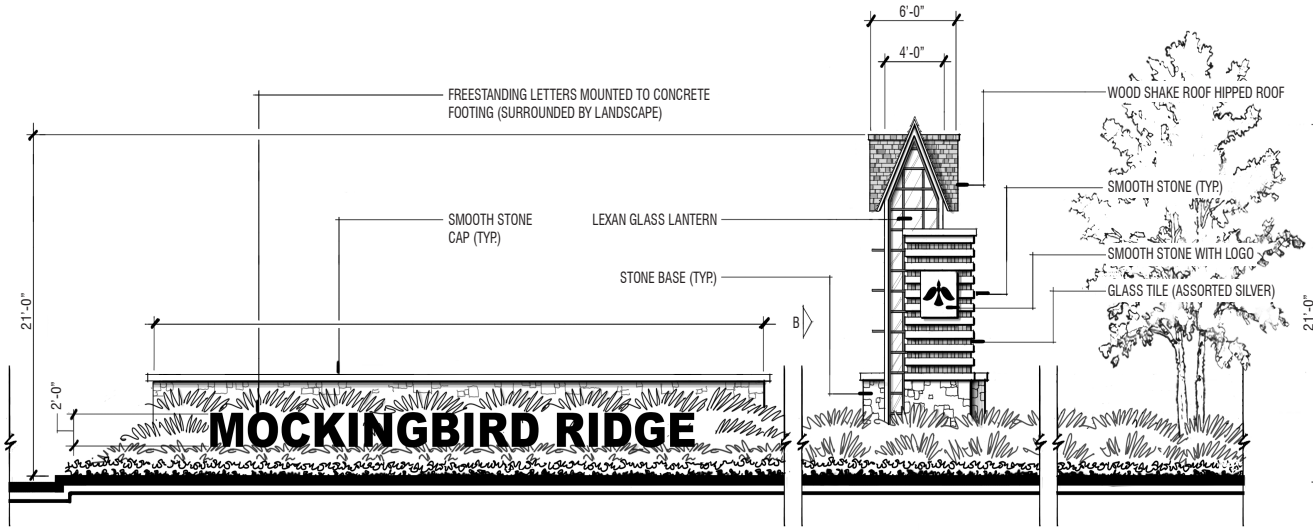
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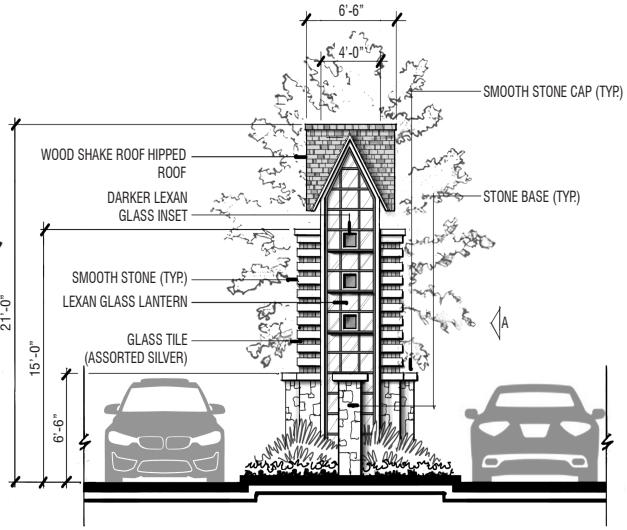
A OPTION 2 (SIDE ELEVATION)
SCALE: 1/4" = 1'-0"



B OPTION 2 (FRONT ELEVATION)
SCALE: 1/4" = 1'-0"



A OPTION 1 (SIDE ELEVATION)
SCALE: 1/4" = 1'-0"



B OPTION 1 (FRONT ELEVATION)
SCALE: 1/4" = 1'-0"

COMMUNITY ENTRY SCHEMATIC DESIGN

PACKET

MOCKINGBIRD RIDGE

September 13, 2022

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BETENBOUGH HOMES®

Kimley»Horn

FEBRUARY 15, 2022

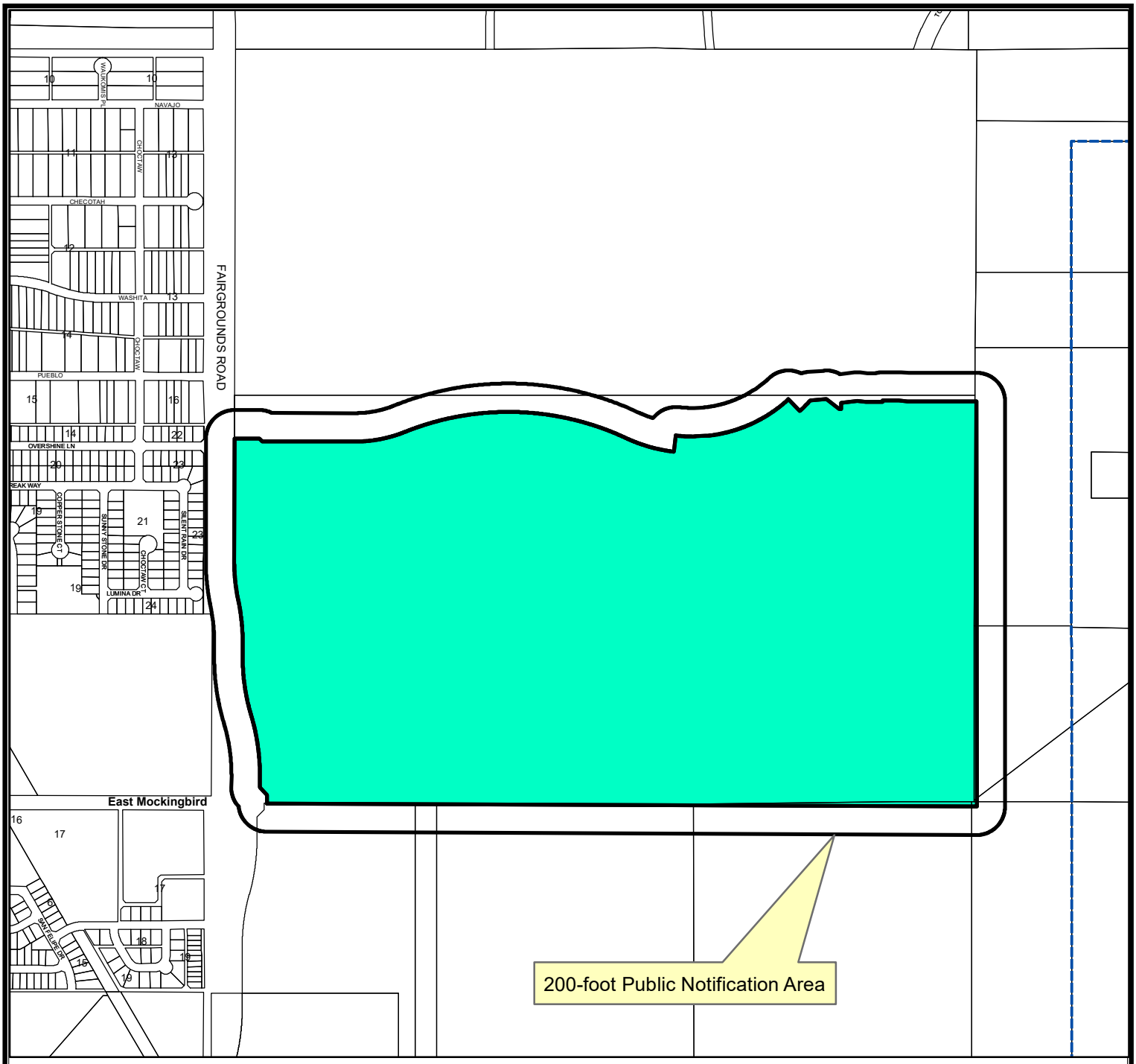
Renderings of Cottage Homes:

The April Plan: 3/2 w 1,109 SQ FT



The Annabeth Plan: 3/2 w 1,231 SQ FT





LOCATION MAP

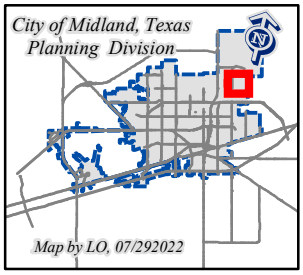
Z-22-0299 **Scale: 1" = 12,044'**

Consider a request by Maverick Engineering for a zone change from, SF-3, Single-Family Dwelling District, in part, TH, Townhouse Dwelling District, in part, SF-2, Single-Family Dwelling District, in part, MF-16, Multiple-Family Dwelling District, in part, SF-1, Single-Family Dwelling District, in part, 2F, Two-Family Dwelling (Duplex) District, in part, and RR, Regional Retail District, in part, to PD, Planned Development District for Housing Development out of a 317.56-acre tract of land, in Section 18, Block 38, T-I-S, A-734, T&P RY. CO. Survey, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of North Fairgrounds and East Mockingbird Road. (Council District 1)

LEGEND

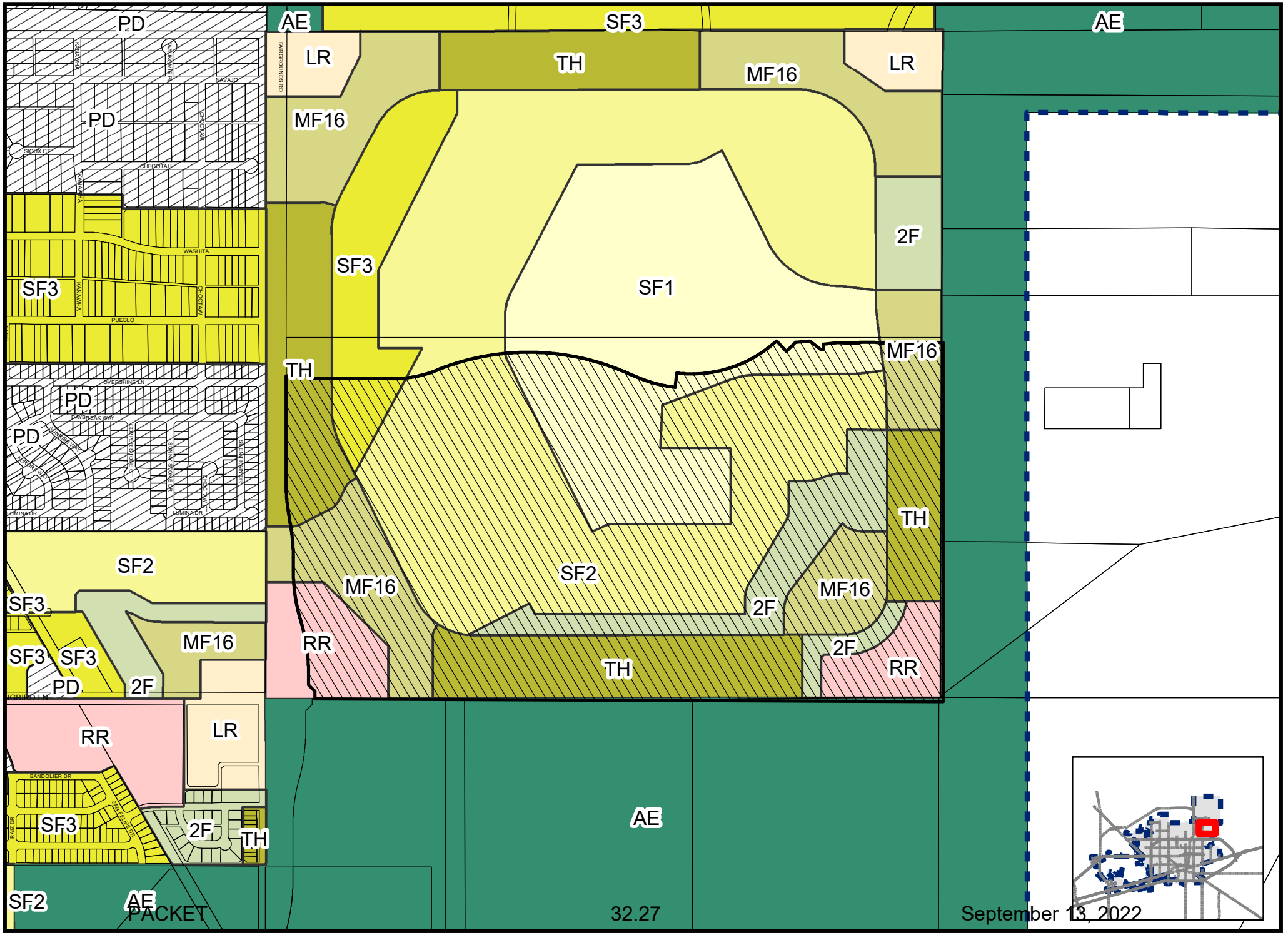
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Map By LO, 7/29/2022

Z-22-0299

Scale: 1" = 11,434'

ZONING MAP

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PRIVATE
PROPERTY



City Council Meeting

Item Number: 33

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: Motion granting Fast Signs' appeal and reversing the Building Official's denial of a sign permit for a 36,700 square foot portion of Lot 3A, Block 1, North Park, Section 5, City and County of Midland, Texas (Generally located on the east side of North Midkiff Road, approximately 340 feet north of West Loop 250 North) (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

Fast Signs is requesting to place window signs for Urban Air, located at 4706 North Midkiff Road, Suite 1.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Fast Signs has applied for a sign permit for Urban Air located at 4706 North Midkiff Road Suite 1. The applicant has proposed one (1) wall sign and twenty-one (21) window signs. The wall sign is 154.81 square feet, and the total area of the window signs are 523.65 square feet. The maximum allowable square footage allowed on the lot is 360 square feet.

Furthermore, this request does not meet the requirements per the City of Midland Code Section 11-7a-d. – Exemptions.

R. Window signs of a temporary nature only.

The applicant is proposing the window signs to be permanent and act as a safety measure for the children.

Per City of Midland Code, Section 11-7a-7. Sign Standards:

> (H) General business sign
>
> d. Wall signs shall not exceed 50 square feet or 15 percent of the area of the wall to which such signs are painted or affixed, whichever is greater, except that the use of an EMC as wall sign shall comply with paragraph (F) above.

The applicant is allowed to have 662.40 square feet of signage on the front facade of the building. The total sign area which includes the wall sign and window signs is currently 678.46 square feet, which exceeds the maximum allowed.

Planning:

As this request represents a deviation from the existing Sign Ordinance and no hardships have been shown to exist, staff would recommend denial of this application for a proposed additional window signage at 4706 North Midkiff Road, Suite 1.

Attachments:

Appeal Letter
Building Official Denial Letter
Sign Permit Application
Sign Plans
Maps

Robert Patrick

City Manager's Office

MIDLAND
Code Administration

PERMANENT SIGN
PERMIT APPLICATION

1. PROJECT INFORMATION

Project Address: **4706 N Midkiff Rd. 1**	Project Description: Install Window and Door Vinyl
Name of Business: Urban Air Adventurs	
Valuation of Job: $ 5,000.00	Zoning:
Property Line Setbacks: Front _____ Side _____ Rear _____	Property Easements: Yes _____ No _____

Lot/Tract:	Block:	Subdivision/Survey:	Lot Size: (sq. ft.)

Type of Work: New Construction X Additional _____ Repair Existing _____	Engineering Required: NO
Sign Type: Pole/Pylon _____ Monument _____ Directional _____ Wall _____ LED _____ Other X	
Illumination: Internal: _____ External _____ None X	Proposed Sign Area: _____ Facade: Height: _____ Width: _____

Number of Signs: 21	Height Above Grade: _____	Overhang Permitted: _____	Other: _____

2. BUILDING OWNER INFORMATION

Name:	Address:	
Phone:	Fax:	Email:

3. SIGNAGE / CONTRACTOR INFORMATION

Name: **B17 Ventures DBA Fast Sign**	Address: **4410 N. Midkiff Suite C-9**	
Phone: **432-520-0491**	Cell: 432-638-3397	Email: **cliff.ray@fastsigns.com**

4. PLEASE READ CAREFULLY

- Attach three (3) copies of the Signage Site Plan and Signage Elevations showing building dimensions and square footages of the signage areas.
- All signs with lighting must have an Underwriters Laboratory label affixed to cabinet and electrical.
- Be advised incomplete applications may be rejected, denied or cause permit processing delays.
- This permit becomes null and void if work authorized is not commenced within 180 days of issuance or if work is suspended or abandoned for a period of 180 days at any time after work is commenced.
- I hereby certify that I am the property owner or their authorized agent, and have the owner's consent to apply for the permit requested and receive all subsequent communications and business related to this application. I further certify that the information provided is true and correct to the best of my knowledge. This work shall comply with all provisions of laws and ordinances, whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any federal, state or local law regulating construction or the performance of construction.

Signature of Applicant:	Date: 8/22/0222
Printed Name of Applicant: Clifford M. Ray	Phone: 432-638-3397
Email: cliff.ray@permiansign.com	Fax:

Code Administration Division
Development Services Department
300 N. Loraine Street - P.O. Box 1152 - Midland, Texas 79702
Office: 432-685-7390 - Fax 432-686-1609

Window graphics for urban air

Reply | Reply All | Forward

GS

Ginamarie Soto <ginamarie@urbanairmidland.com>

To Jason Hogue; Kelly Martinez

Cc Ginamarie Soto; FASTSIGNS 222

Sun 8/21/2022 9:22 PM

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hi Jason and Kelly,

Enclosed is the picture of the decals for the Urban Air windows. If there might be any possibility to get on the agenda on Tuesday City Council meeting at the same time for the SUD request, that would be amazing.

If not please let me know when is the next option to present this window decal request.

(FastSigns will be one on assisting in this effort)

GINAMARIE SOTO | OWNER

Urban Air Midland Texas Trampoline & Adventure Park

C: 432.530.8491

4706 N. Midkiff Rd. | Midland, TX 79705

Ginamarie@UrbanAirMidland.com

www.UrbanAir.com/Texas-Midland

DENIAL SIGN REVIEW LETTER
Sent via Electronic Mail

August 29, 2022

B17 Ventures, LLC DBA Fastsigns
2208 Seaboard Ave.
Midland, TX 79705

RE: 4706 N Midkiff Rd.

Mr. Brabham:

The plan review for the building permit for this project has been completed. The following comments or conditions that must be addressed prior to completion of the review and issuance of the building permit. Should you or the design consultants need further clarification regarding these comments or conditions, please contact the appropriate department or staff member.

Planning Division- Elizabeth Shaughnessy- 432-685-7902 eshaughnessy@midlandtexas.gov

Date: 08/23/2022
Status: Denied

DENIED Per our sign code 11-7a-7, windows signs can only be of temporary nature not permanent. You may file for a sign appeal per section 11-7a-15 of the City of Midland Sign Code. Additionally, window signs count against the total wall signs allowed. Please provide legible dimensions for the window signs. Based on the wall dimensions, you are allowed 662.40 sq. ft. of wall signs. Both wall and window signs cannot exceed this amount.

Code Administration – Claudia Sarinana – 432-685-7396

Date: 04/04/2022

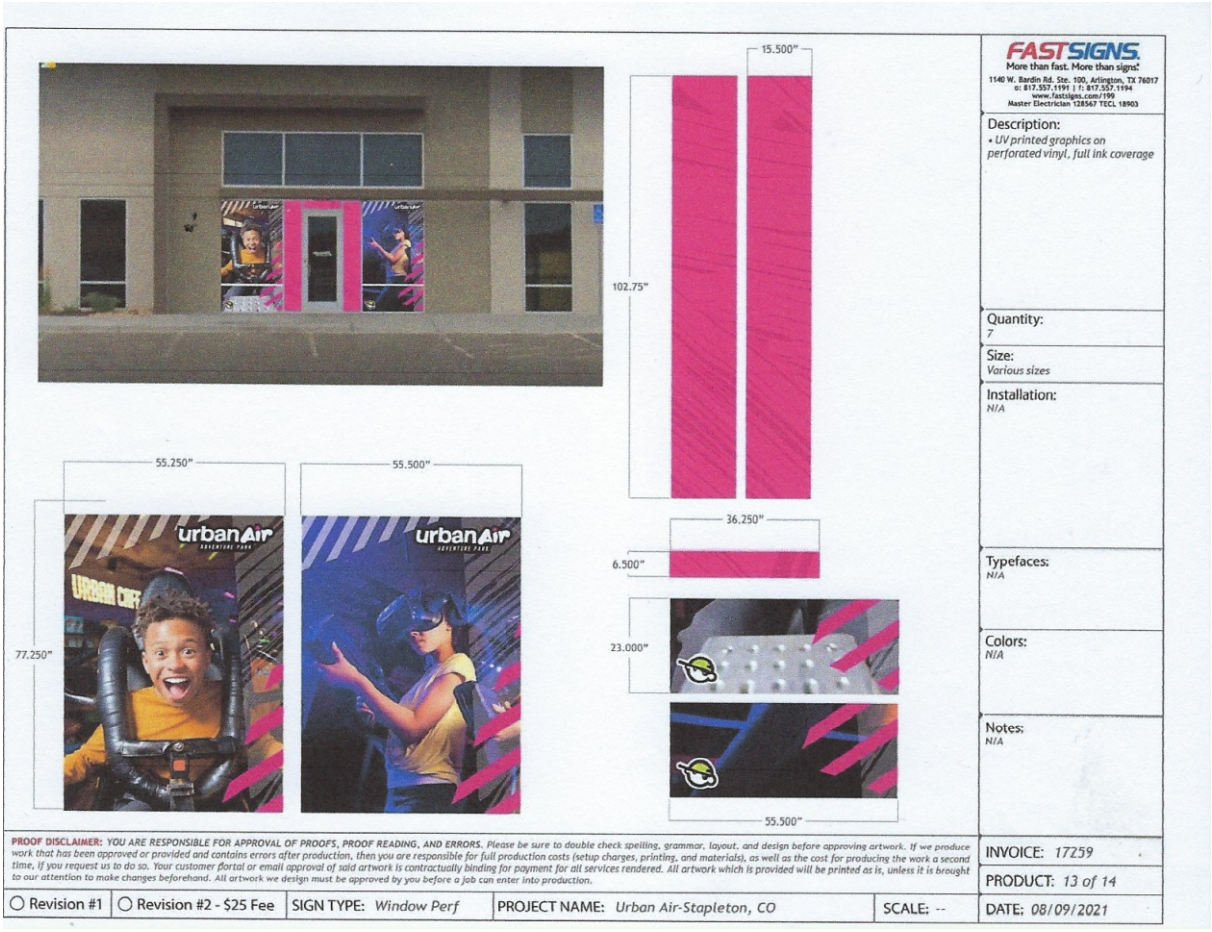
Sincerely,

Claudia Sarinana
Residential Plan Examiner
City of Midland, TX
Code Administration
432-685-7396
csarinana@midlandtexas.gov


Mart
ARMY AIR FOR


Done 17259-P7-Window-Graphic...
43.250"
91.250"
urbanAir
let'em play.
23.000"
66.500"


Stein Mart
FIRE LANE NO PARKING


15.500"
102.75"
55.250"
55.500"
urbanAir
36.250"
6.500"
77.250"
23.000"
55.500"
FASTSIGNS
More than fast. More than signs.
1140 W. Bardin Rd. Ste. 100, Arlington, TX 76017
o: 817.557.1191 | f: 817.557.1194
www.fastsigns.com/199
Master Electrician 128567 TECL 18903
Description:
• UV printed graphics on perforated vinyl, full ink coverage
Quantity:
7
Size:
Various sizes
Installation:
N/A
Typefaces:
N/A
Colors:
N/A
Notes:
N/A
PROOF DISCLAIMER: YOU ARE RESPONSIBLE FOR APPROVAL OF PROOFS, PROOF READING, AND ERRORS. Please be sure to double check spelling, grammar, layout, and design before approving artwork. If we produce work that has been approved or provided and contains errors after production, then you are responsible for full production costs (setup charges, printing, and materials), as well as the cost for producing the work a second time, if you request us to do so. Your customer portal or email approval of said artwork is contractually binding for payment for all services rendered. All artwork which is provided will be printed as is, unless it is brought to our attention to make changes beforehand. All artwork we design must be approved by you before a job can enter into production.
INVOICE: 17259
PRODUCT: 13 of 14
DATE: 08/09/2021
○ Revision #1
○ Revision #2 - $25 Fee
SIGN TYPE: Window Perf
PROJECT NAME: Urban Air-Stapleton, CO
SCALE: --


38 1/2 x 140"
38½ x 140

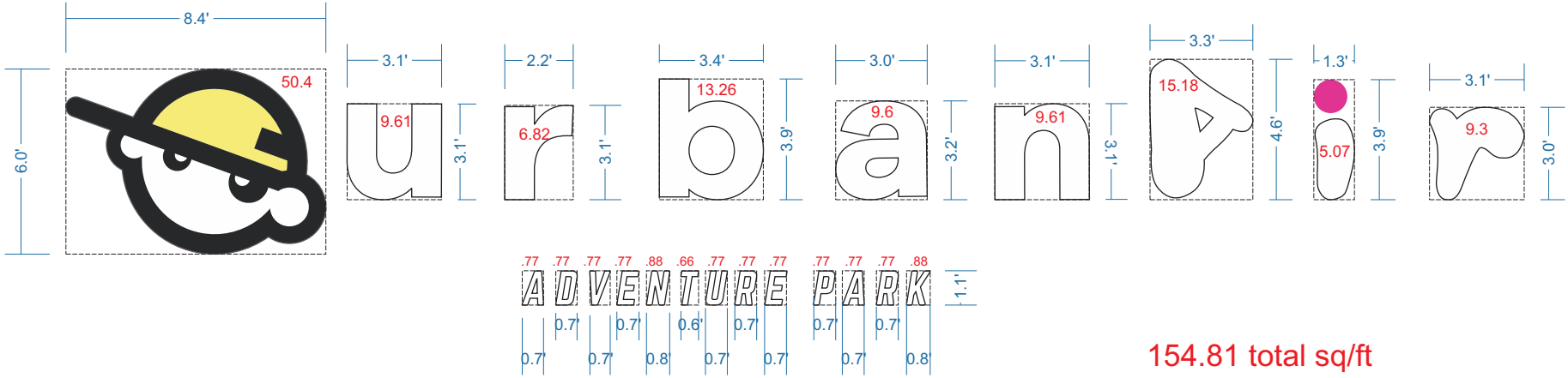

let 'em play
let 'em soar


38.5h x 140w
87h x 56w
37.5h x 24.5w
48h x 24.5w
87h x 56w
38.5h x 140w
87h x 56w
37.5h x 24.5w
48h x 24.5w
87h x 56w

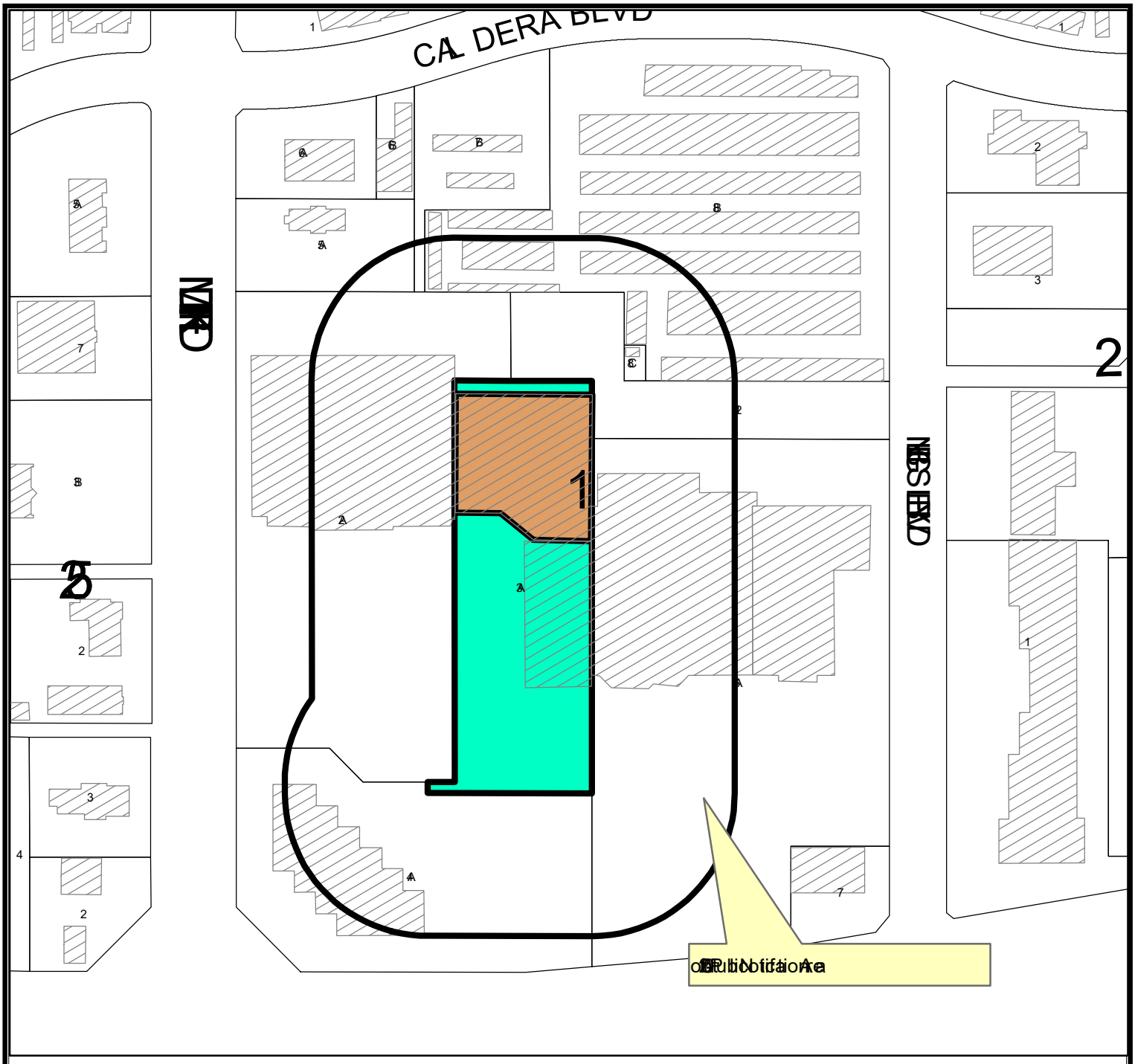

Star Mart
87h x 49.5w
87h x 56w
87h x 56w

SIGN 2

Scale: 3/16" = 1'-0"



154.81 total sq/ft



LOCATION MAP

SUD-22-0135 **Scale: 1" = 200'**

Consider a request by Ginamarie Soto, for a Specific Use Designation with Term for the Sale of all Alcoholic Beverages, for on premises consumption in an Amusement, Commercial (indoor) on a 36,700 square foot portion of Lot 3A, Block 1, North Park, Section 5, City and County of Midland, Texas.

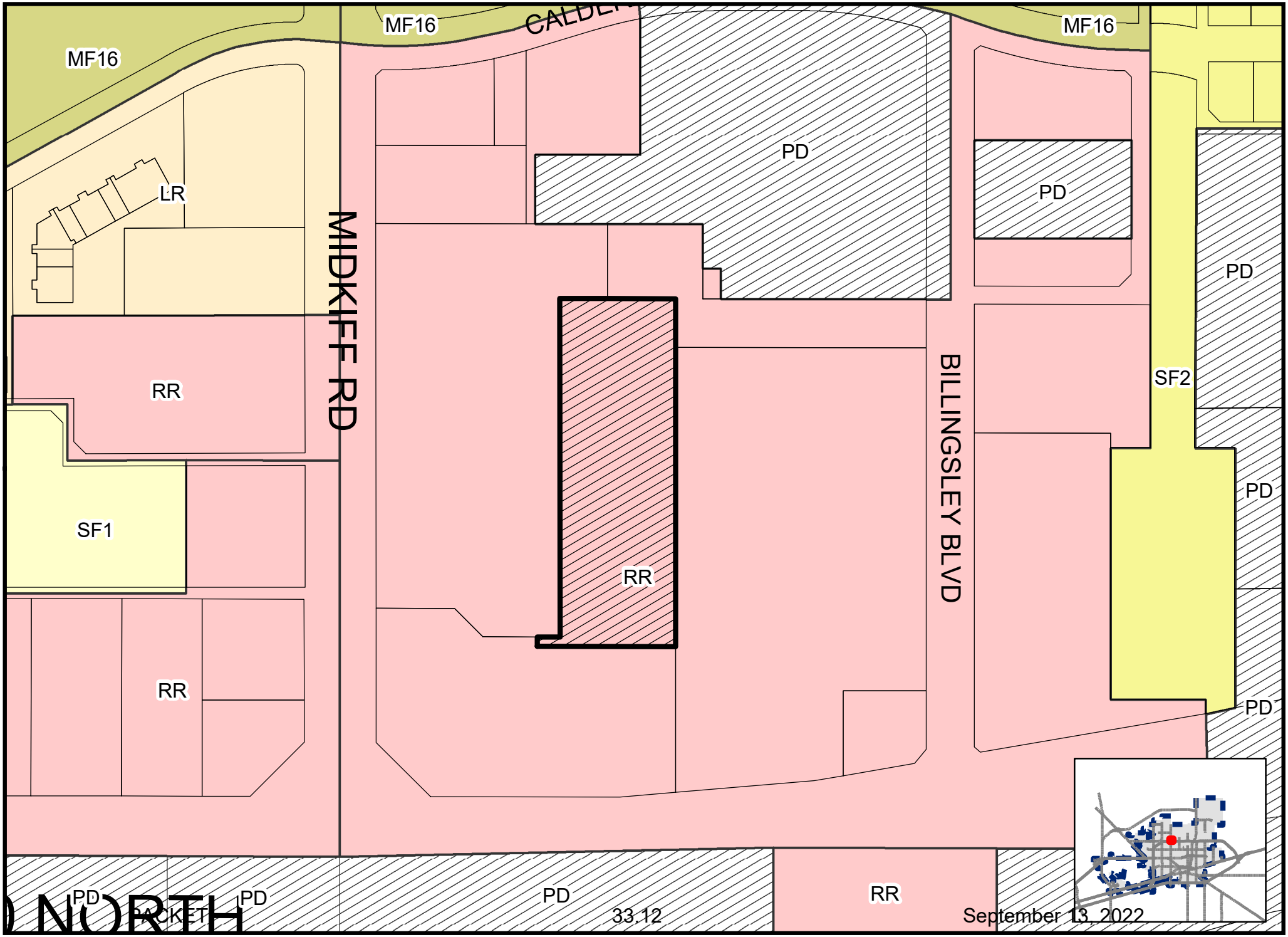
Generally located on the east side of North Midkiff Road, approximately 340 feet north of West Loop 250 North. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Map By KM, 07/07/2022

SUD-22-0135

Scale: 1" = 200'

ZONING MAP

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Stein Mart
Stein Mart
urban air
FIRE LANE NO PAR


FORCE MARINES
NAVY
SALLY




FIRE LANE NO PARKING

City Council Meeting

Item Number: 34

Meeting Date: September 13, 2022

To: City Council / City Manager

From: Taha Sakrani,

Subject: AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10222; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION (DISTRICT: NONE) (ENGINEERING SERVICES)

Purpose:

To revise school zone speed limit regulations at select locations.

Recommended City Council Action:

Approve

Fiscal Impact:

None.

Discussion:

The Legal Department has prepared an ordinance replacing the existing ordinance for "School Zones and Crossings" within the City of Midland, authorizing revisions to school zones as described below.

The revisions are minor adjustments to the times that school zones are in effect based on

schedule adjustments made by the school administration at Young Women's Leadership Academy.



City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE X, "TRAFFIC REGULATIONS", CHAPTER FOUR, "TRAFFIC CONTROL DEVICES", SECTION 11, "SCHOOL ZONES", OF THE MIDLAND CITY CODE, SO AS TO DESIGNATE EACH SCHOOL ZONE WITHIN THE CITY AND REGULATE THE SPEED AND MOVEMENT OF TRAFFIC THEREIN; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO INSTALL APPROPRIATE SIGNS AND MARKINGS; REPEALING ORDINANCE NO. 10222; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS ($200.00); AND ORDERING PUBLICATION

WHEREAS, Section 10-1-1(A)(44) of the City Code defines school zones as areas, whether adjacent to schools or not, when properly marked by signs or pavement markings designating them as school zones; and

WHEREAS, the City Traffic Engineer has recommended the establishment of certain locations within the City to be designated as school zones and certain changes in existing school zones, all based on engineering and traffic investigations; and

WHEREAS, the Council finds it to be in the public interest to follow the recommendations of the City Traffic Engineer in this matter;

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

SECTION ONE. That Midland City Code Title X, "Traffic Regulations", Chapter 4, "Traffic Control Devices", Section 11, "School Zones", shall hereby be amended to read in its entirety as follows:

10-4-11. SCHOOL ZONES.

The following described areas or locations are hereby designated "School Zones" and are reduced speed zones designated on streets by the City of Midland to facilitate safe crossing of the streets by children going to or leaving public or private elementary or secondary schools during the times the reduced speed limits apply. No person shall drive a motor vehicle in such areas or locations at a speed greater than is reasonable and prudent under the circumstances then existing. The speed limits specified hereinafter shall be lawful, but any speed in excess of the limits specified below during the hours set out hereinafter for each location or when flashing lights are in place and operating shall be prima facie evidence

that the speed is not reasonable or prudent and is unlawful on the days schools are in session.

(A) Abell Junior High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Heritage Boulevard from the centerline of Wadley Avenue to a point 170 feet south of the centerline of Highland Boulevard/Highland Court.

2. Highland Boulevard from the centerline of Heritage Boulevard to a point 830 feet west of the centerline of Heritage Boulevard.

(B) Abell Junior High School - 20 mph - 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:45 p.m.

Wadley Avenue from a point 100 feet east of the centerline of Heritage Boulevard to a point 830 feet west of the centerline of Heritage Boulevard.

(C) Alamo Junior High School - 25 mph - 6:30 a.m. to 9:00 a.m. and 2:30 p.m. to 4:45 p.m.

Illinois Avenue - from a point 211 feet east of the centerline of McDonald Street to a point 200 feet west of the centerline of McDonald Street.

(D) Alamo Junior High School - See "Bonham Elementary School and Alamo Junior High School."

(E) Anson Jones Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Illinois Avenue - from a point 210 feet east of the centerline of Stoneybrook Drive to a point 210 feet west of the centerline of Stoneybrook Drive.

(F) Anson Jones Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Stoneybrook Drive - from a point 88 feet north of the centerline of Shadylane Drive to the centerline of Shadylane Drive.

2. Shadylane Drive - from a point 160 feet north of the centerline of Thomason Drive to a point 150 feet east of the centerline of Thornridge Drive.

3. Thornridge Drive - from a point 160 feet north of the centerline of Thomason Drive to the centerline of Shadylane Drive.

(G) Ben Milam Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

1. Wadley Avenue - from a point 293 feet east of the centerline of Edwards Street at its easternmost intersection with Wadley Avenue to a point 280 feet west of the centerline of Edwards Street at its easternmost intersection with Wadley Avenue.

2. Lamesa Road - from a point 200 feet north of the centerline of the west

leg of Dormard Avenue to a point 200 feet south of the centerline of the west leg of Dormard Avenue.

3. Main Street - from a point 175 feet north of the centerline of Dormard Avenue to a point 175 feet south of the centerline of Dormard Avenue.

(H) Ben Milam Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Shandon Avenue - from a point 230 feet west of the centerline of Edwards Street to a point 300 feet east of the centerline of Barber Drive.

2. Dengar Avenue - from a point 230 feet west of the centerline of Edwards Street to the centerline of Edwards Street.

3. Dengar Avenue - from the centerline of Barber Drive to a point 295 feet east of the centerline of Barber Drive.

4. Dormard Avenue - from a point 300 feet west of the centerline of Edwards Street to a point 230 feet east of the centerline of Barber Drive.

5. Edwards Street - from a point 205 feet south of the centerline of Dormard Avenue to a point 160 feet north of the centerline of Shandon Avenue.

6. Barber Drive - from a point 175 feet south of the centerline of Dormard Avenue to a point 155 feet north of the centerline of Shandon Avenue.

(I) Bonham Elementary School and Alamo Junior High School - 20 mph - 6:30 a.m. to 9:00 a.m. and 2:30 p.m. to 4:45 p.m.

Midland Drive - from a point 205 feet north of the centerline of Crockett Avenue to a point 185 feet south of the centerline of Storey Avenue.

(J) Bonham Elementary School and Alamo Junior High School - 20 mph - 6:30 a.m. to 4:45 p.m.

1. Cuthbert Avenue - from a point 235 feet west of the centerline of Delmar Street to a point 185 feet east of the centerline of Bonham Street.

2. Storey Avenue - from a point 450 feet west of the centerline of Delmar Street to the centerline of McDonald Street.

3. Storey Avenue - from the centerline of Bonham Street to a point 220 feet east of the centerline of Bonham Street.

4. Delmar Street - from a point 195 feet south of the centerline of Storey Avenue to the centerline of Storey Avenue.

5. Delmar Street - from a point 170 feet north of the centerline of Cuthbert

Avenue to the centerline of Cuthbert Avenue.

6. McDonald Street - from a point 200 feet south of the centerline of Storey Avenue to a point 115 feet north of the centerline of Cuthbert Avenue.

7. Bonham Street - from a point 170 feet south of the centerline of Storey Avenue to a point 118 feet north of the centerline of Cuthbert Avenue.

8. Dunbar Street - from a point 115 feet north of the centerline of Cuthbert Avenue to the centerline of Cuthbert Avenue.

(K) Bowie Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

1. "A" Street - from a point 140 feet north of the centerline of Elk Avenue to a point 175 feet south of the centerline of Douglas Avenue.

2. Douglas Avenue - from the centerline of "A" Street to a point 195 feet east of the centerline of "A" Street.

3. Douglas Avenue - from a point 205 feet east of the centerline of "D" Street to a point 175 feet west of the centerline of "D" Street.

(L) Bowie Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Elk Avenue - from the centerline of "B" Street to the centerline of "A" Street.

2. Douglas Avenue - from a point 90 feet east of the centerline of "C" Street to the centerline of "B" Street.

3. Princeton Avenue - from a point 255 feet west of the centerline of "B" Street to the centerline of "B" Street.

4. "B" Street - from a point 150 feet north of the centerline of Elk Avenue to a point 160 feet south of the centerline of Princeton Avenue.

(M) Bunche Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Pennsylvania Avenue - from a point 165 feet east of the centerline of Carver Street to a point 190 feet east of the centerline of Jackson Street.

2. Adams Street - from the centerline of Pennsylvania Avenue to a point 135 feet north of the centerline of Pennsylvania Avenue.

3. Jackson Street - from a point 140 feet north of the centerline of Pennsylvania Avenue to a point 215 feet north of the centerline of Cloverdale Road.

4. California Avenue - from the centerline of Jackson Street to a point 200 feet east of the centerline of Jackson Street.

(N) Burnett Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Spraberry Drive - from a point 175 feet north of the centerline of Devonian Drive to a point 130 feet north of the centerline of Pleasant Drive.

2. Ruby Drive - from the centerline of Canyon Drive to a point 165 feet north of the centerline of Devonian Drive.

3. Raymond Drive - from a point 185 feet north of the centerline of Canyon Drive to a point 50 feet north of the centerline of Pleasant Drive.

4. Devonian Drive - from a point 230 feet west of the centerline of Spraberry Drive to the centerline of Spraberry Drive.

5. Canyon Drive - from the centerline of Spraberry Drive to a point 280 feet east of the centerline of Raymond Drive.

6. Pasadena Drive - from the centerline of Spraberry Drive to a point 230 feet west of the centerline of Spraberry Drive.

7. Howard Drive - from the centerline of Raymond Drive to a point 295 feet east of the centerline of Raymond Drive.

(O) Bush Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Whittle Way - from a point 175 feet north of the centerline of Preston Avenue to a point 200 feet south of the centerline of Preston Avenue.

(P) Bush Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Idlewilde Drive - from a point 90 feet north of the centerline of Rainbow Road to the centerline of Preston Drive.

2. Preston Drive - from a point 150 feet east of the centerline of Idlewilde Drive to a point 150 feet west of the centerline of Sunburst Drive.

3. Sunburst Drive - from a point 90 feet north of the centerline of Rainbow Road to a point 150 feet north of the centerline of Preston Drive.

(Q) Carver Center - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Wall Street - from a point 150 feet west of the centerline of Carver Street to a point 181 feet east of the centerline of Jesse Street.

2. Carver Street - from a point 175 feet north of the centerline of Texas Avenue to a point 160 feet south of the centerline of Wall Street.

3. Texas Avenue - from a point 150 feet west of the centerline of Carver

Street to the centerline of Carver Street.

4. Adams Street - from a point 150 feet south of the centerline of Wall Street to the centerline of Wall Street.

5. Jesse Street - from a point 100 feet north of the centerline of Wall Street to the centerline of Wall Street.

(R) Coleman High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Golf Course Road - from a point 60 feet west of the centerline of Benton Street to a point 120 feet west of the centerline of Tilden Street.

2. Tilden Street - from a point 70 feet north of the centerline of Jax Street to the centerline of Golf Course Road.

(S) DeZavala Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

1. Lamesa Road - from a point 300 feet north of the centerline of Louisiana Avenue to a point 250 feet south of the centerline of Louisiana Avenue.

2. Louisiana Avenue - from a point 200 feet west of the centerline of Lamesa Road to a point 150 feet east of the centerline of Lamesa Road.

3. Garden Lane - from a point 180 feet west of the centerline of Lee Street to a point 191 feet east of the centerline of Lee Street.

4. Walnut Lane - from a point 184 feet west of the centerline of Lee Street to a point 196 feet east of the centerline of Lee Street.

(T) DeZavala Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Orchard Lane - from the centerline of Lee Street to a point 175 feet east of the centerline of Lee Street.

2. Lee Street - from a point 325 feet north of the centerline of Mesquite Street to a point 50 feet north of the centerline of South Street.

3. Mesquite Street - from the centerline of Lee Street to a point 175 feet east of the centerline of Lee Street.

(U) Emerson Elementary School and Goddard Junior High School - 20 mph - 6:30 a.m. to 4:45 p.m.

1. Ward Street - from a point 250 feet south of the centerline of Haynes Drive to a point 135 feet north of the centerline of Emerson Place.

2. Moss Avenue - from a point 465 feet east of the centerline of Whitney Drive to the centerline of Ward Street.

3. Goddard Drive - from a point 185 feet east of the centerline of Ward Street to the centerline of Ward Street.

4. Emerson Drive - from a point 185 feet east of the centerline of Ward Street to the centerline of Ward Street.

5. Lanham Street - from a point 85 feet north of the centerline of Goddard Street to a point140 feet south of the centerline of Haynes Drive.

6. Haynes Drive - from a point 175 feet east of the centerline of Lanham Street to a point 150 feet west of the centerline of Ward Street.

(V) Fannin Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

1. Neely Avenue - from a point 290 feet east of the centerline of Lanham Street to a point 300 feet west of the centerline of Lanham Street.

2. Garfield Street - from a point 466 feet south of the centerline of Cimmaron Drive to a point 135 feet north of the centerline of Dengar Avenue.

3. Ward Street - from a point 150 feet north of the centerline of Fannin Avenue to a point 160 feet south of the centerline of Fannin Avenue.

(W) Fannin Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Cimmaron Avenue - from a point 285 feet west of the centerline of Lanham Street to a point 250 feet east of the centerline of Mogford Street.

2. Frontier Avenue - from a point 295 feet west of the centerline of Lanham Street to the centerline of Lanham Street.

3. Fannin Avenue - from a point 255 feet west of the centerline of Lanham Street to a point 325 feet east of the centerline of Mogford Street.

4. Lanham Street - from a point 160 feet south of the centerline of Fannin Avenue to a point 180 feet north of the centerline of Cimmaron Avenue.

5. Mogford Street - from a point 155 feet south of the centerline of Fannin Avenue to a point 170 feet north of the centerline of Cimmaron Avenue.

(X) Fasken Elementary School - 25 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Holiday Hill Road - from a point 200 feet north of the centerline of Sherwood Drive to a point 200 feet south of Sherwood Drive.

(Y) Fasken Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Sherwood Drive - from a point 100 feet east of the centerline of Sandstone Drive to a point 100 feet west of the centerline of Val Verde Drive.

2. Sandstone Drive - from a point 100 feet north of the centerline of Sherwood Drive to a point 100 feet south of the centerline of Val Verde Drive.

3. Val Verde Drive - from the centerline of Sherwood Drive to the centerline of Sandstone Drive.

4. Becker Drive - from the centerline of Sandstone Drive to a point 100 feet south of the centerline of Sandstone Drive.

(Z) General Tommy Franks Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Jax Avenue - from a point 190 feet west of the centerline of Fort Worth Street to the centerline of Terrell Street.

2. Parker Avenue - from a point 190 feet west of the centerline of Fort Worth Street to a point 155 feet east of the centerline of Terrell Street.

3. Fort Worth Street - from the centerline of Parker Avenue to a point 160 feet south of the centerline of Hamby Avenue.

4. Terrell Street - from the centerline of Parker Avenue to a point 100 feet north of the centerline of Jax Avenue.

5. Dallas Street - from the centerline of Parker Avenue to a point 180 feet south of the centerline of Parker Avenue.

(AA) General Tommy Franks Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Lamesa Road - from a point 135 feet south of the centerline of Parker Avenue at its southernmost intersection with Lamesa Road to a point 200 feet north of the centerline of Parker Avenue at its southernmost intersection with Lamesa Road.

(AB) Goddard Junior High School - See "Emerson Elementary School and Goddard Junior High School."

(AC) Greathouse Elementary School 25 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Briarwood Avenue - from a point 540 feet east of the centerline of Mathis Street to a point 450 feet west of the centerline of Mathis Street.

(AD) Greathouse Elementary School 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Oriole Drive - from a point 220 feet north of the centerline of Woodhollow Drive to a point 198 feet south of the centerline of Woodhollow Drive.

(AE) Greathouse Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Mathis Street - from a point 515 feet north of the centerline of Briarwood Avenue to a point 100 feet north of the centerline of Greathouse Avenue.

2. Greathouse Avenue - from a point 180 feet south of the centerline of Mathis Street to a point 450 feet north of the centerline of Mathis Street.

3. Quicksand Drive - from the centerline of Mathis Street to a point 180 feet west of the centerline of Mathis Street.

4. Woodhollow Drive - from the centerline of Mathis Street to a point 390 feet east of the centerline of Mathis Street.

(AF) Henderson Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Bentwood Drive - from a point 265 feet north of the centerline of Graceland Drive to a point 138 feet south of the centerline of Joy Drive.

2. Wilshire Drive - from the centerline of Graceland Drive to a point 160 feet north of the centerline of Graceland Drive.

3. Erie Drive - from the centerline of Graceland Drive to a point 205 feet north of the centerline of Graceland Drive.

4. Eisenhower Drive - from a point 135 feet north of the centerline of Graceland Drive to a point 135 feet south of the centerline of Graceland Drive.

5. Graceland Drive - from a point 130 feet west of the centerline of Bentwood Drive to a point 135 feet east of the centerline of Eisenhower Drive.

(AG) Hillander Private School - 20 mph - 7:30 a.m. to 9:00 a.m. and 1:30 p.m. to 4:00 p.m.

1. Wadley Avenue - from a point 275 feet east of the centerline of "I" Street to a point 560 feet west of the centerline of "I" Street.

2. "I" Street - from a point 170 feet north of the centerline of Wadley Avenue to a point 215 feet south of the centerline of Wadley Avenue.

(AH) Jane Long Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Devonian Drive - from a point 180 feet north of the centerline of Tanner Drive to a point 200 feet south of the centerline of Cedar Spring Drive.

2. Leddy Drive - from the centerline of Cedar Spring Drive to a point 165 feet north of the centerline of Tanner Drive.

3. Tanner Drive - from a point 250 feet west of the centerline of Devonian Drive to a point 215 feet east of the centerline of Leddy Drive.

4. Beckley Drive - from the centerline of Cedar Spring Drive to a point 150 feet south of the centerline of Cedar Spring Drive.

5. Aberdeen Drive - from the centerline of Cedar Spring Drive to a point 250 feet south of the centerline of Cedar Spring Drive.

6. Mercedes Drive - from a point 240 feet west of the centerline of Devonian Drive to the centerline of Devonian Drive.

7. Avondale Drive - from the centerline of Leddy Drive to a point 85 feet east of the centerline of Leddy Drive.

8. Cedar Spring Drive - from a point 125 feet west of the centerline of Devonian Drive to a point 185 feet east of the centerline of Leddy Drive.

(AI) Lamar Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Illinois Avenue - from a point 330 feet east of the centerline of Crestview Road to a point 240 feet west of the centerline of Crestview Road.

(AJ) Lamar Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Kessler Avenue - from a point 120 feet east of the centerline of Midkiff Road to a point 220 feet east of the centerline of Crestview Road.

2. Peach Street - from a point 165 feet south of the centerline of Illinois Avenue to the centerline of Kessler Avenue.

3. Crestview Road - from a point 185 feet south of the centerline of Illinois Avenue to a point 170 feet south of the centerline of Kessler Avenue.

4. Barkley Street - from a point 180 feet east of the centerline of Crestview Road to the centerline of Crestview Road.

(AK) Legacy Freshman High School - 20 mph - 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:45 p.m.

Scharbauer Drive - from a point 195 feet west of the centerline of Butternut Lane to a point 202 feet east of the centerline of Butternut Lane.

(AL) Legacy Freshman High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Oak Avenue - from a point 150 feet west of the centerline of Butternut Lane to a point 200 feet east of the centerline of Lincoln Street.

2. Lincoln Street - from a point 145 feet north of the centerline of Oak Avenue to a point 145 feet north of the centerline of Magnolia Avenue.

3. Maple Avenue - from a point 229 feet east of the centerline of Lincoln Street to the centerline of Lincoln Street.

4. Butternut Lane - from a point 150 feet north of the centerline of Oak Avenue to a point 50 feet north of the centerline of Magnolia Avenue.

(AM) Legacy High School - See "Rusk Elementary School and Legacy High School."

(AN) Midland Academy Charter School - 20 mph - 7:00 a.m. to 8:30 a.m. and 3:00 p.m. to 4:30 p.m.

1. Baird Street - from a point 97 feet north of the centerline of Michigan Avenue to a point 145 feet south of the centerline of Tennessee Avenue.

2. Michigan Avenue - from a point 180 feet east of the centerline of Weatherford Street to a point 180 feet west of the centerline of Baird Street.

3. Tennessee Avenue - from a point 180 feet east of the centerline of Weatherford Street to a point 180 feet west of the centerline of Baird Street.

4. Weatherford Street - from a point 95 feet north of the centerline of Michigan Avenue to a point 165 feet south of the centerline of Tennessee Avenue.

(AO) Midland Christian School - 20 mph - 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:30 p.m.

Neely Avenue - from a point 175 feet east of the centerline of Culver Drive to a point 225 feet west of the centerline of Culver Drive.

(AP) Midland Christian School - 20 mph - 7:30 a.m. to 4:30 p.m.

1. Culver Drive - from the centerline of Gulf Avenue to a point 385 feet north of the centerline of Gulf Avenue.

2. Gulf Avenue - from a point 190 feet east of the centerline of Culver Drive to the centerline of Culver Drive.

3. Northrup Drive - from a point 384 feet south of the centerline of Sinclair Avenue to a point 135 feet north of the centerline of Gulf Avenue.

4. Sinclair Avenue - from a point 158 feet east of the centerline of Culver Drive to the centerline at Northrup Drive.

(AQ) Midland Classical Academy School - 20 mph - 7:30 a.m. to 4:00 p.m.

Whitman Drive - from a point 87 feet north of the centerline of Mockingbird Lane to a point 650 feet south of the centerline of Savoy Place.

(AR) Midland Freshman High School - 25 mph - 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:45 p.m.

Rankin Highway - from a point 265 feet north of the centerline of Hicks Avenue to a point 170 feet south of the centerline of Hicks Avenue.

(AS) Midland Freshman High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Main Street - from a point 180 feet north of the centerline of Hicks Avenue to a point 180 feet south of the centerline of Gist Avenue.

2. Baird Street - from the centerline of Hicks Avenue to a point 150 feet north of the centerline of Hicks Avenue.

3. Weatherford Street - from the centerline of Hicks Avenue to a point 150 feet north of the centerline of Hicks Avenue.

4. Hicks Avenue - from a point 200 feet west of the centerline of Main Street to a point 175 feet east of the centerline of Weatherford Street.

5. Montgomery Avenue - from the centerline of Main Street to a point 210 feet west of the centerline of Main Street.

6. Gist Avenue - from a point 200 feet west of the centerline of Main Street to a point 1040 feet east of the centerline of Main Street.

(AT) Midland High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Ohio Avenue - from a point 150 feet east of the centerline of San Angelo Street to the centerline of "A" Street.

2. "C" Street - from a point 130 feet south of the centerline of Illinois Avenue to the centerline of Illinois Avenue.

3. "D" Street - from a point 115 feet south of the centerline of Illinois Avenue to a point 45 feet north of the centerline of Ohio Avenue.

4. Illinois Avenue - from a point 267 feet west of the centerline of "E" Street to a point 185 feet east of the centerline of "A" Street.

5. "A" Street - from a point 85 feet south of the centerline of Tennessee Avenue to a point 280 feet south of the centerline of Illinois Avenue.

6. Tennessee Avenue - from a point 103 feet west of the centerline of "B"

Street to a point 60 feet east of the centerline of "A" Street.

(AU) Midland Montessori School - 20 mph - 7:30 a.m. to 4:30 p.m.

Austin Street - from a point 200 feet north of the centerline of Cuthbert Avenue to a point 80 feet south of the centerline of Bedford Avenue.

(AV) Pease Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Magnolia Avenue - from a point 280 feet west of the centerline of Benton Street to a point 295 feet east of the centerline of Peterson Street.

2. Hickory Avenue - from a point 340 feet west of the centerline of Benton Street to the centerline of Benton Street.

3. Scharbauer Drive - from a point 335 feet west of the centerline of Benton Street to a point 290 feet east of the centerline of Peterson Street.

4. Benton Street - from a point 215 feet north of the centerline of Scharbauer Drive to a point 290 feet east of the centerline of Peterson Street.

5. Peterson Street - from the centerline of Scharbauer Drive to a point 200 feet north of the centerline of Magnolia Avenue.

(AW) Quanah Parker Elementary School - 30 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Midland Drive - from a point 340 feet north of the centerline of St. Andrews Drive to a point 350 feet south of the centerline of St. Andrews Drive.

(AX) Quanah Parker Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Godfrey Drive - from a point 150 feet north of the centerline of St. Andrews Drive to a point 135 feet south of the centerline of St. Andrews Drive.

(AY) Quanah Parker Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. St. Andrews Drive - from a point 150 feet west of the centerline of Casady Court to a point 140 feet west of the centerline of Norwood Street.

2. Greenbriar Drive - from a point 150 feet south of the centerline of St. Andrews Drive to the centerline of St. Andrews Drive.

3. Merrill Drive - from a point 150 feet west of the centerline of Norwood Street to the centerline of Norwood Street.

4. Russell Drive - from a point 175 feet west of the centerline of Norwood

Street to the centerline of Norwood Street.

5. Norwood Street - from the centerline of St. Andrews Drive to a point 150 feet north of the centerline of Russell Drive.

(AZ) Rusk Elementary School and Legacy High School - 20 mph - 6:30 a.m. to 4:45 p.m.

1. Neely Avenue - from a point 175 feet west of the centerline of McDonald Street to a point 250 feet east of the centerline of Tarleton Street.

2. McDonald Street - from a point 155 feet south of the centerline of Neely Avenue to a point 115 feet north of the centerline of Cimmaron Avenue.

3. Wedgewood Street - from a point 200 feet south of the centerline of Neely Avenue to the centerline of Cimmaron Avenue.

4. Cimmaron Avenue - from a point 205 feet west of the centerline of McDonald Street to a point 170 feet east of the centerline of Shandon Avenue.

5. Fannin Avenue - from the centerline of McDonald Street to a point 200 feet west of the centerline of McDonald Street.

6. Shandon Avenue - from a point 235 feet north of the centerline of Cimmaron Avenue to the centerline of Cimmaron Avenue.

7. Imperial Avenue - from a point 235 feet north of the centerline of Cimmaron Avenue to the centerline of Cimmaron Avenue.

8. Godfrey Street - from a point 145 feet south of the centerline of Neely Avenue to a point 158 feet north of the centerline of Rebel Drive.

(BA) Rusk Elementary School - 20 mph - 6:30 a.m. to 4:45 p.m.

1. Dengar Avenue - from a point 250 feet east of the centerline of Tarleton Street to the centerline of Tarleton Street.

2. Fannin Avenue - from the centerline of Tarleton Street to a point 240 feet east of the centerline of Tarleton Street.

3. Cimmaron Avenue - from the centerline of Tarleton Street to a point 295 feet east of the centerline of Tarleton Street.

4. Tarleton Street - from a point 175 feet south of the centerline of Neely Avenue to a point 140 feet north of the centerline of Dengar Avenue.

(BB) St. Ann's School - 20 mph - 7:00 a.m. to 4:00 p.m.

1. Texas Avenue - from a point 195 feet west of the centerline of "N"

Street to a point 30 feet west of the centerline of "L" Street.

2. "N" Street - from the centerline of Illinois Avenue to a point 180 feet south of the centerline of Texas Avenue.

3. "M" Street - from the centerline of Illinois Avenue to a point 180 feet south of the centerline of Texas Avenue.

(BC) Sam Houston Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

1. Cuthbert Avenue - from a point 335 feet east of the centerline of "N" Street at its easternmost intersection with Cuthbert Avenue to a point 297 feet west of the centerline of "N" Street at its easternmost intersection with Cuthbert Avenue.

2. "N" Street - from the centerline of Louisiana Avenue to the centerline of Cuthbert Avenue.

(BD) Sam Houston Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 5:30 p.m.

1. Louisiana Avenue - from a point 285 feet east of the centerline of Garfield Street to a point 40 feet east of the centerline of "L" Street.

2. "L" Street - from a point 238 feet south of the centerline of Louisiana Avenue to a point 150 feet north of the centerline of Louisiana Avenue.

3. "M" Street - from a point 250 feet south of the centerline of Louisiana Avenue to the centerline of Louisiana Avenue.

4. Michigan Avenue - from a point 180 feet east of the centerline of North "N" Street to a point 180 feet west of the centerline of North "N" Street.

5. "N" Street - from a point 315 feet south of the centerline of Louisiana Avenue to the centerline of Louisiana Avenue.

(BE) San Jacinto Junior High School - 20 mph - 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:45 p.m.

1. Golf Course Road - from a point 208 feet east of the centerline of "N" Street to a point 185 feet west of the centerline of "N" Street.

2. Garfield Street - from a point 287 feet south of the centerline of Community Lane to a point 287 feet north of the centerline of Community Lane.

(BF) San Jacinto Junior High School - 20 mph - 7:30 a.m. to 4:45 p.m.

1. Community Lane - from a point 160 feet east of the centerline of Garfield Street to a point 120 feet east of the centerline of "N" Street.

2. Douglas Avenue - from the centerline of "N" Street to a point 190 feet east of the centerline of "N" Street.

3. Hodges Street - from the centerline of Community Lane to a point 225 feet north of the centerline of Community Lane.

4. "N" Street - from a point 340 feet north of the centerline of Community Lane to a point 170 feet south of the centerline of Douglas Avenue.

(BG) Santa Rita Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Bluebird Lane - from a point 215 feet east of the centerline of Whitman Street to a point 200 feet west of the centerline of Whitman Street.

(BH) Santa Rita Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

Whitman Drive - from a point 760 feet north of the centerline of Bluebird Lane to a point 920 feet south of the centerline of Mockingbird Lane.

(BI) Scharbauer Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Crowley Boulevard - from a point 250 feet south of the centerline of Hereford Boulevard to a point 575 feet north of the centerline of Hereford Boulevard.

2. Hereford Boulevard - from a point 250 feet south of the centerline of Homestead Boulevard to a point 136 feet north of the centerline of Crowley Boulevard.

3. Homestead Boulevard - from the centerline of Hereford Boulevard to a point 425 feet west of the centerline of Hereford Boulevard.

(BJ) South Elementary School - 20 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Big Spring Street - from a point 220 feet north of the centerline of Dakota Street to a point 165 feet south of the centerline of Dakota Street.

(BK) South Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Dakota Avenue - from a point 155 feet west of the centerline of Colorado Street to a point 240 feet east of the centerline of Main Street.

2. New Jersey Avenue - from a point 205 feet west of the centerline of Colorado Street to a point 235 feet east of the centerline of Main Street.

3. Colorado Street - from a point 145 feet south of the centerline of New Jersey Avenue to a point 230 feet north of the centerline of Dakota Avenue.

4. Loraine Street from a point 230 feet south of the centerline of New

Jersey Avenue to the centerline of New Jersey Avenue.

5. Loraine Street - from the centerline of Dakota Avenue to a point 175 feet north of the centerline of Dakota Avenue.

6. Main Street - from a point 120 feet south of the centerline of New Jersey Avenue to a point 200 feet north of the centerline of Dakota Avenue.

(BL) Travis Elementary School - 20 mph - 7:00 a.m. to 4:30 p.m.

1. Gist Avenue - from a point 190 feet west of the centerline of Marshall Street to a point 170 feet east of the centerline of Atlanta Street.

2. Marshall Street - from the centerline of Gist Avenue to a point 205 feet north of the centerline of Gist Avenue.

3. Jefferson Street - from the centerline of Gist Avenue to a point 215 feet north of the centerline of Gist Avenue.

4. Atlanta Street - from the centerline of Gist Avenue to a point 190 feet north of the centerline of Gist Avenue.

(BM) Trinity Private School - 25 mph - 7:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:45 p.m.

Wadley Avenue - from a point 150 feet west of the centerline of Godfrey Street to the centerline of Tarleton Street.

(BN) Trinity Private School - 20 mph - 7:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:45 p.m.

1. Godfrey Street - from a point 150 feet south of the centerline of Wadley Avenue to a point 265 feet south of the centerline of Trinity Drive.

2. Jordan Avenue - from a point 150 feet south of the centerline of Wadley Avenue to the centerline of Wadley Avenue.

(BO) Young Women's Leadership Academy - 20 mph - 7:30 a.m. to 9:00 a.m. and 3:30 p.m. to 4:45 p.m.

1. Wall Street - from a point 67 feet west of the centerline of Jackson Street to the centerline of Calhoun Street.

2. Tilden Street - from a point 155 feet north of the centerline of Wall Street to a point 100 feet north of the centerline of Indiana Avenue.

3. Donald Street - from a point 100 feet north of the centerline of Wall Street to the centerline of Wall Street.

4. Lincoln Street - from a point 100 feet north of the centerline of Wall Street to the centerline of Wall Street.

5. Jackson Street - from a point 100 feet north of centerline of Wall Street to the centerline of Wall Street.

6. Indiana Avenue - from a point 225 feet west of the centerline of Tilden Street to a point 210 feet east of the centerline of Tilden Street.

(BP) West Education Center - 20 mph - 7:00 a.m. to 4:30 p.m.

1. Missouri Avenue - from a point 40 feet east of the centerline of Garfield Street to a point 255 feet east of the centerline of "N" Street.

2. Indiana Avenue - from a point 40 feet east of the centerline of Garfield Street to a point 155 feet east of the centerline of "N" Street.

3. "N" Street - from a point 200 feet north of the centerline of Missouri Avenue to a point 215 feet south of the centerline of Indiana Avenue.

4. "O" Street - from a point 165 feet north of the centerline of Missouri Avenue to the centerline of Missouri Avenue.

(BQ) Yarbrough Elementary School - 20 mph - 6:30 a.m. to 4:00 p.m.

1. Shea Lane - from a point 340 feet east of the centerline of Hall of Fame Boulevard to a point 90 feet north of the centerline of Legends Boulevard.

2. Legends Boulevard - from the centerline of Shea Lane to a point 170 feet east of the centerline of Wagner Drive.

3. Wagner Street / Drive from a point 100 feet north of the centerline of Legends Boulevard to a point 100 feet south of the centerline of Riverfront Drive.

4. Riverfront Drive - from a point 215 feet west of the centerline of Coliseum Court to the centerline of Wagner Drive.

(BR) Yarbrough Elementary School - 25 mph - 6:30 a.m. to 8:00 a.m. and 2:30 p.m. to 4:00 p.m.

Avalon Drive - from a point 200 feet north of the centerline of Hall of Fame Boulevard to a point 200 feet south of the centerline of Hall of Fame Boulevard.

SECTION TWO. The Traffic Engineer is hereby authorized and directed to erect and install appropriate signs and markings at the designated locations, in conformance with the State Highway Department's manual and specifications, indicating and carrying out the provisions of this ordinance.

SECTION THREE. That Ordinance No. 10222 is hereby expressly repealed; and 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. That the repeal of the ordinances or parts of ordinances effectuated by the enactment of this ordinance shall not be construed as abating any actions now pending under or by virtue of such ordinances or as discontinuing, abating, modifying, or altering any penalty accruing or as affecting the liability of any person, firm or corporation or as waiving any right of the municipality under any section or provision existing at the time of the passage of this ordinance.

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 hundred dollars ($200.00).

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., 2022; 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., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2022.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Jose Ortiz, Engineering Services Director

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

BOARDS AND COMMISSIONS OF THE CITY OF MIDLAND
September 13, 2022

AIRPORT PLANNING AND DEVELOPMENT BOARD

(Advisory)
(Membership-10; Terms - 3 Years expiring 3-3-4.)

	Appt Date	Term Expires	Eligibility Expires
Scooter Brown	09/16	Sept 30 2022	Sept 30 2022
Wes Reeves	08/15*	Sept 30 2023	Sept 30 2023
Justin Kuethe	09/19	Sept 30 2022	Sept 30 2025
Nick McClure	09/19	Sept 30 2022	Sept 30 2025
Gena Linebarger	09/20	Sept 30 2023	Sept 30 2026
Benjamin Fietz	09/20	Sept 30 2023	Sept 30 2026
Beverly Dillow	10/21	Sept 30 2024	Sept 30 2027
Dave Joyner	10/21	Sept 30 2024	Sept 30 2027
Robert Richards	10/21	Sept 30 2024	Sept 30 2027
James Linderman	04/22	Sept 30 2025	Sept 30 2028

Justine Ruff (Liaison)
Lori Blong (Council Liaison)

Ex-Officio members are Earl Erdman and Harry Spannaus, the City Manager and the City Attorney. The Secretary is the Director of Aviation.

Eligibility Requirements: Resident of Midland County

ANIMAL SERVICES ADVISORY COMMISSION

(Advisory)
(Membership - 7; Terms - 4 Years)

	Appt Date	Term Expires	Eligibility Expires
Ty Coleman (daily operations)	09/17	Sept 30 2025	Does not expire??
Dr. (Erickson) Lee (Veterinarian)	05/14	Sept 30 2022	Sept 30 2022
Alyson Dial	09/18	Sept 30 2022	Sept 30 2026
Dr. J. Annette Jensen (Veterinarian)	04/20	Sept 30 2024	Sept 30 2028
Tasha Sport	04/20	Sept 30 2024	Sept 30 2028
Sharla Hotchkiss	04/20	Sept 30 2024	Sept 30 2028
Robert “Robin” Donnelly (County)	11/13	Sept 30 2025	Sept 30 2025

Ty Coleman (Liasion)
Dan Corrales (Council Liaison)

Eligibility Requirements: 1 License Veterinarian, 1 Animal Shelter Employee, 1 Animal Welfare Organization Representative, 1 County or Municipal Official, 2 Citizens

BUILDING AND FIRE CODE REVIEW COMMITTEE/CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS

(Membership – 9; Terms – 6 Years)

Shall consist of two architects, a fire protection contractor or specialist, a general contractor, an electrical contractor, a homebuilder, a plumbing and mechanical contractor, a structural engineer, a City Council Liaison

	Appt Date	Term Expires	Eligibility Expires
Ryan Almand (Electrical Contractor)	12/18	Sept 30 2024	Sept 30 2030
Jay Bradford (Architect)	12/18	Sept 30 2024	Sept 30 2030
T.J. McClure (Architect)	12/18	Sept 30 2024	Sept 30 2030
Laurence Oeth (Structural Engineer)	12/18	Sept 30 2024	Sept 30 2030
Gary Glasscock (General Contractor)	12/18	Sept 30 2024	Sept 30 2030
Robert Anderson (Homebuilder)	12/18	Sept 30 2024	Sept 30 2030
Dean Kelly (Plumbing & Mechanical Contractor)	04/22	Sept 30 2028	Sept 30 2034
Kenneth Whiting (Fire Protection)	04/22	Sept 30 2028	Sept 30 2034
Jeff Pinkstaff (Liaison)	12/18	Sept 30 2024	Sept 30 2030
Dan Corrales (Council Liaison)			

Eligibility Requirements: Members shall reside within the City.

CAPITAL IMPROVEMENT ADVISORY COMMITTEE

(Advisory)

(Membership – 7)

A minimum of 40% must be representative of real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.)

	Appt Date
Carl Craigo	10/19
Walter Pate	06/18
Mark Payne	06/18
VACANT (Black)	06/18
Brian Sales	06/18
Chuck Harrington	06/18
Jose Ortiz (Liaison)	06/18
Lori Blong (Council Liaison)	

CITIZENS DEVELOPMENT AND HOTEL/MOTEL ADVISORY BOARD

(Advisory)
(Membership - 7; Terms - 2 Years Staggered)

	Appt Date	Term Expires	Eligibility Expires
Joey Hopkins	10/18	Sept 30 2022	Sept 30 2022
Alex Singh	10/18	Sept 30 2022	Sept 30 2022
Becky Wisdom	10/18	Sept 30 2022	Sept 30 2022
Brandon Ofield	09/20	Sept 30 2022	Sept 30 2024
Clint Williamson	04/21	Sept 30 2023	Sept 30 2025
Ellen K. Ramsey	10/18	Sept 30 2023	Sept 30 2023
Vicky Hailey	09/21	Sept 30 2023	Sept 30 2025
Amy Turner (Liaison)			
Lori Blong (Council Liaison)			

Eligibility Requirements: Members shall be thoroughly familiar with Chapter 351, “Municipal Hotel Occupancy Taxes”, 1 Member Representative of Hotel/Motel Association.

MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Five Directors, Elected by Local Taxing Entities.
City Nominates/Cast Vote for one Director
(Terms - 2 Years)

	Appt Date	Term Expires
Robert McNaughton	11/15	Dec 31 2024

MIDLAND DEVELOPMENT CORPORATION

(Membership - 7; Terms -3 Years - Staggered)

	Appt Date	Term Expires	Eligibility Expires
Chase Gardaphe	01/22	Jan 14 2025	Jan 14 2025
Barry Simpson	01/22	Jan 14 2025	Jan 14 2025
Stephen Lowery	01/17	Jan 14 2023	Jan 14 2023
P Lourcey Sams	04/20	Jan 14 2023	Jan 14 2026
Jill Pennington	04/20	Jan 14 2023	Jan 14 2026
Brad Bullock	04/21	Jan 14 2024	Jan 14 2027
Lucy Sisniega	02/22	Jan 14 2025	Jan 14 2028

Amy Turner (Liaison)
Lori Blong (Council Liaison)

Eligibility Requirements: No director or employee shall be related to a current City Council member.

MIDLAND DOWNTOWN PARK CONSERVANCY BOARD

(Membership - 7; City Appoints 3 Seats; Terms -3 Years - Staggered)
(Resolution of appointment is made each February and each appointment must be ratified by the Conservancy Board in March at their annual meeting)

	Appt Date	Term Expires	Eligibility Expires
Barry Beal Jr.	08/18	Sep 30 2024	Sep 30 2024
David Byrd	08/18	Sep 30 2023	Sep 30 2023
Sharla Hotchkiss	07/20*	Sep 30 2025	Sep 30 2025

MIDLAND HIGHER EDUCATION FACILITIES CORPORATION

(Membership - 7; Terms - 2 Years Staggered)

	Appt Date	Term Expires	Eligibility Expires
Steve Jones	**09/08***	**Jan 1 2010**	**Jan 1 2012**
Cathy Oestmann	**11/05***	**Jan 1 2010**	**Jan 1 2010**
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2009**	
Curt Kamradt	**11/05***	**Jan 1 2014**	**Jan 1 2014**

Sharla Hotchkiss (Liaison)

MIDLAND HOUSING AUTHORITY COMMISSION

(Membership - 5; Terms - 2 Years expiring 3 even & 2 odd.)
Appointments Made by Mayor (LGC 392.031)

	Appt Date	Term Expires
Wes Gotcher	09/20	Oct 2022
Robert Lehrer	09/20	Oct 2022
Latoya Mayberry	06/21	Oct 2023
Sylvestor Cantu	09/18*	Oct 2023
Cheryl Wadley (Resident Commissioner)	11/19	Oct 2023

Isaac Garnett (Staff Liasion)

Eligibility Requirements: No member may be an officer or employee of the City of Midland.

MIDLAND-ODESSA URBAN TRANSIT DISTRICT BOARD

(Decision Making)

(Membership – 12 with 6 appointed by Midland; Terms - 2 Years Staggered; Can serve 3 terms)

	Appt Date	Term Expires	Eligibility Expires
E. J. Baldridge	10/18	Sept 30 2022	Sept 30 2024
Iris Foster	06/18*	Sept 30 2022	Sept 30 2024
Joseph Sanchez	12/19	Sept 30 2023	Sept 30 2025
Jack Ladd	07/20	Sept 30 2022	Sept 30 2026
Daniel Norwood	04/21	Sept 30 2023	Sept 30 2027
Brian Stubbs	06/22	Sept 30 2024	Sept 30 2028

Charles Harrington (Liaison)

OIL AND GAS ADVISORY COMMITTEE

(Advisory)

(Membership – 5; Terms – 3 Years expiring 2-2-1)

2 real property developer, real estate sales, or developer; 3 Lic. petroleum engineer, engineer w/ bachelor, or geologist

	Appt Date	Term Expires	Eligibility Expires
Scott Bowden (Real Estate)	10/19	Sept 30 2022	Sept 30 2025
Ross Klabon (Petroleum Eng.)	10/19	Sept 30 2022	Sept 30 2025
Court Adkins (Petroleum Eng.)	09/17	Sept 30 2023	Sept 30 2023
Rhett Bullock (Petroleum Eng.)	09/21	Sept 30 2024	Sept 30 2026
Cameron Willmann (Real Estate)	10/21	Sept 30 2024	Sept 30 2026

Ron Jenkins (Liaison)

Eligibility Requirements: 3 Petroleum Engineers or Geologists and 2 with Property Development or Real Estate Experience.

PARKS AND RECREATION COMMISSION

(Advisory)
(Membership - 9; Terms - 3 Years expiring 3-3-3.)

	Appt Date	Term Expires	Eligibility Expires
Connie Ferguson	09/16	Sept 30 2022	Sept 30 2022
Stephanie Martin	10/16	Sept 30 2022	Sept 30 2022
Laura Smith	10/19	Sept 30 2022	Sept 30 2025
Susannah Prucka	04/20	Sept 30 2023	Sept 30 2026
Lynn Rogers	04/20	Sept 30 2023	Sept 30 2026
Dal Watson	09/20	Sept 30 2023	Sept 30 2026
Ron Stroman	09/20	Sept 30 2023	Sept 30 2026
Shirley Howard	02/16*	Sept 30 2024	Sept 30 2024
VACANT (Schammel)	10/19	Sept 30 2022	Sept 30 2025

Cristina Odenburg-Burns (Liaison)
John Norman (Council Liaison)

Eligibility Requirements: Resident Citizen, Taxpayer and Qualified Voter.

PERMIAN BASIN COMMUNITY CENTER FOR MH/MR (PermiaCare)

(Decision Making)
(Membership - 2 (City); Terms - 2 Years)

	Appt Date	Term Expires
Derek Cook (City)	06/21	June 2023
Ryan Peckham (City)	08/20	June 2024

PERSONNEL BOARD OF APPEALS

(Decision Making)
(Membership - 3; No designated terms. Mayor appoints.)

	Appt. Date
Scott Dufford	01/14
Hugh A. “Andy” Shaffer	09/05
Patrick Payton	01/20

Mark Widman (Liaison)

Eligibility Requirements: Board consists of two City Council members and one other member who is not a City employee.

PLANNING AND ZONING COMMISSION

(Advisory & Decision Making)
(Membership - 7; Terms - 3 Years)

	Appt Date	Term Expires	Eligibility Expires
Chase Gardaphe	01/14*	Sept 30 2022	Sept 30 2022
Karmen Bryant	02/19*	Sept 30 2022	Sept 30 2025
Diane Williams	09/17	Sept 30 2023	Sept 30 2023
Lucy Sisniega	09/20	Sept 30 2023	Sept 30 2026
Stacey Jo Grosse	09/20	Sept 30 2023	Sept 30 2026
Zachary Deck	09/20	Sept 30 2023	Sept 30 2026
Adrian Carrasco	09/21	Sept 30 2024	Sept 30 2027
ALTERNATES:			
Emily Holeva	09/20	Sept 30 2023	Sept 30 2026
Beverly Dillow	09/21	Sept 30 2024	Sept 30 2027

Elizabeth Shaughnessy (Liaison)

Eligibility Requirements: Resident citizen of City of Midland, owner of real property within the City Limits and qualified Voter.

ZONING BOARD OF ADJUSTMENT AND AIRPORT ZONING BOARD OF ADJUSTMENT

(Decision Making)
(Membership - 5; Terms - 2 Years expiring 3 odd & 2 even.)

	Appt Date	Term Expires	Eligibility Expires
Reed Claybrook	03/19*	Sept 30 2022	Sept 30 2024
Derek Whiting	01/18*	Sept 30 2023	Sept 30 2023
E.J. Baldridge	02/18	Sept 30 2023	Sept 30 2023
Robert Gray	01/21	Sept 30 2024	Sept 30 2026
James Gerety	04/21	Sept 30 2024	Sept 30 2026
ALTERNATES: (not applicable to Airport Zoning)			
James Robert Franklin		Sept 30 2021	
VACANCY		**Sept 30 2020**	
VACANCY		**Sept 30 2020**	
VACANCY		**Sept 30 2020**	

Jeff Pinkstaff (Staff Liaison)

Midland, TX

Ryan Buck, MBA, PE

RBuck89@gmail.com

(972) 689-9056

Production Engineering Supervisor | Proven Leader

Accomplished and self-motivated Production Engineering Supervisor with a specialization in the Permian Basin. In 2013, I graduated from the University of Oklahoma with Petroleum Engineering and MBA degrees (3.5 GPA). I am a proven leader with a track record of top-tier performance, specifically in production optimization, LOE-reduction, and emissions control. Daily, I strive to grow personally and add value to my company. I am an efficiency-minded leader driven by optimizing productivity and relationships.

My competitive advantage: first-rate communication skills paired with a commitment to excellence.

Employment

Pioneer Natural Resources Midland, TX and Las Colinas, TX September 2013 – Present
Production Engineering Supervisor – Permian Basin (5 Years)

- Managed a high-performing team of production engineers responsible for all production, workover, and facility operations of the 1,500 rod pump vertical wells and 150 horizontal wells. Developed strong field relationships.
- High-level thinker and leader. Led several production-focused initiatives resulting in 2000+ bopd increase.
- LOE, OPEX, and CAPEX lead. Responsible for creation, tracking, and reconciliation of all budgets. Refined Pioneer's coding practices to ensure quality reporting. Led accrual process. Mentored others to raise awareness and understanding.
- Managed Pioneer's entire $55MM ARO program, running 16 rigs, and plugging 600 wells in 2021. On pace for 650 in 2022.
- Acted as mentor to team. Organized 50+ trainings on a variety of topics. Scheduled dozens of gatherings and roundtables.
- Direct focus on emissions control. Led all areas with largest reduction in venting and flaring locations.
- Leader of the Proactive HSE training group. Trained all of Pioneer on how to properly conduct a safety observation.
- Directly led efforts to optimize leaseholding positions. Constant collaboration with land, legal, reservoir, and field operations. Developed in-depth understanding of lease intricacies.
- Acted as the production engineering point-of-contact for land trades. Ensured successful transactions.

Horizontal Production Engineer – Permian Basin (2 Years)

- Handled all production, workover, and facility operations in the XBC Giddings Estate lease. I operated all 111 horizontal producing wells and 6 SWD's in the most cost-effective manner. Developed gas lift, rod pump, and ESP proficiency.
- In-depth SWD tubing study. Developed recommendation and communicated effectively. Cut failure rate in half.
- Converted five high-failure rod pump wells to gas lift, resulting in a $3.9MM NPV uplift.
- Identified weakness in the current choke design. Upgraded to more resilient design at no additional cost.
- Facilitated quarterly well reviews. Developed proficiency in well optimization and production uplift.
- Wrote Pioneer's standard rod pump workover procedure and standard tubing/coiled tubing lateral cleanout procedures.

Reservoir Engineer – Eagle Ford (1 Year)

- Forecasted reserves, monitored performance, and provided economics for a large portion of Eagle Ford acreage.
- Analyze and provided technical recommendation regarding refracs and offset frac hits.
- Worked in tandem with geologists to obtain a better grasp of the trends and performance drivers in the Eagle Ford shale.

Drilling Engineer – Permian Basin (1 Year)

- Developed drilling engineering skillset and learned how to manage a rig and crew. Acted as night company man.
- Attended a variety of classes and tours to bolster my drilling understanding.

Pioneer Natural Resources Las Colinas, TX Summer of 2012
Petroleum Engineering Intern

- Created new, more accurate and reliable set of Eagle Ford type curves. Helped expand possible parameters available.
- Side projects: study of molar basis equivalents using PVT data and determining analog wells for each area using PI.

Midland, TX **Ryan Buck, MBA, PE** RBuck89@gmail.com
(972) 689-9056

Aresco, LP Plano, TX Summers of 2010 and 2011
Petroleum Engineering Intern

- Returned to same company for consecutive summers. Assisted both the Petroleum Engineer and Executive Director with all daily operations. Responsibilities ranged from production reporting to refining legal lease agreements.

Additional Accomplishments and Skills

Licenses: Professional Engineer in Petroleum Engineering (PE 142934) and Security Industries Essentials (SIE) certification.

Involvement: SWOTT board member, 2016-17 President of Toastmasters at Pioneer (member for three years), algebra tutor at local Midland Lee High School, Habitat for Humanity, Society of Petroleum Engineers, and Young Professionals in Energy.

Skills: leadership, project management, collaboration, motivation, problem solving, public speaking, and time management.

Education

Petroleum Engineering at the Mewbourne College of Earth and Energy, University of Oklahoma, May 2013. GPA: 3.4.

Masters of Business Administration (MBA) at the Michael F. Price College of Business, University of Oklahoma, May 2013. GPA: 3.6.

Relevant Coursework

Leadership: several in-house Pioneer leadership courses and 17+ leadership-focused books.

Production: Petroskills Oil Production and Processing Facilities (PF-4 with Mahmood Moshfeghi), Petroskills Production Operations (PO1), Flowco Gas Lift Design School, and numerous Production-Focused Well Controls.

Reservoir: Petroskills Reservoir Management for Unconventional Reservoirs (RMUR with Jack Jones) and Petroskills Basic Reservoir Engineering (BR).

Drilling/Completions: Murchison Drilling School (top placement in class), NSI Technologies Hydraulic Fracturing (Carl Montgomery), Baroid Mud School, and Drilling-Focused Well Control.

Systems and Programs

Proficiencies: Spotfire, Power BI, Aries, WellView, and Microsoft Office.

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 8/9/2022

Name: Ankur Bhakta

Phone: 432-352-6096 **(Home)**

Address: 2708 Homeland Dr.

432-699-0989 **(Business)**

Midland TX 79707

Email: ankur@insigniamgmt.com

(City) (State) (Zip)

I am [✔] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✔] **no**

I have lived in Midland 20 **years.**

Occupation: Hotelier(hotel real estate, etc.)

Professional and/or Community Activities:

member of Midland rotary North club. I'm heavily involved in kids sporting activities in town. travel ball etc.

What is your personal vision for the City?

sustainable growth while improving areas that need to be addressed.

Please specify any time constraints you may have.

evening hours are tough due to kids activities, but with notice can make anything work

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

citizens development and hotel/motel advisory board and planning zoning comission

Please tell us why you are interested in serving on this board or commission.

Obviously I'm in the hotel business in the Permian basin and think I can be a fair voice for both sides of an issue. I also work within c

What contribution would you most like to make?

To be a fair voice the can promote our city in an affective manner growing stability.

Additional pertinent information or references:

(2) Name of Board/Commission:

Citizens Development and hotel/motel advisory board

planning and zoning commission

What contribution would you most like to make?

I would most like to be a voice that could be beneficial to the city for the city to grow affectively while holding on to it's roots.

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: _____

Name: Robert Gary Gray

Phone: 4323527552 **(Home)**

Address: 4309 Greenville Dr.

4322215103 **(Business)**

Midland TX 79707

Email: garygray@me.com

(City) (State) (Zip)

I am ✓ I am not ___ a U.S. Citizen

(I did graduate from Leadership Midland in the 1990's)

Please tell us about yourself:

Are you a graduate of Midland 101? ___ yes ✓ no

I have lived in Midland 25 **years.**

Occupation: Business owner / Physical Therapist

Professional and/or Community Activities:

Teen Flow Board of Directors (current), Midland Children's Rehab Center, Medical Advisory Board (current),

Green Tree Country Club Board of Governors (current) and past President, American Cancer Society (previous),

Texas Board of Physical Therapy Examiners (2006-2019, 6 years as Chair), radio broadcaster for MISD varsity football (current)

What is your personal vision for the City?

A thriving City that is attractive to businesses, entrepreneurs, and familes. To attain such we must improve all aspects of our

environment and community including housing, schools, recreation and certainly the airport and all it involves.

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov**)**

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I find myself traveling 30-40 times per year from MAF and feel that my input from a traveler/user perspective would have value.

What contribution would you most like to make?

Participation in prudent decision making that benefits all users, employees, contractors and tennants of the Midland airport.

Additional pertinent information or references:

Reference - Mayor Patrick Payton

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 9-1-2022

Name: Robert Crites

Phone: 432-770-2177 **(Home)**

Address: 6016 Broadway St

_____ **(Business)**

Midland Tx 79701

Email: golferjrs8@yahoo.com

(City) (State) (Zip)

I am [X] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [X] **no**

I have lived in Midland 65 **years.**

Occupation: Retired

Professional and/or Community Activities:

Work with BBBS, Have worked for Meals on Wheels.

What is your personal vision for the City?

Slow the growth let the city catch up with Housing and Roads

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

E Z Rider Board I was invited during the August Board meeting

Please tell us why you are interested in serving on this board or commission.

To help make it more efficient.

What contribution would you most like to make?

up Riders Numbers, Bring Down Cost

Additional pertinent information or references:

(2) Name of Board/Commission:

EZ. Rider

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 07/26/2022

Name: Abraham Bejil

Phone: 432-288-7667 **(Home)**

Address: 5202 Hilltop DR.

432-221-1644 **(Business)**

Midland TX 79707

Email: abraham.bejil@midlandhealth.org

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 20 **years.**

Occupation: Vice President of Facility Services for Midland Memc

Professional and/or Community Activities:

Currently on the board of directors for Texas Association of Healthcare Facilities Management and represent the west Texas Region.

I work with local charities such as the Permian Basin Alzheimer's Association and Rope Youth to raise awareness and funds for their r

A servant leader for Stonegate Kids for 4/5th grade boys including serving in summer camps.

What is your personal vision for the City?

To be a diverse and accepting city for new businesses and homeowners and a city to raise a family and provide opportunities for each generation to come.

Please specify any time constraints you may have.

I work M-F 8-5 but have a very flexible schedule within those times.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning and Zoning

Please tell us why you are interested in serving on this board or commission.

As a VP of Facilities for Midland Memorial, I work closely with the city and I feel I would bring insight and experience to this board.

What contribution would you most like to make?

A board member for this commission.

Additional pertinent information or references:

Cory Edmonson, CEO and President of Petersen Health 432-559-4490

Stephen Bowerman, President/COO of Midland Memorial Hospital 432-221-4877

Lucy Sisniega-Hoyas 956-227-4500

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant

Abraham Bejil

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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/2/2022

Name: Brennan Berry

Phone: (646) 460-4778 **(Home)**

Address: 1503 Harvard Aave.

(432) 242-8850 **(Business)**

Midland TX 79701

Email: bberry@erpfunds.com

(City) (State) (Zip)

I am [✓] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✓] **no**

I have lived in Midland 7 **years.**

Occupation: Real Estate Invesment

Professional and/or Community Activities:

Currently working as the Chief Operating Officer for ERP Funds, a Midland-based real estate investment fund that focuses on commercial real estate investments in the Permian Basin (operating over 2.5 million SF as of 2022). I graduated from Leadership Midland in 2018 and currently serve on the Board of Governors for the Midland Community Theater in addition to the DMMD board.

What is your personal vision for the City?

Quality of life in Midland has always been something of interest to me and an area that I would like to pursue with local government. Midland has come a long way in the 7 years that I've lived here however I think we are just at the beginning of really changing the city for the better and through further leadership, I'm confident we can achieve great results.

Please specify any time constraints you may have.

Available to meet most weekdays, either during business hour or after hours. I am generally pretty flexible in regards to timing.

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(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I have had a lifelong interest in aviation and previously worked in the travel industry at Four Seasons Hotels and Resorts. Since moving to Midland in 2015, I have pursued my private pilot's license and will soon be working on my instrument rating.

What contribution would you most like to make?

As a frequent user of both Midland International Airport and Midland Airport, I'd like to see these assets optimized and provide guidance wherever possible.

Additional pertinent information or references:

Scooter Brown (fellow partner at ERP Funds)

(2) Name of Board/Commission:

Planning and Zoning Commission

What contribution would you most like to make?

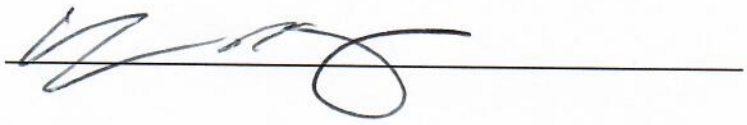
Help with thoughtful development in Midland that provides the best outcome for the community at large.

Additional pertinent information or references:

As someone who works in commercial real estate, I believe I can share insights that would hopefully be unique and relevant, and to use my expertise in the field when providing recommendations to City Council.

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Signature of Applicant



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City Secretary's Office

PO Box 1152

Midland, TX 79702

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Print Application

LAURA BETH MEEKS

Betharmstrong1995@gmail.com

2607 McClintic Street Midland, TX (432) 631-6113

SUMMARY OF QUALIFICATIONS

- Performance-driven and results-orientated office manager with extensive experience in A/P, A/R, Inventory, Daily Scheduling and personnel supervision, Customer Service, Payroll, IT Administration, and auditing functions.
- Ability to lead or work independently and highly motivated to work with or without the presence of constant supervision.
- Exceptional verbal and written communication skills, highly organized and effective communicator.
- Responsible for all aspects of training and administration.
- Ability to identify the proper process metrics to ensure financial objectives are being met or exceeded. Provide root cause analysis reporting and recommendations for all variances.
- Superior inter-personal skills as well as ability to be flexible and versatile while working under pressure.
- Development of annual business plan. Inventory budget responsibility, as well as on-going budget to actual month-end and year-end management reporting.
- Responsible for vendor contract negotiations and compliance.
- Maintain highest level of customer service through respect and ongoing communication with clients/patients to cultivate sustained long-term client relationships.

PROFESSIONAL EXPERIENCE

05/2022-Present Fix West Texas Midland, TX
Director of Fundraising and Community Outreach

- Oversee daily operations of spay/neuter clinic, assist with vaccination clinics, and help run the Pet Pantry daily.
- Staffing review and redesign, including firing, and hiring employees. Perform employee evaluations and train all new employees.
- Create and maintain long standing relationships with donors, organizations, and individuals.
- Implement a Humane Education program in the MISD schools and perform numerous public speaking engagements.
- Write grants and apply for donations from local and national organizations.
- Create and implement fundraising events and activities, including private and public events.

04/2021-05/2022 Cork & Pig Tavern Midland Midland, TX

Front of House Manger

- Monitor restaurant operations to ensure compliance with applicable policies, regulations, and laws.
- Direct and supervise work of all front-of-house staff and monitor back-of-house staff.
- Respond to customer complaints, legal inquiries, payment negotiations, or other matters.
- Oversee all training of new staff members and identifying necessary areas of improvement.
- Ensure employees are performing duties to exceed management's expectations.
- Monitor staff and guests to ensure local liquor regulations were obeyed.
- Interview, hire, and train all front house staff with a training program designed to be effective, informative, and positive when dealing with guests.
- Supervise, conduct meetings, performance reviews, motivate teambuilding, and disciplinary reports which result in the positive improvement of staff members.
- Delegate tasks to ensure the cleanliness and safety of the restaurant for staff and guests.

06/2016-07/2021 West Texas Radio Group/Kicks 99.1 Midland, TX

Morning Show Co-Host/Public Affairs Director

- Plan and organize each morning's broadcast, including researching and coordinating daily games, news, interviews and more.
- Maintain Facebook, Twitter, and other social media sites for the station.
- Interact with a live audience daily.
- Research, collect, and organize community events for blogs and website publication.
- Improve and maintain client relations with numerous people and businesses in the community.
- Propose new ideas for live games and community involvement.
- Attend community events at local venues including music, non-profit organizations, dinners, and other functions.
- Contact vendors to work trade deals of goods or services in return for airtime.
- Utilize Wide Orbit, VoxPro, and Adobe Audition for daily communications on air.
- Awarded the Bonner McLane Public Service Award by the Texas Association of Broadcasters

02/2011-05/2016 Lone Star Sanctuary for Animals Midland, TX

Shelter Manager

- Implement entire shelter change of policies for intake, adoption, and cleaning procedures.
- Staffing review and redesign, including hiring, firing, and training employees.
- Implement new software and paperless processing for all business documents. Develop records retention policy based on accounting/tax and legal guidelines.
- Create reports and inventory reporting for entire shelter.
- Create and maintain long standing relationships with donors, organizations, and individuals.
- Implement a Humane Education program in the MISD schools and perform numerous public speaking engagements.
- Maintain professional website, Facebook page and all other digital media for the shelter.
- Develop and manage annual budget for the shelter, as well as running weekly, monthly and year end deposit reports.
- Write grants and apply for donations from local and national organizations.
- Create and implement fundraising events and activities, including private and public events.

09/2005-02/2011 Town and Country Veterinary Hospital Midland, TX
Office Manager/Technician/Receptionist

- Process daily deposits, weekly check runs and month-end ledger reconciliations.
- Evaluate and review customer accounts for accuracy, including billing, establishing payment plans, collections and provide customer support in response to concerns or questions.
- Recruit, select, train, and supervise clinic personnel.
- Developed automated, paperless system and implemented new filing system.
- Process supplier invoices / payments, ensuring compliance with any contract terms.
- Scheduled all clinic activities for both Doctor and six technicians, including boarding, surgeries, and appointments of any kind.
- Maintained working knowledge of industry and economic events having an impact on operations.
- Responsible for inventory management such as ordering, shipping, receiving, and merchandising.
- Assist with routine exams, surgeries, vaccinations, x-ray, prescription preparations and other vet technician responsibilities, as needed.
- Conducted regular staff meetings and participated in professional development activities.

07/2001-05/2005 Caring Hearts Animal Clinic Gilbert, AZ
Office Manager

- Process daily deposits, weekly check runs and month-end ledger reconciliations.
- Managed clinic scheduling, customer questions and concerns, and personnel.
- Responsible for patient registration, examination, treatment, and checkout.
- Maintained quality control audit schedule. Identified, analyzed, and resolved work problems with little to no supervision.
- Coordinated both office and clinic supply inventory management.
- Ensured timeliness and accuracy of patient charge entry into the billing system.
- Maintained high quality patient care, focusing on patient retention through focus on client education and providing a warm and caring environment for pets and their owners.

EDUCATION & TRAINING

- Colorado Technical University
  Associates of Business Administration. GPA: 3.8
  August 2010

- Certificate in Management
  Colorado Technical University 2010

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/31/2022

Name: Camille Killian

Phone: 801-682-0009 **(Home)**

469-506-4148 **(Business)**

Address: 810 Trinidad Place

Midland TX 79705

(City) (State) (Zip)

Email: camille.killian@pxd.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 1 **years.**

Occupation: Operations Superintendent and Chemical Engineer

Professional and/or Community Activities:

ROPE Youth Board Member (Midland, TX), Church of Jesus Christ of Latter-Day Saints, Society of Petroleum Engineers, Womens Energy Network (Permian Basin Chapter), former Genesis Domestic Violence Shelter Outreach Lead (Dallas, TX)

What is your personal vision for the City?

Midland is a growing, thriving city! I've been working in Midland for years but recently purchased a home and moved here full-time. I see Midland as the energy capital of America. We have a wealth of resources and a huge amount of growth here, I want to support that growth while accommodating current residents' concerns and perspectives, to ensure growth is achieved sustainably.

Please specify any time constraints you may have.

With advance notice, I should have no issues attending meetings. Generally my evenings are free; during the work day I will need to coordinate ahead of time.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

As a Midland resident, I am personally invested in ensuring that we allow for growth and development of our real estate and sub-surface oil and gas resources in a safe, environmentally compliant, sustainable way. My husband works in real estate development,

and I work in oil, so I have a balanced perspective and vested interest in both real estate and oil & gas growth.

What contribution would you most like to make?

As residential developments continue to expand, I would like to build a sustainable process to assess the risks posed by existing wells and tank batteries when planning nearby construction. If we can bring in oil & gas operators early in this process, we could incentivize operators to plug and abandon low-producing vertical wells, and also standardize spacing / safety recommendations.

Additional pertinent information or references:

From an oil & gas operator perspective, in a few recent cases we have not been aware that homes were being built near existing wells and/or tank batteries until after construction was started. If we had been made aware sooner, we might have been able to come to better compromise solutions and/or accelerate plans to plug and abandon the wells in question.

(2) Name of Board/Commission:

Oil and Gas Advisory Committee

What contribution would you most like to make?

I would like to assist in standardizing recommendations for safety equipment and construction spacing for wells / tank batteries near homes or other real estate developments (or in areas where future residential growth is likely).

Additional pertinent information or references:

S.B. Chemical Engineering, 2013 (Massachusetts Institute of Technology)

S.M. Chemical Engineering, 2014 (Massachusetts Institute of Technology)

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Signature of Applicant

Camille Killian

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City of Midland

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PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 3/11/2022

Name: Robert (Bob) Bintliff

Phone: _____ **(Home)**

817-301-8677 **(Business)**

Address: 4502 Parkhurst Drive

Midland Texas 79707

(City) (State) (Zip)

Email: Bob@BobBintliff.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 9 **years.**

Occupation: CPA and Real Estate Manager

Professional and/or Community Activities:

Texas Society of CPAs, Centers for Children and Families (Board Member, Treasurer, Board Chair), Rotary Club (Past President)

What is your personal vision for the City?

Well managed growth to support the bugeoning oil and gas industry

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Capital Improvement Advisory Committee or the Oil and Gas Advisory Committee

Please tell us why you are interested in serving on this board or commission.

I would like to contribute my experiences as a CPA and a residential real estate manager to the betterment of Midland.

What contribution would you most like to make?

Contribute my skills as a CPA and former community volunteer. ,

Additional pertinent information or references:

I am the former CFO of a $200 million private equity backed oil and gas exploration company based in Midland!

(2) Name of Board/Commission:

Midland Housing Authority Commission

What contribution would you most like to make?

Contribute my knowledge of the housing market in Midland.

Additional pertinent information or references:

I am the owner of Professional Property Management Inc. which manages approx. 100 rent houses in Midland.

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Signature of Applicant

Robert Antliff

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City of Midland

City Secretary's Office

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Midland, TX 79702

FAX: (432) 685-7433

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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/11/22

Name: Rachel Overman

Phone: 432-661-5765 (Home)
432-689-0989 (Business)

Address: 4610 Graham Dr.
Midland, TX 79705
(City) (State) (Zip)

Email: rachel@insigniamgmt.com

I am ☑ I am not ☐ a U.S. Citizen

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ yes ☑ no

I have lived in Midland 2 years.

Occupation: Hotel Executive

Professional and/or Community Activities:
Texas Hotel Lodging Association, American Heart Association, Meals on Wheels

What is your personal vision for the City?
A vibrant city with offerings for all ages. Keep our money in Midland!

Please specify any time constraints you may have.
Varies depending on work & family activities.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:
Citizens Development & Hotel/Motel Advisory Board

Please tell us why you are interested in serving on this board or commission.
I feel I have a good understanding of the importance of the impact these boards have on Midland.

What contribution would you most like to make?

I will make decisions based on what will be beneficial in bringing resources back to the business community of Midland.

Additional pertinent information or references:

I have sixteen years of hospitality management experience, all of which has been with an award winning, Midland based management company.

(2) Name of Board/Commission:

Airport Planning + Development Board

What contribution would you most like to make?

I feel I have a good understanding of the importance of the impact these boards have on Midland.

Additional pertinent information or references:

My experience in the travel industry will benefit me in making decisions related to travel & tourism within our community.

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Signature of Applicant

R. Overman

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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/25/2022

Name: LIDIA RODRIGUEZ

Phone: 817-675-2325 **(Home)**

Address: 2438 WHITMIRE BLVD APT 12B

432-687-0243 **(Business)**

MIDLAND TX 79705

(City) (State) (Zip)

Email: LRV8020@HOTMAIL.COM

I am [✓] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✓] **no**

I have lived in Midland 4 **years.**

Occupation: TAX PREPARER

Professional and/or Community Activities:

I currently am working on my CPA, however, in the past I have been a volunteer with Salvation Army, A Future Without Poverty, and United Way. I have also been a volunteer Grant Writer with United Way of Denton County and was able to get $10,000 for their organization. Previous member of ASPA- American Society for Public Administration. I've also been a literacy tutor.

What is your personal vision for the City?

I see a growing city with better access to local activities, as well as a city with better streets, parks, local activities, and schools. I also see the need to renovate areas in need of repair and development. Better access to transportation to local citizens and ensuring that there is collaboration between local departments and resources is important.

Please specify any time constraints you may have.

I am studying for my CPA but as long as I have a set amount of hours each week, I should be okay. I also work 8 a.m.-5 p.m. with lunch between 12:00 p.m. and 1:00 p.m. I also work late and on weekends during tax season.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov**)**

(1) Name of Board/Commission:

PARKS AND RECREATION COMMISSION

Please tell us why you are interested in serving on this board or commission.

I am interested in this board because I saw that they needed assistance with grant opportunities. Since I have past experience, I think I can help build up some system for them to apply for grants to better develop our community.

MIDLAND
Feel the Energy!

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 9/26/2022

Name: RAYMOND C (SKEET) DOSS

Phone: 432·699·4228 (Home)
432·352·4826 (Business)

Address: 5451 JUNIPER CT
MIDLAND, TX 79707
(City) (State) (Zip)

Email: SKEETDOSS@AOL.COM

I am ☑ I am not ☐ a U.S. Citizen

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ yes ☑ no

I have lived in Midland 49 years.

Occupation: REAL ESTATE BROKER

Professional and/or Community Activities:

I HAVE SERVED ON THE P&Z COMMISSION PREVIOUSLY. I HAVE HEADED UP THE PERMIAN BASIN BOARD OF REALTORS IN EVERY CAPACITY. I HAVE SERVED AS THE CHAIR OF THE TEXAS ASSN OF REALTORS PAC AND HAVE SERVED ON MANY COMMITTEES AND TASK FORCES WITH TEXAS REALTORS & NATIONAL ASSN OF REALTORS

What is your personal vision for the City?

TO EXPAND IN A LOGICAL, AFFORDABLE MANNER THAT WILL BENEFIT ALL CITIZENS AND REFLECT ORDERLY GROWTH.

Please specify any time constraints you may have.

NONE KNOWN

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

PLANNING & ZONING

Please tell us why you are interested in serving on this board or commission.

I PREVIOUSLY SERVED ON THIS COMMISSION AND ENJOYED IT GREATLY.

What contribution would you most like to make?

MY CONTRIBUTION WOULD BE AS A REAL ESTATE PROFESSIONAL WHO HAS BEEN BUYING AND SELLING MIDLAND FOR 40 YEARS. I HAVE MUCH KNOWLEDGE

Additional pertinent information or references:

WES PERRY, JERRY MORALES, PATRICK PAYTON, CAMERON WALKER, CHUCK HARRINGTON

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Raymond C (Skeet) Dow

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 7/21/2022

Name: Frank J. Kisner

Phone: 808-494-8101 **(Home)**

Address: 2017 Brentwood Dr

_____ **(Business)**

Midland TX 79707

Email: fjkisner@gmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 3 **years.**

Occupation: retired, 33 years USAF

Professional and/or Community Activities:

Member, St. Ann's Catholic Church

Life Member Air Commando Association

Life Member, VFW, at-large

What is your personal vision for the City?

Midland must continue to embrace and excell in its role as the preeminent center of fossil fuel production for Texas and America, while looking to become a premier site for space industry innovation and excellence, space launch and recovery, and a catalyst for space collaboration. As the loved city of my wife's birth and high school graduation, we want the Tall City to continue to be superior!

Please specify any time constraints you may have.

None except out-of-state family commitments in October 2022, and the occasional out-of-state hunting trip.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

Only 111 years after the Wright Brothers flight and 45 years after Americans set foot on the Moon, Midland received certification from the FAA as an Int'l Air and Space port--recent civilian space flights show the wisdom of that action--I want to be part of the next great

leap when Midland serves as a focal point for greater civilian space activity, while continuing to serve as an outstanding int'l airport.

What contribution would you most like to make?

Challenging Midland to look to the futurre to embrace the "art of the possible" and best lay the groundwork now upon which we will ensure we are well-postured to seamlessly embrace new space industry, and increased air and space flight activity.

Focus on security of current infrastructure, while also laying the foundation sensitive space industries will find ideal for their needs.

Additional pertinent information or references:

As a Wing Commander with USAF special operations at Hurlburt Field, FL, and then in Air Mobility Command at Pope AFB, NC, I had overall responsibility for airfield operations at two CONUS sites, and established Forward Bases at multiple overseas locations, so I have familiarity with many of the challenges and security concerns that must be overcome to ensure successful airfield ops.

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

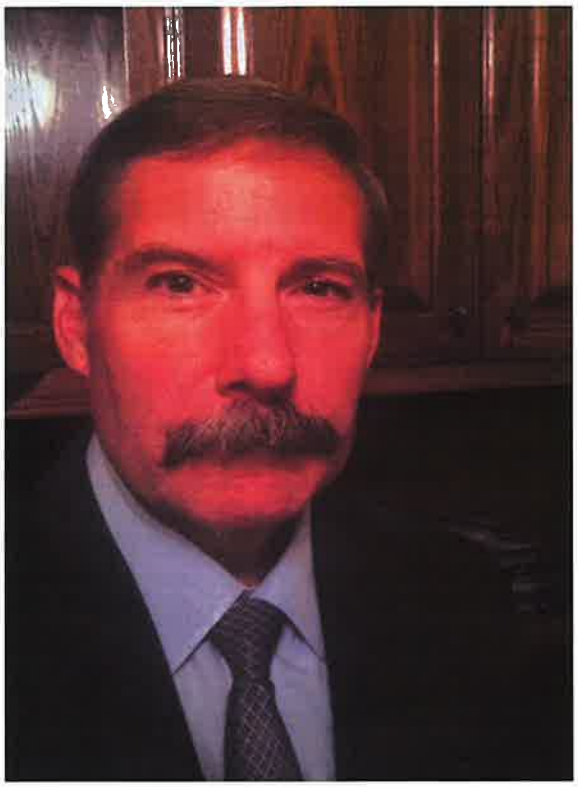
Signature of Applicant

Applications may be submitted online via email or print in order to send by mail:

City of Midland
City Secretary's Office
PO Box 1152
Midland, TX 79702

Submit Via Email

Print Application



Frank Kisner graduated from the United States Air Force Academy in 1980 and spent the majority of his Air Force career in Air Force and Joint Special Operations units. He commanded the 7th Special Operations Squadron, 16th Special Operations Group, 16th Special Operations Wing, 43rd Airlift Wing, Special Operations Command Europe (SOCEUR), and the NATO Special Operations Headquarters (NSHQ). He held staff assignments at Headquarters U.S. Air Force, Joint Special Operations Command, Headquarters Pacific Air Forces, Headquarters U.S. Pacific Command, and Headquarters U.S. Special Operations Command.

He is a graduate of Squadron Officer School, Air Command and Staff College, Army Command and General Staff College (Residence), Air War College, and Naval War College (Residence). He was awarded an MS in administration from Central Michigan University, and a MA in national security and strategic studies, from the Naval War College.

After retirement in 2013 he established Collaborative Transforming LLC, providing leadership mentoring and national security perspectives. Additionally, he has served on the Board of a non-profit organization, lectured on military operations and national strategic perspectives, and consulted extensively on adapting Virtual and Augmented Reality training devices for use by special operations aviation units. He recently became a member of the U.S. Global Leadership Coalition's National Security Advisory Council (NSAC). In 2019, he and his wife Helen relocated to be closer to family in Midland, Texas.

BIOGRAPHY

UNITED STATES AIR FORCE

LIEUTENANT GENERAL FRANK J. KISNER



Lt. Gen. Frank J. Kisner is Commander, NATO Special Operations Headquarters, Supreme Headquarters Allied Powers Europe, Mons, Belgium. He leads a multinational staff, representing 26 NATO and three non-NATO nations, acting as the primary point of direction and coordination for all NATO special operations-related activities in order to optimize employment of NATO special operations forces. The headquarters is responsible for NATO SOF doctrine, operational and higher echelon training and standardization and, when directed by SACEUR, for providing an operational command capability for NATO special operations forces.

General Kisner graduated from the U.S. Air Force Academy in 1980. He has held a variety of operational assignments and has commanded at the squadron, group, wing, and geographic combatant command sub-unified command levels. This includes command of a special operations wing, an airlift wing and a Theater Special Operations Command. Additionally, the general has held staff assignments at Headquarters U.S. Air Force, Joint Special Operations Command, Headquarters Pacific Air Forces, Headquarters U.S. Pacific Command, and Headquarters U.S. Special Operations Command.

General Kisner has significant experience in combat and leadership in major joint contingency operations. He served on a joint special operations task force during Operation Desert Storm, commanded a special operations squadron during Kosovo operations and conducted contingency operations in Africa. From September 2001 to January 2002, he was forward-deployed with Joint Special Operations Task Force-North in Operation Enduring Freedom. From December 2002 to May 2003, he was forward- deployed for operations Enduring Freedom and Iraqi Freedom. From May 2008 until May 2009, he served as commander for forces in Operation Enduring Freedom Trans Sahara.

EDUCATION

1980 Bachelor of Science degree, U.S. Air Force Academy, Colorado Springs, Colo.
1985 Distinguished graduate, Squadron Officer School, Maxwell Air Force Base, Ala.
1993 Air Command and Staff College, by correspondence
1994 Army Command and General Staff College, Fort Leavenworth, Kan.
1994 Master of Science degree in management, Central Michigan University
1997 Air War College, by correspondence
2000 Master of Arts degree in national security and strategic studies, with distinction, Naval War College, Newport, R.I.

ASSIGNMENTS

1. June 1980 - June 1981, student, undergraduate pilot training, Columbus AFB, Miss.
2. July 1981 - October 1981, C-130 initial qualification, Little Rock AFB, Ark.
3. October 1981 - December 1986, pilot, aircraft commander, executive officer, instructor pilot and flight examiner, 774th Tactical Airlift Squadron and 463rd Tactical Airlift Wing, Dyess AFB, Texas
4. January 1987 - March 1987, MC-130E initial qualification, Hurlburt Field, Fla.
5. April 1987 - May 1990, aircraft commander, instructor pilot, flight examiner and flight management officer, 1st Special Operations Squadron, and Chief, Standardization and Evaluation, 353rd Special Operations Wing, Clark Air Base, Philippines
6. May 1990 - June 1993, Chief, Combat Talon Tactical Airlift Special Operations (J3), Joint Special Operations Command, Fort Bragg, N.C.
7. June 1993 - June 1994, student, Army Command and General Staff College, Fort Leavenworth, Kan.
8. June 1994 - December 1994, C-130 requalification and MC-130H initial qualification, Little Rock AFB, Ark., and Kirtland AFB, N.M.
9. January 1995 - July 1995, flight commander and aircraft commander, 7th Special Operations Squadron, Royal Air Force Mildenhall, England
10. July 1995 - June 1997, Director of Operations and flight examiner, 7th Special Operations Squadron, RAF Mildenhall, England
11. June 1997 - June 1999, Commander, 7th Special Operations Squadron, RAF Mildenhall, England
12. July 1999 - June 2000, student, Naval War College, Newport, R.I.
13. June 2000 - June 2001, Chief, Pacific Division, Office of Deputy Under Secretary of the Air Force for International Affairs, Washington, D.C.
14. July 2001 - June 2002, Commander, 16th Operations Group, Hurlburt Field, Fla.
15. June 2002 - October 2003, Commander, 16th Special Operations Wing, Hurlburt Field, Fla.

16. November 2003 - January 2005, Commander, 43rd Airlift Wing, Pope AFB, N.C.
17. February 2005 - November 2005, Director of Plans and Programs, Headquarters Pacific Air Forces, Hickam AFB, Hawaii
18. December 2005 - February 2007, Deputy Director, Strategic Planning and Policy (J5), U.S. Pacific Command, Camp H.M. Smith, Hawaii
19. February 2007 - May 2008, Director, Center for Force Structure, Requirements, Resources and Strategic Assessments (J8), Headquarters U.S. Special Operations Command, MacDill AFB, Fla.
20. May 2008 - July 2010, Commander, Special Operations Command Europe, and Director, Special Operations, U.S. European Command, Stuttgart-Vaihingen, Germany
21. July 2010 - present, Commander, NATO Special Operations Headquarters, Supreme Headquarters Allied Powers Europe, Mons, Belgium

SUMMARY OF JOINT ASSIGNMENTS
1. May 1990 - June 1993, Chief, Combat Talon Tactical Airlift Special Operations (J3), Joint Special Operations Command, Fort Bragg, N.C., as a major
2. September 2001 - January 2002, Deputy Commander, Joint Special Operations Task Force-North, and Commander, Joint Special Operations Air Component, JSOTF-North, Operation Enduring Freedom, as a colonel
3. November 2002 - May 2003, Commander, Combined/Joint Special Operations Air Component, Operations Enduring Freedom and Operation Iraqi Freedom, as a colonel
4. December 2005 - February 2007, Deputy Director, Strategic Planning and Policy (J5), Headquarters U.S. Pacific Command, Camp H.M. Smith, Hawaii, as a brigadier general
5. February 2007 - May 2008, Director, Center for Force Structure, Requirements, Resources and Strategic Assessments (J8), Headquarters U.S. Special Operations Command, MacDill AFB, Fla., as a brigadier general
6. May 2008 - July 2010, Commander, Special Operations Command Europe, and Director, Special Operations, Headquarters U.S. European Command, Stuttgart- Vaihingen, Germany, as a major general
7. July 2010 - present, Commander, NATO Special Operations Headquarters, Supreme Headquarters Allied Powers Europe, Mons, Belgium, as a lieutenant general

FLIGHT INFORMATION
Rating: Command pilot
Flight hours: More than 5,000
Aircraft flown: C-130E/H and MC-130E/H

MAJOR AWARDS AND DECORATIONS
Defense Distinguished Service Medal

Defense Superior Service Medal with two oak leaf clusters
Legion of Merit with oak leaf cluster
Bronze Star Medal
Defense Meritorious Service Medal
Meritorious Service Medal with two oak leaf clusters
Air Medal
Joint Service Commendation Medal Air Force Commendation Medal Army Commendation Medal
Joint Service Achievement Medal
Air Force Achievement Medal with "V" device and two oak leaf clusters

OTHER ACHIEVEMENTS
1997 MacKay Trophy with crew of Whisk 05
Romanian General Staff Emblem of Honor
Federal Republic of Germany Parachutist Wings
Royal Netherlands Army Parachute Badge (static line) Republic of Poland Parachutist Wings
Awarded Poland's Commander's Cross

EFFECTIVE DATES OF PROMOTION
Second Lieutenant May 28, 1980
First Lieutenant May 28, 1982
Captain May 28, 1984
Major October 1, 1991
Lieutenant Colonel November 1, 1996
Colonel March 1, 2001
Brigadier General Jan. 1, 2006
Major General Dec. 9, 2008
Lieutenant General July 26, 2010

(Current as of September 2013)

MIDLAND
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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

Date: 8/17/22

PLEASE TYPE OR PRINT CLEARLY:

Name: Adam Wynys

Phone: 432 288 3903 (Home)

Address: 1608 Seaboard Ave

(Business)

Midland TX 79705

Email: adam@dahliacompanies.com

(City) (State) (Zip)

I am ☑ I am not ☐ a U.S. Citizen

Are you a graduate of Midland 101? ☐ yes ☑ no

Please tell us about yourself:

I have lived in Midland 12 years.

Occupation:

Professional and/or Community Activities:

SPE, AADE, MCC committees

What is your personal vision for the City?

I would like to see Midland continue to grow & develop to be the premier city of our region. Additionally I'd like to see us continue to diversify our offerings to attract ~~business~~ businesses and people outside of the O&G industry

Please specify any time constraints you may have.

none

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

P&Z

Please tell us why you are interested in serving on this board or commission.

I own a real estate development company so I feel like I can offer a unique prospective.

What contribution would you most like to make?

Help with the vison of expanding the city west and north

Additional pertinent information or references:

Chase Gardaphe
Lucy Sisñega

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/15/2022

Name: Ryan Clink

Phone: 575-942-3549 **(Home)**

Address: 401 Tradewinds Boulevard

432-699-0989 **(Business)**

Midland TX 79706

Email: ryan@insigniamgmt.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 3 **years.**

Occupation: VP of Business Development

Professional and/or Community Activities:

I've been a member with the Midland Chamber of Commerce, Visit Midland, and the Hispano Chamber of Midland since 2019.

I have done volunteer work with the soup kitchen, meals on wheels and I also volunteer my time helping coach youth sports.

What is your personal vision for the City?

Personally, I love seeing some of the progress that the city is making in revamping the downtown area. I would like to see this continue and go even further. I also feel like there needs to be some additional funding to help make Midland more of a tourist destination instead of letting that money go to some of the other big cities in TX. Also, I feel like education must be a priority.

Please specify any time constraints you may have.

No time constraints at this time.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Hotel/Motel Advisory Board

Please tell us why you are interested in serving on this board or commission.

I represent four different hotels in Midland and we have a minimum of two more in the pipeline at this time. I also have other hotels throughout the Permian Basin including another five hotels specifically in Odessa.

What contribution would you most like to make?

With having a good amount of the hotel room supply in Midland and being involved in the hospitality industry for the past 10 years I feel as though I bring a good amount knowledge and insight to this board. I know what the hoteliers are needing but also bring an open minded approach and can see things from many different lenses.

Additional pertinent information or references:

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Ryan Clink

Digitally signed by Ryan Clink
Date: 2022.08.15 14:19:04 -05'00'

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 9/1/2022

Name: Bill Scott

Phone: 432-559-4249 **(Home)**

Address: 1004 W. Pine Ave.

432-682-1111 **(Business)**

Midland Texas 79705

Email: bill@midlandtexasrealestate.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 46 **years.**

Occupation: Commercial Real Estate Broker

Professional and/or Community Activities:

Past President of the Permian Basin Board of Realtors, Past Director of the Texas Association of Realtors, former Board Member & Treasurer of Heritage Midland, Founding President of George W. Bush Childhood Home, Inc.

What is your personal vision for the City?

Midland should be a community which welcomes growth and diversity by providing a safe environment with many cultural, educational and sporting activities for all it's citizens.

Please specify any time constraints you may have.

Being self employed provides the opportunity to very flexible with my time.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Capital Improvement Advisory Committee

Please tell us why you are interested in serving on this board or commission.

My 40 years of experience as a commercial real estate broker and work with developers and investors has provided significant knowledge in real estate development.

What contribution would you most like to make?

Facilitate common goals between government and the development community.

Additional pertinent information or references:

Mr. Robert Rendall

Former County Judge Mike Bradford

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail or fax:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 8/18/2022

Name: Ryan Buck

Phone: 972-689-9056 **(Home)**

Address: 6100 Frio Drive

_____ **(Business)**

Midland TX 79707

Email: Ryan.Buck@pxd.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 5 **years.**

Occupation: Production Engineering Supervisor; Pioneer

Professional and/or Community Activities:

Southwest Ollmans Tennis Tournament Board Member. Previous President and Board Member of Toastmasters

Tutored algebra at Midland Legacy High School. Active participant in Habitat for Humanity numerous years.

Active member in SPE and YPE

What is your personal vision for the City?

Continued development to support a robust economy. Need to have the ability to support increased business needs, but also attract future families. The increased growth should be balanced by a vision to develop a sustainable economy that can thrive in low commodity prices and inevitably flourish beyond oil and gas.

Please specify any time constraints you may have.

Fairly busy work schedule (7am - 5pm weekdays), but will prioritize these meetings.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Oil and Gas Advisory Commission

Please tell us why you are interested in serving on this board or commission.

I am fully committed to Midland and want to do everything I can do enhance the community. I see these two committees as having the ability to materially impact Midland's economy.

What contribution would you most like to make?

I am interested in leveraging my network to better the Midland community. I am also a registered Professional Engineer (PE 142934) in Petroleum Engineering, as well as an MBA, so hoping to provide both technical and business perspectives.

Additional pertinent information or references:

(2) Name of Board/Commission:

Airport Planning and Development Board

Oil and Gas Advisory Commission

What contribution would you most like to make?

I am interested in leveraging my network to better the Midland community. I am also a registered Professional Engineer (PE 142934) in Petroleum Engineering, as well as an MBA, so hoping to provide both technical and business perspectives.

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Buck, Ryan

Digitally signed by Buck, Ryan
DN: cn=Buck, Ryan ou=Domestic Exploration e=Ryan.Buck@pxd.com
Reason: I am the author of this document
Location:
Date: 2022-08-18 10:54-05:00

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 8/25/2022

Name: Ross Alan Schumann

Phone: 432-888-6071 **(Home)**

Address: 4003 Gleneagles CT

_____ **(Business)**

Midland Texas 79707

Email: schuranch@gmail.com

(City) (State) (Zip)

I am [✔] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✔] **no**

I have lived in Midland 6 **years.**

Occupation: Operations Manager/ Oil and Gas

Professional and/or Community Activities:

Involved with Permian Basin Association of Pipeliners, Fix West Texas, Permian Basin Youth Football League.

What is your personal vision for the City?

I want to see our city be the shining beacon on the hill of opportunity, the example to the rest of the country of how the American dream is still alive and well. I want to see Midland focus on its foundation, ensuring we provide a great city and infrastructure to our citizens and give everyone a reason to move here.

Please specify any time constraints you may have.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

I would like to see Midland become a city in which young families are set up to thrive and have an amazing life. Ensuring our city is setup for the future through proper planning and zoning so that families not only have a great place to live, but have access to

services and amenities in their local neighborhoods for a great quality of life.

What contribution would you most like to make?

I would like to see Midland plan for more complete communities, using a mixture of zoning plans to ensure that not only we build great new residential areas, but that we also ensure those homes have services and amenities such as daycares and restaurants within their local area.

Additional pertinent information or references:

Karen Poucher Patterson

(2) Name of Board/Commission:

Animal Services Advisory Commission

What contribution would you most like to make?

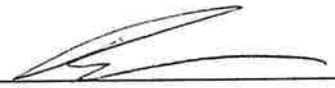
I would like to seek new ways to engage citizens in helping control the stray and pest populations, through partnerships with private volunteer organizations that assist in spaying and neutering stray populations, as well as those who seek to help minimize and prevent future pest populations.

Additional pertinent information or references:

Karen Poucher Patterson

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Signature of Applicant



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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/1/2022

Name: Laura Watkins

Phone: 432-349-3283 (Home)
432-349-3283 (Business)

Address: 1005 Sinclair Ave
Midland, TX 79705
(City) (State) (Zip)

Email: lwatkins@isellpermianbasin.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ yes ☑ no

I have lived in Midland 65 **years.**

Occupation: realtor

Professional and/or Community Activities:

I'm very active in church work. I help with food pantry, teaching Bible class, making blankets, and any other area of need

What is your personal vision for the City?

I was born in Midland and I would like to see Midland return to the town where people did great, dependable work. We need kindness and manners back in our Midland society.

Please specify any time constraints you may have.

As a realtor, I could have a closing scheduled at the same time as ~~~~ a meeting.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

Zoning of property matters to homeowners. As a realtor, I have clients ~~~~ a vacant lot & they want to know what can be

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/18/2022

Name: Layton Hargesheimer

Phone: 432-413-7920 **(Home)**

Address: 2802 Lockheed Dr

432-687-3700 **(Business)**

Midland TX 79701

Email: LaytonH@hannathon.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 25 **years.**

Occupation: Petroleum Engineer

Professional and/or Community Activities:

Active Volunteer and Member of Redeemer Church of Midland

Member of the Society of Petroleum Engineers

What is your personal vision for the City?

My vision is to ensure that the city of Midland maintains the unique and valuable community it currently has while we continue to lead and grow.

Please specify any time constraints you may have.

none

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Oil and Gas Advisory Committee (Petroleum Engineer)

Please tell us why you are interested in serving on this board or commission.

I am interested in this board to make certain Midland's resources are developed adequately while making our city and community first priority. The Oil and Gas industry has been a passion and area I have been around my entire life.

What contribution would you most like to make?

To serve the city of Midland by offering my oil and gas experience. I will commit to the citizens of Midland to serve in the best interest of our city with diligence and integrity

Bachelor of Science in Petroleum Engineering from the University of Oklahoma

Additional pertinent information or references:

Dan Hord III , 432-253-7805 , danhord@hedlocinv.com

Justin Kuethe , 432-238-1456, justink@hannathon.com

Randy Prude , 432-685-1980 , rprude@mcounty.com

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

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Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: April 7, 2022

Name: Sheena R. Green

Phone: 432-210-8823 **(Home)**

Address: 2411 Haynes Dr

432-682-9701 **(Business)**

Midland TX 79705

Email: sgreen1182@gmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☑ **yes** ☐ **no**

I have lived in Midland 29 **years.**

Occupation: Development Director

Professional and/or Community Activities:

Development Director at Casa de Amigos of Midland, I currently serve the community of Midland TX through my role at Casa de Amig

My poistion allows me to build strong community relationships and collaborate with other nonprofits.

What is your personal vision for the City?

My vision for the City of Midland, TX is to help improve the overall well-being of all residents. Educaiton plays a large role in the succe

and stability of personal growth and self-awareness. My vision is to help guide Midland residence to the resources that Midland has to

I would like to be apart of Midland's continual growth and resources in my community.

Please specify any time constraints you may have.

I work full-time Monday-Friday 9am-5pm but my lunch hour is open, and weekends.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

I'm interested in the Midland Housing Authority Commission

Please tell us why you are interested in serving on this board or commission.

My knowledge of Midland and its resources makes me an ideal candidate for the Housing commission. Previous employment

opportunities and maturation introduced me to the importance of reliable, safe housing for everyone.

What contribution would you most like to make?

I'm at an age in my life that I'm realizing more and more how important a community is, I would like to be a voice for those who don't r

they have a voice. An advocate for people in the Midland community who don't understand the resources and support that our commu

has to offer to its citizens.

Additional pertinent information or references:

I've made wonderful connections working in the nonprofit sector over the last 10 plus years. Mrs. Michelle Evans- United Way Midlan

Mrs. Tonya Eckert- Casa de Amigos Midland, Mrs. Sherly Howard- Negro Professional Business Women and so many more.

(2) Name of Board/Commission:

Midland Housing Authority Commission

What contribution would you most like to make?

A voice for those in need. I'm familar with all sides of town in Midland County and I know my open-arm policy would be beneficial to M

residences.

Additional pertinent information or references:

I was the Regional Director/Membership Manager at GSDSW, Girl Scouts of the Desert Southwest for 5yrs. During that time I was ab

Make some great connections and friends. Mrs. Geriann Green - lifetime Girl Scout, Mrs. Laurie Johnson- NMC, and so many more.

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Sheena R Green Digitally signed by Sheena R Green
Date: 2021.06.02 10:26:55 -05'00'

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City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

Submit Via Email

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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/26/2022

Name: Beth Meeks

Phone: 432-631-6113 **(Home)**

Address: 2607 McClintic Street

_____ **(Business)**

Midland TX 79705

Email: bethmeeks1995@gmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 22 **years.**

Occupation: Director of Fundraising and Community Outreach

Professional and/or Community Activities:

I have volunteered with numerous organizations, including Big Brothers Big Sisters, Safe Place, Keep Midland Beautiful and more.

I managed Lone Star Sanctuary for Animals for 5 years and also sat on the Animal Advisory Board during that time.

What is your personal vision for the City?

To see the city grow and progress. I am also hopeful for more education to our residents about issues that they may not be aware of.

Please specify any time constraints you may have.

none

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Animal Services Advisory Commission

Please tell us why you are interested in serving on this board or commission.

I hear people say on a regular basis that they have never seen more strays than in Midland. I hope to help figure a way to the root of the problem and educate the public about animal care and how to help pets stay in homes, as opposed to overwhelming our shelter.

What contribution would you most like to make?

I have 25 years of experience in the animal world, including close to ten in rescue. I have taken numerous classes at Best Friends Animal Sanctuary in Utah and feel I have lots of knowledge and ideas for growth and help for our community.

Additional pertinent information or references:

I did send in an application to take the Midland 101 course this fall.

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant

Beth Meeks

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PLEASE TYPE OR PRINT CLEARLY:

Date: 4/29/2022

Name: NATHAN SCHAUB

Phone: 432-978-9658 **(Home)**

Address: 2903 SCR 1068

432-694-3000 **(Business)**

MIDLAND TX 79706

Email: nschaub@henryresources.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 21 **years.**

Occupation: PROFESSIONAL PILOT

Professional and/or Community Activities:

Aviation Dept. Manager / Chief Pilot for Henry Resources

Flight Instructor

What is your personal vision for the City?

I would like to see Midland become a more enjoyable place to live.

Please specify any time constraints you may have.

I'm a professional pilot…

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I would like to participate in growing/ improving Midland Airpark and Midland International

What contribution would you most like to make?

Having flown out out of both MAF and MDD over the last 20+ years, I can provide a private / corporate pilot's perspective.

Additional pertinent information or references:

Jim and Paula Henry

Dave Joyner

Ben Fietz

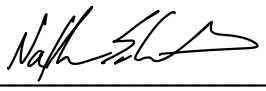
(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/20/2022

Name: Reggie Lawrence

Phone: 4327700881 **(Home)**

Address: 4721 Timber Lane

_____ **(Business)**

Midland TX 79707

Email: reggie@lawrencetx.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☑ **yes** ☐ **no**

I have lived in Midland 19 **years.**

Occupation: Self Employed

Professional and/or Community Activities:

Business owner 2000-Present. City Development Advisory Committee 2010-2014. City of Midland Planning & Zoning Commissioner 2013-2021; Chair 2020-2021. Midcities Com. Church 1987-2013; Stonegate 2013-Present. PBPA 2010-Present. 3:11 Ministries Board 2019-Present; Midland Shooters Assoc. Board 2019 - Present

What is your personal vision for the City?

I want a clean city. I want to see pride in our neighborhoods with families and kids playing outside. A place where our young can call home and raise a family is important, and this is what we must build. Multi-use communities. Walking communities. I want to live around the oil field, without the reputation of a hot and dry, caliche pad. We need vision, spark, and life.

Please specify any time constraints you may have.

I am completely flexible.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

At some point... I believe another year, P&Z again. I really enjoyed that board.

Please tell us why you are interested in serving on this board or commission.

As an experienced commissioner for P&Z, I believe that Airport P&D would be a board that is confronted with similar issues.

What contribution would you most like to make?

I would like to be able to say that I made this a place where my grandkids would be proud to live. That's the type of contribution I'd lik

make. Specifically, I would like our airpark to be inviting, updated, consolidated, fresh, clean, and all within a budget that the

taxpayers can stand behind.

Additional pertinent information or references:

Chuck Harrington - 432.685.7442

Dr. Riordan Hartzoge - 432.638.6369

David Schmidt - 432.553.9197

(2) Name of Board/Commission:

Citizens Development and Hotel/Motel Advisory Board

What contribution would you most like to make?

Regarding Hotel/Motel, I have had successful experience with managing several businesses financially, and I believe I would benefit

the city in this role.

Additional pertinent information or references:

Same as above.

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Signature of Applicant

Reggie Lawrence Digitally signed by Reggie Lawrence
Date: 2022.07.20 23:55:02 -05'00'

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/24/2022

Name: Dante A. Perez

Phone: 432-231-7788 **(Home)**

Address: 2319 Sky View Rd

(Business)

Midland Texas 79705

Email: dperez@crownquest.com

(City) (State) (Zip)

I am [✔] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✔] **no**

I have lived in Midland 4 **years.**

Occupation: Drilling Engineer at CrownQuest Operating LLC

Professional and/or Community Activities:

Professionally, I have been working in Midland for 8.5 years, as a Drilling Engineer I work closely with land, water, production, and mineral departments by efficiently develop our oil fields. Also, I have supervised our construction department and worked in drilling rigs for 6 years. That has help me to acquire a critical decision making in high stress environments.

What is your personal vision for the City?

My vision of Midland is to continue creating and growing a city that our families enjoy being part of. Our city has extraordinary potential for businesses, students, families, and U.S. internal migrant professionals. My vision of Midland is having a place with more opportunities for our local entrepreneurs, encourage companies to hire MC and UTPB graduates, develop the city primarily focusing

Please specify any time constraints you may have.

(Continuation of last question) on our family spaces, and create an environment where young professionals proudly come to stay and serve the community.

(Current question) No constraints, my supervisors will be glad that I take time off from work to attend a city meeting.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Midland Development Corporation

Please tell us why you are interested in serving on this board or commission.

I am interested in MDC because this board is the spear of Midland's future, business development its a key factor to increase families quality of life. As mention in previous question, I strongly believe in supporting our hard working local entrepreneurs.

What contribution would you most like to make?

In my career in the O&G private sector, I have learned how business are successfully and poorly ran. Also, I'm aware our community needs and have a strong desire to help develop Midland. So, my main contribution will be an all-around understanding from a business, citizen, and city standpoint. That comes in place when is time to advise or make a decision representing the community.

Additional pertinent information or references:

Reference: Jeffrey Beard - President of Midland Health Board of Directors - jbeard.district7@midlandhealth.org

I recently applied for Midland 101 - Fall 2022

(2) Name of Board/Commission:

Oil and Gas Advisory Committee

What contribution would you most like to make?

Enforcing oil and gas regulations in a well-organized and efficient way has powerful positive consequences for developing Midland. My main contribution will be technical knowledge in O&G operations while being a reliable member and a responsible citizen that wants to grow the city while thinking ahead, to make sure current development do not interfere with future city plans.

Additional pertinent information or references:

Jeffrey Beard - President of Midland Health Board of Directors - jbeard.district7@midlandhealth.org

Luke Dunn - Vice President of Engineering - ldunn@crownquest.com

I recently applied for Midland 101 Fall 2022

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Signature of Applicant

Dante Perez

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/18/2022

Name: Melanie Robertson

Phone: (432) 853-0599 **(Home)**

Address: 1100 Silverton Drive

(432) 559-8663 **(Business)**

Midland TX 79705

Email: melanie.robertson@pxd.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 27 **years.**

Occupation: Property Administration Manager- Pioneer

Professional and/or Community Activities:

I work for Pioneer Natural Resources USA, Inc. and am a member of the Permian Leadership Team that is actively involved in the community. I've been a Landman for over 17 years and worked for Pioneer for the last 10 of them as a Landman, Land Supervisor and now as the Property Administration Manager.

What is your personal vision for the City?

Continued growth and improvement of the City of Midland.

Please specify any time constraints you may have.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

I recently relocated back to Midland and would like to be more involved in the community.

What contribution would you most like to make?

To listen, ask questions and make recommendations that are in the best interest of the City of Midland.

Additional pertinent information or references:

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/20/2022

Name: Brandon Patterson

Phone: 805.878.1308 **(Home)**

Address: 5308 Wimberley Spring Court

(Business)

Midland TX 79707

Email: bpatterson@americanpatrols.com

(City) (State) (Zip)

I am [✔] **I am not** [ ] **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? [ ] **yes** [✔] **no**

I have lived in Midland 1 **years.**

Occupation: Vice President of Operations at American Patrols

Professional and/or Community Activities:

I am an assistant coach for two FC Dallas soccer teams. I am also on the planning board for "Fly into Fall 2022."

What is your personal vision for the City?

My vision for the city of Midland is to continue to grow in a financially responsible manner to support a robust community and business sector that instills the values of family and community.

Please specify any time constraints you may have.

I work Monday through Friday 7:00 am to 4:00 pm.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I am interested in serving on the airport planning and development board because it allows me to be of service to my community and it aligns with my personal and professional interests. I have been involved with the aviation community for the past 13 years and

I want to ensure that the city of Midland continues to support and grow all aspects of that society.

What contribution would you most like to make?

My goal is to provide my expert insight on all issues related to aviation, as well as continue to provide a safe and efficient environment for all current and future operations.

Additional pertinent information or references:

I was an Air Force pilot for 12 years, and then I was hired by United Airlines as a first officer, but turned down that position to start my career with American Patrols, where I currently oversee the daily operations of 60 pilots and 30 aircraft.

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/11/2022

Name: Steven Villela

Phone: 4322354792 **(Home)**

Address: 1208 S. Loraine

(Business)

Midland TX 79701

Email: stevenvillela@gmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 20 **years.**

Occupation: District Director for Texas for Greg Abbott

Professional and/or Community Activities:

Serve as the District Director for the Texas Governors campaign, Manage my Familys Tortilla Factory.

2019- 2021Served on the board of the Midland Hispanic Chamber of Commeres

2019 - present Teen F.L.O.W. fundrasing committee

What is your personal vision for the City?

I love the community our city builds and I would love to help nurture the growth and development of our city to maintain our culture and help the growth and expansion to welcome new members to our community.

Please specify any time constraints you may have.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

I believe this board is one of the most crucial boards to help shape the growth of our city and community. Because of that I would love to serve on it to help nurture the development of our community insuring we are mindful of councels vision and community

concerns.

What contribution would you most like to make?

Providing a different perspective. We have many builders and real estate investors on the committee. I would be able to bring more of a community point of view while ensuring the counsel ' s vision and plan for our city are expressed and considered with all decisions.

Additional pertinent information or references:

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant

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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/25/2022

Name: Joshua Sparks

Phone: 432-352-1555 **(Home)**

Address: 1301 Telluride Dr

(Business)

Midland TX 79705

Email: jrsparks07@hotmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☑ **yes** ☐ **no**

I have lived in Midland 29 **years.**

Occupation: Engineer

Professional and/or Community Activities:

Midland Community Theatre Board of Governors, First Baptist Church choir,

Midland Rape Crisis & Children's Advocacy Center Board

What is your personal vision for the City?

I want a city that is seen as a great place to live, raise a family, and have great experiences with family and friends. I want it to be a place that attracts good people and makes them want to join the community. I want the city to serve its ever-changing population and keep up with the needs of those who call it home.

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning & Zoning Commission

Please tell us why you are interested in serving on this board or commission.

I have experience serving on this commission in the past and think that my expertise and leadership is needed to help steer the city development. I am interested in how the city grows and why it grows the way it does.

What contribution would you most like to make?

I would like to be able to assist the city council in ushering responsible growth for our city using a unique perspective and an open mind. I want to contribute by leading in a way that others respect even if they don't agree.

Additional pertinent information or references:

I was an active member of this commission before and would be happy to be able to serve again. References include: Mayor Patrick Payton, Councilwoman Lori Blong, Planning Division Manager Elizabeth Shaughnessy, Director of Development Services Chuck Harrington

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Joshua R Sparks Digitally signed by Joshua R Sparks Date: 2022.07.25 16:07:50 -05'00'

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City Secretary's Office

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Midland, TX 79702

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/18/2022

Name: Sallie Vega

Phone: 432-803-3726 **(Home)**

Address: 1300 Cerrillos Avenue

(Business)

Midland TX 79705

Email: sallie0824@gmail.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 28 **years.**

Occupation: Real Estate Agent

Professional and/or Community Activities:

Member of Midland Chamber of Commerce, Midland Hispanic Chamber of Commerce, Permian Basin Board of Realtors, PTA

serve on the board for the Desk and Derrick Club-Midland Chapter,

What is your personal vision for the City?

My personal vision for my hometown is that it continues grow in commerce and opportunity while holding on to it's uniqueness

and tradition. I was raised in this beautiful city and I plan on doing my part so that my children can enjoy and be proud

of their upbringing in Midland,TX.

Please specify any time constraints you may have.

I do not have any specific time constraints and am pretty flexible with enough notice.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

As a native Midlander and local Real Estate Agent, I am very familiar with the Midland area and its demographics.

I am interested in learning more about Midland and serving my community through this commission.

What contribution would you most like to make?

I have held many different types of positions within various industries gaining strong administration skills along the way, such as organization, problem solving, critical thinking, accounting, etc. I am eager to contribute these skills to the commission and my community along with my values of hard work, integrity, strong leadership skills and a passion for service.

Additional pertinent information or references:

References-Lucy Sisñega, Adam Cunyus, Lauren Johnston

(2) Name of Board/Commission:

Midland Development Corporation

What contribution would you most like to make?

As a Midland Resident for almost 30 years, I believe that my greatest contribution would be my familiarity with the area and its people along my passion for networking and service. I thoroughly enjoy meeting new people and serving my community.

Additional pertinent information or references:

References-Lucy Sisñega, Adam Cunyus, Lauren Johnston

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant

Sallie Vega

Digitally signed by Sallie Vega
Date: 2022.08.18 11:53:13 -05'00'

Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 4/19/2022

Name: Adam James

Phone: 432-664-6438 **(Home)**

Address: 4216 Timberglen Pl

432-563-1514 **(Business)**

Midland (City) Texas (State) 79707 (Zip)

Email: adam.james@airkingaviation.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

Please tell us about yourself:

I have lived in Midland 20 **years.**

Occupation: Aircraft Maintenance Manager

Professional and/or Community Activities:

Flying, growing my knowledge in all things aviation, and assisting the local aviation community in any way that I can.

What is your personal vision for the City?

I would like to see local businesses and the community as a whole grow without losing that personal touch that makes Midland such a wonderful place to call home.

Please specify any time constraints you may have.

Work related responsibilities from 8 a.m. to 5 p.m. that can be flexible as needed

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

Everything I do on a day to day basis revolves around the local airports. I have always had true passion for aviation and that passion has driven me to pursue a career in this field for the last 10 years.

What contribution would you most like to make?

I believe I can offer a fresh perspective and new ideas to the issues that local airports are facing.

Additional pertinent information or references:

I manage AirKing Aviation, a company based at Midland International Airport since 2014 - Owner Paul Armstrong 432-934-5334

Reference: David Fields (Local Business Owner) 432-307-5010 Reference: Chris Tyler (Local Business Owner) 432-208-8603

Reference: John Morrow (Local Business Owner) 432-940-5155

(2) Name of Board/Commission:

N/A

What contribution would you most like to make?

N/A

Additional pertinent information or references:

N/A

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 4/5/2022

Name: ERIC WESTPHAL

Phone: 432 349 6149 **(Home)**

Address: 508 WEST WALL, STE 1100

432 617 1338 **(Business)**

MIDLAND TX 79701

Email: ERIC.WESTPHAL@FROSTBANK.C

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 44 **years.**

Occupation: BANKING

Professional and/or Community Activities:

CURRENTLY TREASURER OF MIDL. COMMUNITY DEVELOPMENT CORPORATION-AFFORDABLE HOUSING IN MIDLAND

PREVIOUSLY CHAIRMAN COURT APPOINTED SPECIAL ADVOCATES OF WEST TEXAS

PREVIOUSLY CHAIRMAN JUNIOR ACHIEVEMENT OF MIDLAND

What is your personal vision for the City?

TO CONTINUE TO SEE GROWTH AND DEVELOPMENT OF BUSINESS, RETAIL AND RESIDENTIAL SEGMENTS IN MIDLAND

IN ORDER TO GENERATE FURTHER ECONOMIC DIVERSIFICATION DESPITE BEING INTIMATELY TIED TO THE O&G

BUSINESS.

Please specify any time constraints you may have.

NONE AT THIS TIME.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

AIRPORT PLANNING AND DEVELOPMENT BOARD

Please tell us why you are interested in serving on this board or commission.

OUR AIRPORT IS AN INTERGRAL PART OF THE ECONOMIC VIABILITY OF MIDLAND AS WELL AS THE SURROUNDING

AREAS. IT IS CRITICALLY IMPORTANT FOR THE FURTHER DEVELOPMENT OF MIDLAND AS A HUB FOR BUSINESS.

What contribution would you most like to make?

I BELIEVE THAT I CAN ADD VALUE TO THIS BOARD AND TO THE DEVELOPMENT OF THE AIRPORT WITH MY MANY YEARS OF RESIDENCY ALONG WITH MY 30+ YRS AS A BANKER IN MIDLAND BY PROVIDING INSIGHTS INTO WAYS THE AIRPORT MIGHT CONTRIBUTE TO THE ECONOMIC VIABILITY OF MIDLAND. OUR AIRPORT IS IMPORTANT TO THIS AREA.

Additional pertinent information or references:

REFERENCE: WESLEY BOWNDS - PERMIAN BASIN REGIONAL PRESIDENT- FROST BANK

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail or fax:

City of Midland
City Secretary's Office
PO Box 1152
Midland, TX 79702
FAX: (432) 685-7433

Submit Via Email

Print Application

AIRPORT PLANNING & DEVELOPMENT BOARD
(Advisory; Membership - 10: Terms - 3 Years Expiring 3-3-4)
Ex-Officio Members are the City Manager and the City Attorney. The Secretary is the Director of Aviation.
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Scooter Brown	Sept 30 2022	100%	6	6	No	
Wes Reeves	Sept 30 2023	83%	5	6		
Justin Kuethe	Sept 30 2022	83%	5	6	Yes	Still interested in serving
Nick McClure	Sept 30 2022	100%	6	6	Yes	Still interested in serving
Gena Linebarger	Sept 30 2023	83%	5	6		
James Linderman	Sept 30 2025	17%	1	6		Appointed April 2022
Benjamin Fietz	Sept 30 2023	67%	4	6		
Beverly Dillow	Sept 30 2024	67%	4	6		
Dave Joyner	Sept 30 2024	67%	4	6		
Robert Richards	Sept 30 2024	33%	2	6		

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Ryan Buck	O&G	
Frank Kisner		
Reggie Lawrence	CDHMAB	
Brandon Patterson		
Nathan Schaub		
Adam James		
Robert Gray		
Eric Westphal		
Brennan Berry	P&Z	

ANIMAL SERVICES ADVISORY COMMISSION

(Decision Making; Membership - 6: Terms - 4 Years Expiring 4 odd and 2 even)

September 2021- August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Ty Coleman (Daily Operations)	Sept 30 2025	20%	1	5		New Animal Services Director
Dr. Laura Erickson Lee (Vet)	Sept 30 2022	100%	5	5	No	
Alyson Dial	Sept 30 2022	80%	4	5	Yes	
Dr. J. Annette Jensen (Vet)	Sept 30 2024	80%	4	5		
Tasha Sport	Sept 30 2024	100%	5	5		
Sharla Hotchkiss	Sept 30 2024	80%	4	5		
Robert Donnelly (County)	Sept 30 2025	60%	3	5		

APPLICANTS NAME	Additional Boards Applying to	NOTES
Ross Schumann	P&Z	
Beth Meeks		

AIRPORT PLANNING & DEVELOPMENT BOARD
(Advisory; Membership - 10: Terms - 3 Years Expiring 3-3-4)
Ex-Officio Members are the City Manager and the City Attorney. The Secretary is the Director of Aviation.

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Earl Erdman	Sept 30 2019	75%	9	12	Yes	
Vicki L. Hunt	Sept 30 2019	75%	9	12	No	
Scooter Brown	Sept 30 2019	33%	4	12	Yes	Interested in serving again
Ferrell Davis	Sept 30 2019	33%	4	12	Yes	
John Trischitti III	Sept 30 2020	50%	6	12		
Bill Dingus	Sept 30 2020	58%	7	12		
Wes Reeves	Sept 30 2020	42%	5	12		
Keith Valentine	Sept 30 2020	58%	7	12		
Armand "Chip" Smith	Sept 30 2021	42%	5	12		
Nick Hood	Sept 30 2021	67%	8	12		
Applicants Name	Additional Boards Applying to	COUNCIL NOTES				
James Robert Franklin	Midland Spaceport Development Corp, Oil & Gas Advisory Committee, Parks & Recreation Commission, Planning & Zoning Commission, Zoning Board of Adjustment & Airport Zoning Board of Adjustment					
Emily Holeva						

BUILDING CODES REVIEW COMMITTEE/CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS

(Membership - 9; Terms - 6 Years)

September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MEETINGS	ELIGIBLE FOR ANOTHER TERM	NOTES
Ryan Almand (Electrical Contractor)	Sept 30 2024	100%	2	2		
Jay Bradford (Architect)	Sept 30 2024	50%	1	2		
T. J McClure (Architect)	Sept 30 2024	100%	2	2		
Laurence Oeth (Structural Engineer)	Sept 30 2024	50%	1	2		
Gary Glasscock (General Contractor)	Sept 30 2024	100%	2	2		
Robert Anderson (Homebuilder)	Sept 30 2024	100%	2	2		
Dean Kelly (Plumbing & Mechanical Cont)	Sept 30 2024	100%	2	2		
Kenneth Whiting (Fire Protection)	Sept 30 2024	100%	2	2		

APPLICANTS NAME	Additional Boards Applying to	NOTES

CITIZENS DEVELOPMENT AND HOTEL/MOTEL ADVISORY BOARD

(Advisory; Membership - 7: Terms - 2 Years Staggered)

September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Joey Hopkins	Sept 30 2022	100%	3	3	No	
Alex Singh	Sept 30 2022	0%	0	3	No	
Becky Wisdom	Sept 30 2022	67%	2	3	No	
Brandon Ofield	Sept 30 2022	100%	3	3	Yes	Still interested in serving
Clint Williamson	Sept 30 2023	67%	2	3		
Ellen Ramsey	Sept 30 2023	100%	3	3		
Vicky Hailey	Sept 30 2023	100%	3	3		

APPLICANTS NAME	Additional Boards Applying to	NOTES
Ankur Bhakta	P&Z	
Laura Watkins	P&Z	
Ryan Clink		
Rachel Overman		
Reggie Lawrence	APDB	

CAPITAL IMPROVEMENT ADVISORY COMMITTEE

(Advisory)

n of 40% must be representative of real estate, developemtn, or building industries who are not employees or officials of as political subdivision or governmer

September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Carl Craigo		100%	2	2		
Walter Pate		100%	2	2		
Mark Payne		100%	2	2		
VACANT (Black)		100%	0	2		
Brian Sales		100%	2	2		
Chuck Harrington		100%	2	2		
Jose Ortiz		100%	2	2		

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Robert (Bob) Bintliff	O&G & MHAC	
Bill Scott		

MIDLAND DEVELOPMENT CORPORATION
(Membership - 7: Terms - 3 Years - Staggered)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Chase Gardaphe	Jan 14 2025	82%	9	11		
Berry Simpson	Jan 14 2025	100%	11	11		
Stephen Lowery	Jan 14 2023	91%	10	11		
P Lourcey Sams	Jan 14 2023	100%	11	11		
Jill Pennington	Jan 14 2023	55%	6	11		
Brad Bullock	Jan 14 2024	64%	7	11		
Lucy Sisniega	Jan 14 2025	36%	4	11		Appointed February 2022

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Dante Perez	O&G	
Sallie Vega	P&Z	

MIDLAND DOWNTOWN PARK CONSERVANCY BOARD
(Membership - 7; City Appoints 3 Seats; Terms -3 Years - Staggered)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Barry Beal Jr.	Sept 30 2024	50%	3	6	Yes	
David Byrd	Sept 30 2023	100%	6	6	No	
Sharla Hotchkiss	Sept 30 2025	100%	6	6	Yes	
Applicants Name	Additional Boards Applying to	COUNCIL NOTES				

MIDLAND HOUSING AUTHORITY COMMISSION
(Advisory; Membership - 5: Terms - 2 Years Expiring 2-3)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Wes Gotcher	Oct 30 2022	67%	4	6	No	
Robert Lehrer	Oct 30 2022	83%	5	6	No	Still interested in serving
Latoya Mayberry	Oct 30 2023	83%	5	6		
Sylvestor Cantu	Oct 30 2023	100%	6	6		
Cheryl Wadley	Oct 30 2023	100%	6	6		

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Sheena Green		
Robert (Bob) Bintliff	CIAC & O&G	

MIDLAND-ODESSA URBAN TRANSIT DISTRICT BOARD

(Advisory; Membership - 12 with 6 appointed by Midland: Terms - 2 Years Staggered; Can serve 3 terms)

September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
E.J. Baldridge	Sept 30 2022	80%	8	10	Yes	Doesn't want to serve again
Iris Foster	Sept 30 2022	70%	7	10	Yes	Doesn't want to serve again
Joseph Sanchez	Sept 30 2023	50%	5	10		
Jack Ladd	Sept 30 2022	20%	2	10	Yes	
Daniel Norwood	Sept 30 2023	90%	9	10		
Brian Stubbs	Sept 30 2024	10%	1	10		Appointed June 2022

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Robert Crites		

OIL AND GAS ADVISORY COMMITTEE

(Advisory; Membership - 5: Terms - 3 Years Expiring 2-2-1)

2 Real Property Developer, Real Estate Sales, or Developer; 3 Lic. Petroleum Engineer, Engineer w/ Bachelor, or Geologist

September 2020 - August 2021

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Scott Bowden (Real Estate)	Sept 30 2022	100%	10	10	Yes	Still Interested In Serving
Ross Klabon (Petro. Eng.)	Sept 30 2022	80%	8	10	Yes	Still Interested In Serving
Court Adkins (Petro. Eng.)	Sept 30 2023	60%	6	10		Temp. out of town working
Rhett Bullock (Petr En)	Sept 30 2024	80%	8	10		Appointed December 2021
Cameron Willmann (Real Estate)	Sept 30 2024	70%	7	10		Appointed December 2021

Applicants Name	Additional Boards Applying to	Notes
Camille Killian	P&Z	
Dante Perez	MDC	
Ryan Buck	APDB	
Layton Hargesheimer		
Robert "Bob" Bintliff	CIAC & MHAC	

PARKS AND RECREATION COMMISSION
(Advisory; Membership - 9: Terms - 3 Years Expiring 3-3-3)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Connie Ferguson	Sept 30 2022	100%	6	6	No	
Stephanie Martin	Sept 30 2022	83%	5	6	No	
Laura Smith	Sept 30 2022	100%	6	6	Yes	Still interested in serving
VACANT (Schammel)	Sept 30 2022	67%	4	6		
Susannah Prucka	Sept 30 2023	67%	4	6		
Lynn Rogers	Sept 30 2023	33%	2	6		
Dal Watson	Sept 30 2023	67%	4	6		
Ron Stroman	Sept 30 2023	100%	6	6		
Shirley Howard	Sept 30 2024	50%	3	6		

Applicants Name	Additional Boards Applying to	COUNCIL NOTES

PLANNING AND ZONING COMMISSION
(Advisory; Membership - 7: Terms - 3 Years)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Chase Gardaphe	Sept 30 2022	77%	17	22	No	
Karmen Bryant	Sept 30 2022	64%	14	22	25	Resigning
Diane Williams	Sept 30 2023	100%	22	22	25	
Lucy Sisniega	Sept 30 2023	100%	22	22	25	
Stacey Jo Grosse	Sept 30 2023	64%	14	22	25	
Zachary Deck	Sept 30 2023	91%	20	22	25	
Adrian Carrasco	Sept 30 2024	82%	18	22	25	
ALTERNATES:						
Emily Holeva	Sept 30 2023	76%	19	25		
Beverly Dillow	Sept 30 2024	36%	9	25		

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Camille Killian	O&G	
Ross Schumann	ASAC	
Ankur Bhakta	CDHMAB	
Lidia Rodriguez		
Laura Watkins		
Melanie Robertson		
Adam Cunyus		
Sallie Vega	MDC	
Steven Villela		
Joshua Sparks		
Raymond "Skeet" Doss		
Abraham Bejil		
Brennan Berry	APDB	

PERSONNEL BOARD OF APPEALS
(Decision Making)
(Membership - 3; No designated terms. Mayor appoints.)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Scott Dufford		100%	0	0	Yes	
Patrick Payton		100%	0	0	Yes	
Hugh A. "Andy" Shaffer		100%	0	0	Yes	
Applicants Name	Additional Boards Applying to	COUNCIL NOTES				

PERMIAN BASIN COMMUNITY CENTER FOR MH/MR (PERMIACARE)
(Decision Making; Membership - 2 (City); Terms - 2 Years)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Ryan Peckham (City)	June 30 2024	75%	6	8	Yes	
Derek Cook (City)	June 30 2023	63%	5	8	Yes	
Applicants Name	Additional Boards Applying to	COUNCIL NOTES				

ZONING BOARD OF ADJUSTMENT AND AIRPORT ZONING BOARD OF ADJUSTMENT
(Advisory; Membership - 5: Terms - 2 Years Expiring 3 Odd & 2 Even)
September 2021 - August 2022

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Reed Claybrook	Sept 30 2021	100%	2	2		
Derek Whiting	Sept 30 2023	50%	1	2		
E.J. Baldridge	Sept 30 2023	100%	2	2		
Robert Gray	Sept 30 2024	50%	1	2		
James Gerety	Sept 30 2024	0%	0	2		
ALTERNATES: (not applicable to Airport Zoning)						
James Robert Franklin	Sept 30 2021		0	1		
VACANCY						
VACANCY						
VACANCY						

Applicants Name	Additional Boards Applying to	NOTES