CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
October 26, 2021 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

Notice is hereby given that a public meeting will be held by the City Council of the City of Midland, in the Council Chamber, City Hall, 300 N. Loraine, Midland, Texas and via videoconference. A quorum of the City Council intends to be physically present at the aforementioned location.

Videoconference Information

Please click this URL to join. https://us06web.zoom.us/j/84082826938?pwd=WTdBc0NEVlZwbjFPaEhMRVUzc1NsZz09

Passcode: 631484

Or One tap mobile:
+13462487799,,84082826938# US (Houston)
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Or join by phone:
Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 253 215 8782 or +1 720 707 2699 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 840 8282 6938
International numbers available: https://us06web.zoom.us/u/kBzwDk9HV

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

OPENING ITEMS

1. Invocation – Pastor Ryan Rampton, Golf Course Road Church of Christ

2. Pledge of Allegiance

PRESENTATIONS

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

   3a. Presentation of Proclamation for “Municipal Court Week”

CONSENT AGENDA

4. MOTION APPROVING THE FOLLOWING MINUTES:

   4a. SPECIAL CITY COUNCIL MEETING OF OCTOBER 6, 2021

   4b. REGULAR CITY COUNCIL MEETING OF OCTOBER 12, 2021

5. 2021-143 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,226 FEET AND 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,185 FEET NORTH OF LOOP 250); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

6. 2021-144 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 171 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

7. 2021-145 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 775 FEET AND 835 FEET NORTH OF LOOP 250 AND BETWEEN 215 FEET AND 539 FEET EAST OF LAMESA ROAD); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

8. 2021-146 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 410 FEET SOUTH OF SOLOMON LANE EXTENSION AND BETWEEN 952 FEET AND 1,183 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

9. 2021-147 – RESOLUTION GRANTING VARIANCES FOR FOUR 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 892 FEET

AND 1,181 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 600 FEET AND 627 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

10. 142-2021 – MOTION APPROVING WITH STAFF'S RECOMMENDED CONDITIONS A PROPOSED PRELIMINARY PLAT OF SHENANDOAH RIDGE, BEING A PLAT OF A 146.827-ACRE TRACT OF LAND IN SECTION 12, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND AND MARTIN COUNTIES, TEXAS (GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH STATE HIGHWAY 349 AND OCCIDENTAL PARKWAY) (DISTRICT 1) (DEVELOPMENT SERVICES)

11. 143-2021 – MOTION ACCEPTING A GRANT AWARD OF $25,391.00 FROM THE FISCAL YEAR 2021 JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS TO THE POLICE JUSTICE GRANT FUND (074) (DISTRICT: ALL) (POLICE)

12. 144-2021 – MOTION ACCEPTING A GRANT AWARD OF $109,000.00 FROM THE FISCAL YEAR 2022 EDWARD BRYNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM; AND AUTHORIZING THE APPROPRIATION OF SAID FUNDS TO THE POLICE JUSTICE GRANT FUND (074) (DISTRICT: ALL) (POLICE)

SECOND READINGS

13. 10246 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 12, 2021)

14. 10247 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON 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: NONE) (DEVELOPMENT SERVICES) (FIRST READING HELD OCTOBER 12, 2021)

15. 10248 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE

OF NORTH TERRELL STREET, APPROXIMATELY 142 FEET SOUTH OF MISSISSIPPI 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 OCTOBER 12, 2021)

16. 10249 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.83-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EDWARDS STREET AND MISSISSIPPI 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 OCTOBER 12, 2021)

PUBLIC HEARINGS

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

17. 10250 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,494-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 496 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)

18. 10251 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 5, FANNIN TERRACE, SECTION TWO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FANNIN AVENUE AND MABERRY STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT; 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)

19. 10252 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 8,

CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY FRONTAGE ROAD, APPROXIMATELY 197 FEET EAST OF TRADEWINDS BOULEVARD); 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)

20. 10253 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

21. 10254 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY; 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: NONE) (DEVELOPMENT SERVICES)

22. 10255 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 10, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 140 FEET NORTH OF EAST WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

23. 10256 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.72-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, AMARON ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WOLCOTT AVENUE, APPROXIMATELY 465 FEET WEST OF RANKIN HIGHWAY); 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)

MISCELLANEOUS

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

PUBLIC COMMENT

25. 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.)

EXECUTIVE SESSION

26. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

a. Section 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property

b. Section 551.071, Consultation with the City Attorney

b.1. Discuss matters in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code

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 OF MIDLAND, TEXAS
MIDLAND CITY COUNCIL
SPECIAL MINUTES
October 6, 2021

The City Council convened in **Special** Session in the Animal Services Facility, Midland, Texas, at 1:30 PM, Wednesday, October 6, 2021.

Council Members present:	Patrick Payton, Spencer Robnett, Michael Trost, Scott Dufford, Lori Blong
Council Members absent:	John Norman, Jack Ladd
Staff members present:	Assistant City Manager Tina Jauz, City Secretary Amy Turner, Police Chief Seth Herman, Administrative Services Director Mark Widmann, Airports Director Justine Ruff

The meeting was called to order at 1:30 p.m

SPECIAL SESSION

1. Attend the ribbon cutting ceremony at the new Animal Services facility

   Assistant City Manager Tina Jauz welcomed everyone and made introductions.

   Timothy Gonzales Animal Services Officer delivered the invocation.

   Comments were made by Mayor Payton, Council Member Robnett and Animal Services Manager Leah Lewis.

   The ribbon was cut and everyone was invited to tour the facility.

All the business at hand having been completed, the meeting adjourned at 1:51 p.m.

PASSED AND APPROVED .

_____
Patrick Payton, Mayor

ATTEST:

DRAFT

Amy M. Turner, City Secretary

DRAFT

MIDLAND CITY COUNCIL
MINUTES
October 12, 2021

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., October 12, 2021.

Council Members present:	Patrick Payton, Spencer Robnett, Michael Trost, Scott Dufford, John Norman, Jack Ladd, Lori Blong
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 10:01 a.m.

OPENING ITEMS

1. Invocation – Pastor Andrew Adams, Midland Bible 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 Proclamation for “Rotary Polio Day”

    3b. Presentation of Proclamation for “National Business Women’s Week”

    3c. Presentation of Proclamation for “Walk to End Alzheimer’s Day”

    3d. Presentation of Proclamation for “Midland Run Crew’s Runners Day”

    3e. Presentation of Proclamation for “S. Javaid Anwar Month”

CONSENT AGENDA

DRAFT

Jack Ladd moved to approve Consent Agenda items 4-19 excluding item(s) 5, 6, 8, 9, 12, 14, 15, 16, 18; seconded by John Norman.

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

4. MOTION APPROVING THE FOLLOWING MINUTES:

   4a. REGULAR CITY COUNCIL MEETING OF SEPTEMBER 28, 2021

7. 2021-134 – RESOLUTION APPROVING THE PURCHASE OF AN AERIAL BUCKET TRUCK FROM ROCKDALE COUNTRY FORD DBA CALDWELL COUNTRY THROUGH BUYBOARD AT A TOTAL COST OF $148,788.00 (DISTRICT: NONE) (GENERAL SERVICES)

10. 2021-137 – RESOLUTION APPROVING THE PURCHASE OF A SPARTAN FOUR-DOOR CUSTOM TILT ALUMINUM CAB PUMPER FROM METRO FIRE APPARATUS SPECIALISTS, INC., THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $1,399,018.00 (DISTRICT: NONE) (GENERAL SERVICES)

11. 2021-138 – RESOLUTION APPROVING THE PURCHASE AND UPFITTING OF TEN (10) POLICE-PACKAGE SEDANS FROM GRAPEVINE DODGE CHRYSLER JEEP LLC THROUGH BUYBOARD AT A TOTAL COST OF $519,225.00 (DISTRICT: NONE) (GENERAL SERVICES)

13. 2021-139 – RESOLUTION APPROVING THE PURCHASE OF FIFTY (50) BUNKER COATS AND FIFTY (50) BUNKER PANTS FROM DOOLEY TACKABERRY, INC., AT A TOTAL COST OF $151,113.50 THROUGH HGAC CONTRACT EE08-19 (DISTRICT: NONE) (GENERAL SERVICES)

17. 2021-142 – RESOLUTION APPROVING A CONTRACT WITH MUSCO CORPORATION DBA MUSCO SPORTS LIGHTING, LLC, THROUGH BUYBOARD, FOR THE PURCHASE AND INSTALLATION OF LED FIELD LIGHTING AT THE SCHARBAUER SPORTS COMPLEX MOMENTUM BANK BALLPARK FOR A TOTAL COST OF $719,500.00; APPROVING $71,950.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS FOR SAID CONTRACT (DISTRICT: 4) (GENERAL SERVICES)

19. 141-2021 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (21-329-041) WITH DCP OPERATING COMPANY, LP, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 10, BLOCK 38, TOWNSHIP 2 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

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5. 2021-132 – RESOLUTION NOMINATING ROBERT MCNAUGHTON FOR THE MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND DIRECTING THE CITY MANAGER TO DELIVER A COPY OF THIS RESOLUTION TO THE MIDLAND CENTRAL APPRAISAL DISTRICT (DISTRICT: NONE) (FINANCE)

Council Member Ladd asked if Robert McNaughton was a former employee. Staff confirmed he was.

Jack Ladd moved to approve Resolution No. 2021-132; seconded by Spencer Robnett.

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

6. 2021-133 – RESOLUTION APPROVING THE PURCHASE OF A CATERPILLAR MODEL 745 ARTICULATED DUMP TRUCK FROM WARREN POWER & MACHINERY, INC., DBA WARREN CAT OF ODESSA, TEXAS, AT A TOTAL COST OF $722,360.00 THROUGH BUYBOARD (DISTRICT: NONE) (GENERAL SERVICES)

Mayor Payton reported he has a conflict and asked for this to be pulled from consent.

Lori Blong moved to approve Resolution No. 2021-133; seconded by Spencer Robnett.

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

8. 2021-135 – RESOLUTION APPROVING THE PURCHASE OF A SCHWARZE M6SE STREET SWEEPER FROM TEXAS WASTE EQUIPMENT DBA HEIL OF TEXAS THROUGH THE HOUSTON-GALVESTON AREA COUNCIL AT A TOTAL COST OF $283,777.00 (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Ladd asked how many street sweepers we have. Engineering Services Director Jose Ortiz believed we have three but he is not sure. Council Member Ladd asked if the street sweeper only sweeps major roads. Mr. Ortiz confirmed that was true but added local roads are swept upon request. Council Member Ladd asked if cars that are left on the street overnight are ticketed. Mr. Ortiz reported cars are only removed prior to construction.

Council Member Trost asked if this street sweeper is a replacement. Mr. Ortiz confirmed it was.

Jack Ladd moved to approve Resolution No. 2021-135; seconded by John Norman.

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

DRAFT

NAY: None
ABSTAIN: None
ABSENT: None

9. 2021-136 – RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR FEDERAL LOBBYING CONSULTING SERVICES TO THE AEGIS GROUP, LTD. (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Ladd reported he was very unimpressed with prior lobbying efforts. He asked if the goal was to have a full-time lobbyist. General Services Director Regina Stephenson reported we have not yet negotiated an agreement; this is being put on the agenda to see if Council is okay with it going forward. Discussion ensued regarding previous lobbying efforts.

Spencer Robnett moved to approve Resolution No. 2021-136 and to bring the contract back to Council for approval; seconded by Michael Trost.

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

12. 138-2021 – MOTION AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL AND ENGINEERING SERVICES ASSOCIATED WITH THE CONSTRUCTION OF A NEW MIDLAND PUBLIC SAFETY TRAINING FACILITY AND TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT FOR SAID SERVICES; PROVIDED, HOWEVER, THAT SAID AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY COUNCIL (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Ladd asked how quickly do we think we can get turned around on this and if we have a location in mind. Fire Chief Chuck Blumenauer reported this is for different architectural companies to come to us with what is feasible and if our own properties can be used.

Jack Ladd moved to approve Motion No. 138-2021; seconded by Lori Blong.

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

14. 2021-140 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. DBA PARKHILL FOR IMPROVEMENTS TO THE EXISTING WATER AND WASTEWATER INFRASTRUCTURE AND THE STORM DRAIN CONVEYANCE SYSTEM ON WADLEY AVENUE FROM I STREET TO GARFIELD STREET AND A COMPREHENSIVE

DRAFT

WATERSHED AND PLANNING ANALYSIS FOR THE UTILITIES DEPARTMENT FOR A COST OF $474,000.00 (DISTRICT: 3) (GENERAL SERVICES)

Council Member Ladd reported this is mostly in his district and asked the age of the infrastructure. Utilities Director Carl Craigo reported the infrastructure is 50 years old and is all on Wadley. Council Member Norman asked if this would take away all flooding on Wadley. Mr. Craigo reported it would reduce flooding.

Jack Ladd moved to approve Resolution No. 2021-140; seconded by Spencer Robnett.

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

15. 139-2021 – MOTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT FOR AGGREGATION AND CONSULTING SERVICES WITH PRIORITY POWER MANAGEMENT, LLC; SAID AMENDMENT PROVIDING FOR THE EXTENSION OF THE AGREEMENT'S TERM THROUGH DECEMBER 31, 2026 (DISTRICT: ALL) (GENERAL SERVICES)

Council Member Ladd asked about the scope, what we are doing and what it goes toward. General Services Director Regina Stephenson reported that the company will do all aggregation for electrical, help with setting up service, and anything else with electricity. City Manager Robert Patrick reported they kept us from having to pay enormous fees during the freeze. Council Member Dufford added that they have saved the City a lot of money over the years and have more than paid for their costs.

Doug Page, 611 W Estes, did not understand this company and asked if they were responsible for the rolling blackouts. He asked for a copy of their contract. Staff was directed to provide Mr. Page with the documents he was requesting.

Jack Ladd moved to approve Motion No. 139-2021; seconded by Spencer Robnett.

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

16. 2021-141 – RESOLUTION AWARDING A CONTRACT FOR THE MIDLAND DRAW WIDENING - FRONT STREET TO GOLF COURSE ROAD PROJECT TO ONYX GENERAL CONTRACTORS, LLC OF MIDLAND, TEXAS, AT A TOTAL COST OF $1,985,689.00; TRANSFERRING FUNDS; AND AUTHORIZING PAYMENT (DISTRICT: 2) (GENERAL SERVICES)

Council Member Ladd asked if this price tag includes consultation on widening the draws and adding hike and bike trails. Engineering Services Director Jose Ortiz reported

DRAFT

that hike and bike trails are included as a third alternative at a cost of $170,000.00 which will allow us to pave on the west side for the trails. Council Member Blong asked if the new trails will be connected to the existing portion or will there still be a gap. Mr. Ortiz noted there would still be a gap.

Jack Ladd moved to approve Resolution No. 2021-141; seconded by Lori Blong.

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

18. 140-2021 – MOTION APPROVING A NEW AIR SERVICE INCENTIVE PROGRAM TO ASSIST IN LOCAL MARKETING FOR NEW AIR SERVICE AT MIDLAND INTERNATIONAL AIR & SPACE PORT (DISTRICT: 4) (AIRPORTS)

Council Member Ladd asked if we used any kind of local marketing to get the Austin route. Airports Director Justine Ruff reported this item will allow for marketing of that route in Midland and Austin. She added that their landing fees for the added flight will be waived for the first year.

Jack Ladd moved to approve Motion No. 140-2021; seconded by Spencer Robnett.

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

SECOND READINGS

20. 10241 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITHOUT TERM FOR LOT 1, BLOCK 1, RUCKUS ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF FAIRGROUNDS ROAD, APPROXIMATELY 1,899 FEET SOUTH OF EAST LOOP 250 NORTH), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR A KENNEL; 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) (FIRST READING HELD SEPTEMBER 28, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10241.

Lori Blong moved to approve the second and final reading of Ordinance No.10241; seconded by Spencer Robnett.

DRAFT

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

21. 10242 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 25, GREENWOOD ADDITION, THIRD, FOURTH & FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WEBSTER STREET, APPROXIMATELY 192 FEET SOUTH OF EAST WASHINGTON AVE); 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 SEPTEMBER 28, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10242.

Lori Blong moved to approve the second and final reading of Ordinance No. 10242; seconded by Spencer Robnett.

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

22. 10243 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 2.273-ACRE TRACT OF LAND OUT OF SECTION 20, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM SF-1, SINGLE-FAMILY DWELLING DISTRICT TO PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDKIFF ROAD AND SINCLAIR 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 SEPTEMBER 28, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10243.

Jack Ladd moved to approve the second and final reading of Ordinance No. 10243; seconded by John Norman.

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

DRAFT

23. 10244 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 1.742-ACRE TRACT OF LAND OUT OF LOT 1 AND ALL OF LOT 3, BLOCK 1, WEST 191 INDUSTRIAL PARK, CITY AND COUNTY OF MIDLAND, TEXAS, FROM RR, REGIONAL RETAIL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 191, APPROXIMATELY 2,205 FEET WEST OF WESTLAKE 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 SEPTEMBER 28, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10244.

Spencer Robnett moved to approve the second and final reading of Ordinance No. 10244; seconded by Lori Blong.

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

24. 10245 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 11, BLOCK 3, GATEWAY PLAZA, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF STARBOARD DRIVE, APPROXIMATELY 612 FEET EAST OF SOUTH TRADEWINDS BOULEVARD); 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 SEPTEMBER 28, 2021)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10245.

Michael Trost moved to approve the second and final reading of Ordinance No. 10245; seconded by Spencer Robnett.

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

PUBLIC HEARINGS

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

25. 10246 – AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND,

DRAFT

TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10246.

Development Services Director Chuck Harrington reported this is to develop property for a dealership. This is the first step. The second step will be the next item, a public hearing. Staff has reviewed the item and recommends approval.

Mayor Payton opened the public hearing at 10:56 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. 10246; seconded by Spencer Robnett.

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

26. 10247 – AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON 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: NONE) (DEVELOPMENT SERVICES)

Deputy City Secretary Vanessa White read the caption of Ordinance No. 10247.

Mayor Payton opened the public hearing at 10:57 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10247; seconded by Lori Blong.

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

DRAFT

27. 10248 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 142 FEET SOUTH OF MISSISSIPPI 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. 10248.

Mayor Payton opened the public hearing at 10:57 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. 10248; seconded by Jack Ladd.

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

28. 10249 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.83-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EDWARDS STREET AND MISSISSIPPI 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. 10249.

Mayor Payton opened the public hearing at 10:58 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Michael Trost moved to approve the first of two readings of Ordinance No. 10249; seconded by John Norman.

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

DRAFT

MISCELLANEOUS

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

Lori Blong moved to appoint Beverly Dillow to replace Nick Hood on the Airport Planning & Development Board; seconded by Spencer Robnett.

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

Spencer Robnett moved to appoint Dave Joyner to replace Chip Smith on the Airport Planning & Development Board; seconded by Lori Blong.

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

Michael Trost moved to appoint Robert Richards to replace Joshua Lorenz on the Airport Planning & Development Board; seconded by John Norman.

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

PUBLIC COMMENT

30. 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.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:09 a.m.

31. Pursuant to Texas Government Code § 551.101, the City Council will hold an Executive Session, which is closed to the public, to discuss the following matters as permitted under the following sections of the Texas Government Code:

DRAFT

a. Section 551.072, Deliberation Regarding Real Property

a.1. Discuss the purchase, exchange, lease or value of real property.

All the business at hand having been completed, the meeting adjourned at 12:13 p.m.

PASSED AND APPROVED October 26, 2021.

_____

Patrick Payton, Mayor

ATTEST:

_____

Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 5

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,226 FEET AND 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,185 FEET NORTH OF LOOP 250); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving amendments to the permits issued to Pioneer Natural Resources USA, Inc. ("Operator") to drill four oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas (Generally located between 2,226 feet and 2,386 feet east of Lamesa Road and between 2,125 feet and 2,185 feet north of Loop 250); said amendments authorizing the use of jet pumps. Council approved the proposed drill sites on August 14, 2018; however, the applicant is requesting consideration of amended drilling conditions. Permits were authorized by the City Council by Resolution Nos. 2018-294; 2018-296; 2018-293; and 2018-295.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The amending condition proposed by Pioneer Natural Resources USA, Inc, is to amend the

permit to add additional method of artificial lift to produce the well through the use of a jet pump system. Currently, operator is using electric submersible pump and have the ability to go to a rod pump. Pioneer has included a sound survey identifying sound levels at 100 feet to be 60.9 dBA and at 400 feet to be at 48.8 dBA. This system of will include the use of two frac tanks at the well location along with a large separator and an H-Pump mounted on a trailer. Pioneer is hoping to use this method until able to submit a request for a variance to install gas lift compressors at this location.

Attachments: Amending Letter of request, Exhibit A- diagram, Exhibit B- sound study, well pad 2- location map,

Robert Patrick

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 2,226 FEET AND 2,386 FEET EAST OF LAMESA ROAD AND BETWEEN 2,125 FEET AND 2,185 FEET NORTH OF LOOP 250); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS

WHEREAS, the City Council previously approved the issuance of the permits referenced in the caption hereof to Operator to drill the following oil and gas wells within the City limits:

Hogan 1-13-C-2806H; Hogan 1-13-D-2808H; Hogan 1-13-D-4207H; and Hogan 1-13-D-4307H; and

WHEREAS, the City Council finds it to be in the public interest to approve amendments to said permits;

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

SECTION ONE. That the Mayor and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a document amending said permits. Said amendment document shall be in a form substantially similar to that attached hereto as Exhibit "A", which is incorporated herein for all legal purposes.

SECTION TWO. That all other terms and conditions of said permits shall remain in full force and effect.

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., 2021, 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

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-13-C-2806H; Hogan 1-13-D-2808H; Hogan 1-13-D-4207H; and Hogan 1-13-D-4307H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2018-293, 2018-294, 2018-295, and 2018-296; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

EXHIBIT "A"

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-13-C 2806H
Approval Date: 8.14.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-13-C 2806H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

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Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

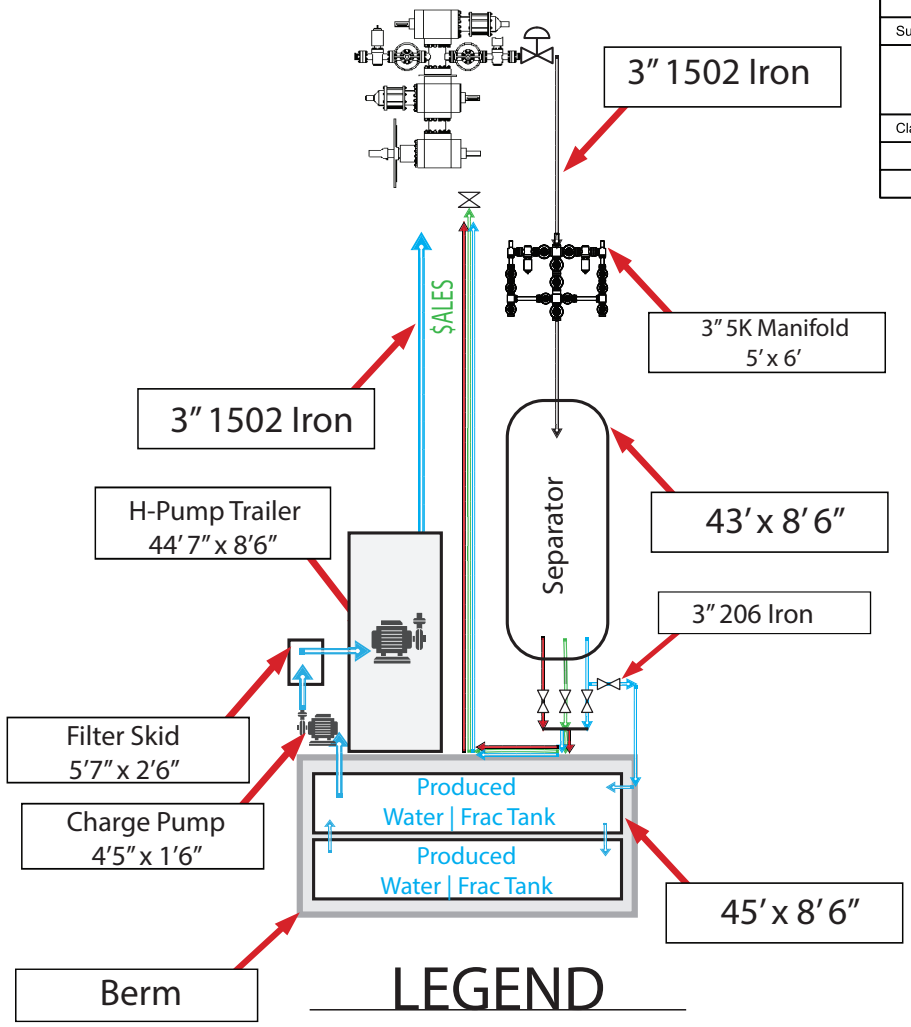
Submitted:
Approved for release:

NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

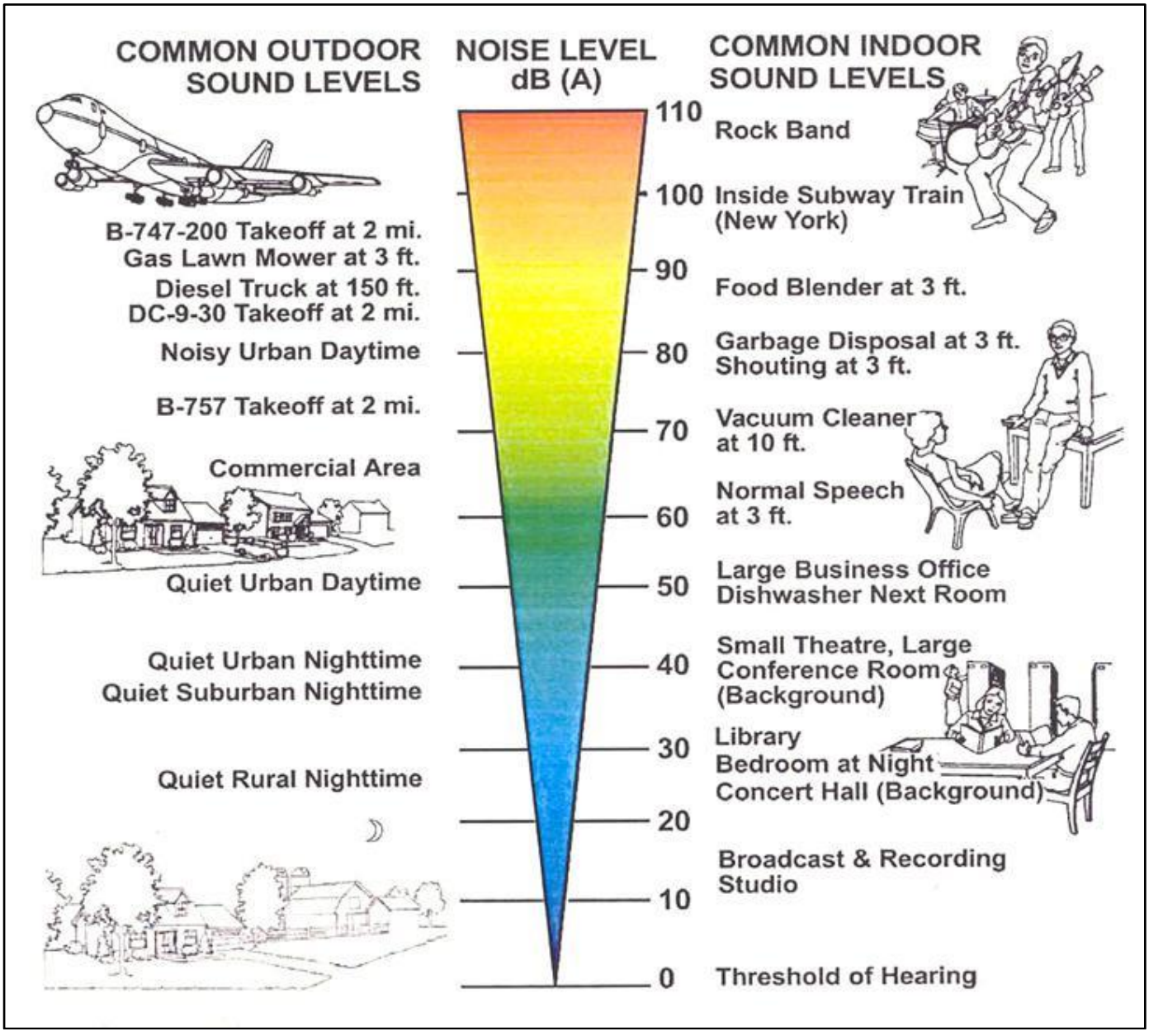
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-13-D 2808H
Approval Date: 8.14.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-13-D 2808H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

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Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

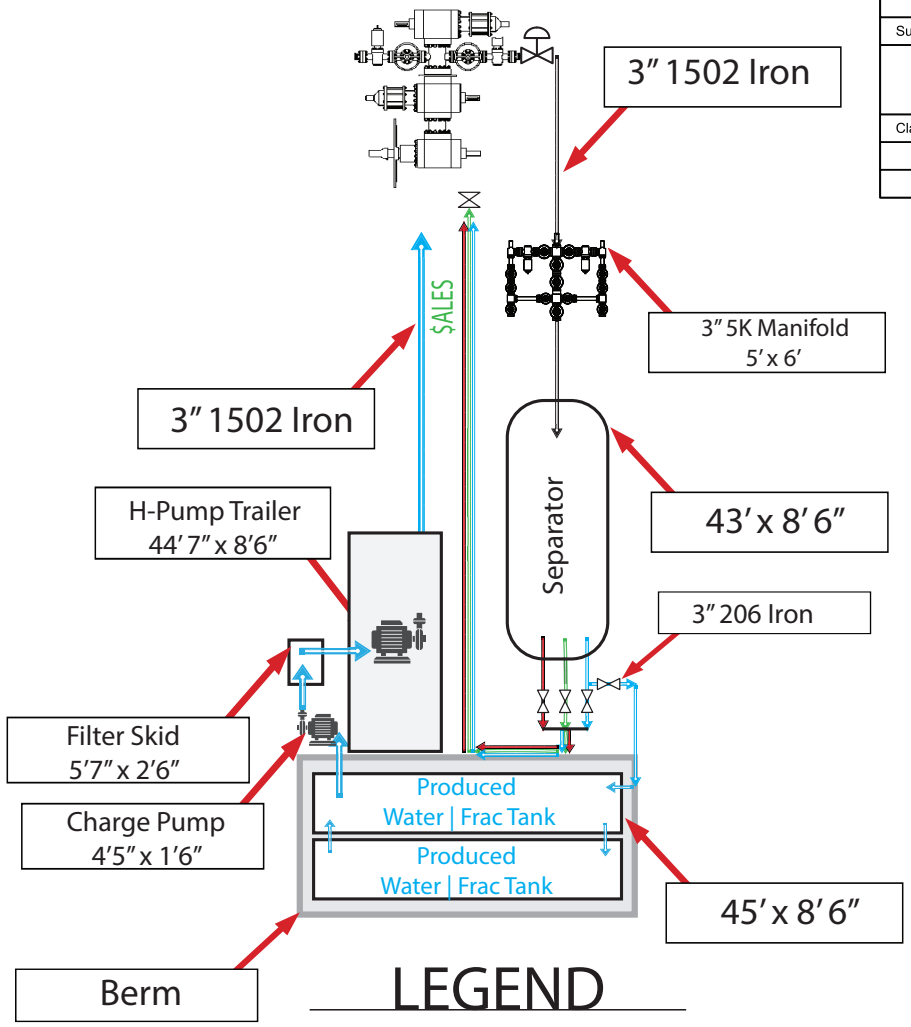
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Approved for release:

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Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

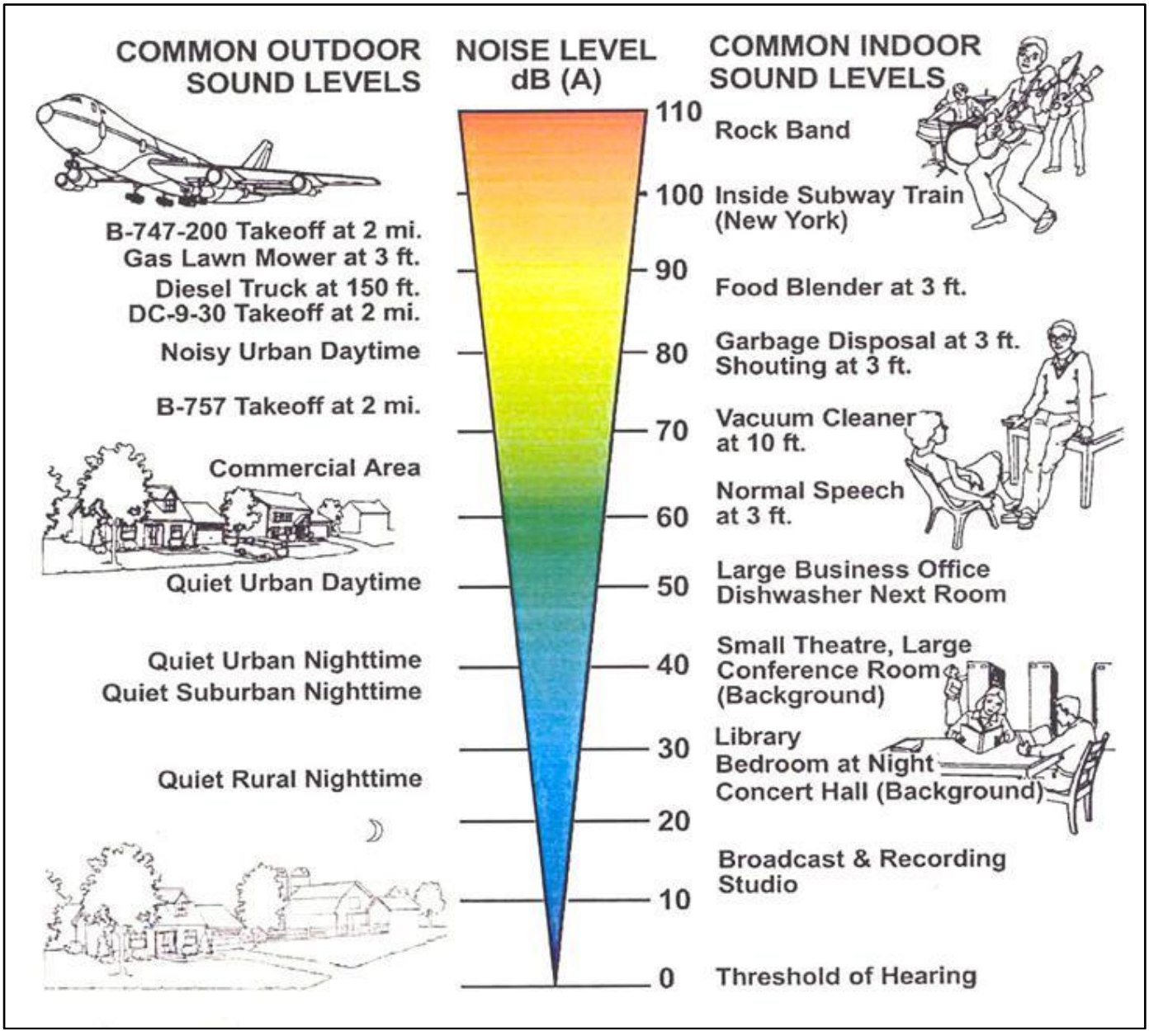
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-13-D 4207H
Approval Date: 8.14.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-13-D 4207H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

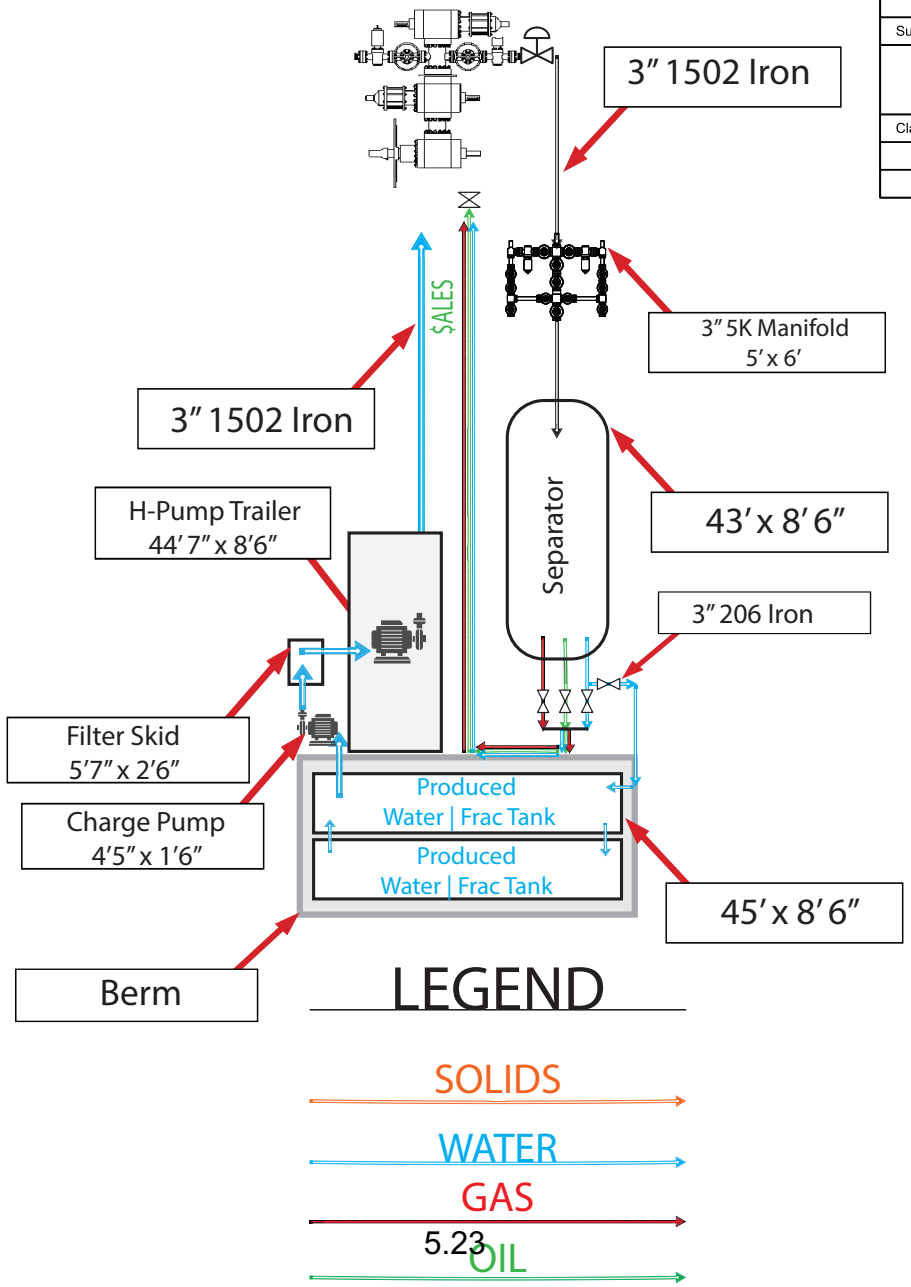
Submitted:
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NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
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    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

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To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

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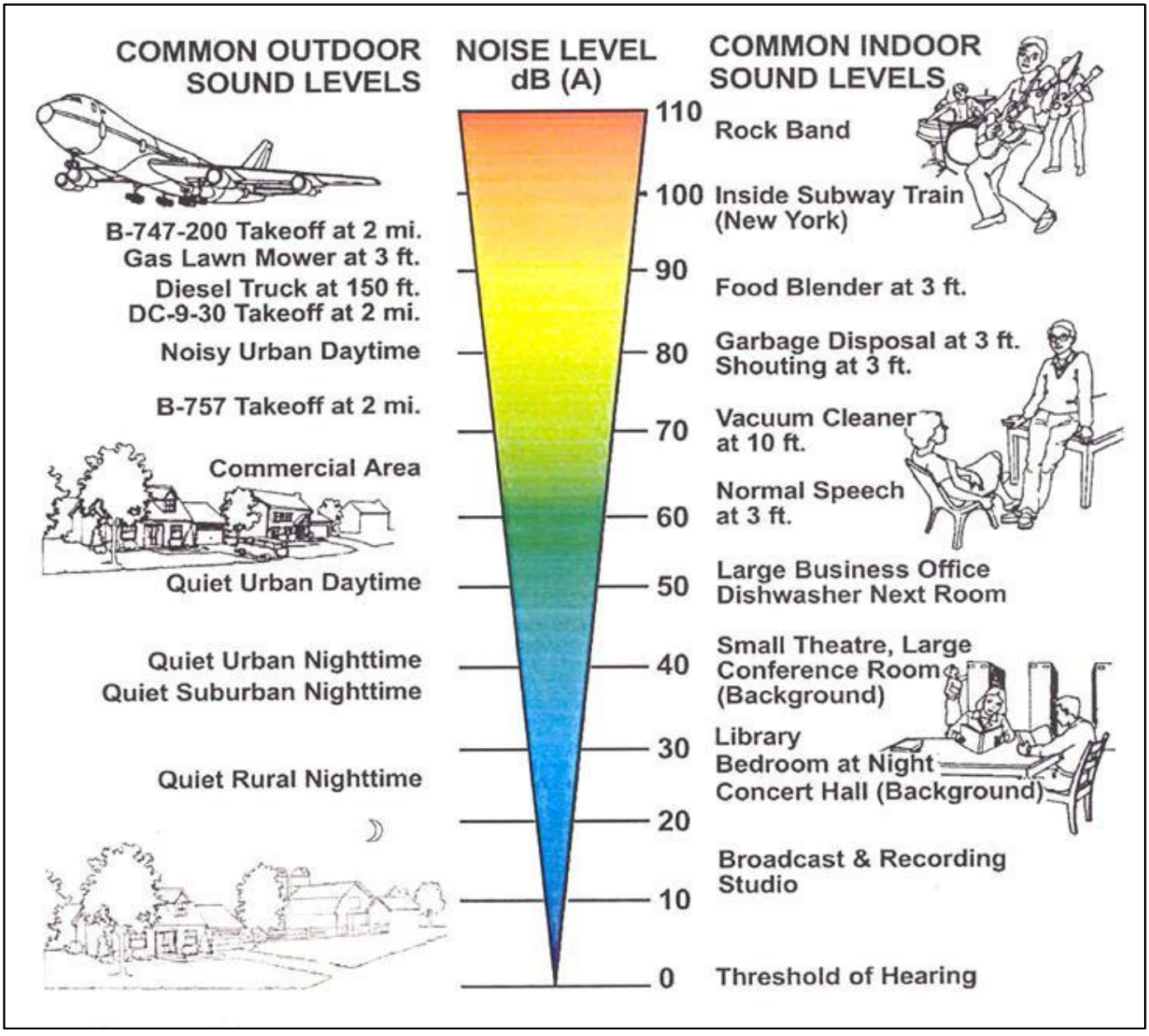
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Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-13-D 4307H
Approval Date: 8.14.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-13-D 4307H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

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Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

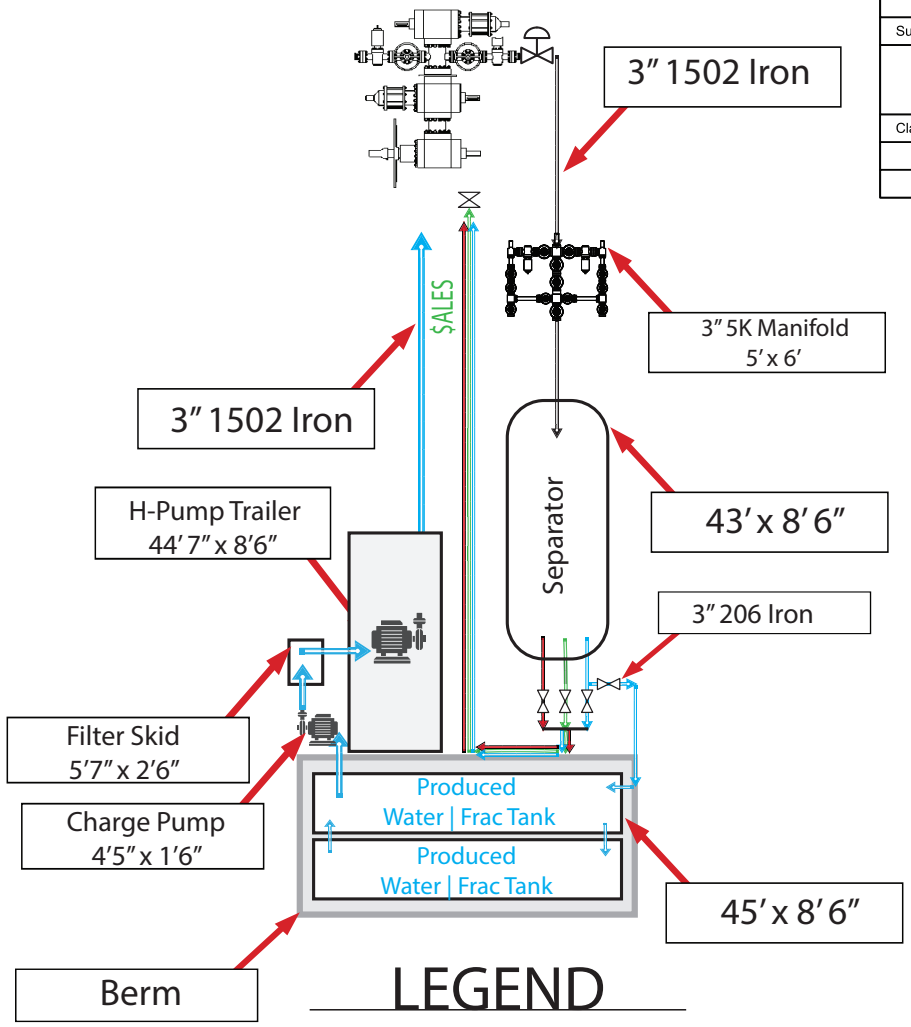
Submitted:
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NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

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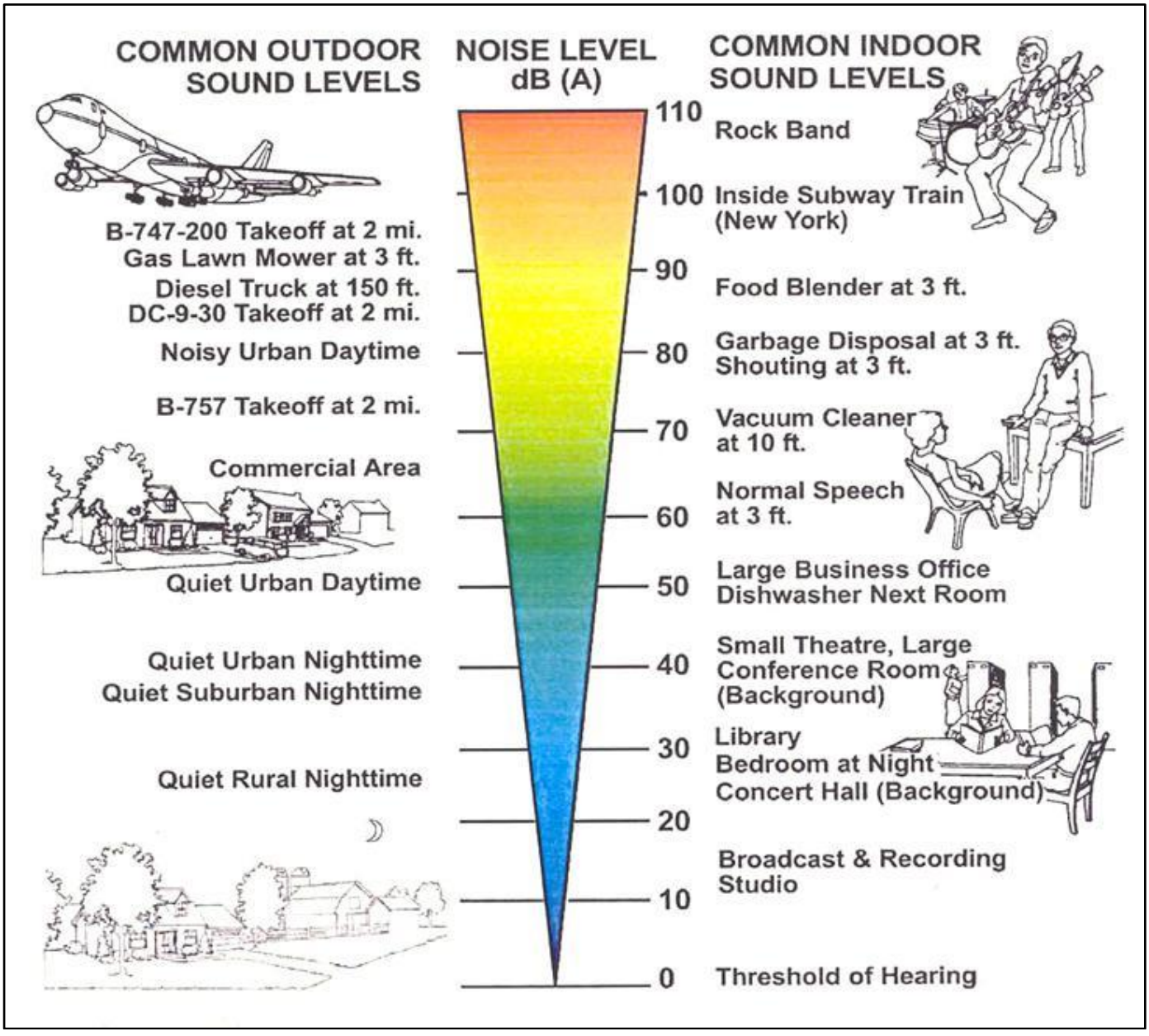
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Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A



Date: 10/7/2021

Legend

- Oil Well
- Street
- Survey Section

PACKET 5.35

Well Pad #2 -
Four oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas.
Generally located between 2,226 feet and 2,386 feet east of Lamesa Road and between 2,125 feet and 2,185 feet north of Loop 250.

October 26, 2021

0 150 300 Feet

©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.

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-13-C-2806H; Hogan 1-13-D-2808H; Hogan 1-13-D-4207H; and Hogan 1-13-D-4307H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2018-293, 2018-294, 2018-295, and 2018-296; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

City Council Meeting

Item Number: 6

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 171 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving amendments to the permits issued to Pioneer Natural Resources USA, Inc. (“Operator”) to drill three oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas (Generally located between 320 feet and 380 feet south of Solomon Lane extension and 171 feet west of Fairgrounds Road extension); said amendments authorizing the use of jet pumps. Council approved the proposed drill sites on August 14, 2018; however, the applicant is requesting consideration of amended drilling conditions. Permits were authorized by the City Council by Resolution Nos. 2017-381; 2017-385; and 2017-389.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The amending condition proposed by Pioneer Natural Resources USA, Inc, is to amend the permit to add additional method of artificial lift to produce the well through the use of a jet pump system. Currently, operator is using electric submersible pump and have the ability to go to a rod pump. Pioneer has included a sound survey identifying sound levels at 100 feet to be 60.9 dBA and at 400 feet to be at 48.8 dBA. This system of will include the use of two frac tanks at the well location along with a large separator and an H-Pump mounted on a trailer. Pioneer is hoping to use this method until able to submit a request for a variance to install gas lift compressors at this location.

Attachments: Amending Letter of request, Exhibit A- diagram, Exhibit B- sound study, well pad 4- location map.



City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL THREE OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 380 FEET SOUTH OF SOLOMON LANE EXTENSION AND 171 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS

WHEREAS, the City Council previously approved the issuance of the permits referenced in the caption hereof to Operator to drill the following oil and gas wells within the City limits:

Hogan 1-24-2815H; Hogan 1-24-4215H; and Hogan 1-24-4315H; and

WHEREAS, the City Council finds it to be in the public interest to approve amendments to said permits;

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

SECTION ONE. That the Mayor and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a document amending said permits. Said amendment document shall be in a form substantially similar to that attached hereto as Exhibit "A", which is incorporated herein for all legal purposes.

SECTION TWO. That all other terms and conditions of said permits shall remain in full force and effect.

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., 2021, 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

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated December 27, 2017 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-24-2815H; Hogan 1-24-4215H; and Hogan 1-24-4315H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2017-381, 2017-385, and 2017-389; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

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EXHIBIT "A"

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24 - 4315H
Approval Date: 12.12.2017

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24 - 4315H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

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Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

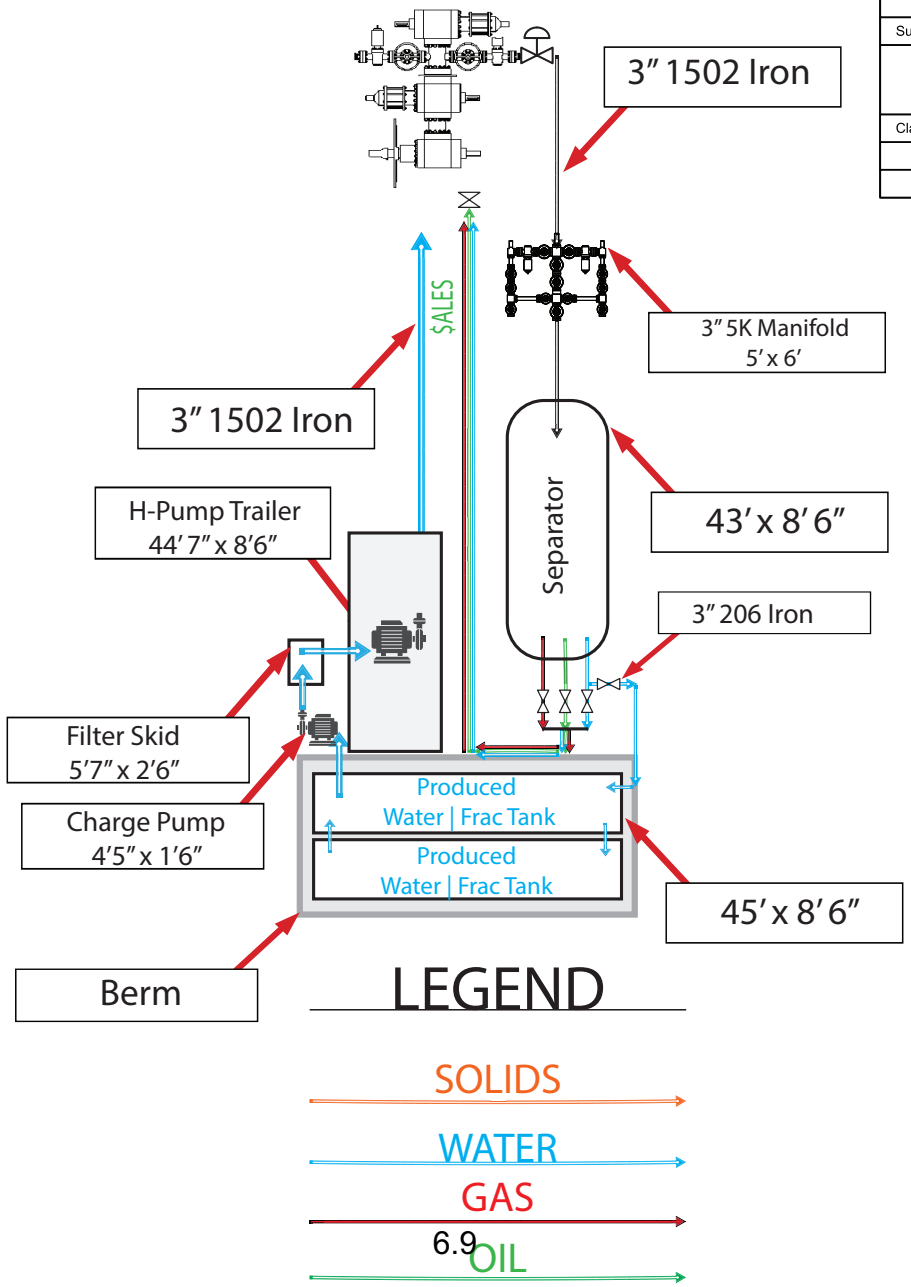
Submitted:
Approved for release:

NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

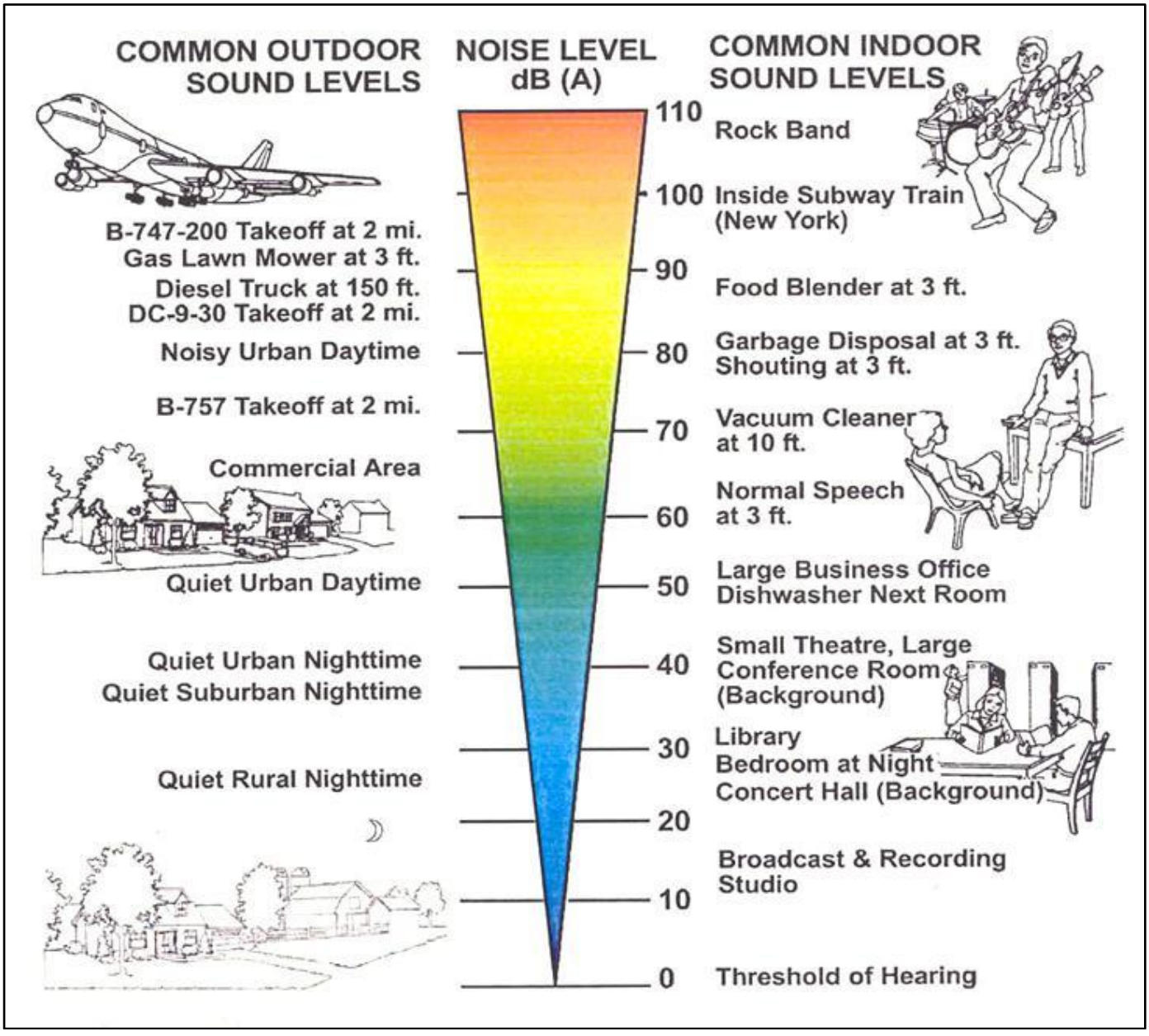
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24 - 2815H
Approval Date: 12.12.2017

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24 - 2815H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

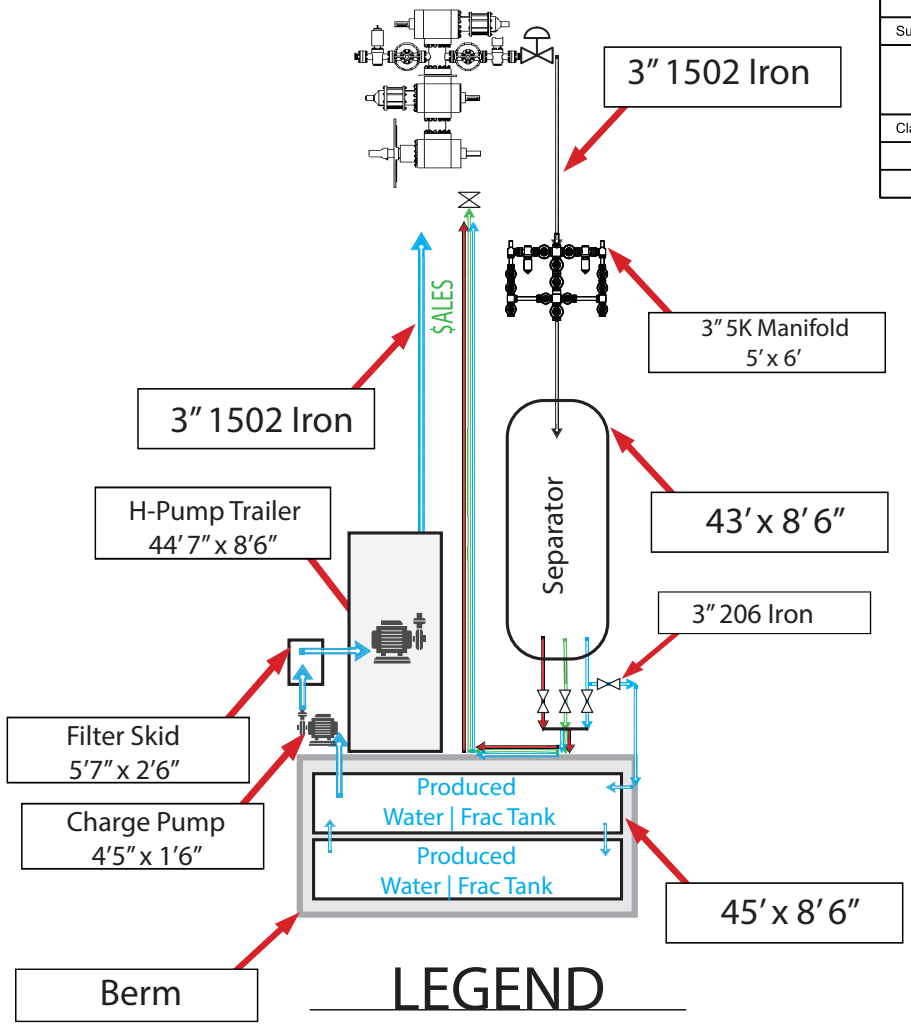
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Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

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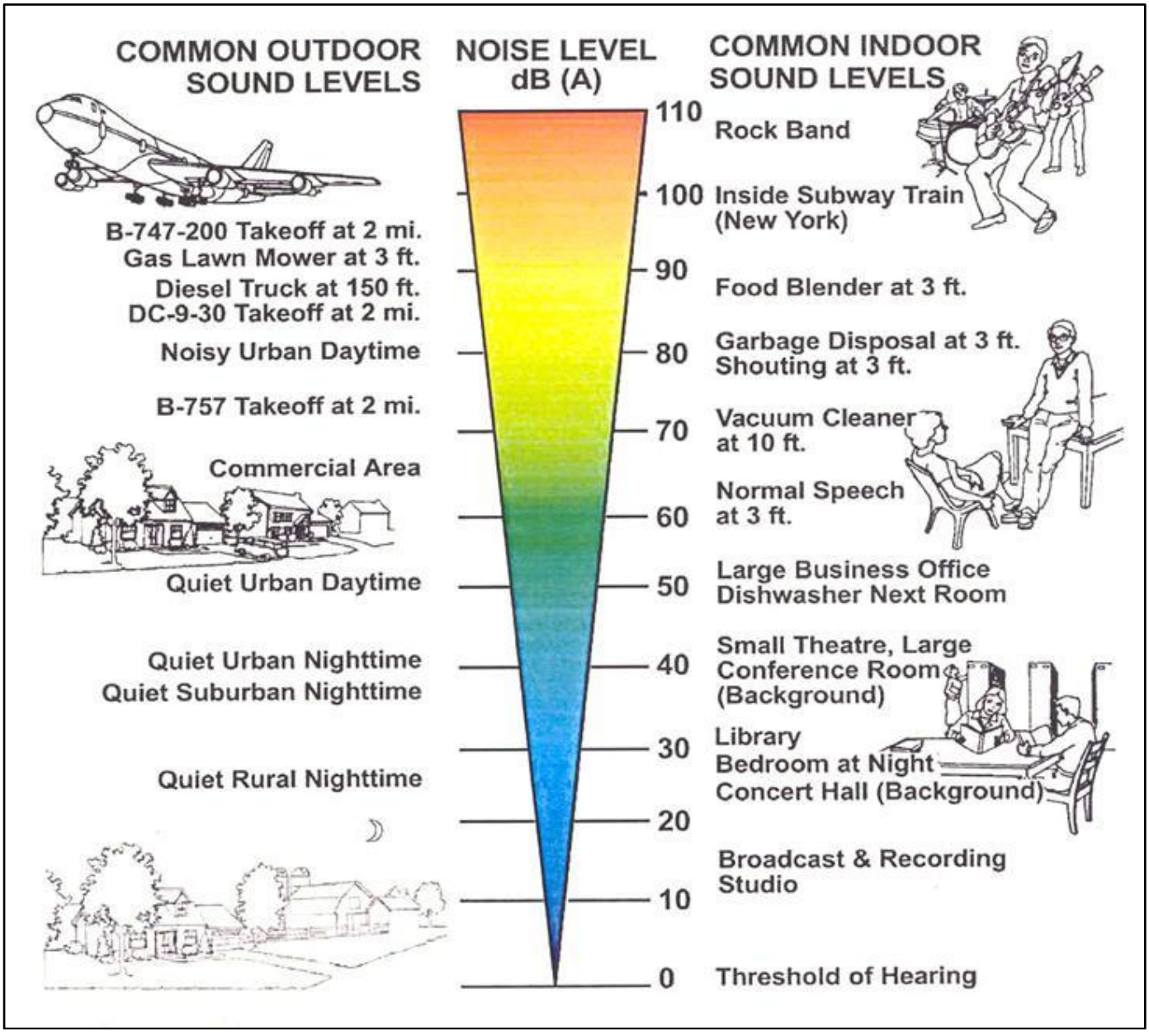
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Simon Kim
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Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24 - 4215H
Approval Date: 12.12.2017

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24 - 4215H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

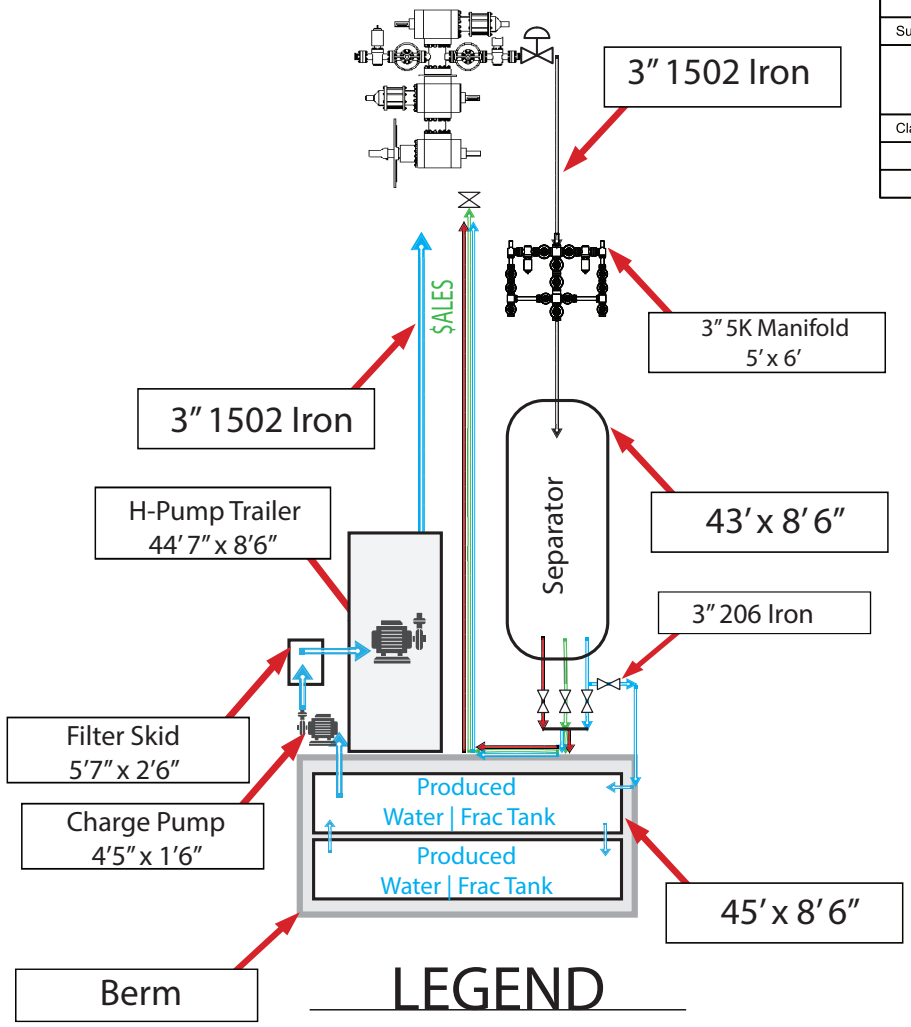
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Reviewer:
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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

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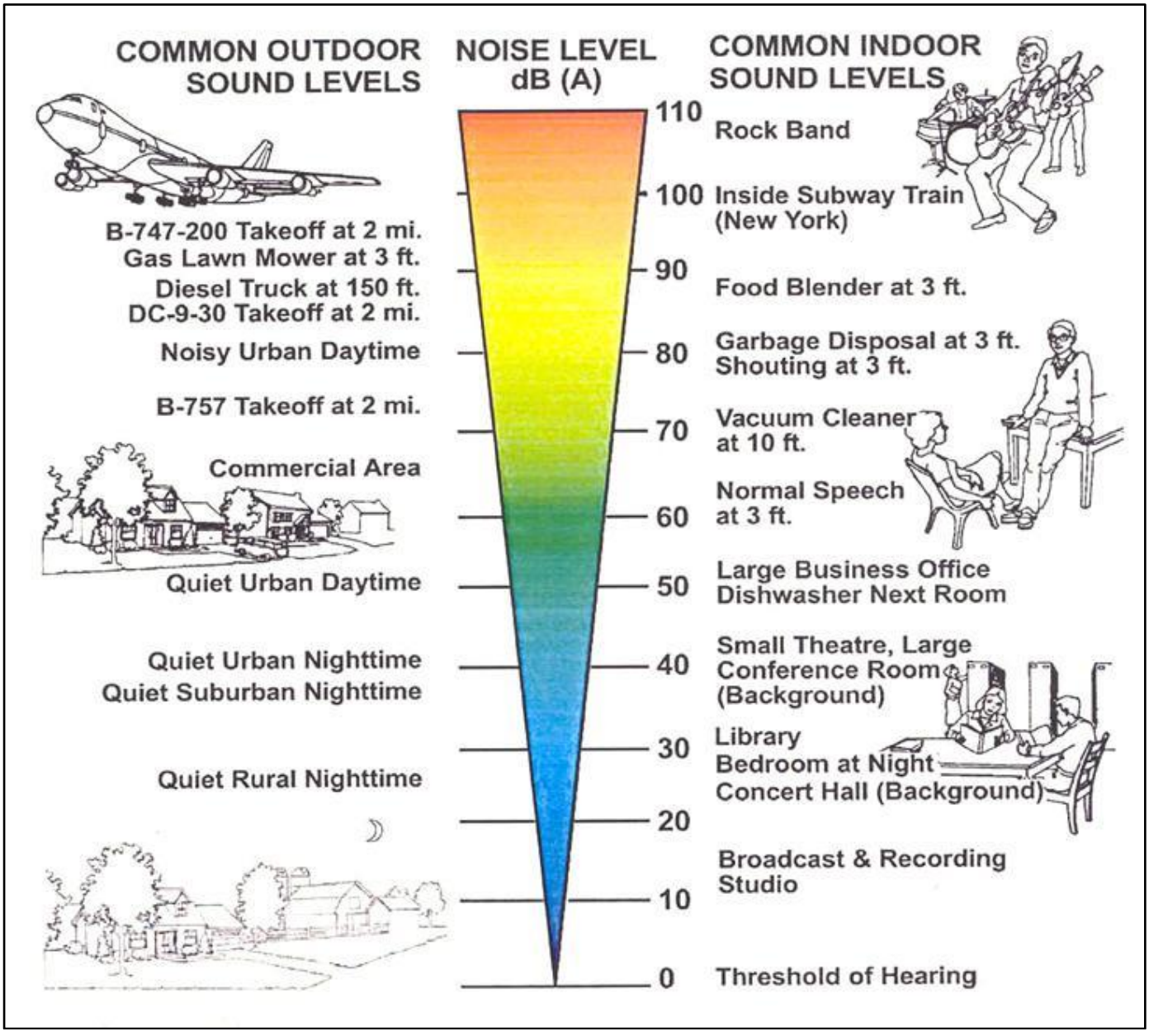
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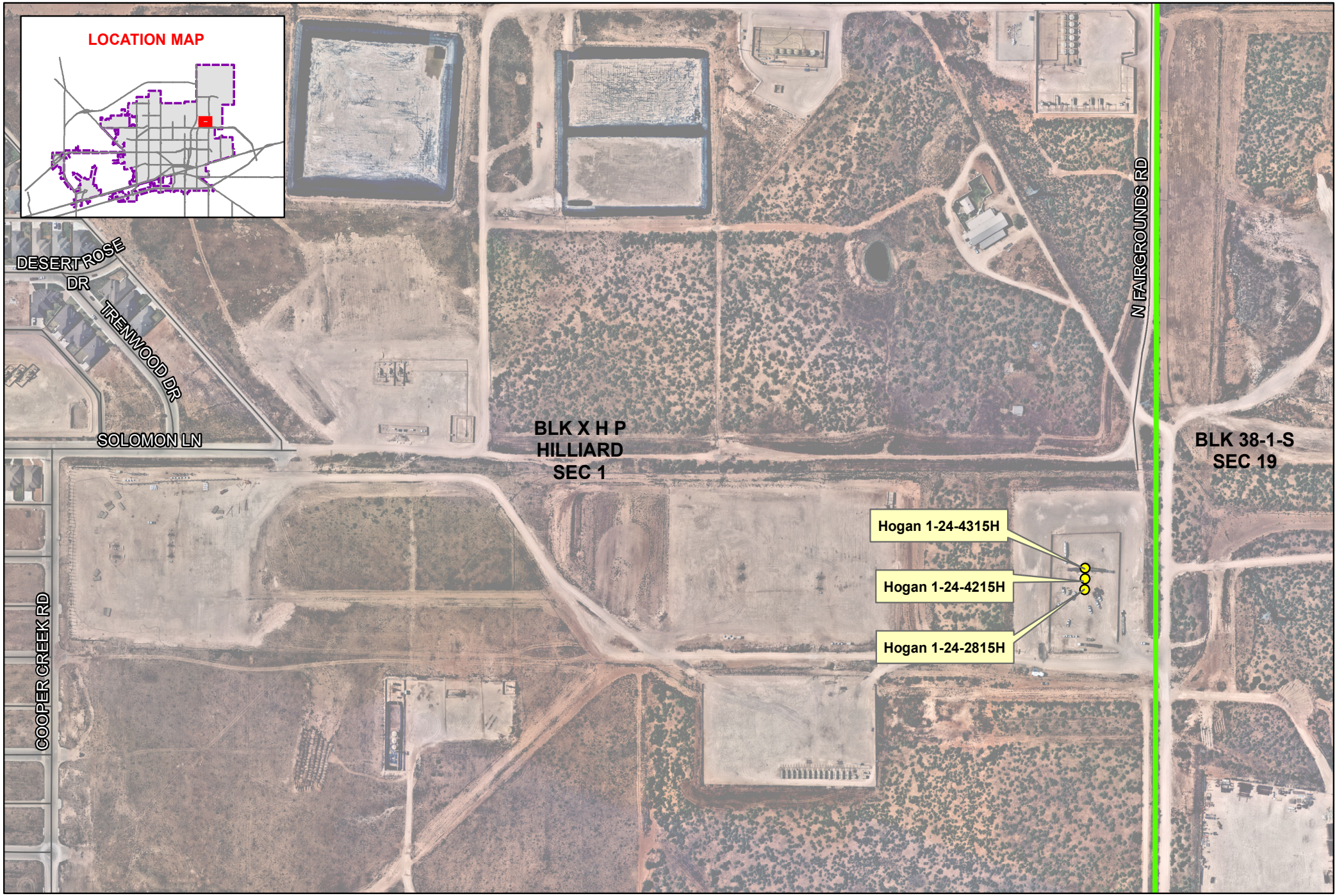


Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A



Date: 10/6/2021

Legend

- Oil Well
- Street
- Survey Section

PACKET 6:28

Well Pad #4 -
Three oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas.
Generally located between 320 feet and 380 feet south of Solomon Lane extension and 171 feet west of Fairgrounds Road extension.

October 26, 2021

0 100 200 Feet

©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.

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated December 27, 2017 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-24-2815H; Hogan 1-24-4215H; and Hogan 1-24-4315H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2017-381, 2017-385, and 2017-389; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

City Council Meeting

Item Number: 7

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 775 FEET AND 835 FEET NORTH OF LOOP 250 AND BETWEEN 215 FEET AND 539 FEET EAST OF LAMESA ROAD); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving amendments to the permits issued to Pioneer Natural Resources USA, Inc. (“Operator”) to drill seven oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas (Generally located between 775 feet and 835 feet north of Loop 250 and between 215 feet and 539 feet east of Lamesa Road); said amendments authorizing the use of jet pumps. Council approved the proposed drill sites on January 23, 2018 and May 14, 2019; however, the applicant is requesting consideration of amended drilling conditions. Permits were authorized by the City Council by Resolution Nos. 2018-032; 2018-034; 2018-036; 2018-033; 2018-035; and 2019-153.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The amending condition proposed by Pioneer Natural Resources USA, Inc, is to amend the

permit to add additional method of artificial lift to produce the well through the use of a jet pump system. Currently, operator is using electric submersible pump and have the ability to go to a rod pump. Pioneer has included a sound survey identifying sound levels at 100 feet to be 60.9 dBA and at 400 feet to be at 48.8 dBA. This system of will include the use of two frac tanks at the well location along with a large separator and an H-Pump mounted on a trailer. Pioneer is hoping to use this method until able to submit a request for a variance to install gas lift compressors at this location.

Attachments: Amending Letter of request, Exhibit A- diagram, Exhibit B- sound study, well pad 1- location map,

Robert Patrick

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL SEVEN OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 775 FEET AND 835 FEET NORTH OF LOOP 250 AND BETWEEN 215 FEET AND 539 FEET EAST OF LAMESA ROAD); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS

WHEREAS, the City Council previously approved the issuance of the permits referenced in the caption hereof to Operator to drill the following oil and gas wells within the City limits:

Hogan 1-25B-2803H; Hogan 1-25B-4203H; Hogan 1-25B-4303H; Massey A Unit 4209H; Massey A Unit 4309H; Massey Unit 4213H; and Massey Unit 4313H; and

WHEREAS, the City Council finds it to be in the public interest to approve amendments to said permits;

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

SECTION ONE. That the Mayor and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a document amending said permits. Said amendment document shall be in a form substantially similar to that attached hereto as Exhibit "A", which is incorporated herein for all legal purposes.

SECTION TWO. That all other terms and conditions of said permits shall remain in full force and effect.

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., 2021, 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

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-25B-2803H; Hogan 1-25B-4203H; Hogan 1-25B-4303H; Massey A Unit 4209H; Massey A Unit 4309H; Massey Unit 4213H; and Massey Unit 4313H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2018-032, 2018-033, 2018-034, 2018-035, 2018-036 and 2019-153; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

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EXHIBIT "A"

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-25B - 4203H
Approval Date: 1.23.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-25B - 4203H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

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Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

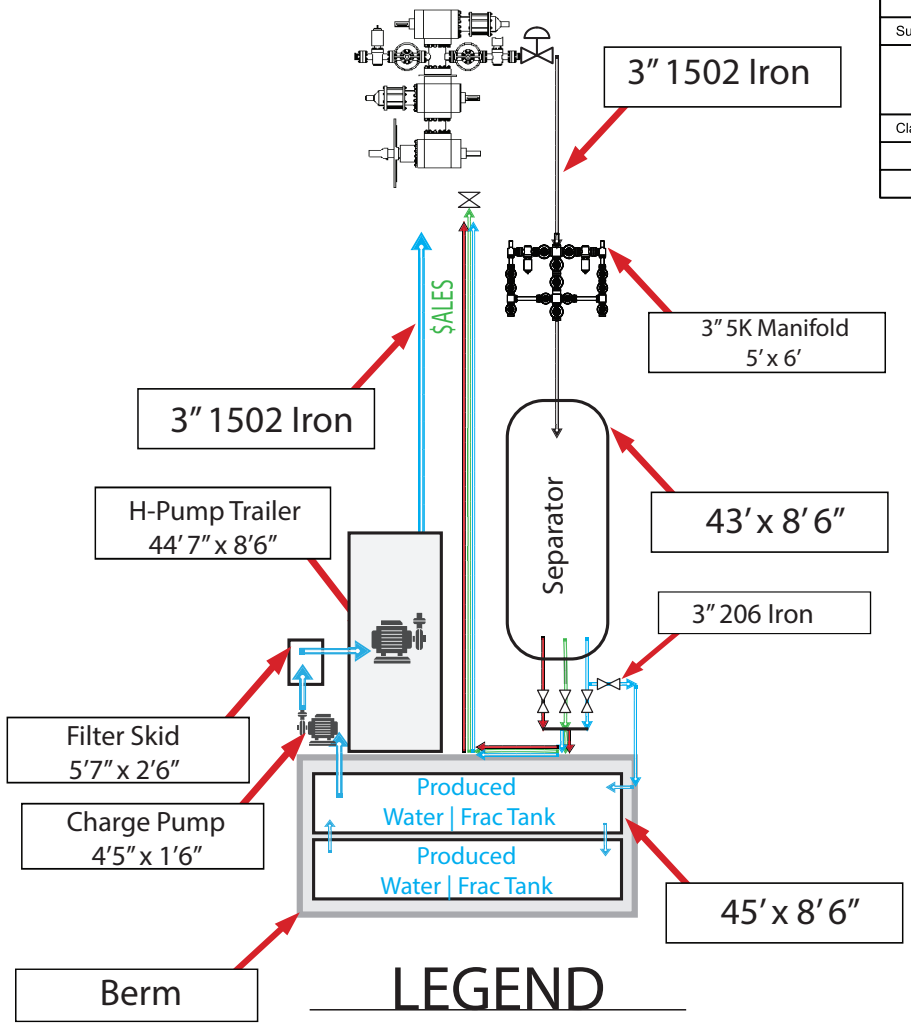
Submitted:
Approved for release:

NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

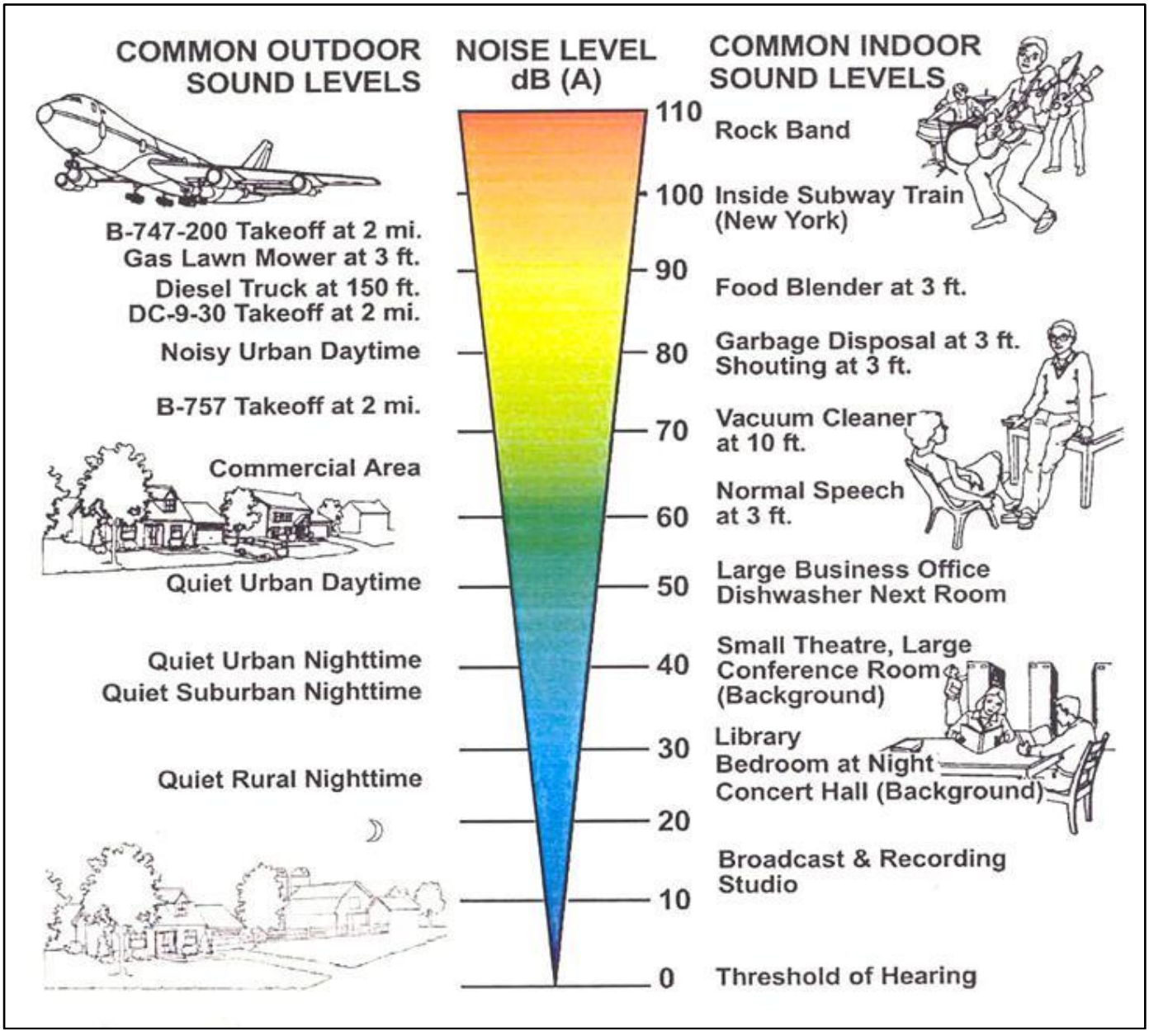
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-25B - 4303H
Approval Date: 1.23.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-25B - 4303H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

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Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

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Respectfully,

Laura E Wallace

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Senior Staff Regulatory Specialist
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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

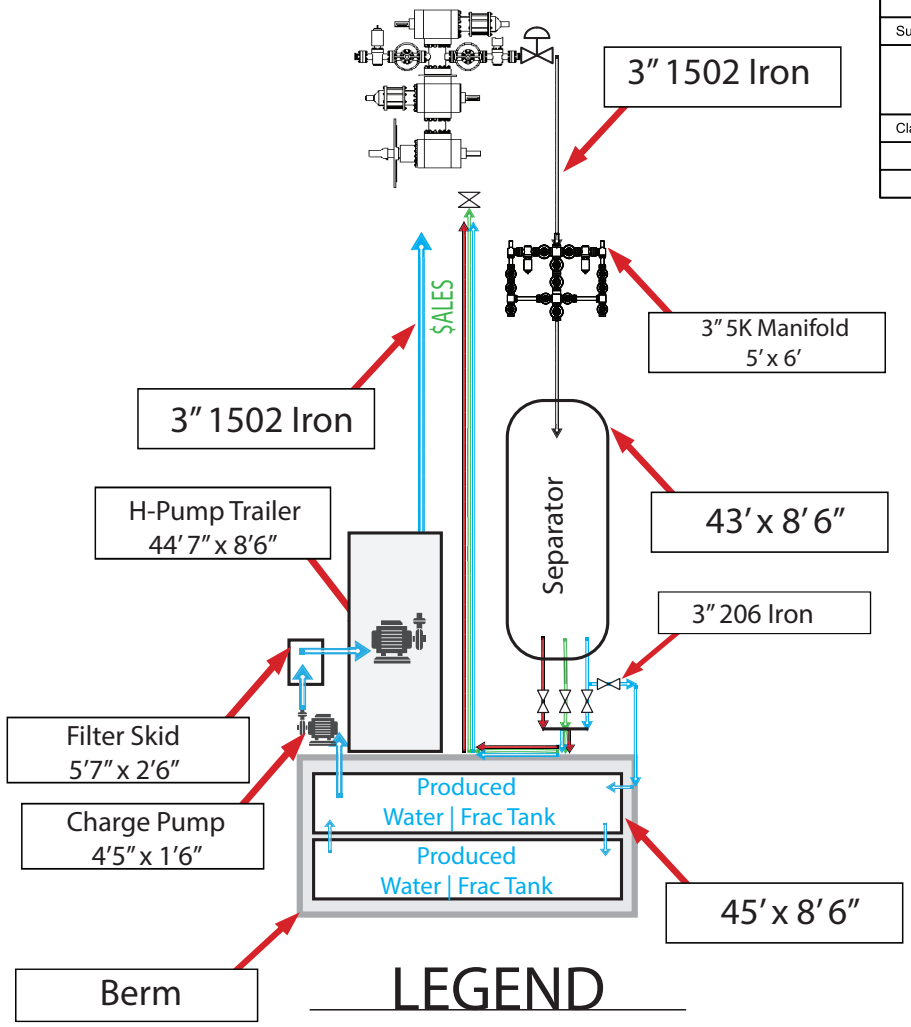
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Approved for release:

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Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

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    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
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    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

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Calculated Sound Levels at Distance

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$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
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To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

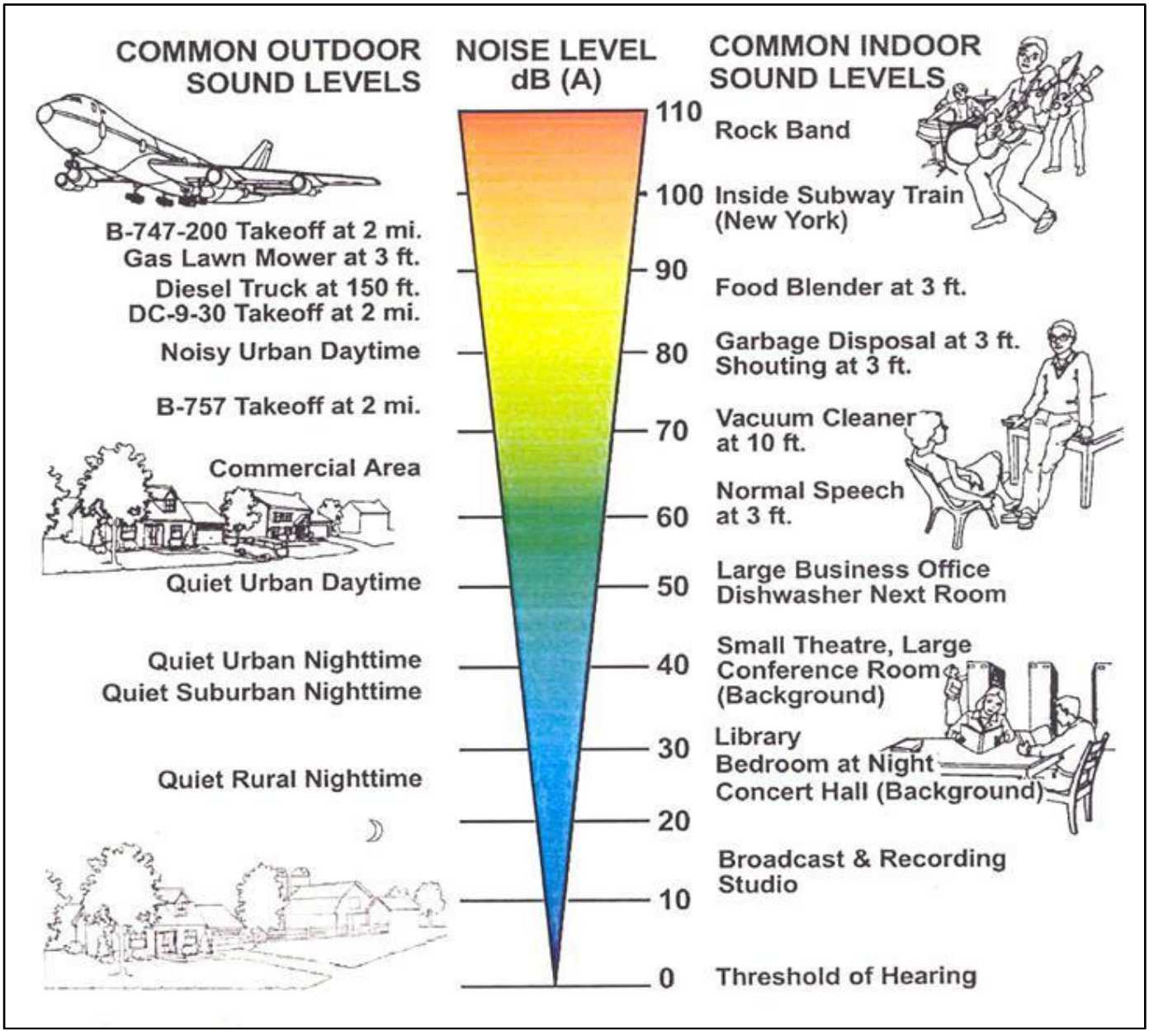
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-25B - 2803H
Approval Date: 1.23.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-25B - 2803H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

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Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

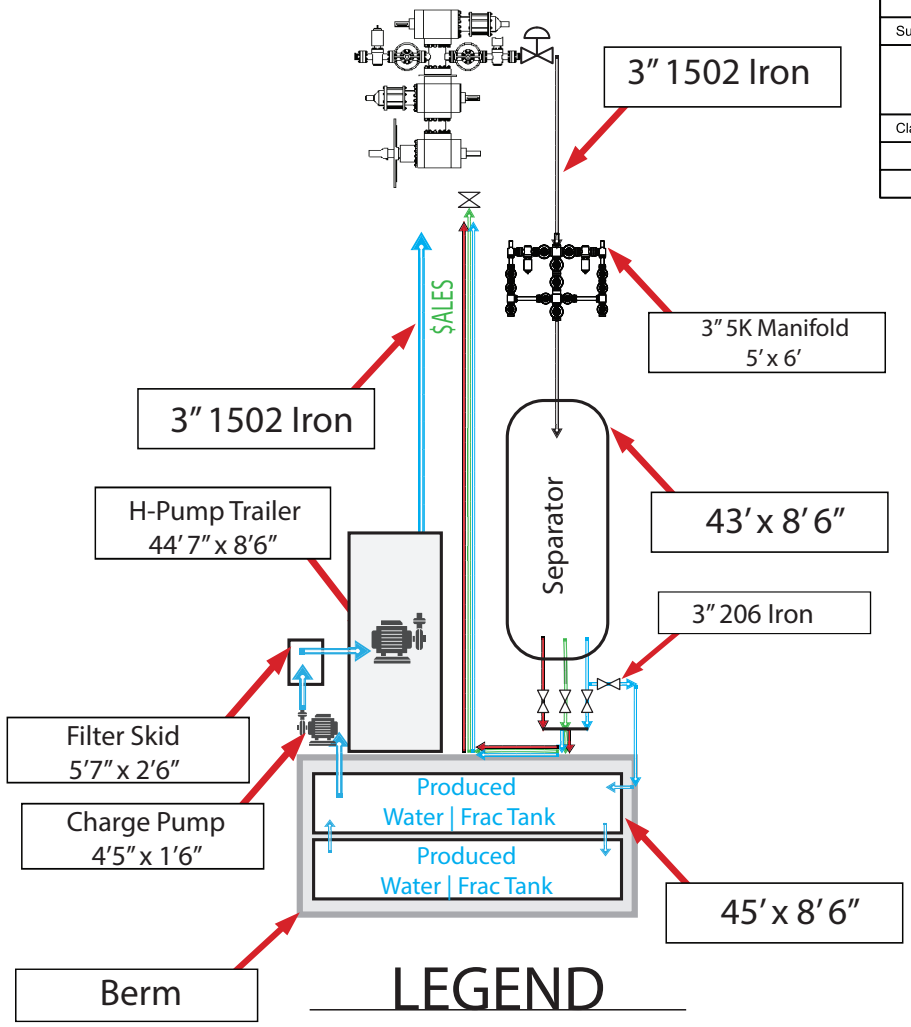
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Classification:
Reviewer:
Date:

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Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
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- Frac Tanks (45’ x 8’ 6”)
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    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
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- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
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Where:
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To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

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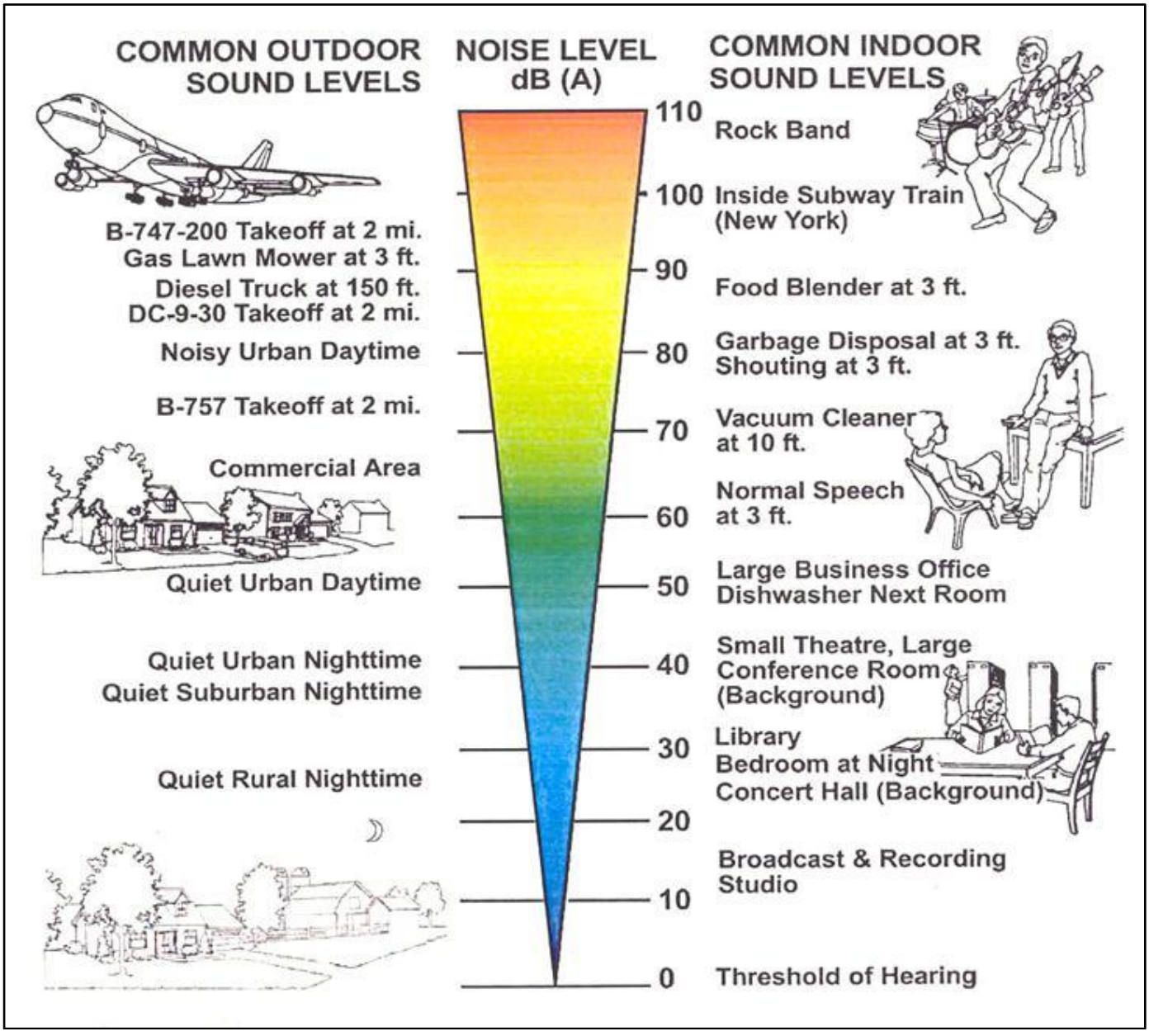
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Massey A Unit 4309H
Approval Date: 5.14.2019

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Massey A Unit 4309H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

"Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well."

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

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Respectfully,

Laura E Wallace

Laura Wallace
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laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

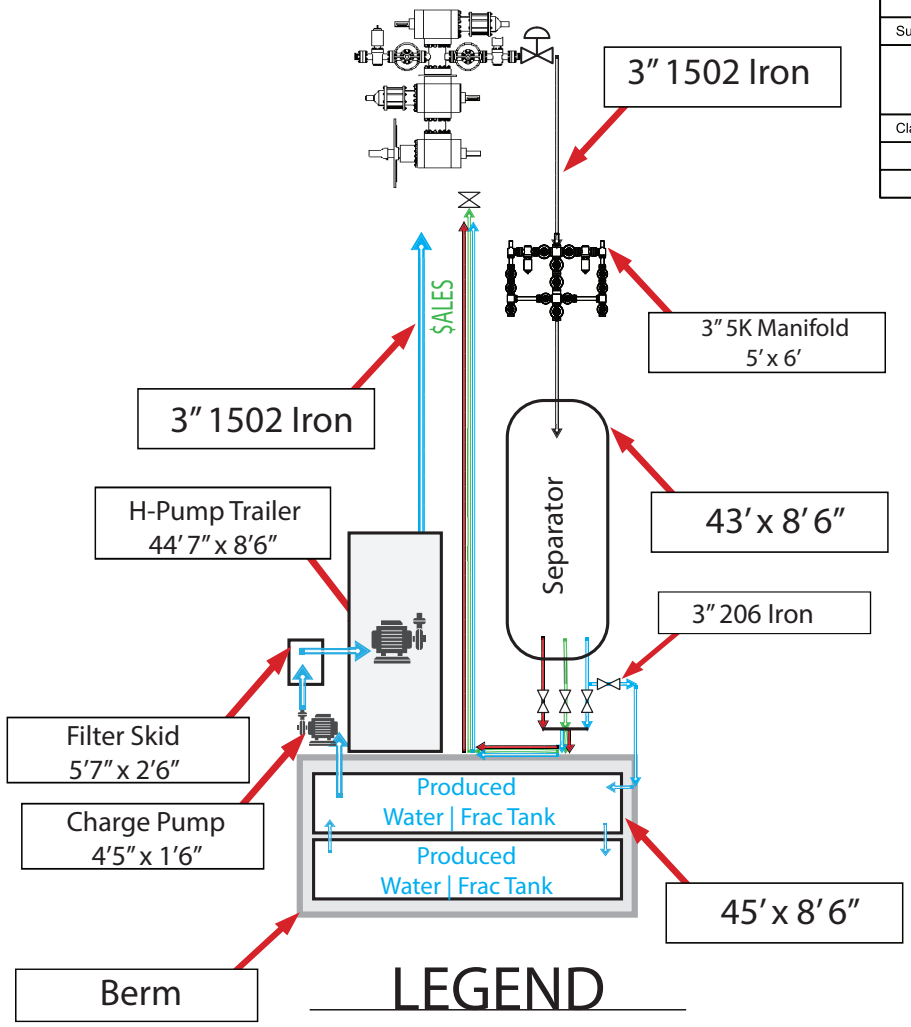
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Approved for release:

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Classification:
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Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

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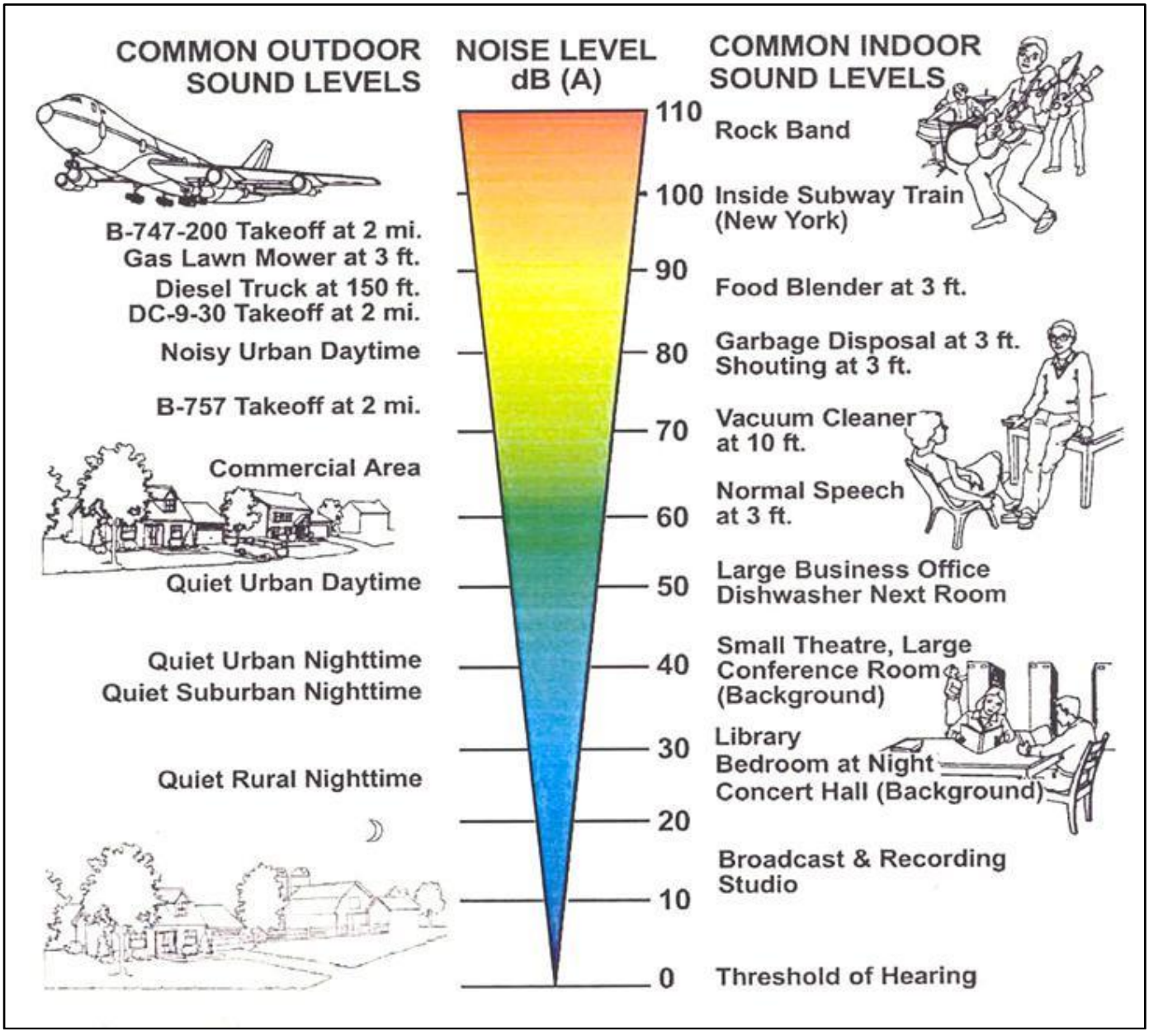
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Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Massey A Unit 4209H
Approval Date: 5.14.2019

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Massey A Unit 4209H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

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Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

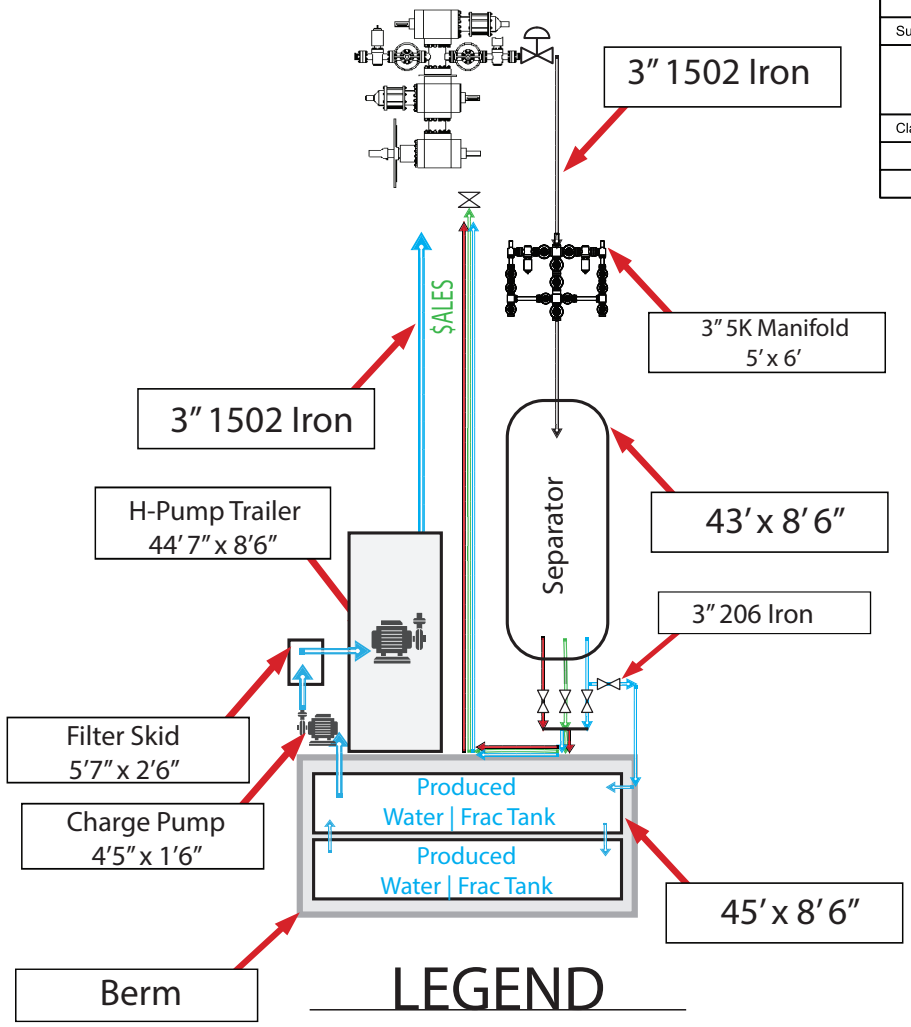
Submitted:
Approved for release:

NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

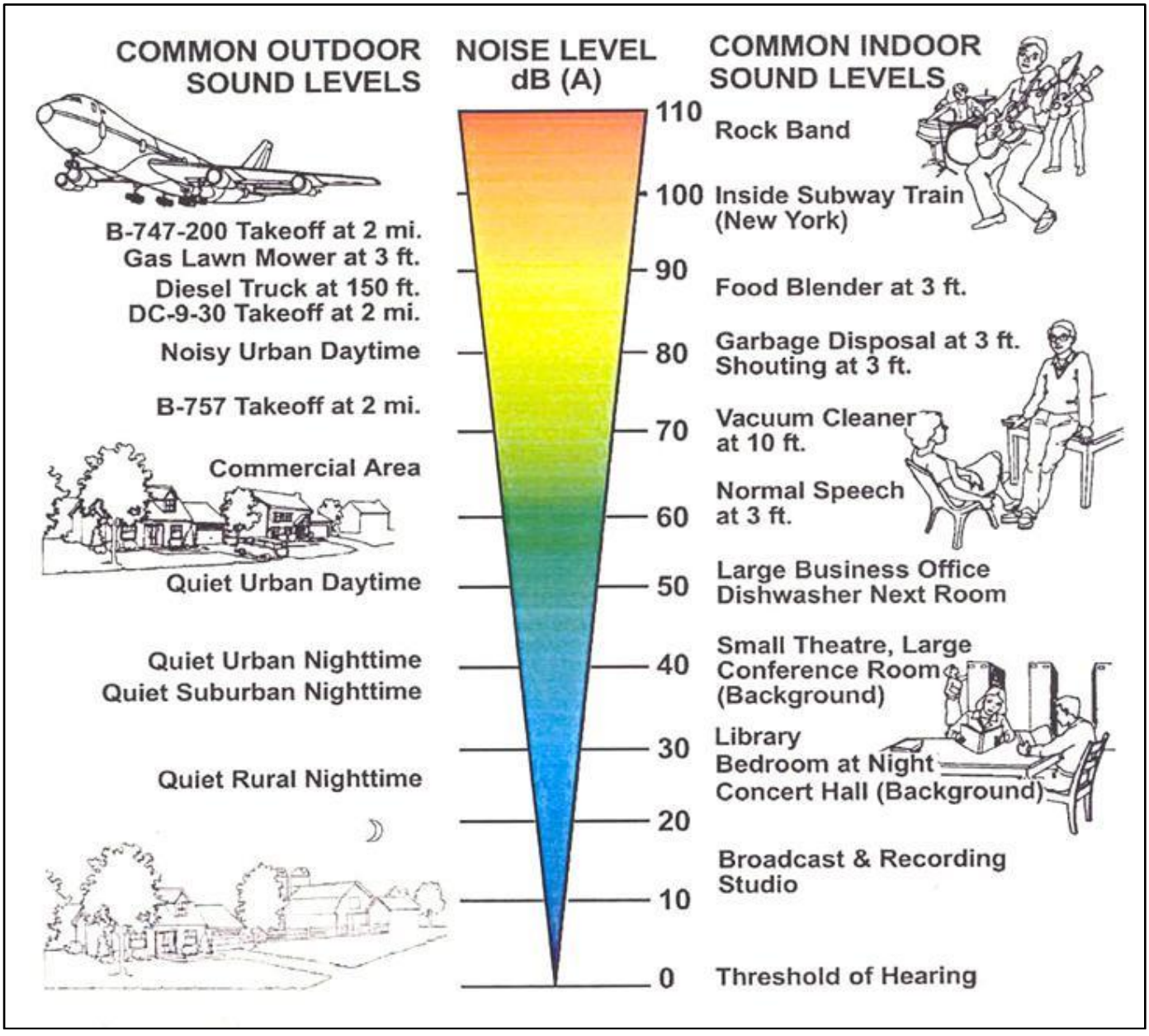
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Massey Unit 4213H
Approval Date: 1.23.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Massey Unit 4213H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

"Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well."

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
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PIONEER
NATURAL RESOURCES

LYNX
ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

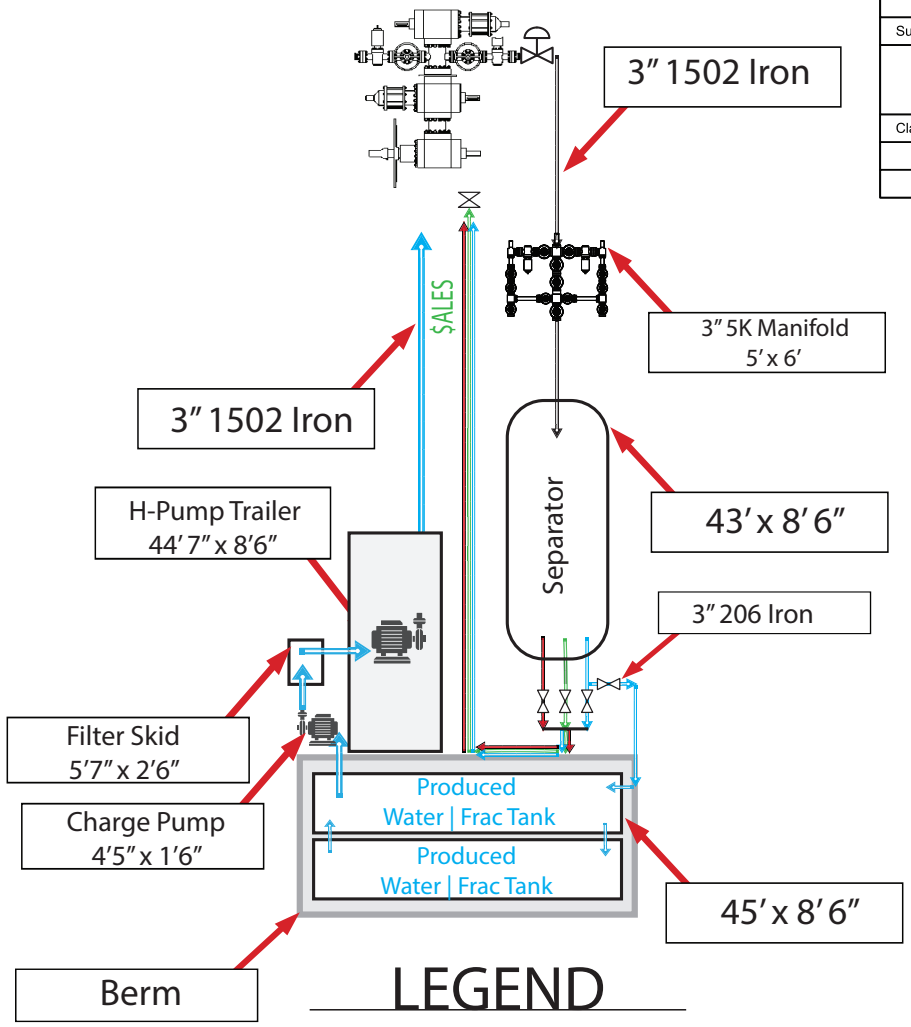
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Approved for release:

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Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
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- Frac Tanks (45’ x 8’ 6”)
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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

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$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
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To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

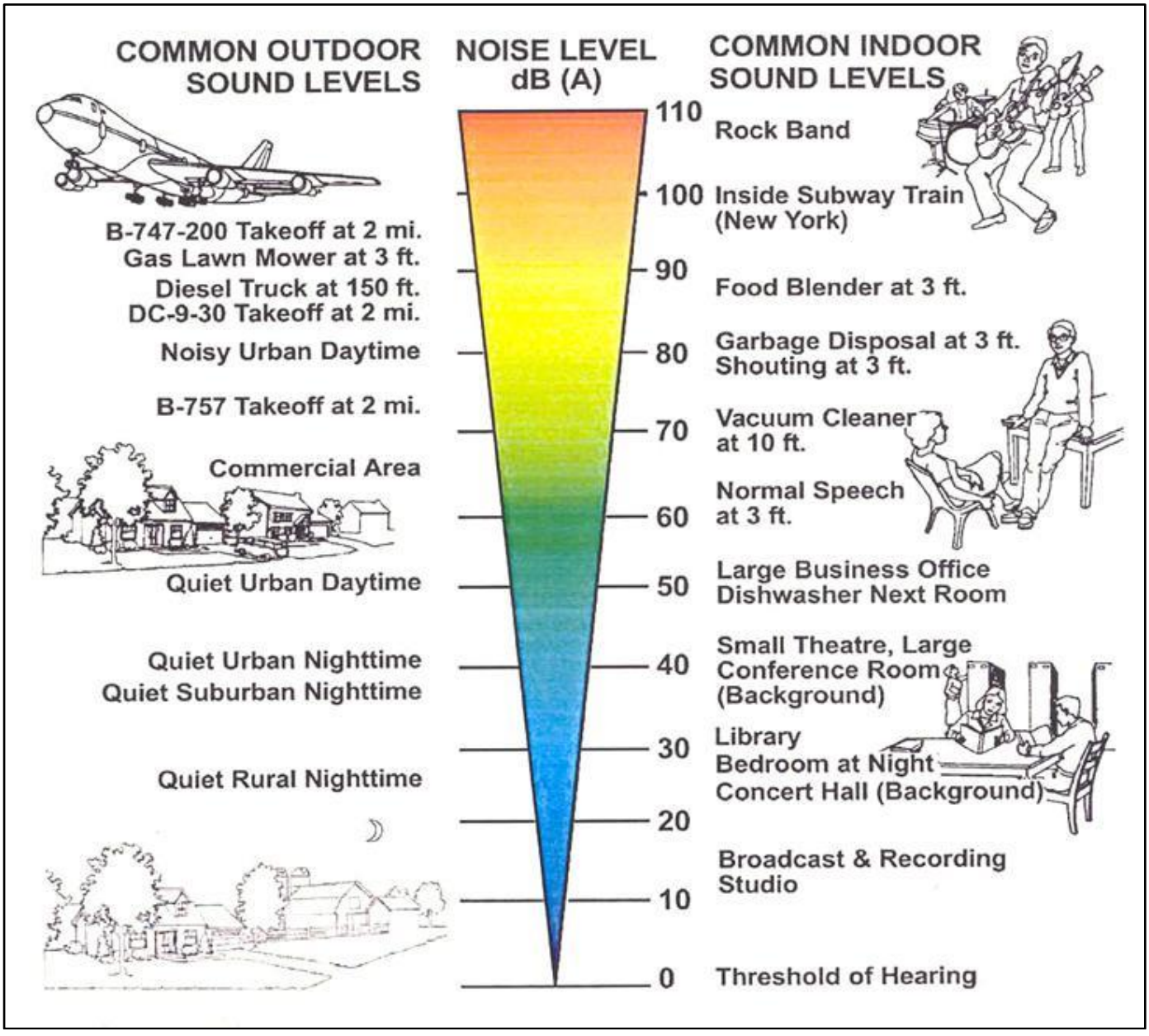
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Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Massey Unit 4313H
Approval Date: 1.23.2018

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Massey Unit 4313H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

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Please find attached, the following exhibits:

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PIONEER
NATURAL RESOURCES

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laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

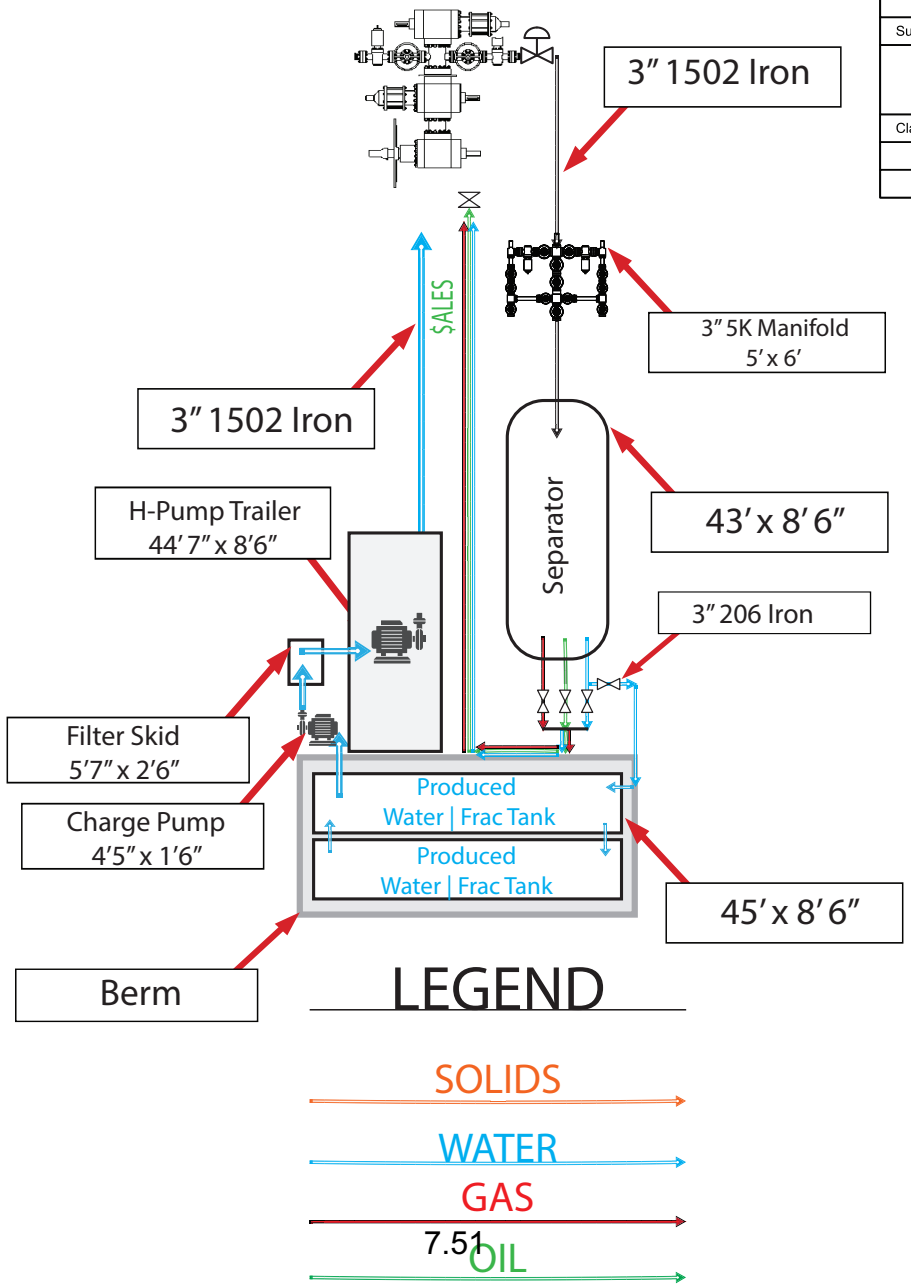
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Classification:
Reviewer:
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Rev. 0



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Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

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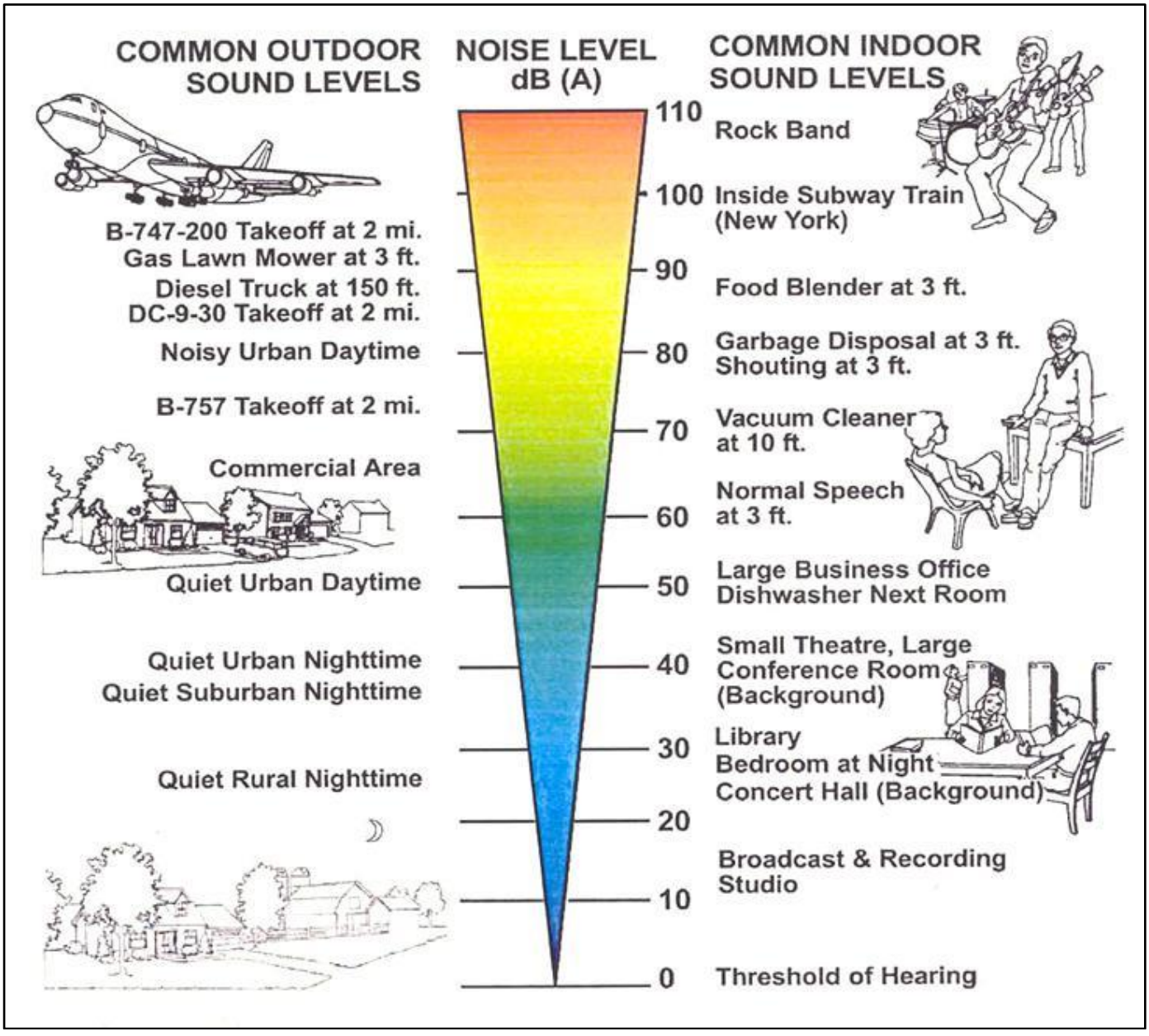
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Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-25B-2803H; Hogan 1-25B-4203H; Hogan 1-25B-4303H; Massey A Unit 4209H; Massey A Unit 4309H; Massey Unit 4213H; and Massey Unit 4313H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2018-032, 2018-033, 2018-034, 2018-035, 2018-036 and 2019-153; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas



Date: 10/6/2021

Legend

- Oil Well
- Street
- Survey Section

PACKET 7:58

Well Pad #1 -
Seven oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas.
Generally located between 775 feet and 835 feet north of Loop 250 and between 215 feet and 539 feet east of Lamesa Road.

October 26, 2021

0 50 100 Feet

©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: 8

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. (“OPERATOR”) TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 410 FEET SOUTH OF SOLOMON LANE EXTENSION AND BETWEEN 952 FEET AND 1,183 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

Resolution approving amendments to the permits issued to Pioneer Natural Resources USA, Inc. (“Operator”) to drill four oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas (Generally located between 320 feet and 410 feet south of Solomon Lane extension and between 952 feet and 1,183 feet west of Fairgrounds Road extension); said amendments authorizing the use of jet pumps. Council approved the proposed drill sites on December 12, 2017 and June 25, 2019; however, the applicant is requesting consideration of amended drilling conditions. Permits were authorized by the City Council by Resolution Nos. 2017-383; 2017-387; and 2019-195.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The amending condition proposed by Pioneer Natural Resources USA, Inc, is to amend the permit to add additional method of artificial lift to produce the well through the use of a jet pump system. Currently, operator is using electric submersible pump and have the ability to go to a rod pump. Pioneer has included a sound survey identifying sound levels at 100 feet to be 60.9 dBA and at 400 feet to be at 48.8 dBA. This system of will include the use of two frac tanks at the well location along with a large separator and an H-Pump mounted on a trailer. Pioneer is hoping to use this method until able to submit a request for a variance to install gas lift compressors at this location.

Attachments: Amending Letter of request, Exhibit A- diagram, Exhibit B- sound study, well pad 3- location map.

Robert Patrick

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO PIONEER NATURAL RESOURCES USA, INC. ("OPERATOR") TO DRILL FOUR OIL AND GAS WELLS LOCATED IN SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 320 FEET AND 410 FEET SOUTH OF SOLOMON LANE EXTENSION AND BETWEEN 952 FEET AND 1,183 FEET WEST OF FAIRGROUNDS ROAD EXTENSION); SAID AMENDMENTS AUTHORIZING THE USE OF JET PUMPS

WHEREAS, the City Council previously approved the issuance of the permits referenced in the caption hereof to Operator to drill the following oil and gas wells within the City limits:

Hogan 1-24-F-4211H; Hogan 1-24-F-4311H; Hogan 1-24-E-2810H; and Hogan 1-24-F-2812H; and

WHEREAS, the City Council finds it to be in the public interest to approve amendments to said permits;

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

SECTION ONE. That the Mayor and City Secretary are hereby authorized and directed to execute and attest, respectively, on behalf of the City of Midland, a document amending said permits. Said amendment document shall be in a form substantially similar to that attached hereto as Exhibit "A", which is incorporated herein for all legal purposes.

SECTION TWO. That all other terms and conditions of said permits shall remain in full force and effect.

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., 2021, 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

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-24-F-4211H; Hogan 1-24-F-4311H; Hogan 1-24-E-2810H; and Hogan 1-24-F-2812H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2017-383, 2017-387, and 2019-195; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

EXHIBIT "A"

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24 - 4311H
Approval Date: 12.12.2017

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24 - 4311H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

“Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well.”

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

We would like the ability to produce this well using any of the following three artificial lift methods:

Electric Submersible Pump – approved with original permit
Rod Pump – approved with original permit
Jet Pump – seeking approval with current amendment

Please find attached, the following exhibits:

Exhibit A - A diagram, with dimensions, of the equipment needed to be placed on location in order to produce by this method.

777 Hidden Ridge | Irving, TX 75038 T 972.444.9001 F 972.969.3587 PXD.com

Exhibit B – A sound study with information regarding any specific impacts of the equipment placed on location.

Exhibit C – An amendment permit fee of $1000.

Should you need any additional information in order to process this amendment request, please contact me directly.

Respectfully,

Laura E Wallace

Laura Wallace
Senior Staff Regulatory Specialist
laura.wallace@pxd.com

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

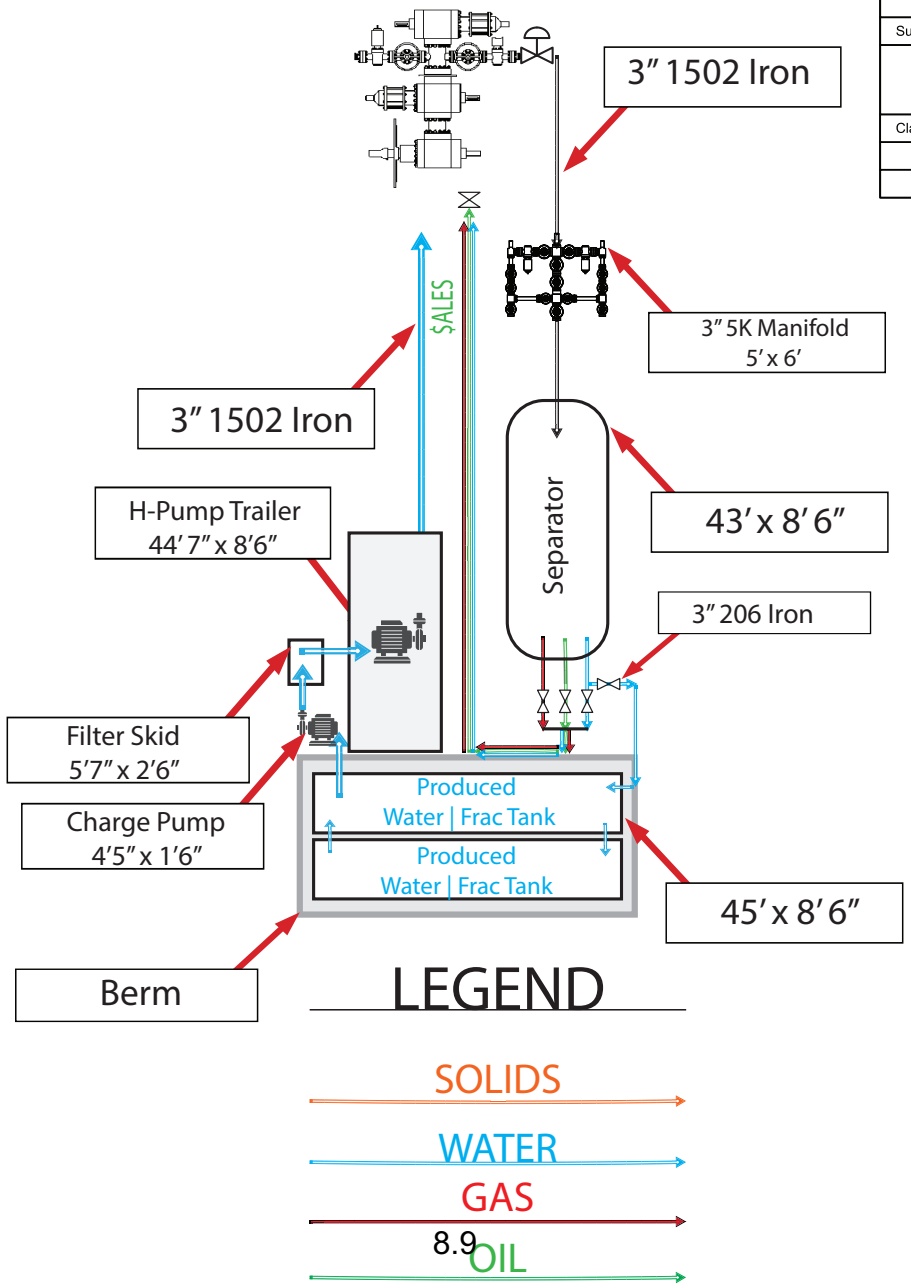
Submitted:
Approved for release:

NOT TO SCALE

Sheet: S-0001
of

Classification:
Reviewer:
Date:

Rev. 0



Equipment Layout (Per Well)

- 3” 5K Manifold (5’ x 6’)
    - Helps to control the well with the use of a choke

- Separator (43’ x 8’6”)
    - Separates water from the 3-phase stream for use as the power fluid
    - Remaining oil/water/gas is routed to the battery for final separation

- Frac Tanks (45’ x 8’ 6”)
    - Stores the appropriate volume of water to kick off the jet pump system after a downtime event
    - A 2nd tank is set for redundancy
    - Tanks will be equipped with automated level monitoring such that the well will shut in and the H-Pump will shut off at a predetermined level in the tanks to prevent tank overflow events
    - An earthen berm will also be erected around the frac tanks

- Charge Pump Skid (4’ 5” x 1’ 6”)
    - Takes water from frac tank and supplies necessary pressure to inlet of H-Pump

- Filter Skid (5’ 7” x 2’ 6”)
    - Removes solids from water to prevent damage to H-Pump, cleaned daily

- H-Pump Trailer w/ H-Pump (49’ 7” x 8’ 6”)
    - Supplies the necessary water rate and pressure to inject water (power fluid) down the tubing and through the jet pump to create a pressure drop which aids in the recovery of the reservoir fluids

Behrens and Associates, Inc.
Environmental Noise Control

September 28, 2021

Pioneer Natural Resources
4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

Dear Ms. Wallace,

An operational sound level survey was conducted on an H-Pump in operation at a site in the Midland, TX area on September 27, 2021. Similar pumps with similar specifications are planned to be used at future sites in the Midland area. The survey was conducted to document measured sound levels adjacent to the pumps and calculate the pump noise levels at varying distances.

Field Sound Level Measurements

On September 27, 2021, field sound level measurements were conducted while the H-Pump unit was operational. Table 1 shows the results of the field sound level measurement.

Table 1. Measured Sound Level Data

Measurement	Measurement Location	Measured Sound Pressure Level (dBA)
1	6 feet North of the Pump	84.1
2	6 feet East of the Pump	85.3

Calculated Sound Levels at Distance

Based on the measured sound level data above, the following equation, which is commonly used to estimate equipment noise levels at distance, was utilized to calculate estimated noise levels at varying distances:

$$L_2 = L_1 - \{20*\text{Log}(R_2/R_1)\}$$

Where:
L_1 = Measured Sound Level Data
R_1 = Distance of the Measured Sound Level Data from Source
L_2 = Estimated Sound Level Data at distance R_2
R_2 = Distance of the Estimated Sound Level Location from Source

To ensure a conservative approach, the highest measured sound level of 85.3 dBA was utilized as the reference sound level in the calculation. The calculated sound levels at varying distances are shown in Table 2.

Table 2. Calculated Sound Levels at Distance

	100 feet	200 feet	400 feet	800 feet
Calculated Sound Level (dBA)	60.9	54.8	48.8	42.8

According to the results of the calculated sound levels, we can expect sound levels of approximately 61 dBA at 100 feet. The H-Pump sound levels will drop below 50 dBA at approximately 400 feet.

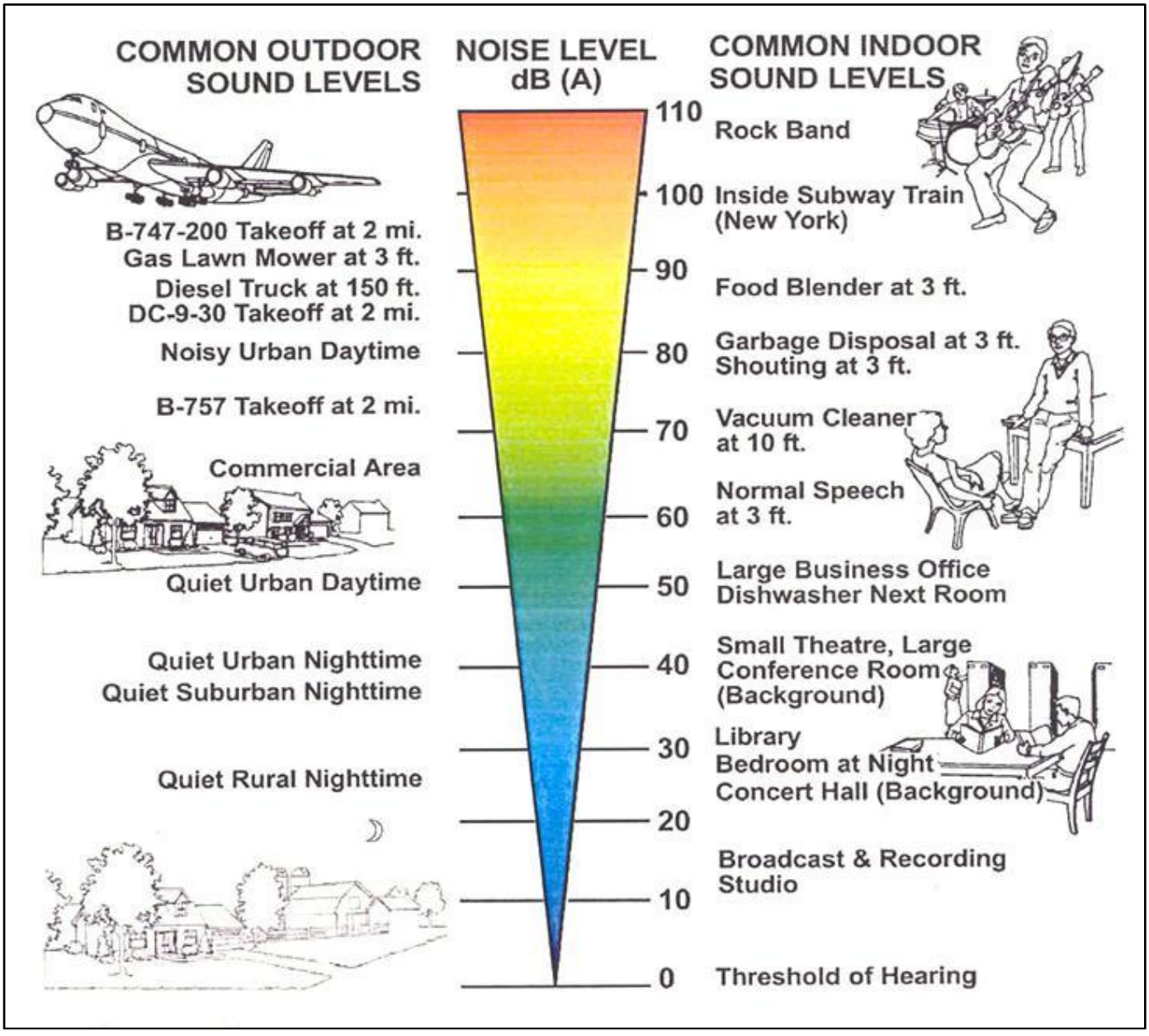
For reference, a chart showing typical indoor and outdoor sound levels has been provided as Attachment A.

Please contact me if you have any further questions.

Regards,



Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24-E 2810H
Approval Date: 6.25.2019

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24-E 2810H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

"Following fracture operations, production tubing, and an electric submersible pump will be installed in the well. After a period of approximately 3 months, a downhole pump and a sucker rod string assembly will then be installed in the well."

Unfortunately, due to low total liquid volumes and gas handling limitations, the EPS failure rate on wells in this area are very high. If approved, this well would be converted from ESP (Electric Submersible Pump) to Jet Pump. Given current well conditions, jet pump is the preferred method of artificial lift until we are able to submit for a variance to possibly install gas lift compressors.

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

			RIG UP DIAGRAM					
No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

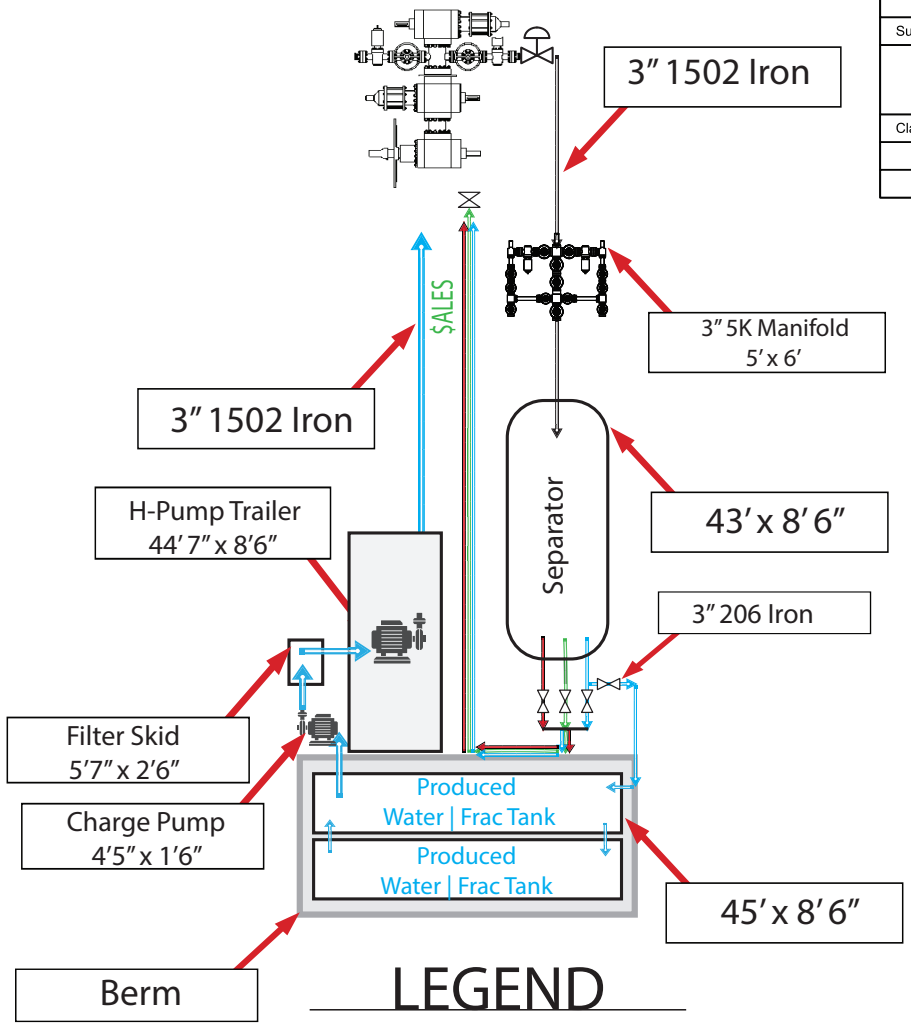
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Behrens and Associates, Inc.
Environmental Noise Control

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4815 E. Highway 80
Midland, TX 79706

Attention: Laura Wallace

Subject: H-Pump Sound Level Measurements & Noise Impacts

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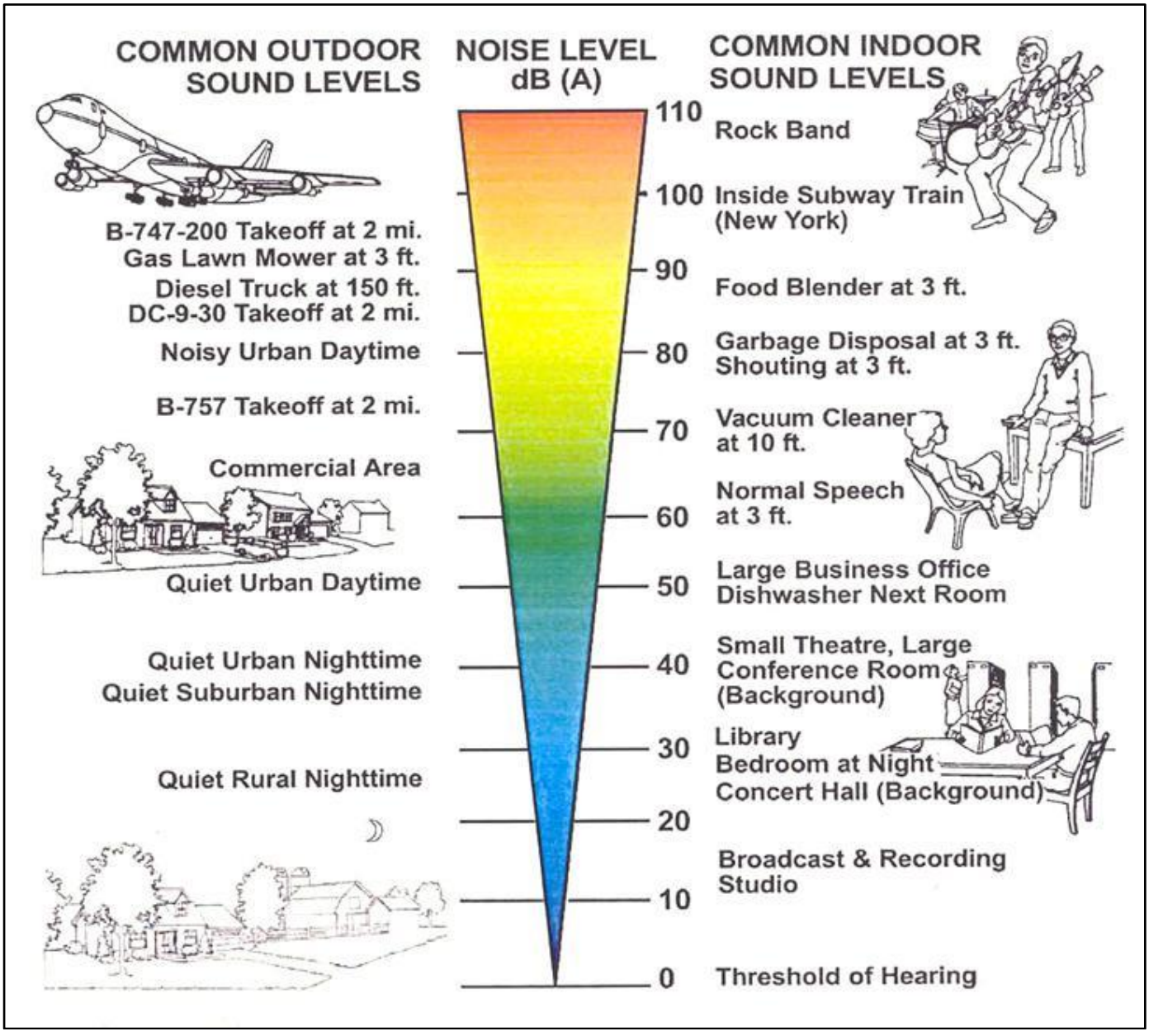
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Simon Kim
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Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

City of Midland
Attention: Ron Jenkins
Oil & Gas Coordinator
300 N. Loraine
Midland, Texas 78701

Re: Application for Oil & Gas Permit Amendment
Well Name: Hogan 1-24-F 4211H
Approval Date: 12.12.2017

Dear Mr. Jenkins,

Pioneer Natural Resources USA, Inc. respectfully requests an amendment to the existing permit for the Hogan 1-24-F 4211H well, for the use of jet pump in order to operate the well.

This well was acquired by Parsley Energy, whose original permit application specified the following production method:

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NATURAL RESOURCES

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PIONEER
NATURAL RESOURCES

LYNX ENERGY SERVICES

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No	Date	Class Rev	Description	DWN	VER	CHKD	SUB	APP

PIONEER - Hogan - Jet Pump Design (Per Well)

Separator Jet Pump and Tank
Rig Up - Reference Only

Drawn: A. Le
Design:
Checked:
Date: 9|28|2021

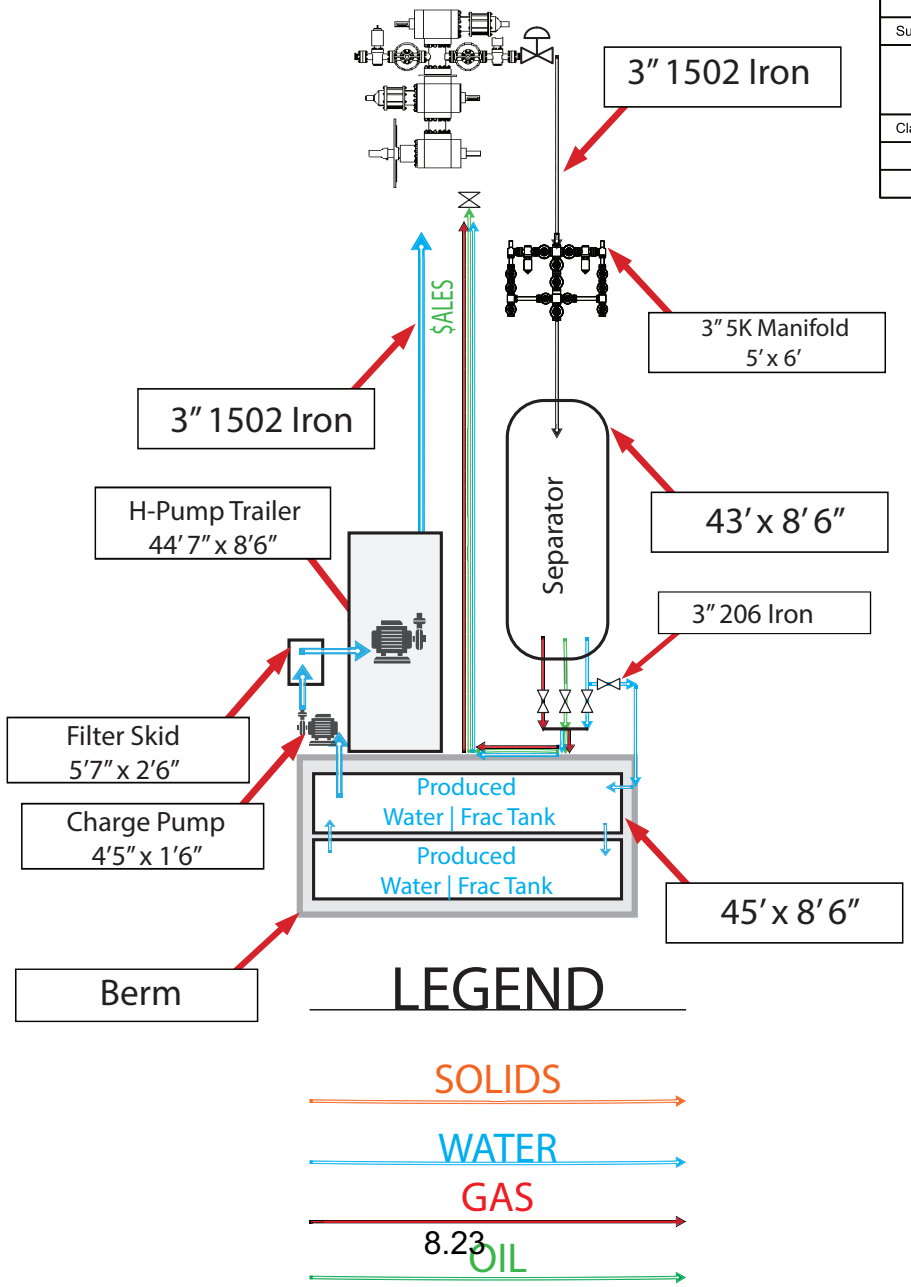
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Equipment Layout (Per Well)

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Behrens and Associates, Inc.
Environmental Noise Control

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4815 E. Highway 80
Midland, TX 79706

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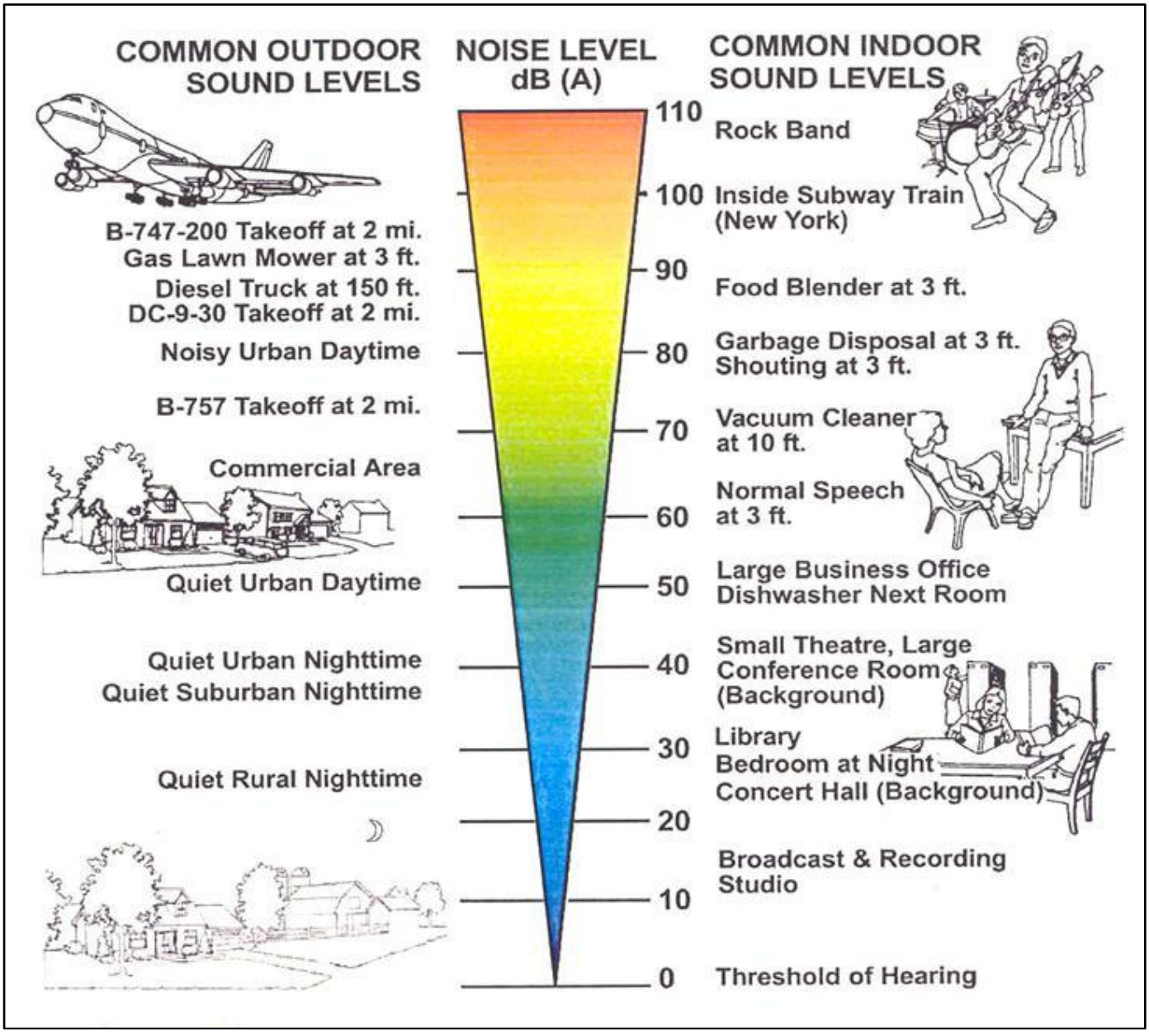
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Attachment A

PIONEER
NATURAL RESOURCES

September 28, 2021

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Attention: Ron Jenkins
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Approval Date: 6.25.2019

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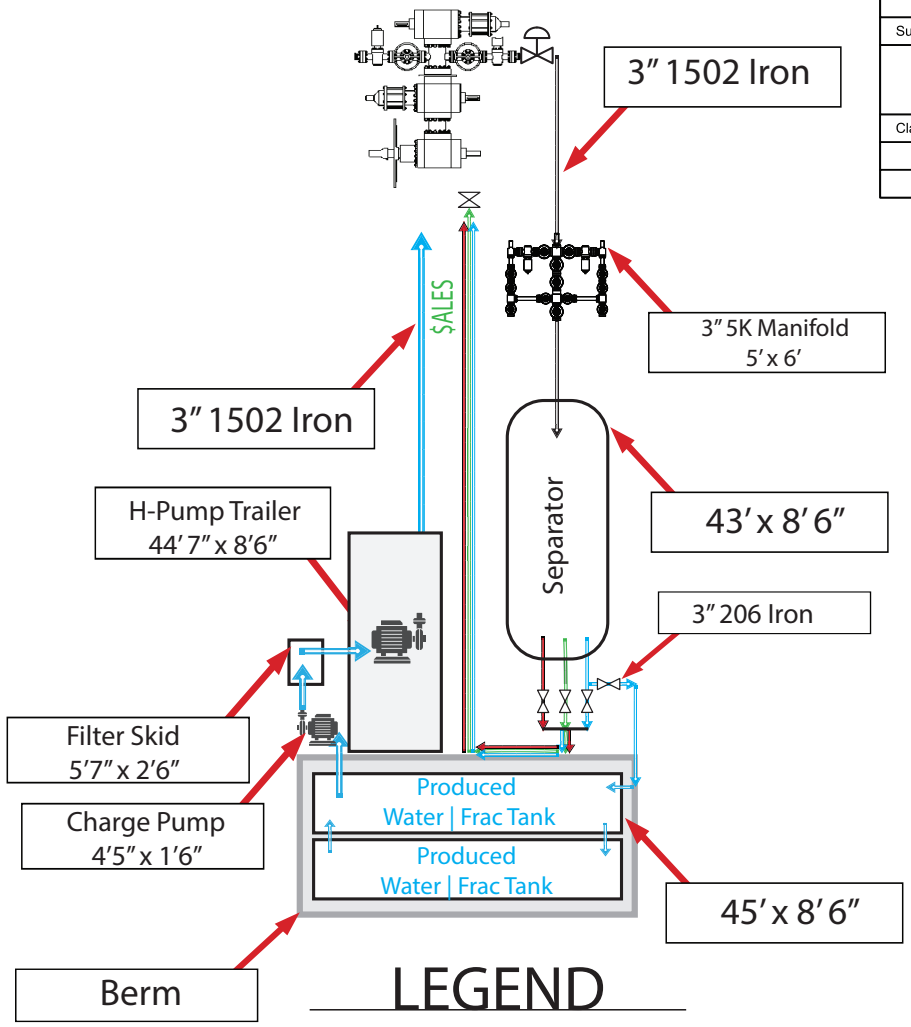
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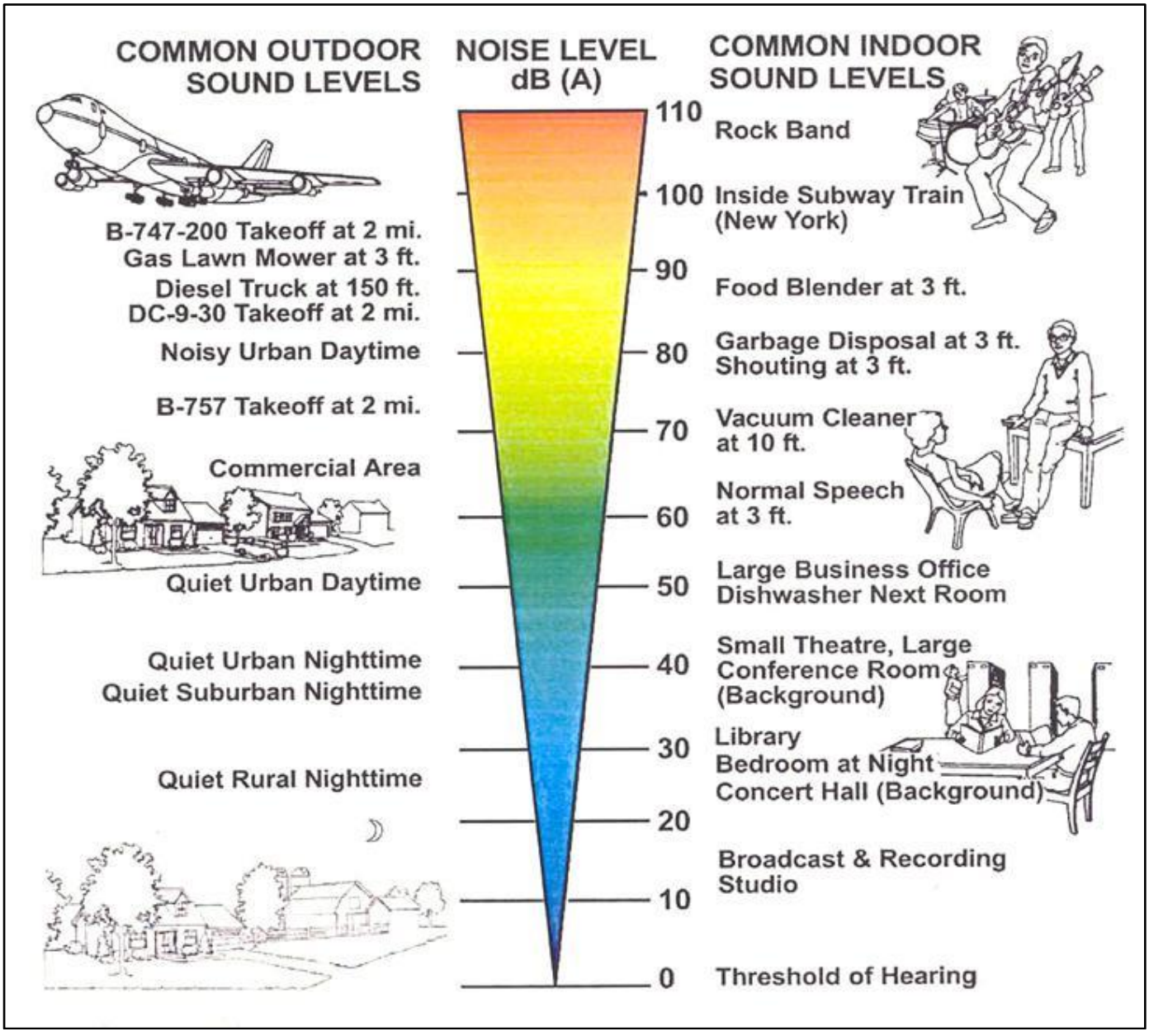
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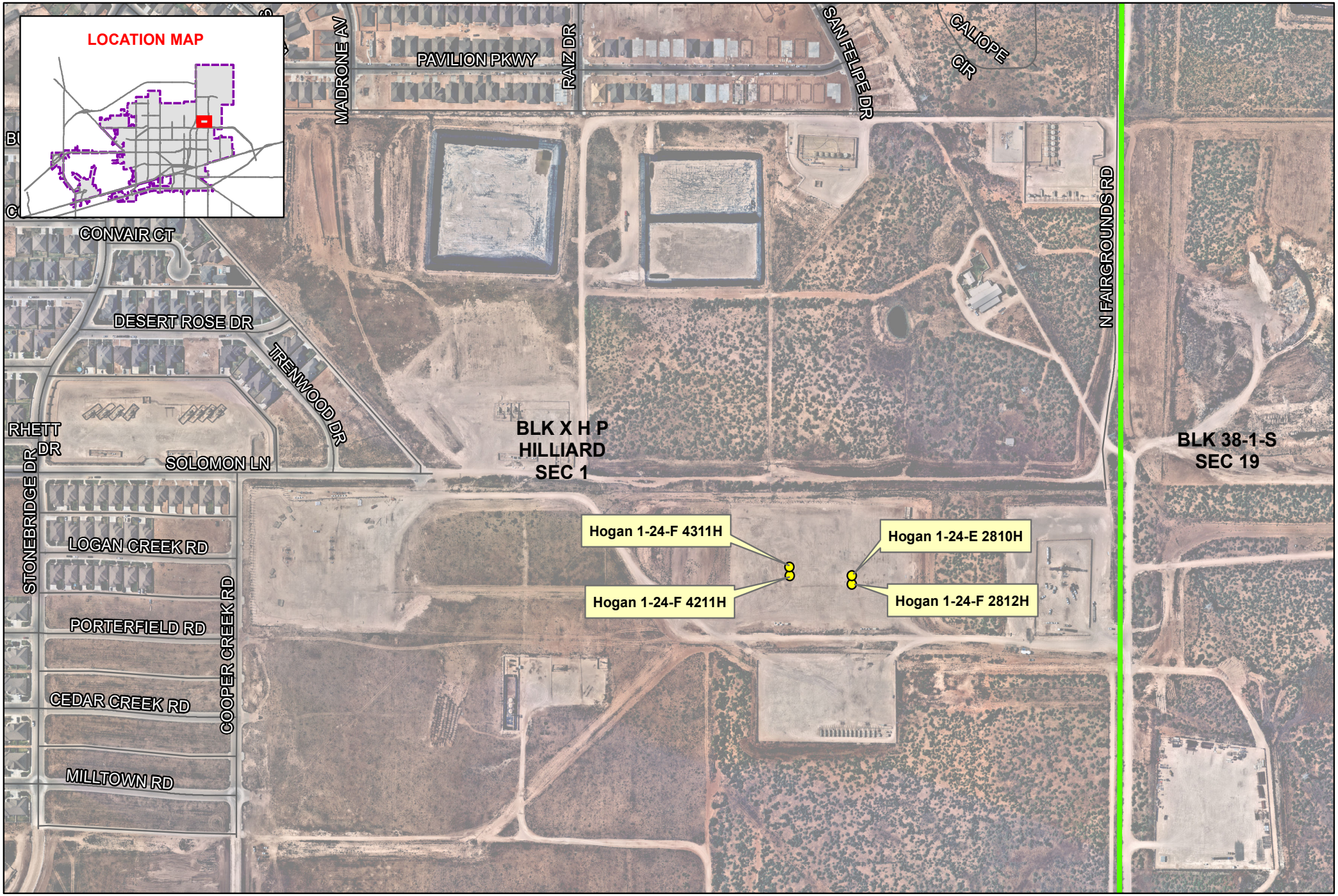


Simon Kim
Senior Acoustical Consultant



Typical Indoor and Outdoor A-Weighted Sound Levels

Attachment A



Date: 10/6/2021

Legend

- Oil Well
- Street
- Survey Section

PACKET

Well Pad #3-
Four oil and gas wells located in Section 1, Block X, H.P. Hilliard Survey, City of Midland, Midland County, Texas.
Generally located between 320 feet and 410 feet south of Solomon Lane extension and between 952 feet and 1,183 feet west of Fairgrounds Road extension.

October 26, 2021

0 150 300 Feet

©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.

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective October 26, 2021, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Pioneer Natural Resources USA, Inc. ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated August 8, 2018 (collectively, the "Permits") to Operator to drill the following oil and gas wells within the city limits: Hogan 1-24-F-4211H; Hogan 1-24-F-4311H; Hogan 1-24-E-2810H; and Hogan 1-24-F-2812H; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2017-383, 2017-387, and 2019-195; and

WHEREAS, the Permits have been in full force and effect since their effective dates and have not been allowed to lapse; and

WHEREAS, Operator has requested that the City approve certain amendments to the Permits;

W I T N E S S E T H:

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

ARTICLE I.

Each of the Permits is hereby amended by inserting the following paragraph:

> The Midland City Council, in granting this permit, also allows the use of a jet pump as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the jet pump and annually thereafter by a qualified third-party inspector to verify (1) that the noise level 100 feet from the well is 61 dBA or less and (2) that the noise level 400 feet from the well is 50 dBA or less. The results of each test shall be submitted to the City within five business days following the conclusion of the test. If noise exceeds one or both of the aforementioned levels, the well shall be immediately shut in, and production shall not resume unless production is achieved while maintaining noise levels that do not exceed the aforementioned levels.

ARTICLE II.

The Permits, inclusive of this Amendment, shall in all respects remain in full force and effect in accordance with their provisions and as amended above.

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

CITY OF MIDLAND

By:_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

PIONEER NATURAL RESOURCES USA, INC.

By:_____
Laura Wallace,
Senior Staff Regulatory Specialist

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Laura Wallace, Senior Staff Regulatory Specialist of Pioneer Natural Resources USA, Inc., on behalf of Pioneer Natural Resources USA, Inc.

_____
Notary Public – State of Texas

City Council Meeting

Item Number: 9

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION GRANTING VARIANCES FOR FOUR 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 892 FEET AND 1,181 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 600 FEET AND 627 FEET SOUTH OF WEST INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving the issuance of permit Permian Deep Rock Oil Co., LLC for the drilling of the oil and gas wells: Mustang 145 MIPA Unit H145LS; Mustang 155 MIPA Unit H155WA; Mustang 160 MIPA Unit H160LS; and Mustang 160 MIPA Unit H160WB; said wells being generally located between 1,181 feet and 892 feet west of Rankin Highway and between 627 feet and 600 feet south of West I-20. The required 30-day public comment has passed, and the Council may consider this request. Currently no notices of objection received.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The Oil and Gas Advisory Committee has reviewed the well site in detail and recommends approval. A 16 ft. sound wall will be used during drilling and fracing operations being located on the South side of location. The operator has a surface agreement with the surface owner. Previous permits have been approved on this pad site. 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 within 500 feet.
Mustang 145 MIPA Unit #H145LS- Variance of 226 feet.
Mustang 155 MIPA Unit #H155WA- Variance 345 feet.
Mustang 160 MIPA Unit #H160LS- Variance 366 feet.
Mustang 160 MIPA Unit #H160WB- Variance 388 feet.
(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 since city water is not 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;

Robert Patrick

City Manager's Office

RESOLUTION NO. _____

RESOLUTION GRANTING VARIANCES FOR FOUR 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 892 FEET AND 1,181 FEET WEST OF RANKIN HIGHWAY AND BETWEEN 600 FEET AND 627 FEET SOUTH OF WEST 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 September 14, 2021; 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 145 MIPA Unit H145LS; Mustang 155 MIPA Unit H155WA; Mustang 160 MIPA Unit H160LS; and Mustang 160 MIPA Unit H160WB;

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" through "D" 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., 2021, 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

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 145 MIPA Unit #H145LS oil and gas well shall be 270 feet from the north line and 892 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 October 26, 2021 through October 26, 2022, 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 226 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 155 MIPA Unit #H155WA oil and gas well shall be 243 feet from the north line and 1,151 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 October 26, 2021 through October 26, 2022, 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 345 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 #H160LS oil and gas well shall be 243 feet from the north line and 1,181 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 October 26, 2021 through October 26, 2022, 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 366 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 #H160WB oil and gas well shall be 243 feet from the north line and 1,211 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 October 26, 2021 through October 26, 2022, 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 388 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

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
07/01/2021	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. / Rep. Fax
Keith E. Bucy	500 W. Wall St. Ste 300 Midland, TX 79701	Rep. Tele. 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, service company yards and apartment complex
Surface ownership: Two residences, apartment complex 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(7)].

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 145 MIPA Unit #H145LS Same location as previously permitted Mustang H155WA

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 & 892' 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 Co. LLC
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

Keith E. Bucy, 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.

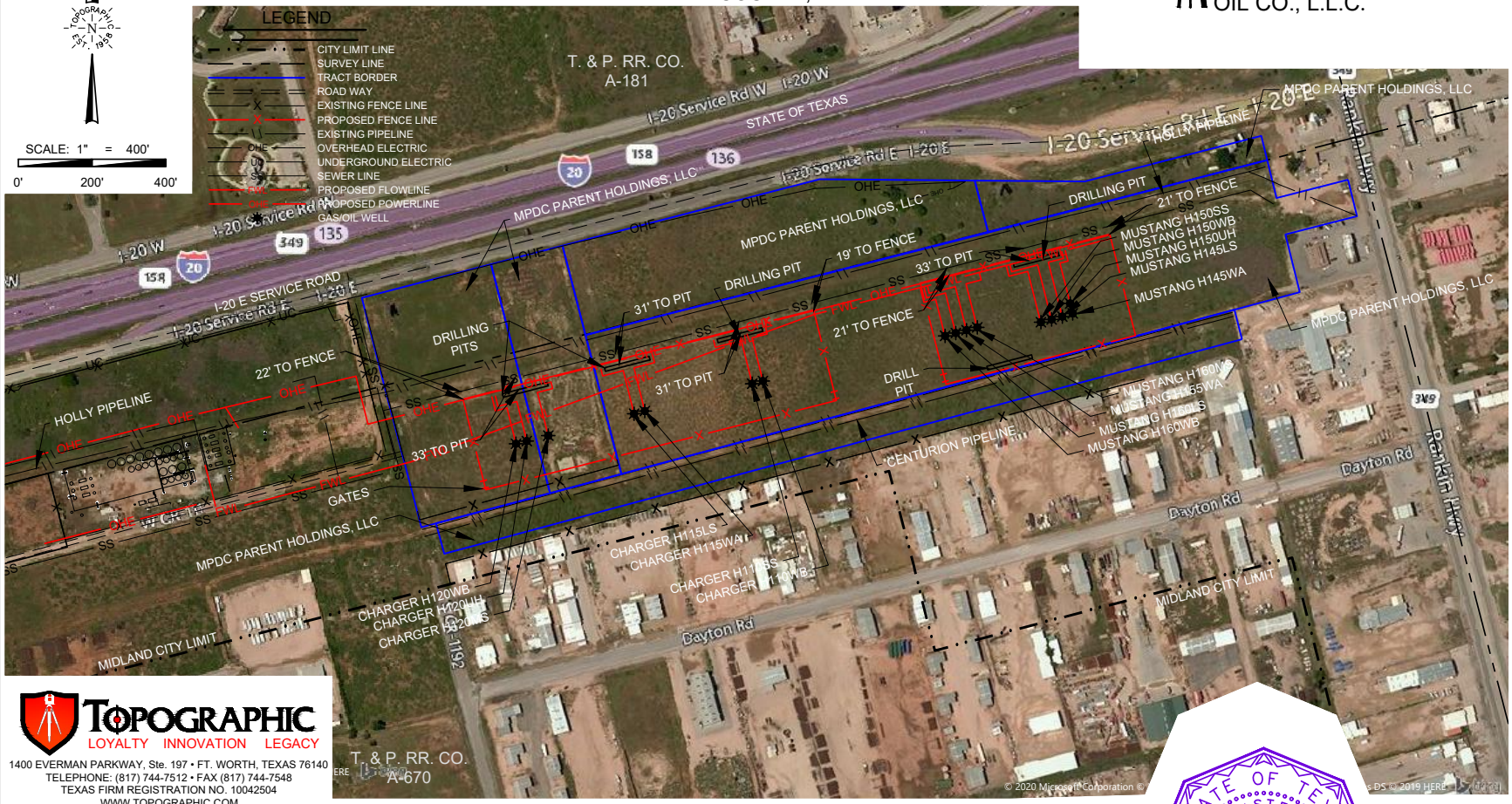
Lindsay Jonell Venerable
Notary Public, State of Texas

LINDSAY JONELL VENERABLE
Notary ID #128754089
My Commission Expires
September 29, 2023
SEAL

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

DATE:	03/28/2018
FILE:	SK_MUSTANG_UNIT_A_CHARGER_UNIT_A_PERMIT_REV15
DRAWN BY:	GJU
SHEET :	3 OF 12

REVISION:	
DRH	08/12/20
DRH	08/26/20
DRH	08/26/20
DRH	05/14/21
DRH	06/04/21
DRH	06/15/21
DRH	06/16/21

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_REV15.DWG 6/16/2021 1:51:22 PM dharris

SCALE: 1" = 300'

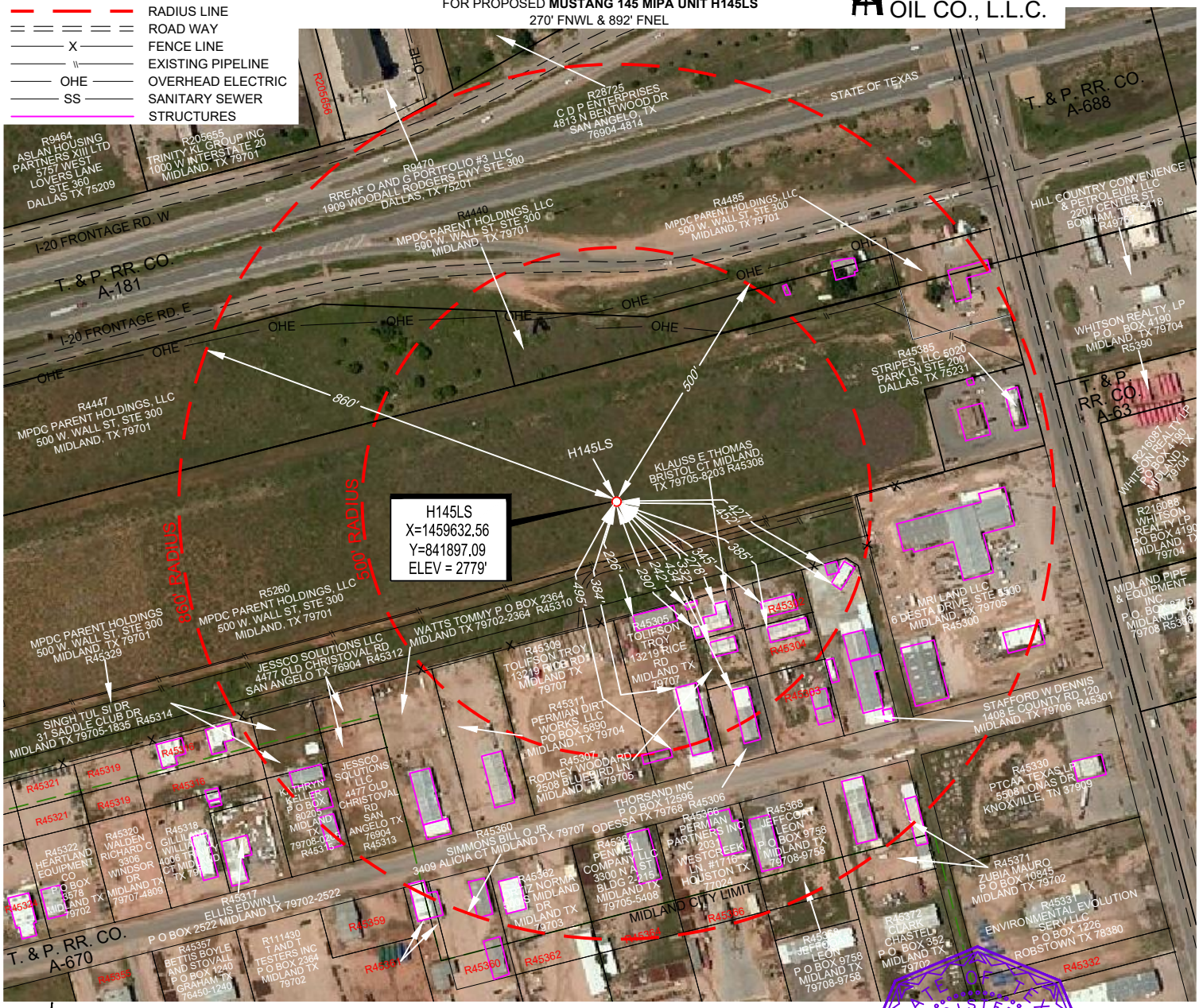
0' 150' 300'

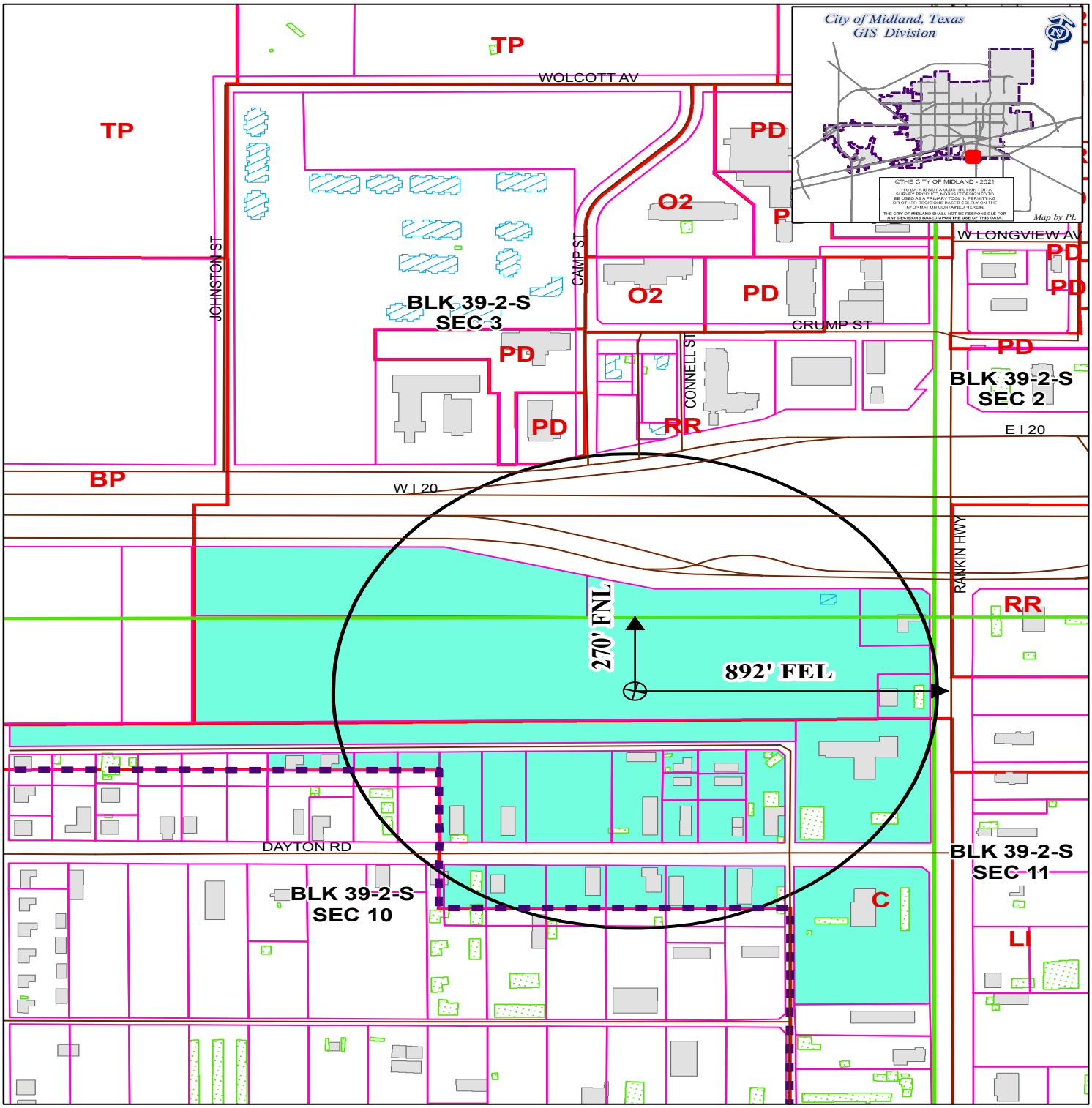
LEGEND

- SURVEY/SECTION LINE
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- SS — SANITARY SEWER
- STRUCTURES

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 145 MIPA UNIT H145LS**
270' FNWL & 892' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.


H145LS
X=1459632.56
Y=841897.09
ELEV = 2779'
860' RADIUS
500' RADIUS
500'
860'
I-20 FRONTAGE RD. W
I-20 FRONTAGE RD. E
T. & P. RR. CO. A-181
T. & P. RR. CO. A-688
T. & P. RR. CO. A-63
T. & P. RR. CO. A-670
STATE OF TEXAS
MIDLAND CITY LIMIT
R9464 ASLAN HOUSING PARTNERS XIII LTD 5757 WEST LOVERS LANE STE 360 DALLAS TX 75209
R205655 TRINITY KL GROUP INC 1000 W INTERSTATE 20 MIDLAND, TX 79701
R9470 RREAF O AND G PORTFOLIO #3 LLC 1909 WOODDALE RODGERS FWY STE 300 DALLAS, TX 75201
R28725 C D P ENTERPRISES 4813 N BENTWOOD DR SAN ANGELO, TX 76904-4814
R4440 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4485 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4447 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R5260 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45329 MPDC PARENT HOLDINGS 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45385 STRIPES, LLC 5020 PARK LN STE 200 DALLAS, TX 75231
R45390 WHITSON REALTY, LP P. O. BOX 4190 MIDLAND, TX 79704
R45300 MRI LAND LLC 6 DESTA DRIVE, STE 3300 MIDLAND, TX 79705
R45301 STAFFORD W DENNIS 1408 E COUNTY RD 120 MIDLAND, TX 79706
R45310 WATTS TOMMY P O BOX 2364 MIDLAND TX 79702-2364
R45312 JESSCO SOLUTIONS LLC 4477 OLD CHRISTOVAL RD SAN ANGELO TX 76904
R45314 SINGH TUI SI DR 31 SADDLE CLUB DR MIDLAND TX 79705-1835
R45305 TOLIFSON TROY 13219 RICE RD MIDLAND TX 79707
R45309 TOLIFSON TROY 13219 RICE RD MIDLAND TX 79707
R45311 PERMIAN DIRT WORKS, LLC PO BOX 5890 MIDLAND, TX 79704
R45307 RODNEY WOODARD 2508 BLUEBIRD LN MIDLAND, TX 79705
R45306 THORSAND INC P O BOX 12596 ODESSA TX 79768
R45368 JEFFCOAT LEON P O BOX 9758 MIDLAND TX 79708-9758
R45371 ZUBIA MAURO P O BOX 10845 MIDLAND TX 79702
R45330 PTCAA TEXAS LP 5508 LONAS DR KNOXVILLE, TN 37909
R45331 ENVIRONMENTAL EVOLUTION SERV LLC P O BOX 1226 ROBSTOWN TX 78380
R45372 CLARK CHASTEL P O BOX 352 MIDLAND TX 79702
R45317 ELLIS EDWIN L P O BOX 2522 MIDLAND TX 79702-2522
R45357 BETTIS BOYLE AND STOVALL P O BOX 1240 GRAHAM TX 76450-1240
R11430 T AND T TESTERS INC P O BOX 2364 MIDLAND TX 79702
R45359
R45360
R45362
R45363
R45366
R45332
R45333
R45334
R45335
R45336
R45319
R45321
R45322 HEARTLAND EQUIPMENT CO P O BOX 3578 MIDLAND TX 79702
R45320 WALDEN RICHARD C 3306 WINDSOR DR MIDLAND TX 79707-4809
R45318 GILLILAND WILLIAM 1006 TIMBERCREST CT MIDLAND TX 79705
R45315 KATHRYN KELLER P O BOX 80203 MIDLAND TX 79708-0203
R45313 JESSCO SOLUTIONS LLC 4477 OLD CHRISTOVAL RD SAN ANGELO TX 76904
R45361 SIMMONS BILL O JR 3409 ALICIA CT MIDLAND TX 79707
R45362 DIAZ NORMA 3 MIDLAND DR MIDLAND TX 79703
R45363 PENWELL COMPANY LLC 3300 N A ST BLDG 2 STE 215 MIDLAND TX 79705-5408
R45366 WESTCREEK PARTNERS INC 2031 W #1710 HOUSTON TX 77027
R45368 JEFFCOAT LEON P O BOX 9758 MIDLAND TX 79708-9758
R45372 CLARK CHASTEL P O BOX 352 MIDLAND TX 79702
R45331 ENVIRONMENTAL EVOLUTION SERV LLC P O BOX 1226 ROBSTOWN TX 78380
R45332
R45333
R45334
R45335
R45336
R45319
R45321
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R45359
R45360
R45362
R45363
R45366



LOCATION AND ZONING MAP

Oil - 036217 - 2021 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 270' FNL and 892' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 892 feet west of Rankin Highway and 627 feet south of West I-20.

Mustang 145 MIPA Unit #H145LS

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	O1, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	C1, C2	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
07/01/2021	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. / Rep. Fax
Keith E. Bucy	500 W. Wall St. Ste 300 Midland, TX 79701	Rep. Tele. 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.):**

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

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See Exhibit "A"

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Surface use: Undeveloped Rangeland, service company yards and apartment complex
Surface ownership: Two residences, apartment complex and service company yards:

See Exhibit "D"

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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(7)].**

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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: Mustang 155 MIPA Unit #H155WA Previously approved as (Mustang H155WA) but in dif location and will be expiring 11/26/21

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 & 1,151' 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 Co. LLC
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

Keith E. Bucy , 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.

Lindsay Jonell Venerable
Notary Public, State of Texas

LINDSAY JONELL VENERABLE
Notary ID #128754089
My Commission Expires
September 29, 2023

SEAL

SCALE: 1" = 300'

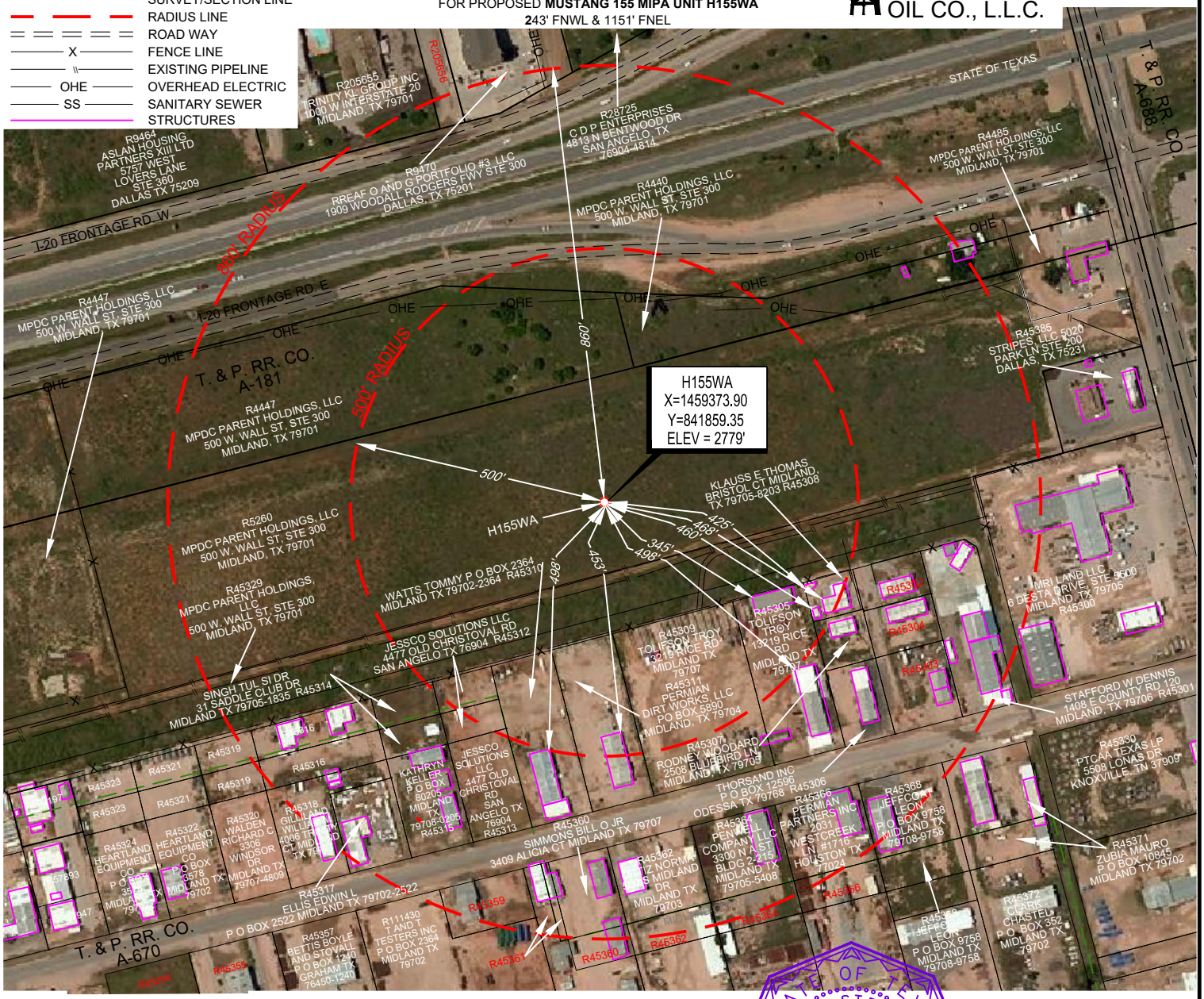
0' 150' 300'

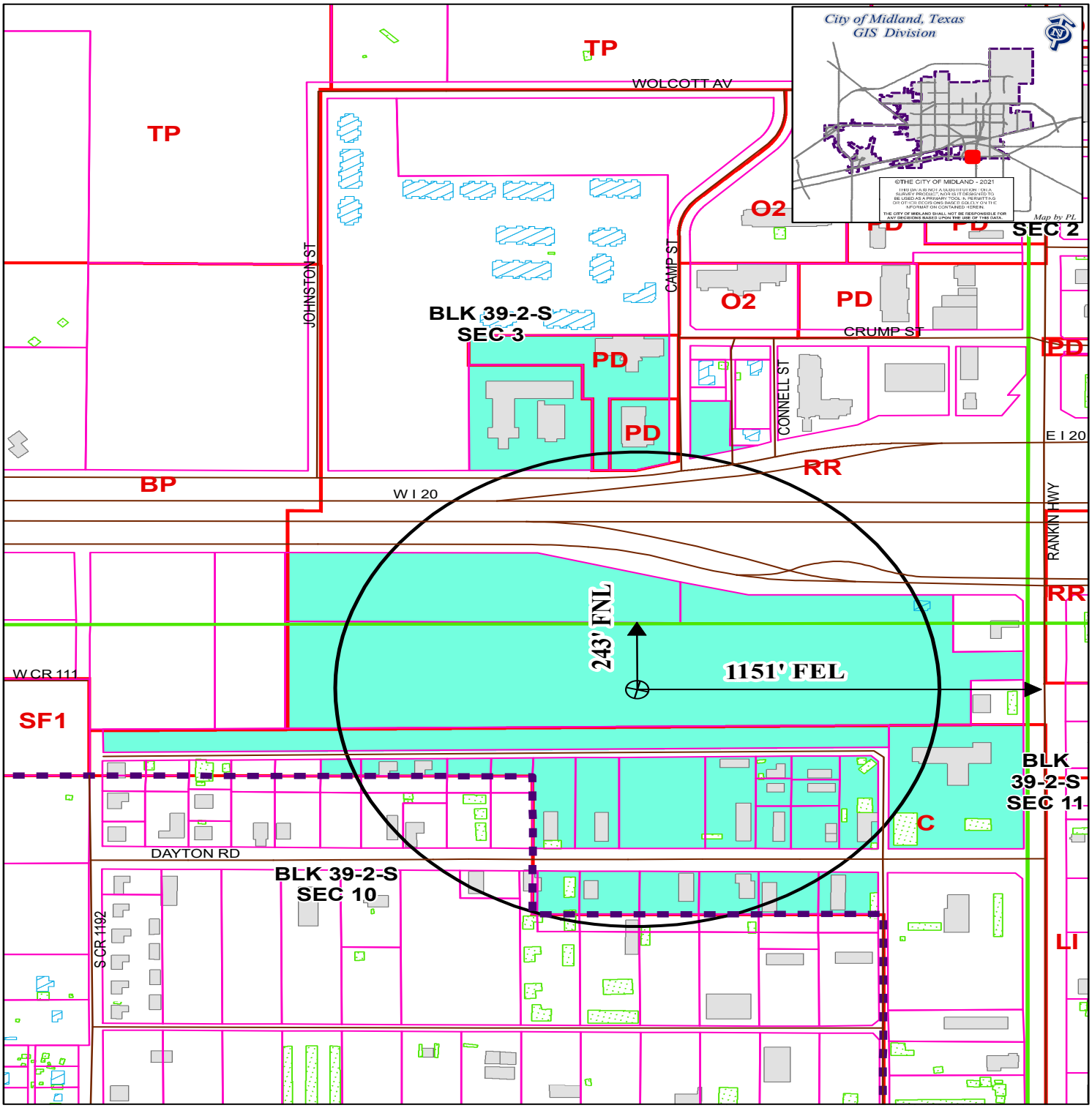
LEGEND

- 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 155 MIPA UNIT H155WA**
243' FNWL & 1151' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.


H155WA
X=1459373.90
Y=841859.35
ELEV = 2779'
500' RADIUS
860' RADIUS
I-20 FRONTAGE RD. W
I-20 FRONTAGE RD. E
T. & P. RR. CO. A-181
T. & P. RR. CO. A-670
T. & P. RR. CO. A-688
STATE OF TEXAS
R205655 TRINITY KL GROUP INC 4000 W INTERSTATE 20 MIDLAND, TX 79701
R28725 C D P ENTERPRISES 4813 N BENTWOOD DR SAN ANGELO, TX 76904-4814
R9464 ASLAN HOUSING PARTNERS XIII LTD 5757 WEST LOVERS LANE STE 360 DALLAS TX 75209
R9470 RREAF O AND G PORTFOLIO #3 LLC 1909 WOODALL RODGERS FWY STE 300 DALLAS, TX 75201
R4440 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4485 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4447 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R5260 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45329 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45385 STRIPES, LLC 5020 PARK LN STE 200 DALLAS, TX 75231
KLAUSS E THOMAS BRISTOL CT MIDLAND, TX 79705-8203 R45308
WATTS TOMMY P O BOX 2364 MIDLAND TX 79702-2364 R45310
JESSCO SOLUTIONS LLC 4477 OLD CHRISTOVAL RD SAN ANGELO TX 76904 R45312
SINGH TUL SI DR 31 SADDLE CLUB DR MIDLAND TX 79705-1835 R45314
R45309 TOLIFSON, TROY 13219 RICE RD MIDLAND TX 79707
R45305 TOLIFSON TROY 13219 RICE RD MIDLAND TX 79707
R45311 PERMIAN DIRT WORKS, LLC PO BOX 5890 MIDLAND, TX 79704
R45307 RODNEY WOODARD 2508 BLUEBIRD LN MIDLAND, TX 79703
IMRI LAND LLC 6 DESTA DRIVE, STE 3600 MIDLAND, TX 79705 R45300
STAFFORD W DENNIS 1406 E COUNTY RD 120 MIDLAND, TX 79706 R45301
R45330 PTCAA TEXAS LP 5508 LONAS DR KNOXVILLE, TN 37909
R45371 ZUBIA MAURO P O BOX 10845 MIDLAND TX 79702
R45372 CLARK CHASTEL P O BOX 352 MIDLAND TX 79702
R45368 JEFFCOAT LEON P O BOX 9758 MIDLAND TX 79708-9758
R45366 PERMIAN PARTNERS INC 2031 WESTCREEK LN #1716 HOUSTON TX 77024
R45364 PETWELL COMPANY LLC 3300 N A ST BLDG 2-275 MIDLAND TX 79705-5408
R45362 NORMA S MIDLAND DR MIDLAND TX 79703
R45360 SIMMONS BILL O JR 3409 ALICIA CT MIDLAND TX 79707
R45317 ELLIS EDWIN L P O BOX 2522 MIDLAND TX 79702-2522
R45357 BETTIS BOYLE AND STOVALL P O BOX 1246 GRAHAM TX 76450-1246
R111430 T AND T TESTERS INC P O BOX 2364 MIDLAND TX 79702
R45320 WALDEN RICHARD C 5306 WINDSOR DR MIDLAND TX 79707-4809
R45322 HEARTLAND EQUIPMENT CO P O BOX 3578 MIDLAND TX 79702
R45324 HEARTLAND EQUIPMENT CO P O BOX 3578 MIDLAND TX 79702
KATHRYN KELLER P O BOX 80205 MIDLAND TX 79708-0205 R45315
JESSCO SOLUTIONS LLC 4477 OLD CHRISTOVAL RD SAN ANGELO TX 76904 R45313
R45318 GILLILAND WILLIAM 4006 TIMBERLAKE CT MIDLAND TX 79707
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LOCATION AND ZONING MAP

Oil - 036218 - 2021 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 243' FNL and 1,151' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,151 feet west of Rankin Highway and 600 feet south of West I-20.

Mustang 155 MIPA Unit #H155WA

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
[illegible]	ONE-FAMILY DWELLING	[illegible]	[illegible]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
07/01/2021	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. / Rep. Fax
Keith E. Bucy	500 W. Wall St. Ste 300 Midland, TX 79701	Rep. Tele. 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, service company yards and apartment complex
Surface ownership: Two residences, apartment complex 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(7)].**

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 #H160LS

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 & 1,181' 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 Co. LLC
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

Keith E. Bucy , 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.

Lindsay Jonell Venerable
Notary Public, State of Texas

LINDSAY JONELL VENERABLE
Notary ID #128754089
My Commission Expires
September 29, 2023

SEAL

SCALE: 1" = 300'

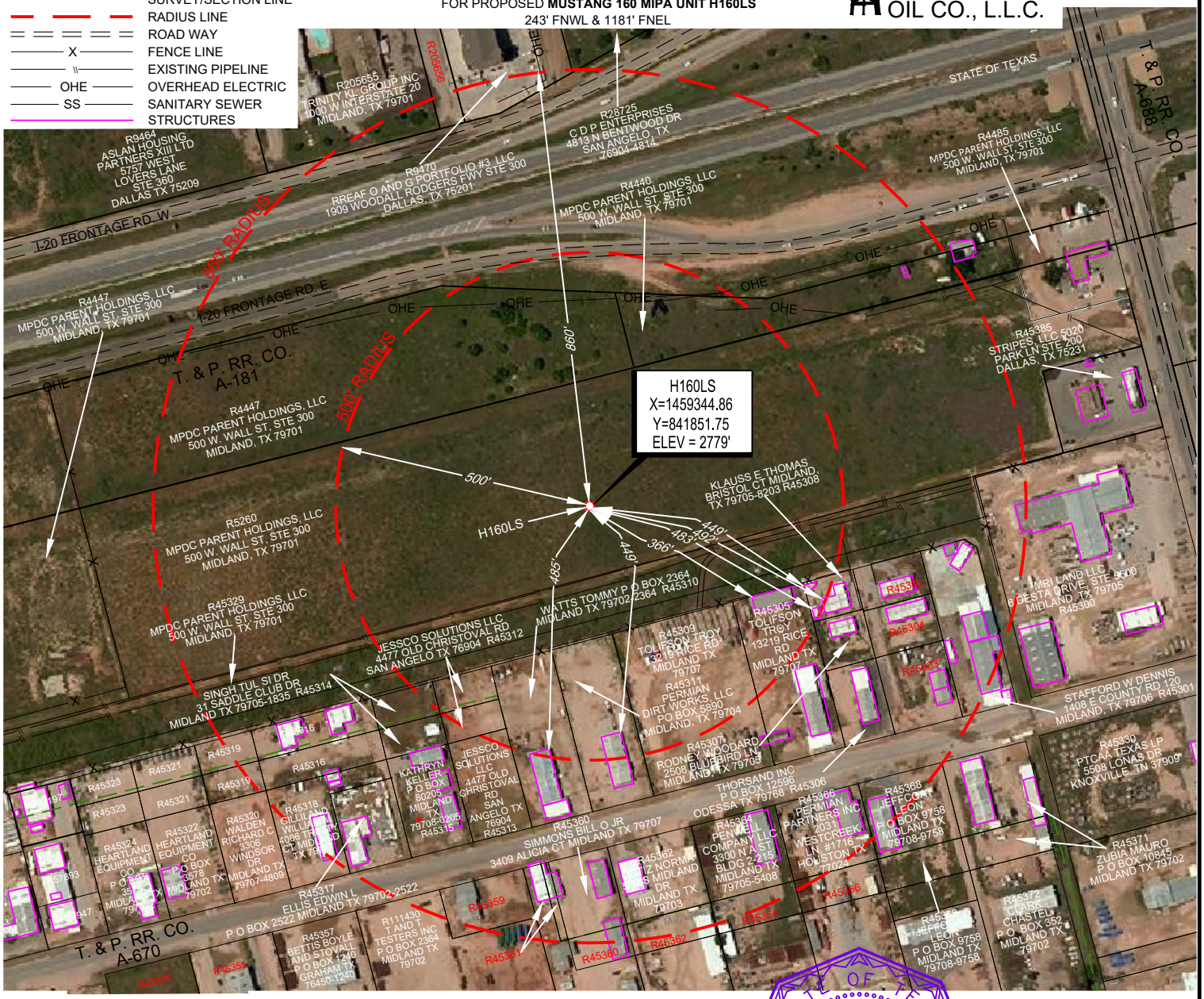
0' 150' 300'

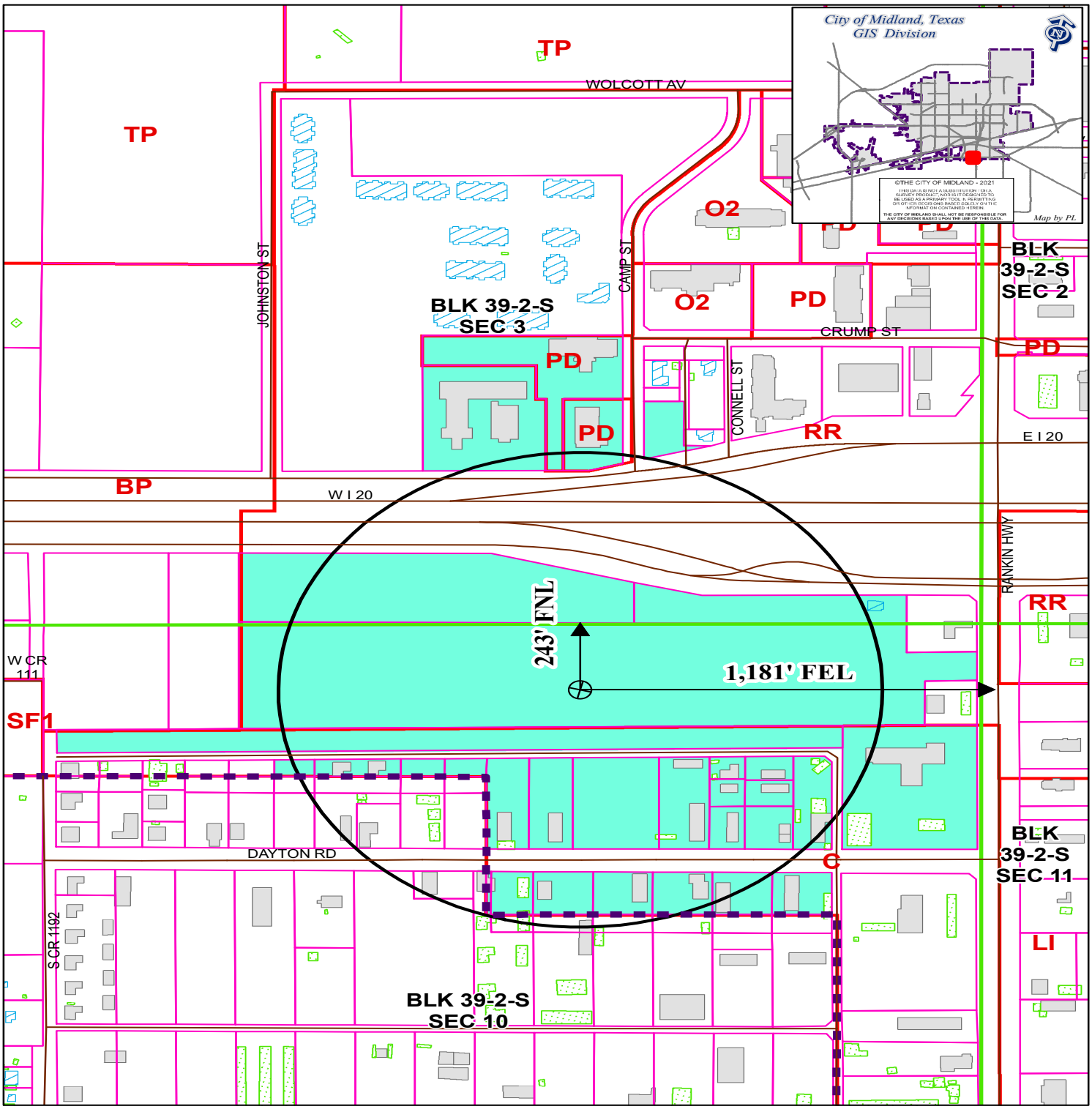
LEGEND

- SURVEY/SECTION LINE
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- SS — 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 H160LS**
243' FNWL & 1181' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.


H160LS
X=1459344.86
Y=841851.75
ELEV = 2779'
860' RADIUS
500' RADIUS
I-20 FRONTAGE RD. W
I-20 FRONTAGE RD. E
T. & P. RR. CO. A-181
T. & P. RR. CO. A-670
T. & P. RR. CO. A-688
STATE OF TEXAS
R9464 ASLAN HOUSING PARTNERS XIII LTD 5757 WEST LOVERS LANE STE 360 DALLAS TX 75209
R205655 TRINITY KL GROUP INC 4000 W INTERSTATE 20 MIDLAND, TX 79701
R9470 RREAF O AND G PORTFOLIO #3 LLC 1909 WOODALL RODGERS FWY STE 300 DALLAS, TX 75201
R28725 C D P ENTERPRISES 4813 N BENTWOOD DR SAN ANGELO, TX 76904-4814
R4440 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4485 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R4447 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R5260 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45329 MPDC PARENT HOLDINGS, LLC 500 W. WALL ST, STE 300 MIDLAND, TX 79701
R45385 STRIPES, LLC 5020 PARK LN STE 200 DALLAS, TX 75231
KLAUSS E THOMAS BRISTOL CT MIDLAND, TX 79705-8203 R45308
WATTS TOMMY P O BOX 2364 MIDLAND TX 79702-2364 R45310
JESSCO SOLUTIONS LLC 4477 OLD CHRISTOVAL RD SAN ANGELO TX 76904 R45312
SINGH TUL SI DR 31 SADDLE CLUB DR MIDLAND TX 79705-1835 R45314
R45309 TOLIFSON, TROY 13219 RICE RD MIDLAND TX 79707
R45305 TOLIFSON TROY 13219 RICE RD MIDLAND TX 79707
R45311 PERMIAN DIRT WORKS, LLC PO BOX 5890 MIDLAND, TX 79704
R45307 RODNEY WOODARD 2508 BLUEBIRD LN MIDLAND, TX 79703
IMRI LAND LLC 6 DESTA DRIVE, STE 3600 MIDLAND, TX 79705 R45300
STAFFORD W DENNIS 1406 E COUNTY RD 120 MIDLAND, TX 79706 R45301
R45330 PTCAA TEXAS LP 5508 LONAS DR KNOXVILLE, TN 37909
R45371 ZUBIA MAURO P O BOX 10845 MIDLAND TX 79702
R45372 CLARK CHASTEL P O BOX 352 MIDLAND TX 79702
R45368 JEFFCOAT LEON P O BOX 9758 MIDLAND TX 79708-9758
R45366 PERMIAN PARTNERS INC 2031 WESTCREEK LN, #1716 HOUSTON TX 77024
R45364 PETWELL COMPANY LLC 3300 N A ST BLDG 2-275 MIDLAND TX 79705-5408
R45362 NORMA MIDLAND DR MIDLAND TX 79703
R45360 SIMMONS BILL O JR 3409 ALICIA CT MIDLAND TX 79707
R45359
R45357 BETTIS BOYLE AND STOVALL P O BOX 1246 GRAHAM TX 76450-1246
R111430 T AND T TESTERS INC P O BOX 2364 MIDLAND TX 79702
R45317 ELLIS EDWIN L P O BOX 2522 MIDLAND TX 79702-2522
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R45324 HEARTLAND EQUIPMENT CO
R45322 HEARTLAND EQUIPMENT CO
R45320 WALDEN RICHARD C 5306 WINDSOR DR MIDLAND TX 79707-4809
R45318 GILLILAND WILLIAM T 4006 TIMBERLAKE CT MIDLAND TX 79707
KATHRYN KELLER P O BOX 80205 MIDLAND TX 79708-0205 R45315
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R41840
R41839
R41838
R41837
R41836
R41835
R



LOCATION AND ZONING MAP

Oil - 036199 - 2021 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 243' FNL and 1,181' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,181 feet west of Rankin Highway and 600 feet south of West I-20.

Mustang 160 MIPA Unit #H160LS

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	O1, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	C1, C2	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
07/01/2021	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele. / Rep. Fax
Keith E. Bucy	500 W. Wall St. Ste 300 Midland, TX 79701	Rep. Tele. 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, service company yards and apartment complex
Surface ownership: Two residences, apartment complex 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(7)].

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 #H160WB Previously approved as (Mustang H160WB) but in dif location and will be expiring 11/26/21

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 & 1,211' 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 Co. LLC
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

Keith E. Bucy, 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.

Lindsay Jonell Venerable
Notary Public, State of Texas

SEAL

LINDSAY JONELL VENERABLE
Notary ID #128754089
My Commission Expires
September 29, 2023

SCALE: 1" = 300'

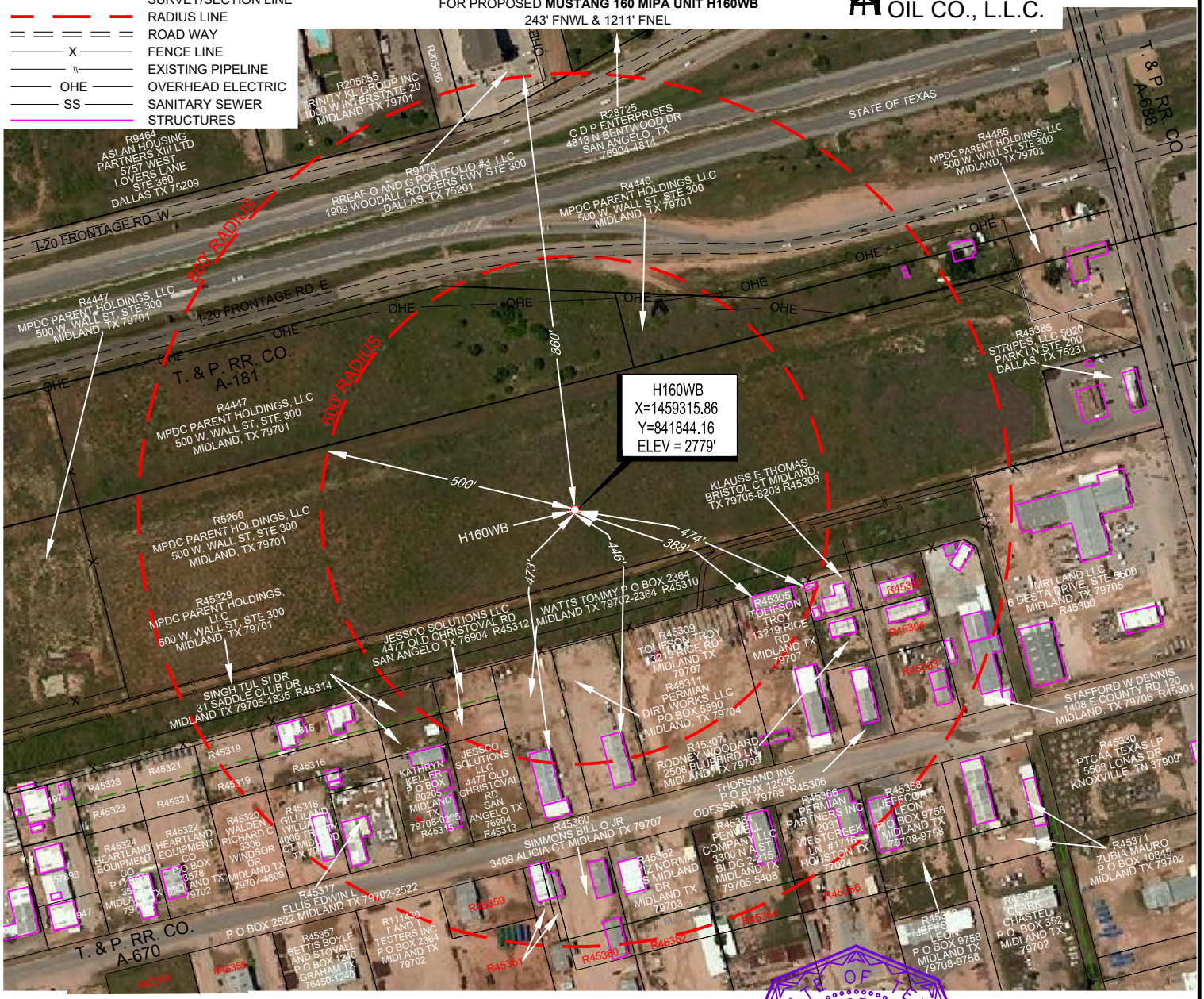
0' 150' 300'

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 H160WB**
243' FNWL & 1211' FNEL

PERMIAN DEEP ROCK OIL CO., L.L.C.



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

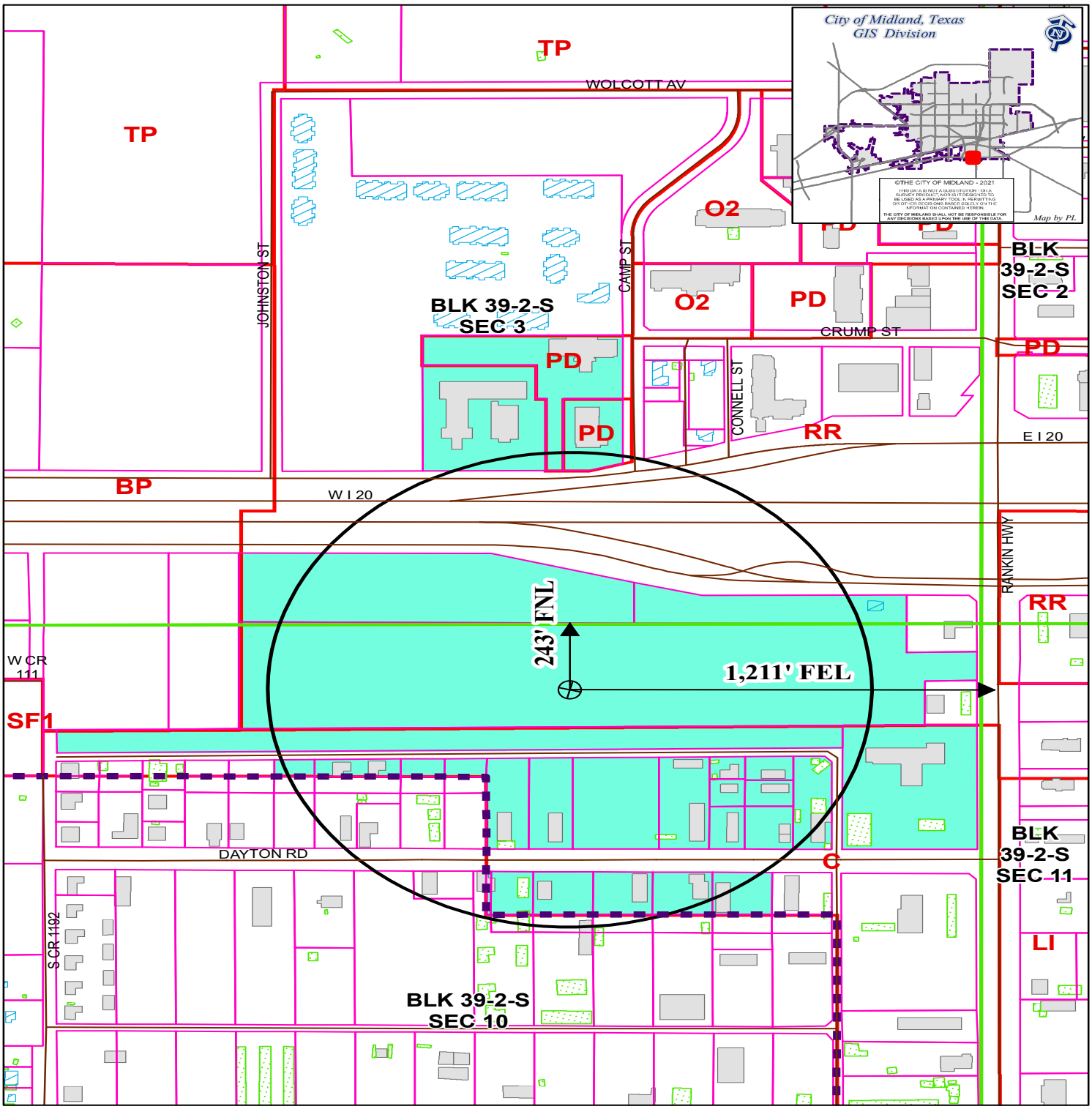
STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffery N. Lueders, R.P.L.S. No. 6512
MAY 7, 2021

MUSTANG 160 MIPA UNIT H160WB	REVISION:	
	D.R.H.	11/11/2019
	D.R.H.	12/10/2019
DATE: 02/20/2018	D.R.H.	05/13/2021
FILE: CD_MUSTANG_160WB_REV11	D.R.H.	06/04/2021
DRAWN BY: RACKET	D.R.H.	06/15/2021
SHEET : 1 OF 2	D.R.H.	06/17/2021

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.

S:\SURVEY\ARRINGTON\MUSTANG_UNIT\FINAL_PRODUCTS\CITY_PERMITS\NAD27\CD_MUSTANG_160WB_REV11.DWG 6/17/2021 11:48:45 AM dharris



LOCATION AND ZONING MAP

Oil - 036211 - 2021 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 243' FNL and 1,211' FEL, Section 10, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,211 feet west of Rankin Highway and 600 feet south of West I-20.

Mustang 160 MIPA Unit #H160WB

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	C1	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 October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 #H160LS oil and gas well shall be 243 feet from the north line and 1,181 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 October 26, 2021 through October 26, 2022, 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 366 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 145 MIPA Unit #H145LS oil and gas well shall be 270 feet from the north line and 892 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 October 26, 2021 through October 26, 2022, 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 226 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

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 155 MIPA Unit #H155WA oil and gas well shall be 243 feet from the north line and 1,151 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 October 26, 2021 through October 26, 2022, 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 345 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on October 26, 2021, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated July 1, 2021, 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 #H160WB oil and gas well shall be 243 feet from the north line and 1,211 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 October 26, 2021 through October 26, 2022, 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.

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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. The well shall be no closer than 388 feet of an occupied residence or commercial structure.
2. Twenty-four hour hydraulic fracturing operations are permitted.
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 October 2021.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of October 2021.

Permian Deep Rock Oil Co., LLC

By: _____

Keith E. Bucy

General Manager

City Council Meeting

Item Number: **10**

Meeting Date: **October 26, 2021**

To: **City Council / City Manager**

From: **Kelly Martinez, Senior Planner**

Subject: **Motion approving with staff's recommended conditions a proposed Preliminary Plat of Shenandoah Ridge, being a plat of a 146.827-acre tract of land in Section 12, Block 39, T-1-S, T&P RR Co. Survey, City of Midland, Midland and Martin Counties, Texas (Generally located on the northeast corner of the intersection of North State Highway 349 and Occidental Parkway) (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Maverick Engineering, is proposing to plat a 146.827-acre tract of land in Section 12, Block 39, T-1-S, T&P. RR. Co. City of Midland, Midland and Martin Counties, Texas, into five hundred and twenty-eight (528) lots for a residential subdivision. "Approval by the Council shall be required prior to consideration of a final plat by the commission for any preliminary plat which…Is ten hectares (25 acres) or more in area and is located in any survey section (approximately one square mile) which does not contain a publicly owned site or sites intended for both a public school and park, or public site reservation therefore." See City Code 11-2-3 (D)11(6)

Recommended City Council Action:

Approve

Current Zoning:

SF-3, Single Family Dwelling District, in part, AE, Agricultural Estate District, in part.

Discussion:

This request has been routed to all respective departments for internal review. The comments are below.

ENGINEERING: (Approved with Conditions)

IMPACT FEES: Add the following note to the plat face:

"Initial Impact Fees will be assessed during the final platting process. Implementation and collection of impact fees will take place during the permitting process. Additional impact fees or increases in fees may not be assessed against the tract unless the number of service units to be developed on the tract increases."

ROW: ROW okay as shown.

PAVING: Pave the proposed internal streets to City of Midland Standards. Paving improvements have been submitted but not approved. Per email correspondence between the City of Midland and Maverick Engineering, the extension of the existing median is being required by both the City and TxDOT as a condition of allowing the new access points to be constructed on the state highway. So, if the developer chooses to go that route, this would have to be an appeal to City Council of a denial of access.

WATER: Water improvement plan set has been approved but infrastructure has not been accepted yet.

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.

PRO RATA: None

SEWER: Water improvement plan set has been approved but infrastructure has not been accepted yet.

DRAINAGE: Drainage study has been approved on 07/12/2021

EASEMENTS: Show existing and proposed.

SIDEWALKS: construct sidewalks along the frontage of all lots within the subdivision.

DIMENSION: * * *

OTHER: For future reference, if the wells within subdivision boundaries are capped and pavement is proposed to be constructed over capped wells, then the cap must be three feet below the lowest utilities in the area, or three feet below top of pavement if no utilities are present.

TRANSPORTATION: (Approved with Conditions)

Existing median on BS 349 ends south of Badland Blvd. Developer will be responsible for

extending median to north edge of the development (match existing median construction). [Reference City Code Section 9-4-5(D), Section 11-2-5(C)3(e).]

TxDOT requests extending raised median to north limits of plat at approx. 670 ft north of Loess St to allow establishment of the ultimate southbound left-turn lane for Loess and full width median north of that. [For the Applicant's information only.]

Construction of north half of Occidental Pkwy at BS 349 intersection and across frontage will be required as a public improvement with platting. [Reference City Code Section 11-2-5(C).]

Traffic requests that the north half street be extended across the existing ROW already dedicated by Renew Life Church. The Developer would be eligible for impact fee credits for all improvements on Occidental Pkwy. [For the Applicant's information only.]

TxDOT comments, "There is an existing driveway approximately 85' south of the proposed Badland Blvd. This access should be removed to accommodate Badland Blvd. There is also an existing SB left turn lane for the existing driveway, and may need to look at adjusting to make the turn lane accommodate Badland Blvd.

The median [shall] be extended to north side of development since it is showing some lots bordering BS 349 that could be an access management issue if they develop in the future." [For the Applicant's information only.]

Street lighting is required along public street frontages. [Reference City Code Section 11-2-5(C)3(u).]

No additions or changes to site access are approved with plat or zoning review. Driveways or other access points are approved only with construction drawing review. [For the Applicant's information only.]

STREET NAME AND TRAFFIC CONTROL SIGN FEE – Estimated fee due at Final Plat submittal = 29 new intersections created at $500/intersection = $14,500. Fee shall be adjusted based on number of intersections if Final Plat is phased. [Reference City Code Section 11-2-5(C)3(t).]

FIRE: (Approved)

Future development must meet the requirements of IFC 2015ed. and local amendments.

CODE COMPLIANCE: (Approved with Conditions)

There are three Oil and Gas permitted wells of the ones identified on the plat. (1) Mabee #6 permitted as the #4 with city on 1-25-11, (2) Mabee D #5 permitted on 1-24-12 (3) Mabee #5 permitted as #3 with city on 1-24-12. All currently operated by Pioneer Natural Resources. A 500' radius is included around these wells to identify the area that will need a future variance. A 135' radius is the minimum allowed that has been identified and included on the non-permitted wells as required. Building permits less than the 500 ft radius will need to be

addressed with the Operator Pioneer prior submitting a requesting a variance to Building Official. Any occupied residential/commercial permits inside the 500 ft. radius would require a variance to the permitted well from the City Council and no closer than 135 ft. to any well. A variance would have to be presented to the City Council by the City Building Official. The variance request would be best if it included a letter of endorsement/support to the approved requested distance from the Operator. The needed information/example for variance request can be provided from the City Building Official- Jeff Pinkstaff. Access to well is shown as an ingress/egress. Developer will want to visit with operator to identify exact location of flow lines and electrical lines for all Wells identified on the plat. Recommend that flow lines are located and follow Engineering requirements of depth and location under any city streets.

BUILDING CODE: (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. Also, please see comments by Ron Jenkins.

SURVEYOR: (Approved)

Check the distance shown along the north line of the most northerly drainage easement (242.44').

GIS:

Endpoint does not meet the P.O.B.

PLANNING: (Approved with Conditions)

The proposed calls do not form a complete loop. *See* Midland City Code 11-2-3(D)4

Verify the square footage of the lots. This property was rezoned to SF-3, Single Family Dwelling District. Lots in this preliminary plat do not conform to the minimum lot area of 5,500 square feet. *See* Midland City Code 11-1-5.02, 11-1-5.04.

The block numbers are not in sequence.

Verify lot dimensions. The minimum lot width for the SF-3, Single-Family Dwelling District is 50 feet for interior lots. *See* Midland City Code 11-1-5.02, 11-1-5.04.

Under Certificate of Approval, please change the chairman name to Lucy Sisniega.

Please include the square footage for Lots 77-78, Block 8.

Remove duplicated notes on the face of the plat on page 2.

Conditions:

All department's comments must be addressed as a condition of final plat approval. Staff recommends approval of the preliminary plat of Shenandoah Ridge, subject to conditions A through G.

A. Approval of this preliminary plat is conditioned upon meeting the minimum lot width of 50 feet for interior lots in the SF-3, Single-Family Dwelling District. *See* Midland City Code 11-1-5.02, 11-1-5.04.

B. Approval of this preliminary plat is conditioned upon meeting the minimum lot minimum lot area of 5,500 square feet in the SF-3, Single-Family Dwelling District. *See* Midland City Code 11-1-5.02, 11-1-5.04.

C. Approval of this preliminary plat is conditioned upon include a drawing of the boundary description which has been prepared by a registered surveyor and shall bear his seal, signature and date on each sheet and statement that the boundary description shown thereon accurately describes the survey of the tract boundary conducted by said surveyor. *See* Midland City Code 11-2-3(D)4.

D. Approval of this preliminary plat is conditioned upon extending median to north edge of the development. *See* Midland City Code 9-4-5(D), Section 11-2-5(C)3(e).

E. Approval of this preliminary plat is conditioned upon the construction of north half of Occidental Pkwy at BS 349 intersection and across frontage that will be required as a public improvement with platting. *See* Midland City Code 11-2-5(C).

F. Approval of this preliminary plat is conditioned upon implementation of street lighting along public street frontages. *See* Midland City Code 11-2-5(C)3(u).

G. Approval of this preliminary plat is conditioned upon sign fee paid. *See* Midland City Code 11-2-5(C)3(t)

Attachments:

Proposed Preliminary Plat
Application
Map

Robert Patrick

City Manager's Office

MIDLAND
Planning Division

Preliminary Plat Application

Project Number: SUB-21-0012
Case Number: P-21-1186

Proposed Subdivision Plat Name: Shenandoah Ridge

Legal Description (attached sealed Metes and Bounds): Being a 146.827 Acre Tract of Land in Section 12, Block 39, T-1-S, T&P RR. Co. Survey, City of Midland, Midland and Martin Counties, Texas

Property Owner Printed Name: Shenandoah Bar M Ranch LLC		Phone (432) 262.0999 Email	
Address	City	State	Zip

Developer *(if different than Owner)* Printed Name:		Phone (432) 262.0999 Email	
Address	City	State	Zip

Representative *(if acting as Agent, see affidavit on page 2)* 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

Current Zoning: SF3, AE

Reason for Platting: Ownership Purposes

Plat Information	Total Acreage:	146.827

Type: ■ Single-Family Residential ☐ Multi-Family Residential
☐ Commercial ☐ Extraterritorial Jurisdiction (ETJ)

Number of Lots: 528 | 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: _____

Property Owner (printed) : _____

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.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Andrew L Mellen who, being by me duly sworn, upon oath says: That (s)he is the owner of _____ or is authorized by Shenandoah Bar M Ranch LLC the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

Andrew L Mellen
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 9th day of September, 2021, to certify which witness my hand and seal of office.

Kelsey Ann Stine
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS
Kelsey Ann Stine
My Commission Expires
02/19/2022
ID No. 131456388

FOR OFFICE USE ONLY

- ☒ Property Owner Authorization
- ☒ Application Fee
- Check # 3604
- ☒ 1 Copy of Dimensioned Plat
- ☒ 1 Copy of Plat (11x17)
- ☒ Plat in Digital Format (PDF/JPEG)

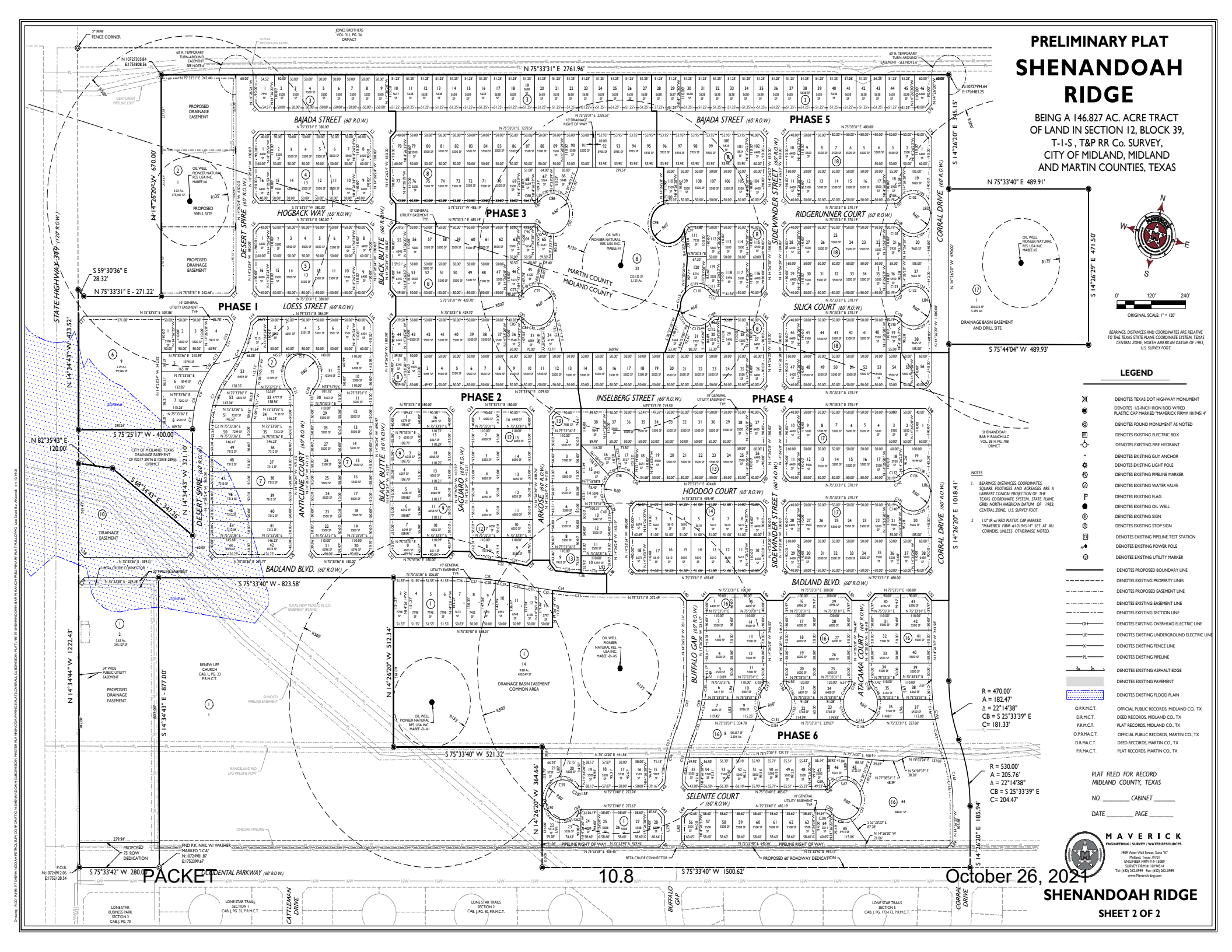
RECEIVED SEP 10 2021 KM

Received By: KM Date: 9/10/21

****Application will not be considered for scheduling until reviewed by a planner.****

PRELIMINARY PLAT
SHENANDOAH RIDGE

BEING A 146.827 AC. ACRE TRACT OF LAND IN SECTION 12, BLOCK 39, T-1-S , T&P RR Co. SURVEY, CITY OF MIDLAND, MIDLAND AND MARTIN COUNTIES, TEXAS



BEARINGS, DISTANCES AND COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FOOT.

LEGEND

- DENOTES TEXAS DOT HIGHWAY MONUMENT
- DENOTES 1/2-INCH IRON ROD WIRED PLASTIC CAP MARKED "MAVERICK FIRM# 10194514"
- DENOTES FOUND MONUMENT AS NOTED
- DENOTES EXISTING ELECTRIC BOX
- DENOTES EXISTING FIRE HYDRANT
- DENOTES EXISTING GUY ANCHOR
- DENOTES EXISTING LIGHT POLE
- DENOTES EXISTING PIPELINE MARKER
- DENOTES EXISTING WATER VALVE
- DENOTES EXISTING FLAG
- DENOTES EXISTING OIL WELL
- DENOTES EXISTING SIGN
- DENOTES EXISTING STOP SIGN
- DENOTES EXISTING PIPELINE TEST STATION
- DENOTES EXISTING POWER POLE
- DENOTES EXISTING UTILITY MARKER
- DENOTES PROPOSED BOUNDARY LINE
- DENOTES EXISTING PROPERTY LINES
- DENOTES PROPOSED EASEMENT LINE
- DENOTES EXISTING EASEMENT LINE
- DENOTES EXISTING SECTION LINE
- OH — DENOTES EXISTING OVERHEAD ELECTRIC LINE
- UE — DENOTES EXISTING UNDERGROUND ELECTRIC LINE
- X — DENOTES EXISTING FENCE LINE
- PL — DENOTES EXISTING PIPELINE
- DENOTES EXISTING ASPHALT EDGE
- DENOTES EXISTING PAVEMENT
- DENOTES EXISTING FLOOD PLAIN

O.P.R.M.C.T. OFFICIAL PUBLIC RECORDS, MIDLAND CO., TX
D.R.M.C.T. DEED RECORDS, MIDLAND CO., TX
P.R.M.C.T. PLAT RECORDS, MIDLAND CO., TX
O.P.R.M.A.C.T. OFFICIAL PUBLIC RECORDS, MARTIN CO., TX
D.R.M.A.C.T. DEED RECORDS, MARTIN CO., TX
P.R.M.A.C.T. PLAT RECORDS, MARTIN CO., TX

PLAT FILED FOR RECORD MIDLAND COUNTY, TEXAS

NO. _____ *CABINET* _____

DATE _____ *PAGE* _____

NOTES

1. *BEARINGS, DISTANCES, COORDINATES, SQUARE FOOTAGES AND ACREAGES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, CENTRAL ZONE, U.S. SURVEY FOOT.*
2. *1/2" IR w/ RED PLATSIC CAP MARKED "MAVERICK FIRM #10194514" SET AT ALL CORNERS, UNLESS OTHERWISE NOTED.*

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

SHENANDOAH RIDGE

SHEET 2 OF 2

PRELIMINARY PLAT

SHENANDOAH RIDGE

BEING A 146.827 AC. ACRE TRACT OF LAND IN SECTION 12, BLOCK 39, T-1-S , T&P RR Co. SURVEY, CITY OF MIDLAND, MIDLAND AND MARTIN COUNTIES, TEXAS

OWNER'S CERTIFICATE

THE STATE OF TEXAS
COUNTY OF MIDLAND

WHEREAS SHENANDOAH BAR M. RANCH, LLC, IS THE RECORD OWNER OF A TRACT OF LAND SITUATED IN SECTION 12, BLOCK 39, T-1-S, T&P. RR. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS AND MARTIN COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT THE OWNER, BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT DESIGNATED AS SHENANDOAH RIDGE, AN ADDITION TO THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, DO HEREBY DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, ALLEYS, AND EASEMENTS SHOWN THEREON; AND DO HEREBY GIVE AN EASEMENT OF INGRESS AND EGRESS TO THE CITY OF MIDLAND FOR GARBAGE COLLECTION, UTILITY FACILITY ACCESS AND MAINTENANCE, LOCATION AND MAINTENANCE OF TRASH CONTAINERS AND ACCESS THERETO, AND CONDITION SAID EASEMENT THAT NO CONSTRUCTION SHALL COMMENCE ON SAID LOT OR LOTS UNTIL THE EXACT LOCATION OF SAID CONTAINERS THEREWITH HAS BEEN SELECTED AND APPROVED BY THE DIRECTOR OF UTILITIES.

WITNESS MY HAND AT _____ - ____M.,

THE_____DAY OF _____, 2021.

_____
BY:_____

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE WAS ACTING AS OWNER, AND THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

THE _____ DAY OF _____, 2021.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF SHENANDOAH RIDGE, WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, TEXAS ON THIS

_____DAY OF_____ 2021.

_____
REGGIE LAWRENCE, CHAIRMAN

_____
ELIZABETH SHAUGHNESSY, SECRETARY

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, GREGORY W. SHOULTS, 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 located under my direct supervision, in accordance with the Subdivision Regulations of the City of Midland, Texas.

GREGORY W. SHOULTS RPLS #6308
Maverick Engineering, Inc. (Firm #F-10194)
1909 W. Wall Street, Suite "K"
Midland, TX 79701

PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

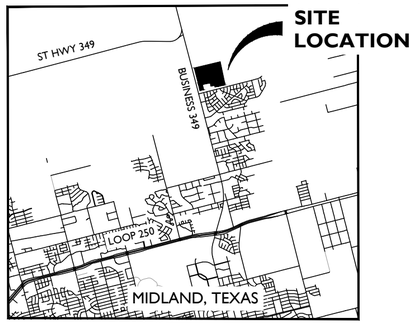
_____
ATMOS ENERGY
BY: _____

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AT&T
BY: _____

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SUDDENLINK COMMUNICATION
BY: _____

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GRANDE COMMUNICATION
BY: _____

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ONCOR ELECTRIC DELIVERY
BY: _____



VICINITY MAP

N.T.S.

FEMA NOTE

FLOOD STATEMENT: ACCORDING TO FEMA'S N.F.I.P. FLOOD INSURANCE RATE MAP #48329C0100F, DATED SEPTEMBER 16, 2005, A PORTION OF THE PROPERTY LIES WITHIN THE UNSHADED PORTION OF ZONE "X", DESIGNATED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." AND A PORTION OF THIS PROPERTY IS WITHIN ZONE "AH" DETERMINED TO BE AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOODING, WITH A BASE FLOOD ELEVATION OF 2820'.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF MAVERICK ENGINEERING COMPANY.

DRAINAGE EASEMENT DEDICATED WITH THIS PLAT

1. THE CITY OF MIDLAND AND ITS EMPLOYEES, CONTRACTORS, AGENTS, SUCCESSORS, AND ASSIGNS, SHALL HAVE THE FREE AND UNINTERRUPTED RIGHT OF PASSAGE IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSE OF ESTABLISHING, LAYING, CONSTRUCTING, RECONSTRUCTING, INSTALLING, REALIGNING, MODIFYING, REPLACING, IMPROVING, ALTERING, OPERATING, MAINTAINING, ACCESSING, INSPECTING, REPAIRING, RELOCATING AND REMOVING DRAINAGE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, THE RIGHT TO CUT AND TRIM BUSHES AND TREES, TOGETHER WITH THE RIGHT OF INGRESS, EGRESS AND REGRESS FOR SUCH PURPOSES IN, ON, UPON, OVER, UNDER, ACROSS, ALONG AND THROUGH THE PROPERTY DESCRIBED HEREIN.

2. DEVELOPER MAY NOT USE ANY PART OF THE PROPERTY DESCRIBED HEREIN IF SUCH USE WILL DAMAGE, DESTROY, INJURE, AND/OR UNDULY INTERFERE WITH THE CITY OF MIDLAND'S USE OF THE PROPERTY. DEVELOPER EXPRESSLY COVENANTS AND AGREES FOR ITSELF, ITS LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS, THAT NO BUILDING, ROADWAYS, OR CURBS AND GUTTERS OF ANY KIND WILL BE PLACED ON THE PROPERTY DESCRIBED HEREON. WRITTEN PERMISSION FOR ABOVE GROUND APPURTENANCES MUST BE OBTAINED FROM THE CITY OF MIDLAND, PRIOR TO INSTALLATION.

3. THE CITY OF MIDLAND SHALL HAVE THE RIGHT TO MITIGATE DEFICIENCIES IN THE FUNCTION OF THE STORMWATER FACILITY, AND TO BE REIMBURSED BY THE PROPERTY OWNER, IF THE CITY FINDS IT NECESSARY FOR PUBLIC HEALTH AND SAFETY.

4. THE MAINTENANCE OF ANY STORMWATER FACILITY IN THIS EASEMENT IS THE RESPONSIBILITY OF THE PROPERTY OWNER. PROPERTY OWNER AGREES TO MAINTAIN THE FACILITY IN WORKING ORDER, WITH INSPECTIONS AND CORRECTIVE ACTION MADE AT LEAST ANNUALLY. REPORTS OF SUCH INSPECTIONS AND MAINTENANCE SHALL BE KEPT FOR INSPECTION BY THE CITY OF MIDLAND STORMWATER ADMINISTRATOR ON REQUEST, OR MAY BE FORWARDED TO THE CITY ENGINEER'S OFFICE.

DEVELOPMENT NOTES

1. *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.*
2. *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.*
3. *BEARINGS, DISTANCES, COORDINATES, SQUARE FOOTAGES AND ACREAGES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, NORTH AMERICAN DATUM OF 1983, CENTRAL ZONE, U.S. SURVEY FOOT.*
4. *THE INSTALLATION OF IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS:*
   (1) THE REPRESENTED LOTS ARE REPLATTED FOR SUBDIVISION INTO MORE THAN ONE LOT OR :
   (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.
5. *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 INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASED.*
6. *TEMPORARY 60' TURNAROUND EASEMENT DEDICATED HEREBY. EASEMENT TO BE ABANDONED BY EXTENSION OF PUBLIC RIGHT-OF-WAY.*

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	240.00'	175.67'	171.77'	N 06°23'24" E	41°56'15"
C2	240.00'	21.49'	21.48'	N 12°00'49" W	5°07'48"
C3	240.00'	51.05'	50.95'	N 03°21'19" W	12°11'11"
C4	240.00'	54.73'	54.61'	N 09°16'14" E	13°03'55"
C5	240.00'	48.40'	48.32'	N 21°34'52" E	11°33'19"
C6	300.00'	219.58'	214.71'	N 06°23'24" E	41°56'15"
C7	300.00'	58.29'	58.20'	N 09°00'43" W	11°07'59"
C8	300.00'	60.91'	60.80'	N 02°22'15" E	11°37'58"
C9	300.00'	66.68'	66.55'	N 14°33'19" E	12°44'09"
C10	300.00'	33.70'	33.68'	N 24°08'27" E	6°26'08"
C11	300.00'	140.41'	139.14'	N 13°57'01" E	26°49'01"
C12	300.00'	40.45'	40.42'	N 23°29'46" E	7°43'31"
C13	300.00'	99.96'	99.50'	N 10°05'15" E	19°05'31"
C14	360.00'	184.30'	182.30'	N 12°41'33" E	29°19'57"
C15	360.00'	87.76'	87.54'	N 20°22'31" E	13°58'00"
C16	360.00'	96.55'	96.26'	N 05°42'33" E	15°21'57"
C17	60.00'	293.24'	77.11'	N 75°35'17" E	280°01'42"
C18	60.00'	146.27'	112.65'	N 05°43'12" E	139°40'47"
C19	60.00'	146.65'	112.77'	S 34°25'02" E	140°02'59"
C20	25.00'	21.68'	21.00'	S 10°23'59" W	49°40'47"
C21	25.00'	21.68'	21.00'	N 39°16'48" W	49°40'47"
C22	1430.00'	181.79'	181.67'	N 82°28'54" E	7°17'01"
C23	1430.00'	90.40'	90.38'	N 80°39'03" E	3°37'19"
C24	1430.00'	91.39'	91.38'	N 84°17'33" E	3°39'43"
C25	1370.00'	253.25'	252.89'	N 80°51'20" E	10°35'28"
C26	1370.00'	50.84'	50.84'	N 76°37'23" E	2°07'35"
C27	1370.00'	50.08'	50.08'	N 78°44'01" E	2°05'40"
C28	1370.00'	50.21'	50.21'	N 80°49'51" E	2°06'00"
C29	1370.00'	50.42'	50.42'	N 82°56'06" E	2°06'31"
C30	1370.00'	51.69'	51.69'	N 85°04'13" E	2°09'42"
C31	1507.00'	50.72'	50.71'	N 85°11'14" E	1°55'42"
C32	1507.00'	50.46'	50.46'	N 83°15'50" E	1°55'06"
C33	1507.00'	177.43'	177.33'	N 78°55'54" E	6°44'45"
C34	1507.00'	278.6.1'	278.21'	N 80°51'18" E	10°35'33"
C35	1447.00'	167.51'	167.42'	N 78°52'31" E	6°37'58"
C36	1446.00'	90.49'	90.47'	N 80°23'58" E	3°35'08"
C37	1445.83'	77.03'	77.02'	N 77°05'04" E	3°03'09"
C38	60.00'	198.30'	119.60'	N30°33'33"E	189°21'30"
C39	25.00'	21.68'	21.00'	N39°16'48"W	49°40'47"
C40	60.00'	1.14'	1.14'	N63°34'33"W	1°05'17"
C41	60.00'	71.03'	66.96'	N29°07'00"W	67°49'48"
C42	60.00'	30.97'	30.62'	N19°35'03"E	29°34'19"
C43	60.00'	32.57'	32.17'	N49°55'18"E	31°06'10"
C44	60.00'	62.59'	59.79'	S84°38'39"E	59°45'55"
C45	25.00'	21.68'	21.00'	S79°36'05"E	49°40'47"
C46	25.00'	21.68'	21.00'	S 79°36'05" E	49°40'47"
C47	370.00'	158.92'	157.70'	S 02°08'03" E	24°36'34"
C48	430.00'	184.69'	183.28'	S 02°08'03" E	24°36'34"
C49	430.00'	8.83'	8.83'	S 13°51'03" E	1°10'34"
C50	430.00'	60.30'	60.25'	S 09°14'44" E	8°02'04"
C51	430.00'	61.71'	61.66'	S 01°07'01" E	8°13'23"
C52	430.00'	53.86'	53.82'	S 06°34'57" W	7°10'34"
C53	415.00'	148.20'	147.41'	S 00°03'35" E	20°27'39"
C54	415.00'	72.05'	71.96'	S 05°11'49" W	9°56'49"
C55	415.00'	76.15'	76.05'	S 05°02'00" E	10°30'50"
C56	475.00'	173.97'	173.00'	S 00°19'19" E	20°59'06"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C57	475.00'	98.10'	97.92'	S 04°15'15" W	11°49'58"
C58	475.00'	75.87'	75.79'	S 06°14'18" E	9°09'07"
C59	60.00'	292.54'	77.65'	N14°26'20"W	279°21'34"
C60	25.00'	21.68'	21.00'	S50°43'16"W	49°40'47"
C61	25.00'	2.41'	2.41'	S72°47'46"W	5°31'49"
C62	25.00'	19.26'	18.79'	S47°57'22"W	44°08'58"
C63	60.00'	64.34'	61.30'	S56°36'12"W	61°26'39"
C64	60.00'	81.93'	75.71'	N53°33'24"W	78°14'08"
C65	60.00'	88.48'	80.68'	N27°48'20"E	84°29'00"
C66	60.00'	57.80'	55.59'	S82°21'17"E	55°11'28"
C67	60.00'	292.54'	77.65'	N14°26'20"W	279°21'34"
C68	25.00'	21.68'	21.00'	N50°43'16"E	49°40'47"
C69	25.00'	5.25'	5.24'	N69°32'36"E	12°02'07"
C70	25.00'	16.43'	16.13'	N44°42'13"E	37°38'40"
C71	60.00'	62.34'	59.57'	N55°38'43"E	59°31'40"
C72	60.00'	61.09'	58.49'	S65°25'20"E	58°20'13"
C73	60.00'	95.64'	85.83'	S09°24'36"W	91°19'39"
C74	60.00'	64.04'	61.04'	S85°39'04"W	61°09'17"
C75	60.00'	292.54'	77.65'	N14°26'20"W	279°21'34"
C76	25.00'	21.68'	21.00'	N50°43'08"E	49°40'47"
C77	25.00'	10.62'	10.54'	N63°23'34"E	24°19'55"
C78	25.00'	11.06'	10.97'	N38°33'10"E	25°20'52"
C79	60.00'	56.82'	54.72'	N53°00'33"E	54°15'38"
C80	60.00'	100.76'	89.33'	S51°45'07"E	96°13'01"
C81	60.00'	67.79'	64.24'	N28°43'27"E	64°44'07"
C82	60.00'	67.17'	63.72'	N86°50'06"W	64°08'48"
C83	25.00'	21.68'	21.00'	N79°36'05"W	49°40'47"
C84	25.00'	10.51'	10.43'	N66°48'25"W	24°05'27"
C85	25.00'	11.17'	11.07'	S88°13'12"W	25°35'21"
C86	60.00'	292.54'	77.65'	N14°26'29"W	279°21'34"
C87	25.00'	21.68'	21.00'	S50°43'08"W	49°40'47"
C88	25.00'	5.87'	5.85'	N68°50'11"E	13°26'41"
C89	25.00'	15.81'	15.55'	N43°59'47"E	36°14'06"
C90	60.00'	57.04'	54.91'	N53°06'41"E	54°27'54"
C91	60.00'	50.16'	48.71'	S75°42'19"E	47°54'04"
C92	60.00'	128.84'	105.48'	S09°45'46"W	123°02'06"
C93	60.00'	56.50'	54.44'	N81°44'26"W	53°57'30"
C94	25.00'	21.68'	21.00'	N79°36'05"W	49°40'47"
C95	25.00'	16.83'	16.52'	N74°03'01"W	38°34'38"
C96	25.00'	4.84'	4.84'	S81°06'36"W	11°06'09"
C97	25.00'	31.81'	29.70'	N39°06'41"E	72°53'45"
C98	60.00'	264.83'	96.53'	N50°53'20"W	252°53'43"
C99	60.00'	249.73'	104.71'	N58°06'01"W	238°28'21"
C100	60.00'	15.10'	15.06'	N68°20'50"E	14°25'22"
C101	25.00'	31.81'	29.70'	N 39°06'40" E	72°53'44"
C102	60.00'	292.54'	77.65'	N 14°26'29" W	279°21'34"
C103	60.00'	8.24'	8.23'	S 58°41'42" E	7°52'01"
C104	60.00'	138.03'	109.55'	N 51°27'54" E	131°48'46"
C105	60.00'	138.03'	109.54'	N 80°20'43" W	131°48'28"
C106	60.00'	8.24'	8.24'	S 29°48'53" W	7°52'19"
C107	25.00'	21.68'	21.00'	S 50°43'08" W	49°40'47"
C108	25.00'	21.68'	21.00'	N 79°36'05" W	49°40'47"
C109	25.00'	21.68'	21.00'	S50°43'08"W	49°40'47"
C110	60.00'	292.54'	77.65'	N14°26'29"W	279°21'34"
C111	25.00'	21.68'	21.00'	S79°36'05"E	49°40'47"
C112	60.00'	22.98'	22.84'	S36°51'04"W	21°56'39"

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C113	60.00'	56.63'	54.55'	S74°51'48"W	54°04'50"
C114	60.00'	64.85'	61.74'	N47°08'02"W	61°55'30"
C115	60.00'	48.94'	47.59'	N07°11'37"E	46°43'46"
C116	60.00'	72.67'	68.31'	N65°15'17"E	69°23'35"
C117	60.00'	26.48'	26.27'	S67°24'18"E	25°17'14"
C118	25.00'	8.63'	8.58'	N 85°26'38" E	19°46'14"
C119	25.00'	21.68'	21.00'	N 50°43'08" E	49°40'47"
C120	25.00'	13.05'	12.90'	N 40°49'49" E	29°54'10"
C121	25.00'	8.63'	8.59'	N 65°40'13" E	19°46'38"
C122	60.00'	292.54'	77.65'	N 14°26'29" W	279°21'34"
C123	60.00'	8.24'	8.24'	N 29°48'53" E	7°52'19"
C124	60.00'	138.03'	109.54'	S 80°20'43" E	131°48'28"
C125	60.00'	138.03'	109.55'	S 51°27'54" W	131°48'46"
C126	60.00'	8.24'	8.23'	N 58°41'42" W	7°52'01"
C127	25.00'	21.68'	21.00'	N 50°43'08" E	49°40'47"
C128	25.00'	21.68'	21.00'	S 79°36'05" E	49°40'47"
C129	60.00'	138.03'	109.54'	S51°27'59"W	131°48'37"
C130	60.00'	8.24'	8.23'	N58°41'42"W	7°52'01"
C131	60.00'	138.03'	109.54'	S 80°20'43" E	131°48'28"
C132	60.00'	138.03'	109.55'	S 51°27'54" W	131°48'46"
C133	60.00'	8.24'	8.23'	N 58°41'42" W	7°52'01"
C134	25.00'	21.68'	21.00'	N 79°36'05" W	49°40'47"
C135	25.00'	21.68'	21.00'	N 50°43'08" E	49°40'47"
C136	60.00'	292.54'	77.65'	S 14°26'29" E	279°21'34"
C137	60.00'	8.24'	8.24'	N 29°48'53" E	7°52'19"
C138	60.00'	138.03'	109.54'	S 80°20'43" E	131°48'28"
C139	60.00'	138.03'	109.55'	S 51°27'54" W	131°48'46"
C140	60.00'	8.24'	8.23'	N 58°41'42" W	7°52'01"
C141	25.00'	21.68'	21.00'	N 79°36'05" W	49°40'47"
C142	25.00'	21.68'	21.00'	N 50°43'08" E	49°40'47"
C143	60.00'	292.54'	77.65'	N 75°33'40" E	279°21'34"
C144	60.00'	40.64'	39.87'	S 15°50'09" W	38°48'36"
C145	60.00'	68.18'	64.57'	S 36°07'15" E	65°06'12"
C146	60.00'	74.91'	70.14'	N 75°33'31" E	71°32'15"
C147	60.00'	68.18'	64.57'	N 07°14'18" E	65°06'12"
C148	60.00'	40.64'	39.86'	N 44°42'58" W	38°48'19"
C149	25.00'	21.68'	21.00'	N 10°24'04" E	49°40'47"
C150	25.00'	21.68'	21.00'	N 39°16'44" W	49°40'47"
C151	60.00'	292.54'	77.65'	N 75°33'40" E	279°21'34"
C152	60.00'	40.65'	39.88'	S 15°49'48" W	38°49'18"
C153	60.00'	68.18'	64.57'	S 36°08'11" E	65°06'40"
C154	60.00'	74.87'	70.11'	N 75°33'31" E	71°29'56"
C155	60.00'	68.18'	64.57'	N 07°15'13" E	65°06'40"
C156	60.00'	40.65'	39.88'	N 44°42'37" W	38°49'00"
C157	25.00'	21.68'	21.00'	N 10°24'04" E	49°40'47"
C158	25.00'	21.68'	21.00'	N 39°16'44" W	49°40'47"
C159	530.00'	205.76'	204.47'	S 25°33'39" E	22°14'38"
C160	530.00'	56.49'	56.47'	S 17°29'33" E	6°06'26"
C161	530.00'	60.85'	60.82'	S 23°50'07" E	6°34'41"
C162	530.00'	88.42'	88.32'	S 31°54'13" E	9°33'31"
C163	470.00'	182.47'	181.32'	S 25°33'39" E	22°14'38"
C164	470.00'	35.99'	35.98'	S 34°29'21" E	4°23'14"
C165	470.00'	146.48'	145.89'	S 23°22'02" E	17°51'24"
C166	25.00'	14.20'	14.01'	N 42°08'57" E	32°32'09"
C167	25.00'	7.48'	7.45'	N 66°59'21" E	17°08'38"
C200	25.00'	21.68'	21.00'	N79°35'56"W	49°40'47"
C201	60.00'	9.44'	9.43'	N59°15'55"W	9°00'45"
C202	25.00'	21.68'	21.00'	N79°35'56"W	49°40'47"

LINE	BEARING	DISTANCE
L1	S 59°26'27" E	28.28'
L2	N 30°33'33" E	28.28'
L3	S 59°26'27" E	28.28'
L4	N 30°33'33" E	28.28'
L5	N 59°26'27" W	28.28'
L6	S 30°33'33" W	28.28'
L7	N 59°26'27" W	28.28'
L8	N 30°33'33" E	28.28'
L9	S 59°26'27" E	28.28'
L10	N 30°33'33" E	28.28'
L11	N 30°29'24" E	28.25'
L12	N 30°33'33" E	28.28'
L13	S 59°26'27" E	28.28'
L14	N 35°59'48" E	30.84'
L15	S 52°54'18" E	24.88'
L16	S 59°26'27" E	28.28'
L17	N 30°33'33" E	28.28'
L18	S 59°26'27" E	28.28'
L19	N 30°33'33" E	28.28'
L20	S 59°26'27" E	28.28'
L21	N 30°33'33" E	28.28'
L22	S 59°26'24" E	28.28'
L23	N 30°33'36" E	28.28'
L24	S 59°26'24" E	28.28'
L25	N 30°33'36" E	28.28'
L26	S 59°30'34" E	28.32'
L27	N 30°29'26" E	28.25'
L28	S 59°30'34" E	28.32'
L29	N 30°29'26" E	28.25'
L30	N 30°33'36" E	28.28'
L31	S 58°00'02" E	28.99'
L32	N 59°26'27" W	28.28'
L33	N 30°33'33" E	28.28'
L34	S 59°26'27" E	28.28'
L35	N 30°33'33" E	28.28'
L36	S 35°40'13" W	25.65'
L37	S 59°55'35" E	29.96'
L38	N 30°33'33" E	28.28'
L39	S 59°26'27" E	28.28'
L40	S 59°26'24" E	28.28'
L41	N 30°33'36" E	28.28'
L42	S 31°46'13" W	28.87'
L43	S 59°26'20" E	28.28'
L44	N 30°33'40" E	28.28'
L45	S 58°03'18" E	27.59'
L46	S 59°26'24" E	28.28'
L47	N 30°33'36" E	28.28'
L48	S 59°26'24" E	28.28'
L49	N 30°33'36" E	28.28'
L50	S 59°26'24" E	28.28'
L51	N 30°33'36" E	28.28'
L52	S 59°26'24" E	28.28'
L53	N 30°33'36" E	28.28'
L54	N 30°33'40" E	28.28'
L55	N 30°33'40" E	28.28'
L56	S 59°26'20" E	28.28'
L57	S 59°26'24" E	28.28'
L58	N 30°33'36" E	28.28'
L59	S 59°26'24" E	28.28'

LINE	BEARING	DISTANCE
L60	N 30°33'36" E	28.28'
L61	S 59°26'24" E	28.28'
L62	N 30°33'36" E	28.28'
L63	N 59°26'24" W	28.28'
L64	S 30°33'36" W	28.28'
L65	S 59°26'24" E	28.28'
L66	N 30°33'36" E	28.28'
L67	N 59°26'24" W	28.28'
L68	S 30°33'36" W	28.28'
L69	S 59°26'24" E	28.28'
L70	N 30°33'36" E	28.28'
L71	N 59°26'24" W	28.28'
L72	N 30°33'36" E	28.28'
L73	S 59°26'24" E	28.28'
L74	N 30°33'36" E	28.28'
L75	N 59°26'24" W	28.28'
L76	N 30°33'36" E	28.28'
L77	S 32°19'10" E	19.72'
L78	N 49°48'06" E	37.74'
L79	N 14°26'20" W	75.00'
L80	N 14°26'20" W	75.00'
L81	N 75°33'31" E	3.80'
L82	N 14°26'24" W	5.00'
L83	N 75°33'40" E	5.00'
L84	S 75°33'40" W	5.00'
L85	N 75°33'40" E	5.00'
L86	N 75°33'40" E	5.00'
L87	N14°26'20"W	64.42'
L88	N 13°54'54" W	91.21'
L89	N 14°26'20" W	68.49'
L90	N 30°38'39" E	28.24'
L91	N14°26'20"W	65.26'
L92	N 75°33'31" E	13.01'
L93	N14°26'29"W	60.00'
L94	N04°41'42"W	60.88'
L95	S23°47'12"E	60.81'
L96	S14°26'29"E	60.00'
L97	N30°33'36"E	28.28'
L98	S59°26'24"E	28.28'

PROPERTY OWNER

SHENANDOAH BAR M RANCH, LLC
24 SMITH ROAD, SUITE 601
MIDLAND, TX 79705
DEED INSTRUMENT #2007-3688

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS

NO. _____ CABINET _____

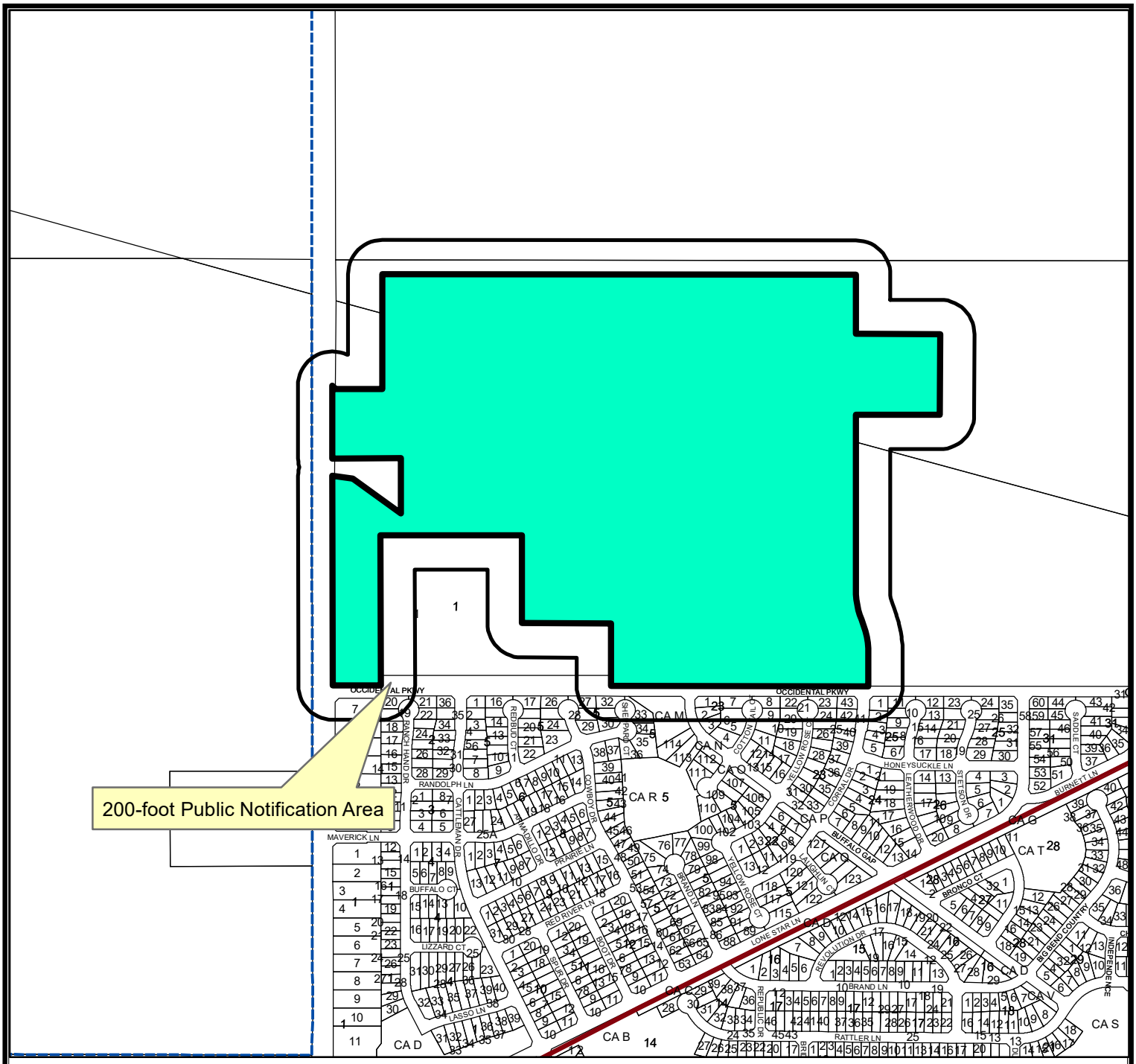
DATE _____ PAGE _____

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

SHENANDOAH RIDGE

SHEET 1 OF 2

Drawing : F:\2019\190197.SHENANDOAH PETROLEUM CORPORATION\SHENANDOAH SUBDIVISION MASTER PLANNING\DRAWINGS\PLATS\OVERALL SUBDIVISION PLAT\190197 SHENANDOAH-BAR M RANCH PRELIMINARY PLAT FULL.DWG Last Saved By: AKolarik on 10/14/21



LOCATION MAP

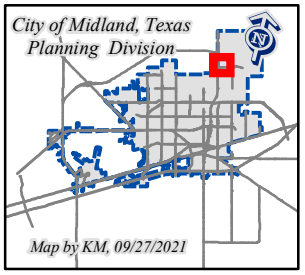
SUB-21-0412 **Scale: 1" = 833'**

Proposed plat of Shenandoah Ridge, being a plat of a 146.827-acre tract of land out of Section 12, Block 39, T-1-S, T&P. RR. Co. City of Midland, Midland and Martin Counties, Texas.

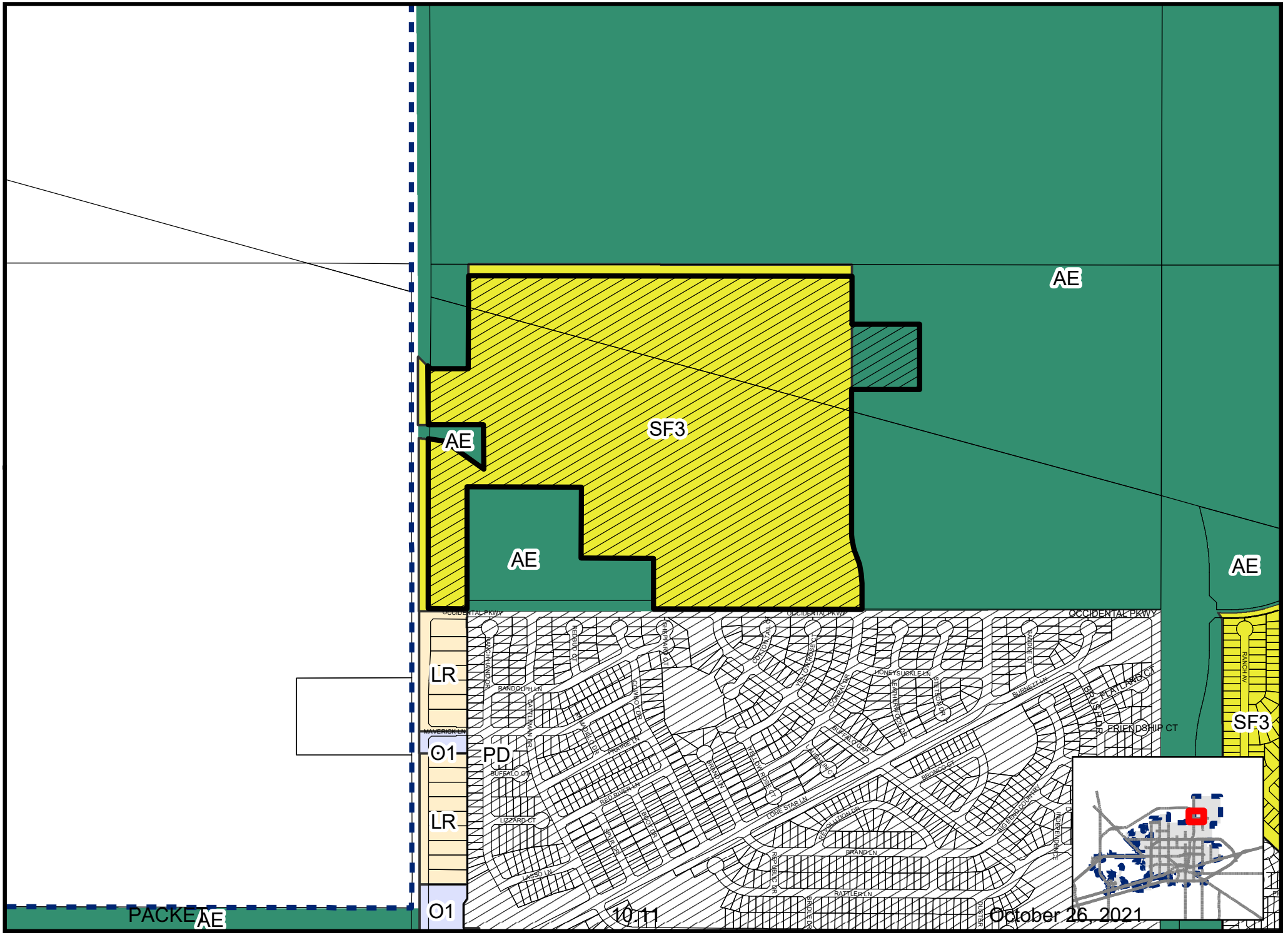
Generally located on the northeast corner of North State highway 349 and Occidental Parkway. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND ITS PRIOR 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.



Map By KM, 10/06/2021

SUB-21-0412

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.




SPEED LIMIT
40
LONE STAR




STOP

City Council Meeting

Item Number: 11

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Kayci LaDuke,

Subject: Motion accepting a grant award of $25,391.00 from the Fiscal Year 2021 Justice Assistance Grant Program; and authorizing the appropriation of said funds to the Police Justice Grant Fund (074) (DISTRICT: ALL) (POLICE)

Purpose:

Consider a motion to accept and appropriate funds for the FY2021 Justice Assistance Grant (JAG) Program

Recommended City Council Action:

Approve

Fiscal Impact:

The FY2021 Justice assistance Grant (JAG) in the amount of $25,391.00 is received, accepted, and appropriated in the Police Justice Grant Fund (074).

Discussion:

The City of Midland Police Department has received notice that we, in conjunction with Midland County, have been awarded $25,391.00 through the 2021 Justice Assistance Grant. The Attorney General of Texas has determined that Texas counties are responsible for more than 50% of the costs incurred for the prosecution and incarceration of Part 1 crimes. The effect of the Attorney General's certification is that cities and counties must file a joint application with the Bureau of Justice Assistance, with the cities and counties agreeing to the funding allocations among them. The result is that the City of Midland will receive $15,235.00 (60%) for funding of law enforcement accreditation activities, and Midland County will receive $10,156.00 (40%) for the purchase of training ammunition.

City Manager's Office

City Council Meeting

Item Number: 12

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Kayci LaDuke,

Subject: **Motion accepting a grant award of $109,000.00 from the Fiscal Year 2022 Edward Bryne Memorial Justice Assistance Grant Program; and authorizing the appropriation of said funds to the Police Justice Grant Fund (074) (DISTRICT: ALL) (POLICE)**

Purpose:

Consider a motion to accept and appropriate funds for the FY2022 Edward Bryne Memorial Justice Assistance Grant Program by the Office of the Governor of Texas Criminal Justice Division.

Recommended City Council Action:

Approve

Fiscal Impact:

The FY2022 Edward Bryne Memorial Justice Assistance Grant in the amount of $109,000.00 is received, accepted, and appropriated in the Police Justice Grant Fund (074).

Discussion:

The Midland Police Department will utilize grant funding to obtain crowd control safety equipment.

Robert Patrick

City Manager's Office

City Council Meeting

Item Number: 13

Meeting Date: October 12, 2021

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Purpose:

Consider an ordinance for an annexation of a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, located on the southwest corner of the intersection of State Highway 191 and Avalon Drive.

Recommended City Council Action:

Approve

Fiscal Impact:

Additional land to be developed under City regulations in an expanded growth area.

Discussion:

The applicant, Lusso Real Estate, LLC., is requesting to annex a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas. The proposed annexation will allow the provision of City services to the property. This is considered a voluntary annexation.

On August 20, 2021, the service agreement between the City and the property was executed. This is the next step in the annexation process.

This project has been circulated to all respective departments for internal review and received no objections.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objections.

Fire: (Approved)

No objections.

Code Administration: (Approved)

No objections.

Building Code: (Approved)

No objections.

Oil and Gas: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Planning:

As this proposed development will conform to the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this annexation.

Attachments:

Petition (Exhibit A)
Application
Maps



City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON DRIVE); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, a public hearing before the City Council of the City of Midland, Texas, a home rule municipal corporation, was held in the City Council Chamber on October 12, 2021, during which all interested persons were provided an opportunity to be heard on the proposed annexation of the hereinafter described territory; and

WHEREAS, notice of the public hearing was published on the City of Midland, Texas' Internet website on September 24, 2021, and the notice remained posted until the date of the public hearing; and

WHEREAS, notice of the public hearing was published in a newspaper having general circulation in the City of Midland, Texas, and in the below described territory, on September 24, 2021; and

WHEREAS, all required notices of the proposed annexation and the public hearing were given in accordance with applicable laws; and

WHEREAS, the City of Midland has entered into a written agreement with the owner(s) of the hereinafter described territory for the provision of services in said area;

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

SECTION ONE. That the following described property adjoining the present boundary lines of the City of Midland, Texas, be and the same is hereby annexed to and incorporated within the boundary of the City of Midland, Texas:

Being a 30.80-acre tract of land out of Sections 37 and 38, Block 40, T-1-S,

T&P RR Co. Survey, Midland County, Texas, and being more fully described by metes and bounds in the petition for annexation attached hereto as Exhibit "A" and incorporated herein by reference for all legal purposes.

SECTION TWO. That this ordinance shall be published in the official newspaper in the City of Midland, Texas, and the same shall not be effective until after the publication thereof.

SECTION THREE. That the City Secretary is hereby authorized and directed to file a certified copy of this ordinance with the County Clerk of Midland County, Texas, for the purpose of recording in the Deed Records of Midland County, Texas.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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"

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Lusso Real Estate, LLC ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Collin Sewell

Printed Name

President

Title

THE STATE OF Texas §
§
COUNTY OF Ector §

RENNE R ELFERT
Notary ID #125297855
My Commission Expires
August 13, 2022

This instrument was acknowledged before me on the 1 day of July, 2021, by Collin Sewell in the capacity herein stated.

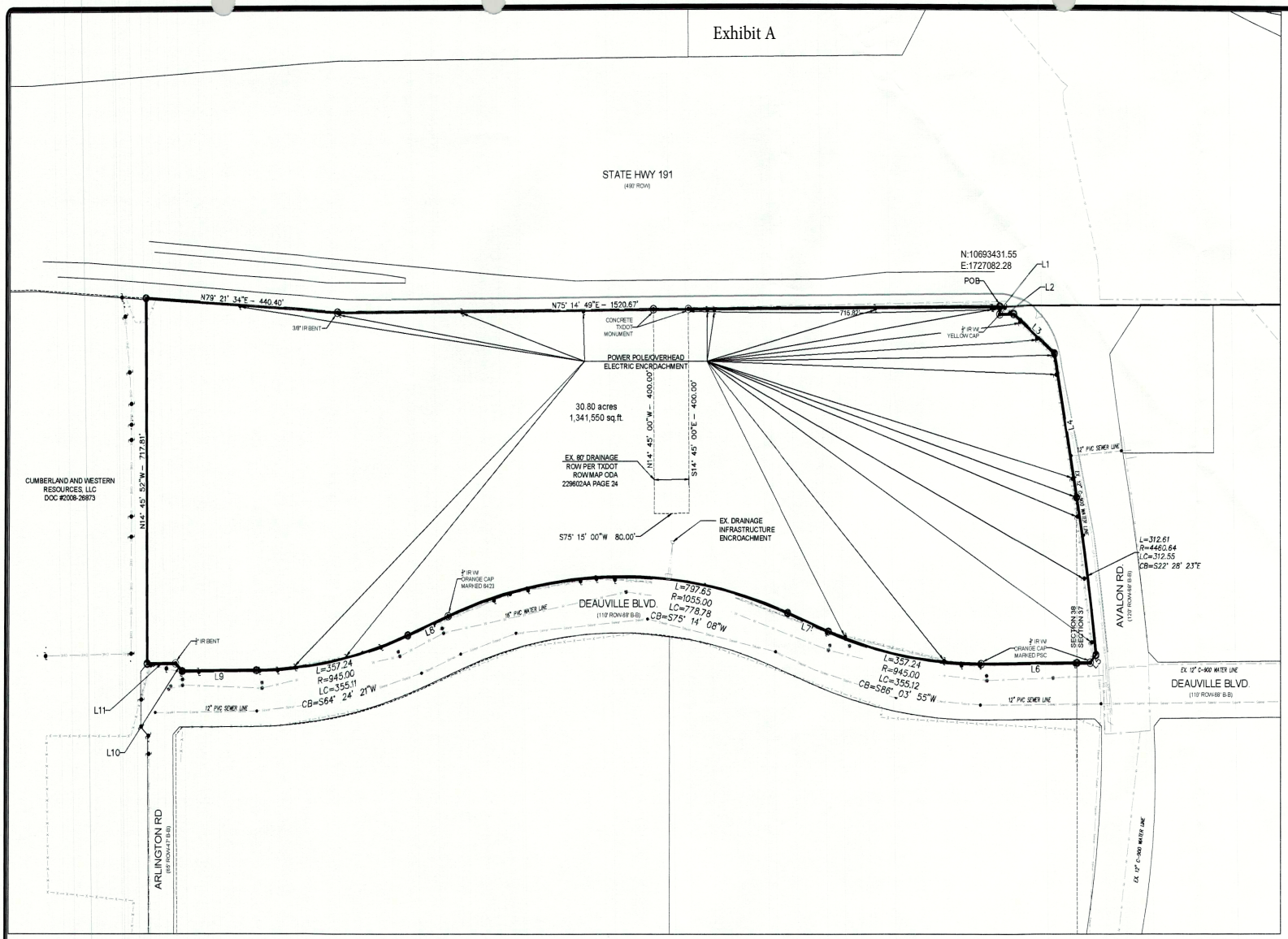
MY COMMISSION EXPIRES

Aug 13, 2022

Renne R Elfert

Notary Public, State of Texas

Exhibit A



30.80 ACRES OF LAND SITUATED IN SECTIONS 37 AND 38, BLOCK 40, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS AND BEING 29.96 ACRES OUT OF A CALLED 634.887 ACRE TRACT AS DESCRIBED IN DEED TO CUMBERLAND AND WESTERN RESOURCES, LLC, IN DOCUMENT NUMBER 2008-26873, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND 0.84 ACRES OUT OF A CALLED 8.84 ACRE TRACT DESCRIBED IN DOCUMENT 2012-25587, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS

COMMITMENT NO. NCS-1007674-CLE

b. Any portion of subject property lying within the boundaries of a public or private roadway whether dedicated or not.(IF ANY SHOWN HEREON)

c. All encumbrances, violations, variations, or adverse circumstances affecting Title that would be disclosed by an accurate and complete land survey of the Land, including, without limitation, all visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use. (May be amended or deleted upon approval of survey.)(IF ANY SHOWN HEREON)

d. Rights of tenants, as tenants only, under unrecorded leases or rental agreements.(NOT A SURVEY MATTER)

e. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.(NOT A SURVEY MATTER)

f. All visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use. (Owner's Title Policy)(IF ANY SHOWN HEREON)

g. Rights of parties in possession under any unrecorded, written or oral lease agreements by and between the present owner and/or their predecessors in title as lessor and unknown persons as lessees covering any of the herein described property.(NOT A SURVEY MATTER)

h. Any and all unrecorded leaseholds, rights of vendors and holders of security interests on personal property installed upon the property by tenants, and rights of tenants to remove trade fixtures at the expiration of the term of leases.(NOT A SURVEY MATTER)

i. Visible and apparent easements.(IF ANY SHOWN HEREON)

j. Waiver of Surface Rights executed by Viper Energy Partners, LLC and Cumberland & Western Resources, LLC, dated December 18, 2019 and recorded December 19, 2019 in Document Number 2019-38809, Official Records of Midland County, Texas; along with that certain Oil and Gas Lease attached to said Waiver as Exhibit B, by and between Spanish Trail Land and Cattle Company, L.P. and IBEX Mineral Resources, L.L.C., dated January 23, 2008.(NOT A SURVEY MATTER)

k. BY WAY OF INFORMATION, BUT NOT BY WAY OF EXCEPTION OR REQUIREMENT: That the subject property is located in the City of Midland Extra Territorial Jurisdiction area and may be subject to platting requirements.(NOT A SURVEY MATTER)

RECEIVED
JUL 14 2021
BY:

Parcel Line Table		
Line #	Length	Direction
L1	15.00'	S14° 17' 16"E
L2	31.97'	N75° 19' 50"E
L3	122.29'	S64° 39' 39"E
L4	286.56'	S24° 31' 20"E
L5	20.07'	S27° 25' 30"W
L6	250.69'	S75° 14' 10"W
L7	100.00'	N83° 06' 17"W
L8	100.00'	S53° 34' 34"W
L9	169.39'	S75° 14' 08"W
L10	21.22'	N59° 45' 56"W
L11	65.00'	S75° 14' 08"W

I hereby state to BMW Financial Services NA, LLC, a Delaware limited liability company, its successors and assigns, Lone Star Abstract & Title Co., Inc., First American Title Insurance Company, and Lusso Real Estate, LLC that this map or plat and the survey on which it was based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(b), 8, 11, 13, 14, 16, 17, 18, 19 [include only where off-site easements are present], and 20 of Table A thereof, and that the parcels described heron do not lie within flood hazard areas in accordance with the document entitled "Department of Housing and Urban Development, Federal Insurance Administration – Special Flood Hazard Area Maps". The field work was completed on 9-25-2019.

Charles P. Rutherford, R.P.L.S No. 1977 — 4-13-2020 Date

—x—x—Fence Line
Gas Line
—FO—Fiber Optic
Overhead Electric Line
Power Pole
Guy Wire
Fire Hydrant
Water Valve
found monument—see description
set 1/2" iron rod/cap stamped "RPLS 1977"
Bearing referenced to the control point set in overpass. Bearings oriented to Grid, Nad 83, Texas Zone No. 4203

GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

This tract lies in Flood Zone "X" as shown on Firm Map 48329C-0200F

CHARLES P. RUTHERFORD 1977 REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS

NEWTON ENGINEERING, PC
Texas Firm No. 10194000
Midland, Texas 79705
Phone: (432) 682-3753
Fax: (432) 682-3754
Date: 4/13/2020 REVISED 3/19/2020
Survey Plat

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13856
Midland, Texas 79705
(432) 770-0499

November 1, 2019

Field Notes

Sewell Auto Complex 30.80 acres

All of that certain tract or parcel of land situated in Sections 37 and 38, Block 40, Township 1 South, Texas and Pacific Railroad Company Survey, Midland County, Texas and being 29.96 acres out of a called 634.887 acre tract as described in deed to Cumberland and Western Resources, LLC, in Document Number 2008-26873, Official Public Records of Midland County, Texas and 0.84 acre out of a called 8.84 acre tract described in Document 2012-25587, Official Public Records of Midland County, Texas and being more particularly described as follows:

Beginning at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the most Northerly Northeast corner of the said called 634.887 acres and the Northwest corner of the said called 8.84 acres in the South right-of-way line of State Highway 191.

Thence S 14°17'16' E along the East line of the said called 634.887 acres and the West line of the said called 8.84 acres, 15.00 feet to a ½ inch iron rod, with yellow cap, found at the inside Ell corner in the East line of the said called 634.887 acres and inside Ell corner in the West line of the said called 8.84 acres.

Thence N 75°19'50" E along the lower South line of this tract and a line of the said called 8.84 acres, 31.97 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a deflection in the East line of this tract and the West line of the said called 8.84 acres.

Thence S 64°39'39" E along the East line of this tract and the West line of Avalon Road, 122.29 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at a deflection point in the East line of this tract and the West line of said Avalon Road.

Thence S 24°31'20" E continuing along the East line of this tract and the said West line of Avalon Road, 286.56 feet to a feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the PC of a 1°17'04" Curve to the Right.

Thence around said Curve to the Right, 312.60 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the end of said curve and the most northerly Southeast corner of this tract.. Said Curve having a Delta Angle of 4°00'55" with a Chord Bearing of S 22°28'23" E and distance of 312.55 feet.

Thence S 27°25'30" W along a clip corner on the Southeast corner of this tract, 20.07 feet to a ½ inch iron, with cap marked PSC, found at the most southerly southeast corner of this tract in the North line of Deauville Boulevard.

Thence S 75°14'10" W along the South line of this tract and the North line of Deauville Boulevard, 250.69 feet to a ½ inch iron rod, with cap marked PSC, found at the beginning of a 6°03'47" curve to the right.

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13858
Midland, Texas 79705
(432) 770-0499

Thence around said curve to the right, 357.24 feet to the end of said curve at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner. Said Curve having a Delta Angle of 21°39'35" with Chord Bearing of S 86°03'55" W and distance of 355.12 feet.

Thence N 83°06'17 W continuing along the South line this tract and the North line of Deauville Boulevard,100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the beginning of a 5°25'51" curve to the left.

Thence around said curve to the left 797.65 feet to a ½ inch iron rod, with cap marked "6423", found at the end of this curve. Said Curve having a Delta Angle of 43°19'09", with a Chord Bearing of S 75°14'08" W and Distance of 778.78 feet

Thence S 53°34'34" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the PC of a 6°03'47" Curve to the left.

Thence around said curve to the left, 357.24 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the end of said curve. Said Curve having a Delta Angle 21°39'34" and Chord Bearing of S 64°24'21 W and Distance of 355.11 feet.

Thence S 75°14'08" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 169.39 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner at a point of deflection to the right.

Thence N 59°45'56" W continuing along the said South line of this tract and the said North line of Deauville Boulevard, 21.22 feet to a bent iron rod, found at a point of deflection to the left.

Thence S 75°14'08" W continuing with said South line and North line of Deauville Boulevard, 65.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Southwest corner of this tract.

Thence N 14°45'52" W along the West line of this tract and the East line of the remainder of the said called 634.887 acres, 717.81 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Northwest corner of this tract in the South line of said State Highway 191.

Thence N 79°21'34" E along the said North line of this tract and said South line of State Highway 191, 440.40 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a point of deflection in said North line, continuing N 75°14'49" E, 1520.67 feet to the place of beginning and containing 30.80 acres of land.

I, Charles P. Rutherford, Registered Professional Land Survey, do hereby state that this field note description and its accompanying plat correctly represent the results of a survey made on the ground under my supervision and direction.

Charles P. Rutherford, Registered Professional Land Surveyor No. 1977 Date

MIDLAND
Planning Division

Annexation/Initial Zoning Application

Project Number: A-21-0027
Case Number: Z-21-0252

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Lusso Real Estate, LLC		Phone (432)770-0499 Email	
Address PO BOX 3432	City Odessa	State TX	Zip 79760

Property Owner Printed Name: Same as Applicant		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Newton Engineering, PC Printed Name: John M. Newton		Phone (432)770-0499 Email john@newtoncivil.com	
Address 4501-A Santa Rosa Dr.	City Midland	State TX	Zip 79707

Street Address: Southwest corner of Hwy 191 and Avalon Dr.

Legal Description
Lot: Block: Subdivision: n/a

Current Zoning: Not zoned	**Proposed Zone:** ~~PD-Light Industrial~~ RR *(List by tracts if more than one district is requested)*

Reason for Annexation/Zone Change Request: To conform with the development of a car dealership

Present Use of Property: Native Pasture

Proposed Use of Property: Car Dealership, service center, carwash, and restaraunt/retail

How would this annexation/zone change affect the public health, safety and welfare?
Would not affect

Describe how this annexation/zone change will affect adjacent properties:
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):	Date: 7/7/2021
Applicant (printed): Collin Sewell	
Property Owner (signature):	Date: 7/7/2021
Property Owner (printed) : Collin Sewell	

The Annexation/Initial Zoning shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared_____who, being by me duly sworn, upon oath says: That (s)he is authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Metes and Bounds (Sealed by Surveyor)
☒ Application Fee	☒ Files in Digital Format (PDF/JPEG)
Check # 1144	☒ Petition
Received By: V.Sherman	Date: RECEIVED JUL 14 2021
	BY: VS

****Application will not be considered for scheduling until reviewed by a planner.****

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Lusso Real Estate, LLC ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Collin Sewell
Printed Name

President
Title

THE STATE OF Texas §
§
COUNTY OF Ector §

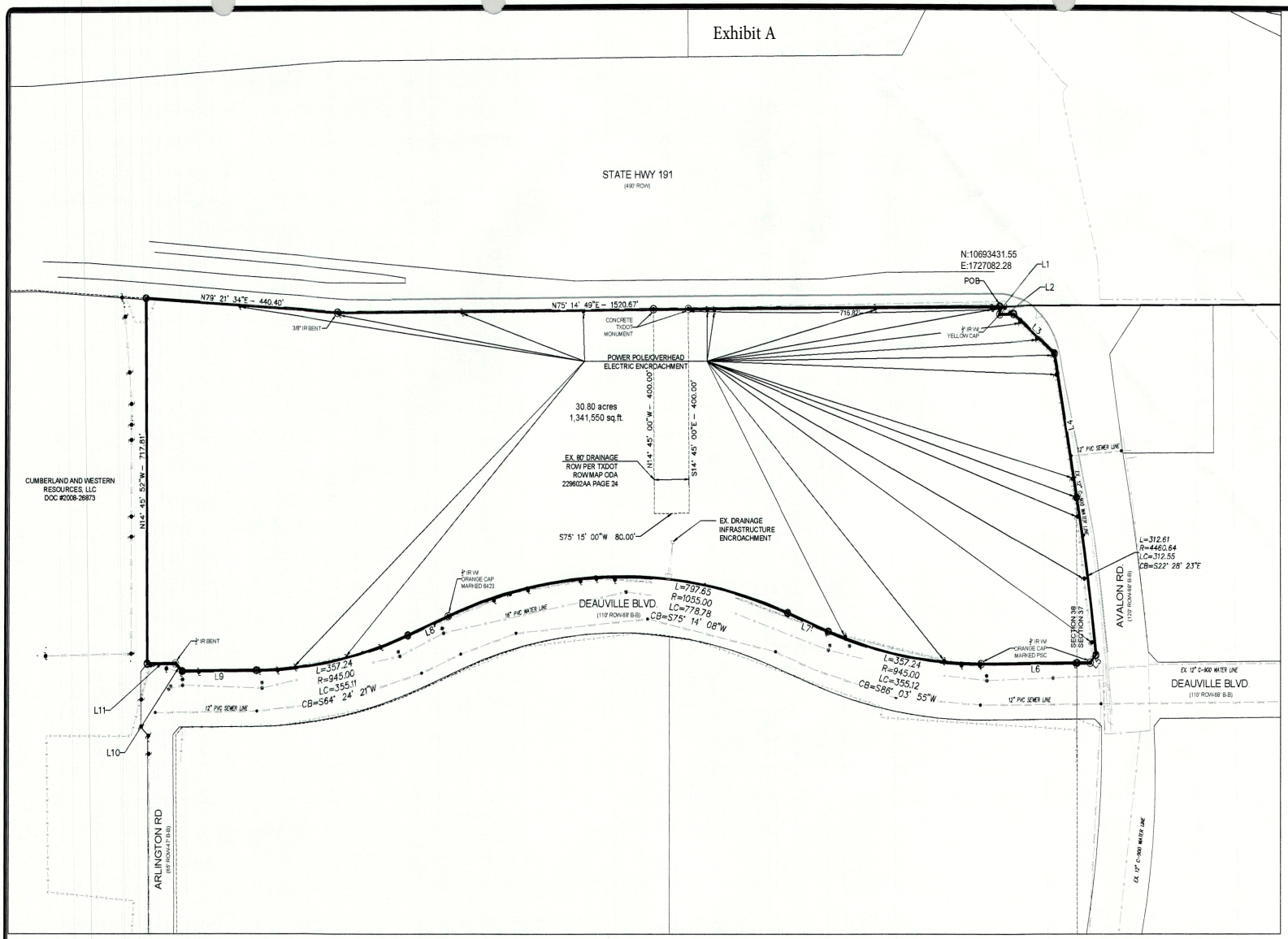
RENNE R ELFERT
Notary ID #125297855
My Commission Expires
August 13, 2022

This instrument was acknowledged before me on the 1 day of July, 2021, by Collin Sewell in the capacity herein stated.

MY COMMISSION EXPIRES
Aug 13, 2022

Renne R Elfert
Notary Public, State of Texas

Exhibit A



30.80 ACRES OF LAND SITUATED IN SECTIONS 37 AND 38, BLOCK 40, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS AND BEING 29.96 ACRES OUT OF A CALLED 634.887 ACRE TRACT AS DESCRIBED IN DEED TO CUMBERLAND AND WESTERN RESOURCES, LLC, IN DOCUMENT NUMBER 2008-26873, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND 0.84 ACRES OUT OF A CALLED 8.84 ACRE TRACT DESCRIBED IN DOCUMENT 2012-25587, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS

COMMITMENT NO. NCS-1007674-CLE

b. Any portion of subject property lying within the boundaries of a public or private roadway whether dedicated or not.(IF ANY SHOWN HEREON)

c. All encumbrances, violations, variations, or adverse circumstances affecting Title that would be disclosed by an accurate and complete land survey of the Land, including, without limitation, all visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use. (May be amended or deleted upon approval of survey.)(IF ANY SHOWN HEREON)

d. Rights of tenants, as tenants only, under unrecorded leases or rental agreements.(NOT A SURVEY MATTER)

e. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.(NOT A SURVEY MATTER)

f. All visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use. (Owner's Title Policy)(IF ANY SHOWN HEREON)

g. Rights of parties in possession under any unrecorded, written or oral lease agreements by and between the present owner and/or their predecessors in title as lessor and unknown persons as lessees covering any of the herein described property.(NOT A SURVEY MATTER)

h. Any and all unrecorded leaseholds, rights of vendors and holders of security interests on personal property installed upon the property by tenants, and rights of tenants to remove trade fixtures at the expiration of the term of leases.(NOT A SURVEY MATTER)

i. Visible and apparent easements.(IF ANY SHOWN HEREON)

j. Waiver of Surface Rights executed by Viper Energy Partners, LLC and Cumberland & Western Resources, LLC, dated December 18, 2019 and recorded December 19, 2019 in Document Number 2019-38809, Official Records of Midland County, Texas; along with that certain Oil and Gas Lease attached to said Waiver as Exhibit B, by and between Spanish Trail Land and Cattle Company, L.P. and IBEX Mineral Resources, L.L.C., dated January 23, 2008.(NOT A SURVEY MATTER)

k. BY WAY OF INFORMATION, BUT NOT BY WAY OF EXCEPTION OR REQUIREMENT: That the subject property is located in the City of Midland Extra Territorial Jurisdiction area and may be subject to platting requirements.(NOT A SURVEY MATTER)

Parcel Line Table		
Line #	Length	Direction
L1	15.00'	S14° 17' 16"E
L2	31.97'	N75° 19' 50"E
L3	122.29'	S64° 39' 39"E
L4	286.56'	S24° 31' 20"E
L5	20.07'	S27° 25' 30"W
L6	250.69'	S75° 14' 10"W
L7	100.00'	N83° 06' 17"W
L8	100.00'	S53° 34' 34"W
L9	169.39'	S75° 14' 08"W
L10	21.22'	N59° 45' 56"W
L11	65.00'	S75° 14' 08"W

I hereby state to BMW Financial Services NA, LLC, a Delaware limited liability company, its successors and assigns, Lone Star Abstract & Title Co., Inc., First American Title Insurance Company, and Lusso Real Estate, LLC that this map or plat and the survey on which it was based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(b), 8, 11, 13, 14, 16, 17, 18, 19 [include only where off-site easements are present], and 20 of Table A thereof, and that the parcels described heron do not lie within flood hazard areas in accordance with the document entitled "Department of Housing and Urban Development, Federal Insurance Administration – Special Flood Hazard Area Maps". The field work was completed on 9-25-2019.

Charles P. Rutherford, R.P.L.S No. 1977 — 4-13-2020 Date

RECEIVED
JUL 14 2021
BY:

—x—x—Fence Line
Gas Line
—FO—Fiber Optic
Overhead Electric Line
Power Pole
Guy Wire
Fire Hydrant
Water Valve
found monument—see description
set 1/2" iron rod/cap stamped "RPLS 1977"
Bearing referenced to the control point set in overpass. Bearings oriented to Grid, Nad 83, Texas Zone No. 4203

GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

This tract lies in Flood Zone "X" as shown on Firm Map 48329C-0200F

CHARLES P. RUTHERFORD 1977 REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS

NEWTON ENGINEERING, PC.
Texas Firm No. 10194000
Midland, Texas 79705
Phone: (432) 682-3753
Fax: (432) 682-3754
Date: 9/25/2019 REVISED 3/19/2020
Survey Plat

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13856
Midland, Texas 79705
(432) 770-0499

November 1, 2019

Field Notes

Sewell Auto Complex 30.80 acres

All of that certain tract or parcel of land situated in Sections 37 and 38, Block 40, Township 1 South, Texas and Pacific Railroad Company Survey, Midland County, Texas and being 29.96 acres out of a called 634.887 acre tract as described in deed to Cumberland and Western Resources, LLC, in Document Number 2008-26873, Official Public Records of Midland County, Texas and 0.84 acre out of a called 8.84 acre tract described in Document 2012-25587, Official Public Records of Midland County, Texas and being more particularly described as follows:

Beginning at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the most Northerly Northeast corner of the said called 634.887 acres and the Northwest corner of the said called 8.84 acres in the South right-of-way line of State Highway 191.

Thence S 14°17'16' E along the East line of the said called 634.887 acres and the West line of the said called 8.84 acres, 15.00 feet to a ½ inch iron rod, with yellow cap, found at the inside Ell corner in the East line of the said called 634.887 acres and inside Ell corner in the West line of the said called 8.84 acres.

Thence N 75°19'50" E along the lower South line of this tract and a line of the said called 8.84 acres, 31.97 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a deflection in the East line of this tract and the West line of the said called 8.84 acres.

Thence S 64°39'39" E along the East line of this tract and the West line of Avalon Road, 122.29 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at a deflection point in the East line of this tract and the West line of said Avalon Road.

Thence S 24°31'20" E continuing along the East line of this tract and the said West line of Avalon Road, 286.56 feet to a feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the PC of a 1°17'04" Curve to the Right.

Thence around said Curve to the Right, 312.60 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the end of said curve and the most northerly Southeast corner of this tract.. Said Curve having a Delta Angle of 4°00'55" with a Chord Bearing of S 22°28'23" E and distance of 312.55 feet.

Thence S 27°25'30" W along a clip corner on the Southeast corner of this tract, 20.07 feet to a ½ inch iron, with cap marked PSC, found at the most southerly southeast corner of this tract in the North line of Deauville Boulevard.

Thence S 75°14'10" W along the South line of this tract and the North line of Deauville Boulevard, 250.69 feet to a ½ inch iron rod, with cap marked PSC, found at the beginning of a 6°03'47" curve to the right.

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13858
Midland, Texas 79705
(432) 770-0499

Thence around said curve to the right, 357.24 feet to the end of said curve at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner. Said Curve having a Delta Angle of 21°39'35" with Chord Bearing of S 86°03'55" W and distance of 355.12 feet.

Thence N 83°06'17 W continuing along the South line this tract and the North line of Deauville Boulevard,100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the beginning of a 5°25'51" curve to the left.

Thence around said curve to the left 797.65 feet to a ½ inch iron rod, with cap marked "6423", found at the end of this curve. Said Curve having a Delta Angle of 43°19'09", with a Chord Bearing of S 75°14'08" W and Distance of 778.78 feet

Thence S 53°34'34" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the PC of a 6°03'47" Curve to the left.

Thence around said curve to the left, 357.24 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the end of said curve. Said Curve having a Delta Angle 21°39'34" and Chord Bearing of S 64°24'21 W and Distance of 355.11 feet.

Thence S 75°14'08" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 169.39 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner at a point of deflection to the right.

Thence N 59°45'56" W continuing along the said South line of this tract and the said North line of Deauville Boulevard, 21.22 feet to a bent iron rod, found at a point of deflection to the left.

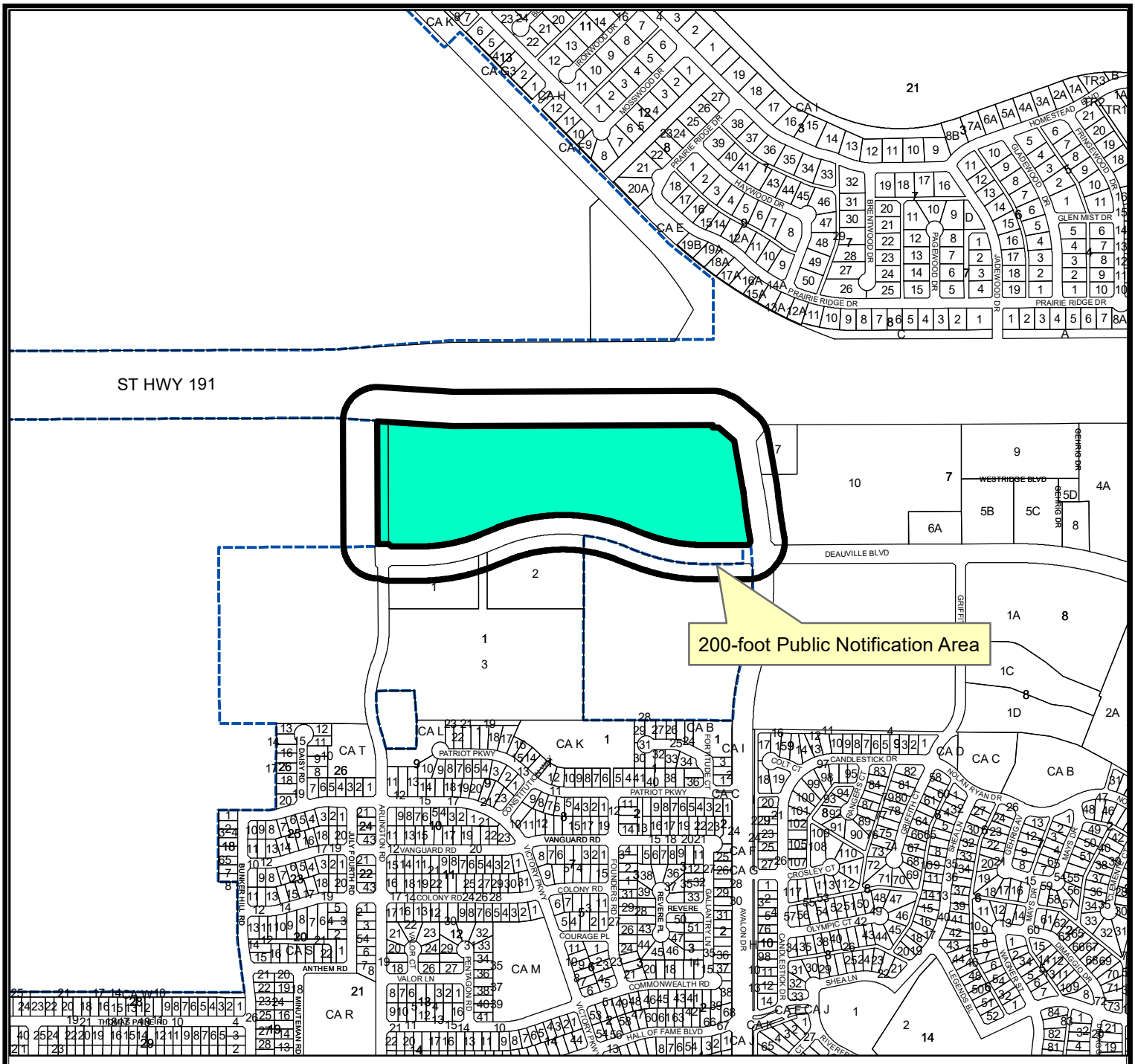
Thence S 75°14'08" W continuing with said South line and North line of Deauville Boulevard, 65.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Southwest corner of this tract.

Thence N 14°45'52" W along the West line of this tract and the East line of the remainder of the said called 634.887 acres, 717.81 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Northwest corner of this tract in the South line of said State Highway 191.

Thence N 79°21'34" E along the said North line of this tract and said South line of State Highway 191, 440.40 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a point of deflection in said North line, continuing N 75°14'49" E, 1520.67 feet to the place of beginning and containing 30.80 acres of land.

I, Charles P. Rutherford, Registered Professional Land Survey, do hereby state that this field note description and its accompanying plat correctly represent the results of a survey made on the ground under my supervision and direction.

Charles P. Rutherford, Registered Professional Land Surveyor No. 1977 Date



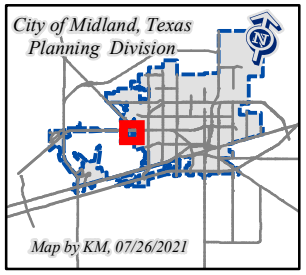
LOCATION MAP

A-21-0027 **Scale: 1" = 200'**

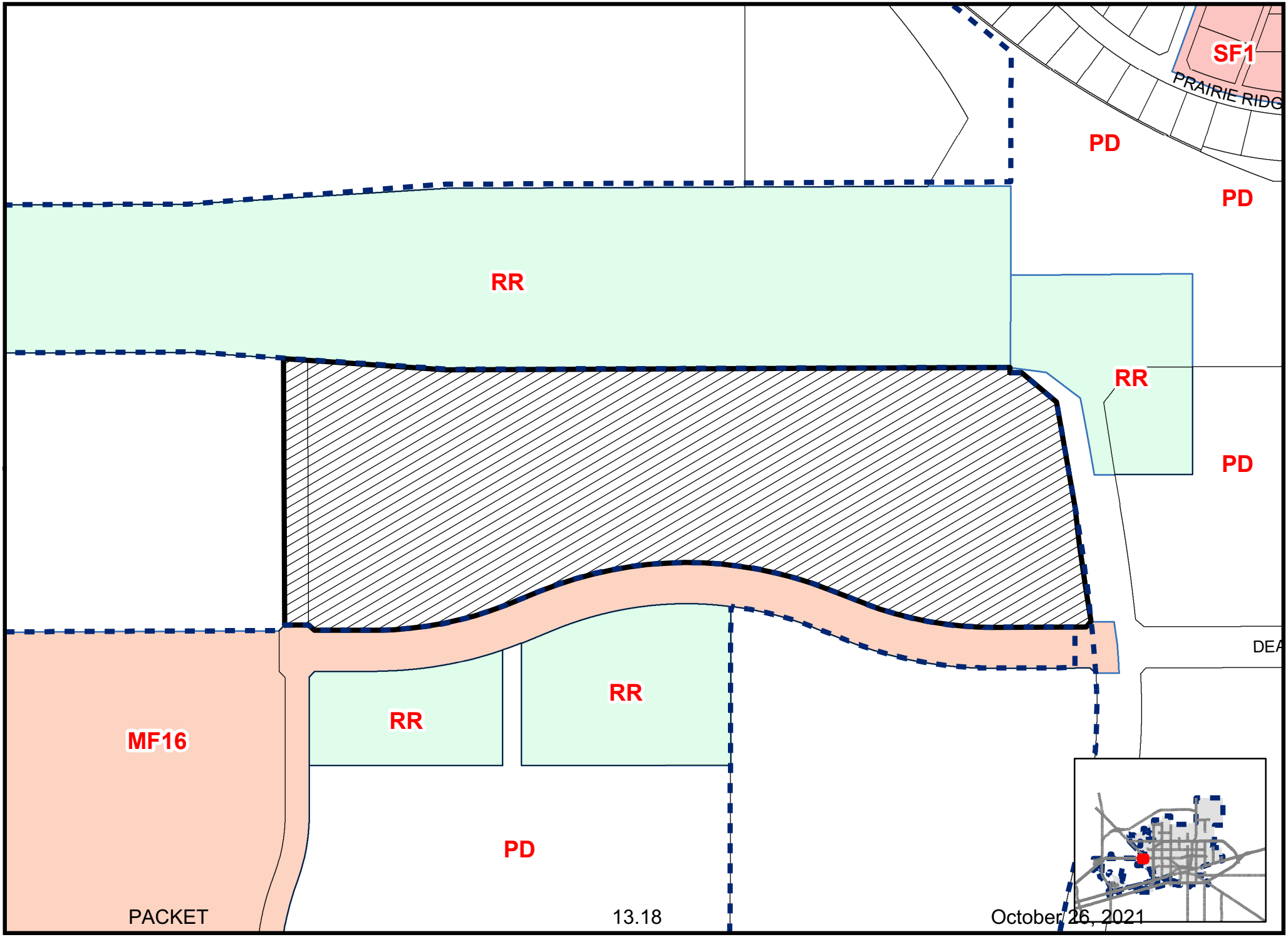
Consider a request for annexation of a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas.
Generally located southwest corner of the intersection of State Highway 191 and Avalon Drive. (Extraterritorial Jurisdiction)

L E G E N D

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND ITS PRIOR 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.



Map By KM, 09/15/2021

Z-21-0252

Scale: 1" = 200'

ZONING MAP

© **THE CITY OF MIDLAND - 2020:** THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.




STOP




SPEED
LIMIT
40
BIKE LANE

City Council Meeting

Item Number: 14

Meeting Date: October 12, 2021

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON 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: NONE) (DEVELOPMENT SERVICES)

Purpose:

Consider an ordinance on a request by Lusso Real Estate, LLC., for the initial zoning of a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas, located on the southwest corner of the intersection of State Highway 191 and Avalon Drive., which is currently being annexed to be RR, Regional Retail District.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

The applicant, Lusso Real Estate, LLC., is requesting for the initial zoning of annexed land to RR, Regional Retail District in order to develop a car dealership.

The site is currently in the process of being annexed into City Limits as well as in the process of being platted.

The proposed site plan attached hereto illustrates eight (8) buildings consisting of three (3) car dealerships, two (2) service centers, a car wash, an amenities building, and a photo booth building. The total square footage of all the buildings combined is about 1,341,212 square feet. The site plan illustrates 1,748 parking spaces. Therefore, this site has adequate parking.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: (Approved)

No Objections.

Transportation: (Approved)

No objections.

Fire: (Approved)

No objections.

Code Administration: (Approved)

No objections.

Oil and Gas: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Planning:

The Future Land Use Map in the Tall City Tomorrow Comprehensive Plan calls for Urban-High uses in this area, encompassing a higher mix of housing types, major commercial, office and services uses, and limited industrial in suitable locations.

This request was recommended for approval at the October 4, 2021 Planning and Zoning Commission meeting.

As this proposed initial zoning conforms to the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this initial zoning of RR, Regional Retail District subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the RR, Regional Retail District.

Letters of Objection:

As of October 6, 2021, staff has received no letters of objection to this request.

Attachments:

Petition (Exhibit A)
Site Plan
Application
Maps



City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 30.80-ACRE TRACT OF LAND OUT OF SECTIONS 37 AND 38, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 191 AND AVALON 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, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a public hearing to be held before the City Council on October 12, 2021 (the "Hearing Date"), to consider an amendment to the Zoning District Map of the City of Midland, Texas, so as to establish the initial zoning classification of the property described in Section One hereof as an RR, Regional Retail District, as set out in Title XI, Chapter 1 of the City Code of Midland, Texas; and

WHEREAS, such a public hearing was held in the Council Chambers on the Hearing Date, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Midland to amend the Zoning District Map accordingly;

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

SECTION ONE. That the initial zoning classification of the area indicated on Exhibit "A", attached hereto and incorporated herein by reference, is hereby established as

an RR, Regional Retail District, and the Zoning District Map of the City of Midland, Texas, is hereby amended to reflect the establishment of this initial zoning classification.

SECTION TWO. 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 THREE. 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 FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION FIVE. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the ___day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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"

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Lusso Real Estate, LLC ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Collin Sewell

Printed Name

President

Title

THE STATE OF Texas §
§
COUNTY OF Ector §

RENNE R ELFERT
Notary ID #125297855
My Commission Expires
August 13, 2022

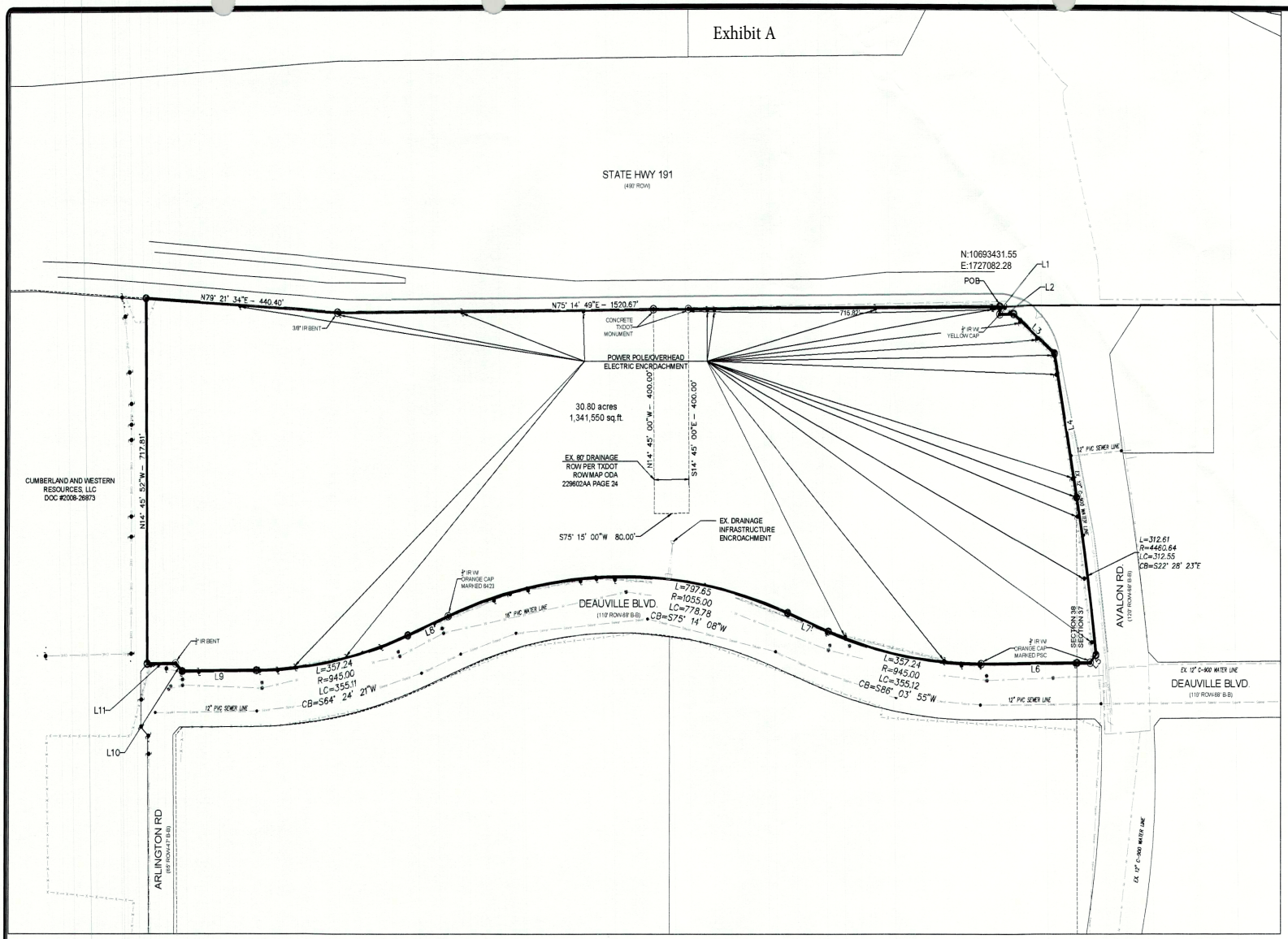
This instrument was acknowledged before me on the 1 day of July, 2021, by Collin Sewell in the capacity herein stated.

MY COMMISSION EXPIRES

Aug 13, 2022

Notary Public, State of Texas

Exhibit A



30.80 ACRES OF LAND SITUATED IN SECTIONS 37 AND 38, BLOCK 40, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS AND BEING 29.96 ACRES OUT OF A CALLED 634.887 ACRE TRACT AS DESCRIBED IN DEED TO CUMBERLAND AND WESTERN RESOURCES, LLC, IN DOCUMENT NUMBER 2008-26873, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND 0.84 ACRES OUT OF A CALLED 8.84 ACRE TRACT DESCRIBED IN DOCUMENT 2012-25587, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS

COMMITMENT NO. NCS-1007674-CLE

b. Any portion of subject property lying within the boundaries of a public or private roadway whether dedicated or not.(IF ANY SHOWN HEREON)

c. All encumbrances, violations, variations, or adverse circumstances affecting Title that would be disclosed by an accurate and complete land survey of the Land, including, without limitation, all visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use. (May be amended or deleted upon approval of survey.)(IF ANY SHOWN HEREON)

d. Rights of tenants, as tenants only, under unrecorded leases or rental agreements.(NOT A SURVEY MATTER)

e. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.(NOT A SURVEY MATTER)

f. All visible and apparent easements and all underground easements, the existence of which may arise by unrecorded grant or by use. (Owner's Title Policy)(IF ANY SHOWN HEREON)

g. Rights of parties in possession under any unrecorded, written or oral lease agreements by and between the present owner and/or their predecessors in title as lessor and unknown persons as lessees covering any of the herein described property.(NOT A SURVEY MATTER)

h. Any and all unrecorded leaseholds, rights of vendors and holders of security interests on personal property installed upon the property by tenants, and rights of tenants to remove trade fixtures at the expiration of the term of leases.(NOT A SURVEY MATTER)

i. Visible and apparent easements.(IF ANY SHOWN HEREON)

j. Waiver of Surface Rights executed by Viper Energy Partners, LLC and Cumberland & Western Resources, LLC, dated December 18, 2019 and recorded December 19, 2019 in Document Number 2019-38809, Official Records of Midland County, Texas; along with that certain Oil and Gas Lease attached to said Waiver as Exhibit B, by and between Spanish Trail Land and Cattle Company, L.P. and IBEX Mineral Resources, L.L.C., dated January 23, 2008.(NOT A SURVEY MATTER)

k. BY WAY OF INFORMATION, BUT NOT BY WAY OF EXCEPTION OR REQUIREMENT: That the subject property is located in the City of Midland Extra Territorial Jurisdiction area and may be subject to platting requirements.(NOT A SURVEY MATTER)

RECEIVED
JUL 14 2021
BY:

Parcel Line Table		
Line #	Length	Direction
L1	15.00'	S14° 17' 16"E
L2	31.97'	N75° 19' 50"E
L3	122.29'	S64° 39' 39"E
L4	286.56'	S24° 31' 20"E
L5	20.07'	S27° 25' 30"W
L6	250.69'	S75° 14' 10"W
L7	100.00'	N83° 06' 17"W
L8	100.00'	S53° 34' 34"W
L9	169.39'	S75° 14' 08"W
L10	21.22'	N59° 45' 56"W
L11	65.00'	S75° 14' 08"W

I hereby state to BMW Financial Services NA, LLC, a Delaware limited liability company, its successors and assigns, Lone Star Abstract & Title Co., Inc., First American Title Insurance Company, and Lusso Real Estate, LLC that this map or plat and the survey on which it was based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(b), 8, 11, 13, 14, 16, 17, 18, 19 [include only where off-site easements are present], and 20 of Table A thereof, and that the parcels described heron do not lie within flood hazard areas in accordance with the document entitled "Department of Housing and Urban Development, Federal Insurance Administration – Special Flood Hazard Area Maps". The field work was completed on 9-25-2019.

Charles P. Rutherford, R.P.L.S No. 1977 — 4-13-2020 Date

—x—x—Fence Line
Gas Line
—FO—Fiber Optic
—OE—Overhead Electric Line
Power Pole
Guy Wire
Fire Hydrant
Water Valve
found monument—see description
set 1/2" iron rod/cap stamped "RPLS 1977"
Bearing referenced to the control point set in overpass. Bearings oriented to Grid, Nad 83, Texas Zone No. 4203

GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

This tract lies in Flood Zone "X" as shown on Firm Map 48329C-0200F

CHARLES P. RUTHERFORD 1977 REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS

NEWTON ENGINEERING, PC.
3304 Lasso Rd. Midland, Texas 79705 T: (432) 687-1664
Texas Firm No. 10193900 Texas Firm No. 10193900
Standard 2020
4/13/2019 REVISED 3/19/2020
Survey Plat

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13856
Midland, Texas 79705
(432) 770-0499

November 1, 2019

Field Notes

Sewell Auto Complex 30.80 acres

All of that certain tract or parcel of land situated in Sections 37 and 38, Block 40, Township 1 South, Texas and Pacific Railroad Company Survey, Midland County, Texas and being 29.96 acres out of a called 634.887 acre tract as described in deed to Cumberland and Western Resources, LLC, in Document Number 2008-26873, Official Public Records of Midland County, Texas and 0.84 acre out of a called 8.84 acre tract described in Document 2012-25587, Official Public Records of Midland County, Texas and being more particularly described as follows:

Beginning at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the most Northerly Northeast corner of the said called 634.887 acres and the Northwest corner of the said called 8.84 acres in the South right-of-way line of State Highway 191.

Thence S 14°17'16' E along the East line of the said called 634.887 acres and the West line of the said called 8.84 acres, 15.00 feet to a ½ inch iron rod, with yellow cap, found at the inside Ell corner in the East line of the said called 634.887 acres and inside Ell corner in the West line of the said called 8.84 acres.

Thence N 75°19'50" E along the lower South line of this tract and a line of the said called 8.84 acres, 31.97 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a deflection in the East line of this tract and the West line of the said called 8.84 acres.

Thence S 64°39'39" E along the East line of this tract and the West line of Avalon Road, 122.29 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at a deflection point in the East line of this tract and the West line of said Avalon Road.

Thence S 24°31'20" E continuing along the East line of this tract and the said West line of Avalon Road, 286.56 feet to a feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the PC of a 1°17'04" Curve to the Right.

Thence around said Curve to the Right, 312.60 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the end of said curve and the most northerly Southeast corner of this tract.. Said Curve having a Delta Angle of 4°00'55" with a Chord Bearing of S 22°28'23" E and distance of 312.55 feet.

Thence S 27°25'30" W along a clip corner on the Southeast corner of this tract, 20.07 feet to a ½ inch iron, with cap marked PSC, found at the most southerly southeast corner of this tract in the North line of Deauville Boulevard.

Thence S 75°14'10" W along the South line of this tract and the North line of Deauville Boulevard, 250.69 feet to a ½ inch iron rod, with cap marked PSC, found at the beginning of a 6°03'47" curve to the right.

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13858
Midland, Texas 79705
(432) 770-0499

Thence around said curve to the right, 357.24 feet to the end of said curve at a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner. Said Curve having a Delta Angle of 21°39'35" with Chord Bearing of S 86°03'55" W and distance of 355.12 feet.

Thence N 83°06'17 W continuing along the South line this tract and the North line of Deauville Boulevard,100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977", set at the beginning of a 5°25'51" curve to the left.

Thence around said curve to the left 797.65 feet to a ½ inch iron rod, with cap marked "6423", found at the end of this curve. Said Curve having a Delta Angle of 43°19'09", with a Chord Bearing of S 75°14'08" W and Distance of 778.78 feet

Thence S 53°34'34" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 100.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the PC of a 6°03'47" Curve to the left.

Thence around said curve to the left, 357.24 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" , set at the end of said curve. Said Curve having a Delta Angle 21°39'34" and Chord Bearing of S 64°24'21 W and Distance of 355.11 feet.

Thence S 75°14'08" W continuing along the South line of this tract and the said North line of Deauville Boulevard, 169.39 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set for corner at a point of deflection to the right.

Thence N 59°45'56" W continuing along the said South line of this tract and the said North line of Deauville Boulevard, 21.22 feet to a bent iron rod, found at a point of deflection to the left.

Thence S 75°14'08" W continuing with said South line and North line of Deauville Boulevard, 65.00 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Southwest corner of this tract.

Thence N 14°45'52" W along the West line of this tract and the East line of the remainder of the said called 634.887 acres, 717.81 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at the Northwest corner of this tract in the South line of said State Highway 191.

Thence N 79°21'34" E along the said North line of this tract and said South line of State Highway 191, 440.40 feet to a ½ inch iron rod, with yellow plastic cap stamped "RPLS 1977" set at a point of deflection in said North line, continuing N 75°14'49" E, 1520.67 feet to the place of beginning and containing 30.80 acres of land.

I, Charles P. Rutherford, Registered Professional Land Survey, do hereby state that this field note description and its accompanying plat correctly represent the results of a survey made on the ground under my supervision and direction.

Charles P. Rutherford, Registered Professional Land Surveyor No. 1977 Date

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Lusso Real Estate, LLC ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Collin Sewell
Printed Name

President
Title

THE STATE OF Texas §
§
COUNTY OF Ector §

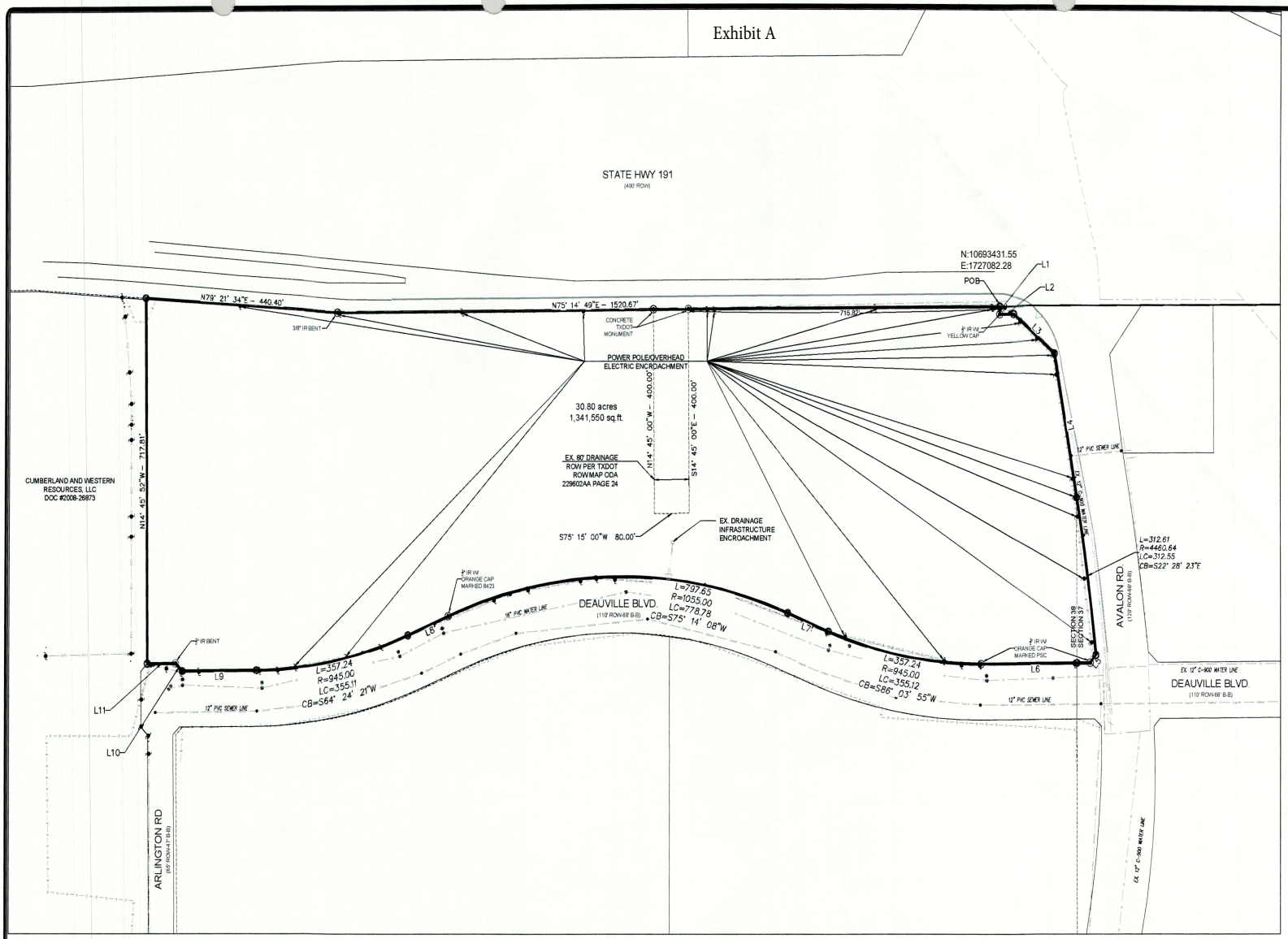
RENNE R ELFERT
Notary ID #125297855
My Commission Expires
August 13, 2022

This instrument was acknowledged before me on the 1 day of July, 2021, by Collin Sewell in the capacity herein stated.

MY COMMISSION EXPIRES
Aug 13, 2022

Renne R Elfert
Notary Public, State of Texas

Exhibit A



30.80 ACRES OF LAND SITUATED IN SECTIONS 37 AND 38, BLOCK 40, TOWNSHIP 1 SOUTH, TEXAS AND PACIFIC RAILROAD COMPANY SURVEY, MIDLAND COUNTY, TEXAS AND BEING 29.96 ACRES OUT OF A CALLED 634.887 ACRE TRACT AS DESCRIBED IN DEED TO CUMBERLAND AND WESTERN RESOURCES, LLC, IN DOCUMENT NUMBER 2008-26873, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS AND 0.84 ACRES OUT OF A CALLED 8.84 ACRE TRACT DESCRIBED IN DOCUMENT 2012-25587, OFFICIAL PUBLIC RECORDS OF MIDLAND COUNTY, TEXAS

COMMITMENT NO. NCS-1007674-CLE

b. Any portion of subject property lying within the boundaries of a public or private roadway whether dedicated or not.(IF ANY SHOWN HEREON)

c. All encumbrances, violations, variations, or adverse circumstances affecting Title that would be disclosed by an accurate and complete land survey of the Land, including, without limitation, all visible and apparent easements or uses and all underground easements or uses, the existence of which may arise by unrecorded grant or by use. (May be amended or deleted upon approval of survey.)(IF ANY SHOWN HEREON)

d. Rights of tenants, as tenants only, under unrecorded leases or rental agreements.(NOT A SURVEY MATTER)

e. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.(NOT A SURVEY MATTER)

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Charles P. Rutherford, R.P.L.S No. 1977 — 4-13-2020 Date

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- set 1/2" iron rod/cap stamped "RPLS 1977"

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GRAPHIC SCALE
0 100' 200'
(IN FEET)
1 inch = 100 ft.

This tract lies in Flood Zone "X" as shown on Firm Map 48329C-0200F

CHARLES P. RUTHERFORD 1977 REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF TEXAS

NEWTON ENGINEERING, PC.
Texas Firm No. 10194150
Midland, Texas 79705
Phone: (432) 682-3753
Fax: (432) 682-3754
Date: 4/13/2020 REVISED 3/19/2020
Survey Plat

NEWTON ENGINEERING, PC
4908 N. Midkiff Rd. F-13856
Midland, Texas 79705
(432) 770-0499

November 1, 2019

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4908 N. Midkiff Rd. F-13858
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(432) 770-0499

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Charles P. Rutherford, Registered Professional Land Surveyor No. 1977 Date

MIDLAND
Planning Division

Annexation/Initial Zoning Application

Project Number: A-21-0027
Case Number: Z-21-0252

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Lusso Real Estate, LLC		Phone (432)770-0499 Email	
Address PO BOX 3432	City Odessa	State TX	Zip 79760

Property Owner Printed Name: Same as Applicant		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: Newton Engineering, PC Printed Name: John M. Newton		Phone (432)770-0499 Email john@newtoncivil.com	
Address 4501-A Santa Rosa Dr.	City Midland	State TX	Zip 79707

Street Address: Southwest corner of Hwy 191 and Avalon Dr.

Legal Description
Lot: Block: Subdivision: n/a

Current Zoning: Not zoned	**Proposed Zone:** ~~PD-Light Industrial~~ RR *(List by tracts if more than one district is requested)*

Reason for Annexation/Zone Change Request: To conform with the development of a car dealership

Present Use of Property: Native Pasture

Proposed Use of Property: Car Dealership, service center, carwash, and restaraunt/retail

How would this annexation/zone change affect the public health, safety and welfare?
Would not affect

Describe how this annexation/zone change will affect adjacent properties:
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):	Date: 7/7/2021
Applicant (printed): Collin Sewell	
Property Owner (signature):	Date: 7/7/2021
Property Owner (printed) : Collin Sewell	

The Annexation/Initial Zoning shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared_____who, being by me duly sworn, upon oath says: That (s)he is authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

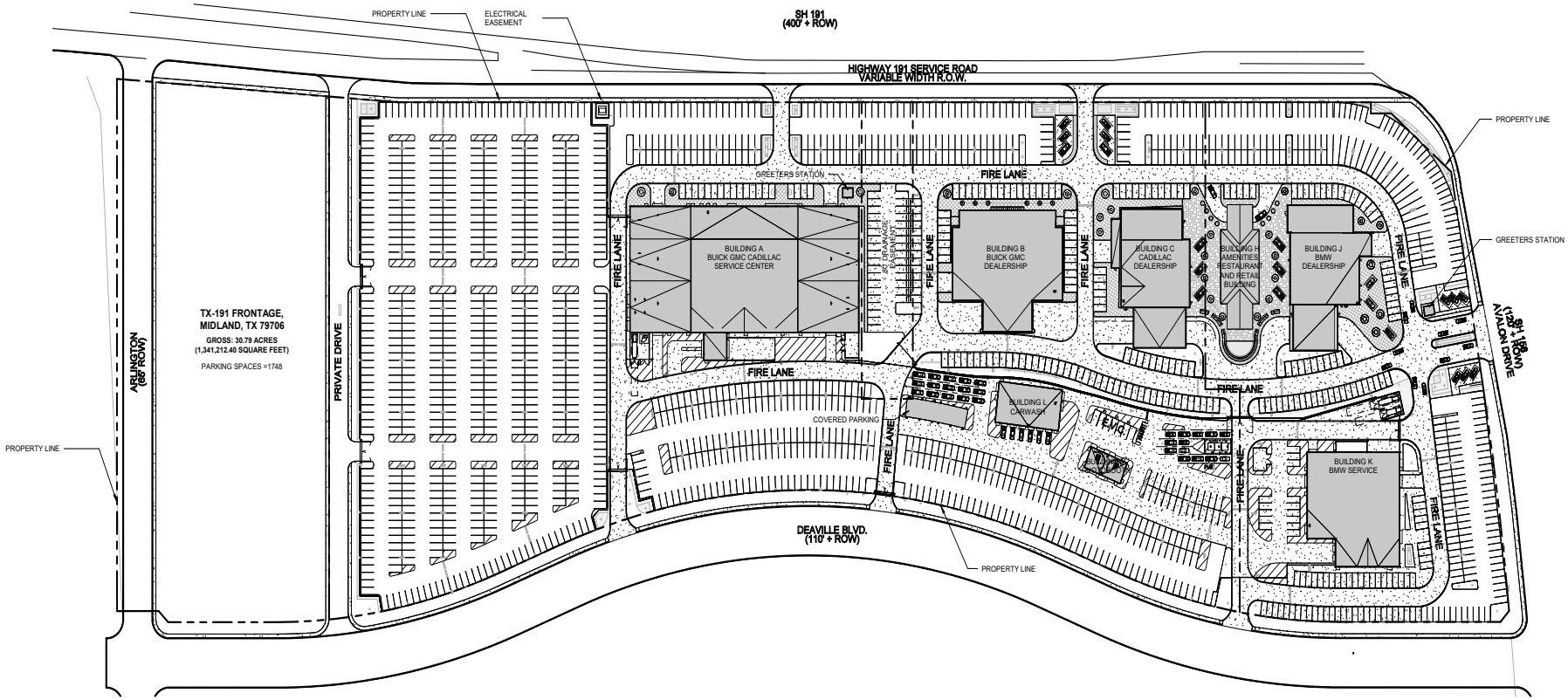
Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Metes and Bounds (Sealed by Surveyor)
☒ Application Fee	☒ Files in Digital Format (PDF/JPEG)
Check # 1144	☒ Petition
Received By: V.Sherman	Date: RECEIVED JUL 14 2021
	BY: VS

****Application will not be considered for scheduling until reviewed by a planner.****



SITE PLAN

PN TN

SEWELL MIDLAND DEALERSHIP CAMPUS, TX-191 FRONTAGE, MIDLAND, TX 79706

PACKET

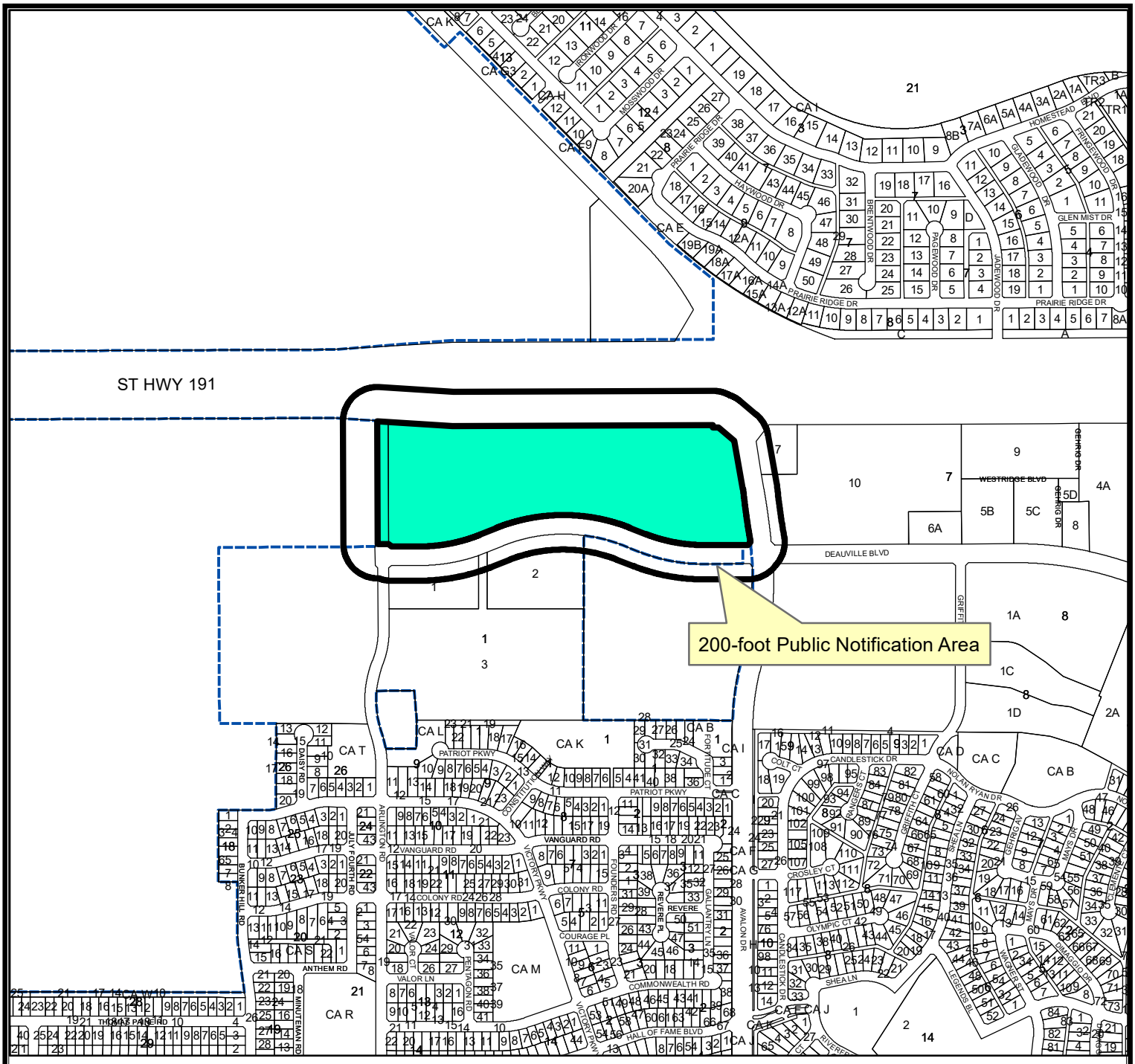
14.17

October 26, 2021

Job #: 17256
Date: 08/20/2021
Drawn by: Author

Scale: 1" = 80' - 0"
File Name: BIM 360://17256 - BMW Permian Basin/17256_SM_SITE_A21.rvt
Not for regulatory approval, permitting, or construction

gff ARCHITECTS
Dallas | Fort Worth | Austin



LOCATION MAP

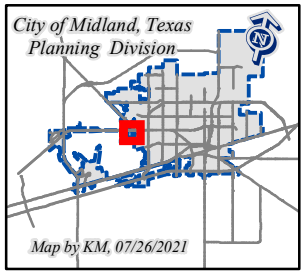
Z-21-0252 **Scale: 1" = 800'**

Consider a request for the initial zoning of a 30.80-acre tract of land out of Section 37 and 38, Block 40, T-1-S, T&P RR Co. Survey, Midland County, Texas.

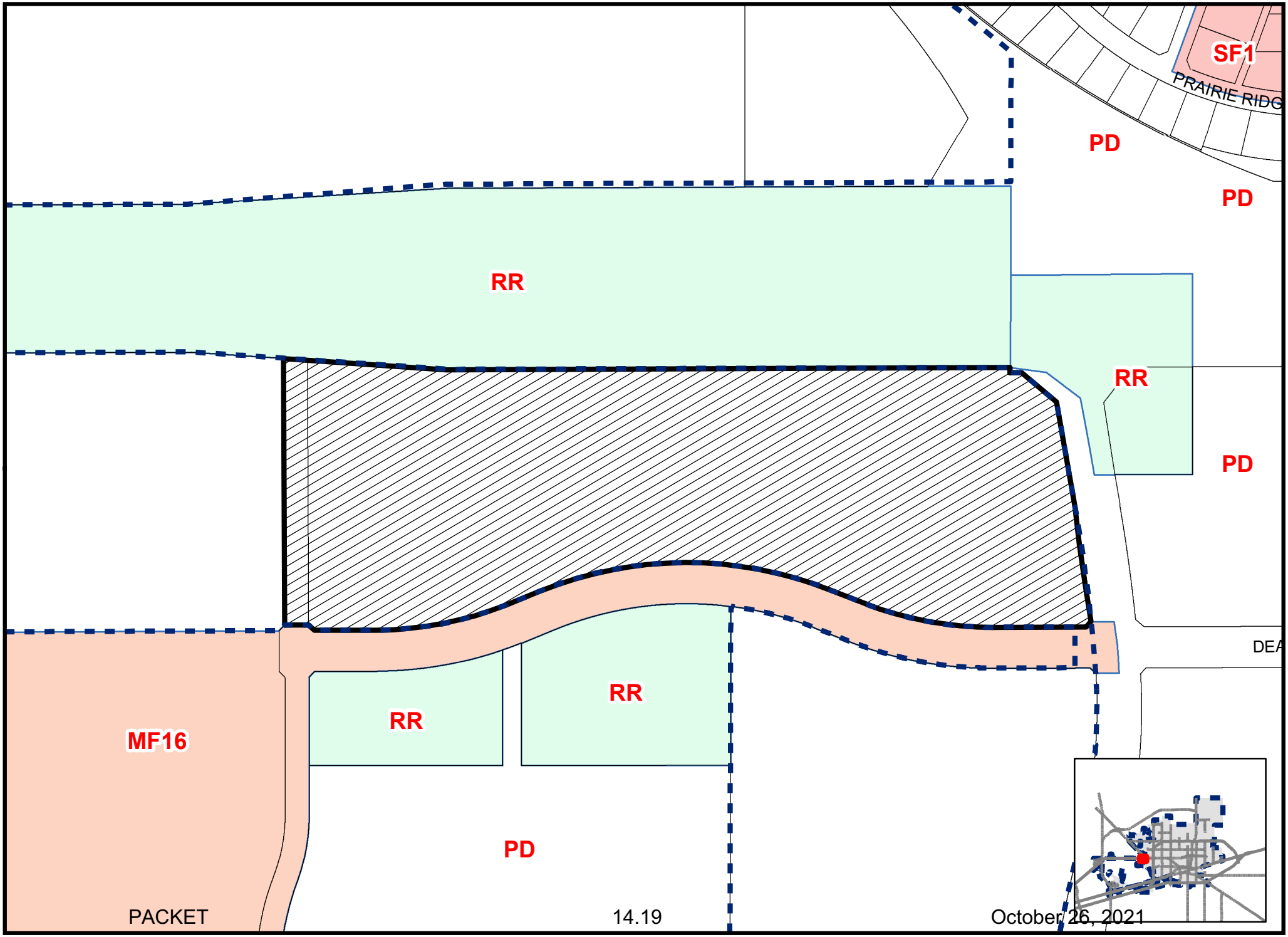
Generally located on the southwest corner of the intersection of State Highway 191 and Avalon Drive. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©THE CITY OF MIDLAND - 2021
THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY AND ITS PRIOR 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.



Map By KM, 09/15/2021

Z-21-0252

Scale: 1" = 200'

ZONING MAP

© **THE CITY OF MIDLAND - 2020:** THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY PRODUCT, NOR IS IT DESIGNED TO BE USED AS A PRIMARY TOOL IN PERMITTING OR OTHER DECISIONS BASED SOLELY ON THE INFORMATION CONTAINED HEREIN.THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.




STOP




SPEED
LIMIT
40
BIKE LANE

City Council Meeting

Item Number: 15

Meeting Date: October 12, 2021

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 142 FEET SOUTH OF MISSISSIPPI 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, Jose Chavez**,** is requesting a zone change from MF-22, Multiple-Family Dwelling District to SF-3 Single-Family Dwelling District at 807 North Terrell Street, to construct a single-family residence.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Current Zoning:

MF-22, Multiple-Family Dwelling District.

Surrounding Zoning and Land Use:

The properties to the north, east, and south are also zoned MF-22, Multiple-Family Dwelling District and the location of vacant land and single-family residences. The property to the west is zoned C, Commercial District, and the location of a single-family residence.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single family home. The property meets the minimum lot size requirements for the SF-3, Single-Family Dwelling District.

Per the previous zoning code, the current zoning district would have allowed for the construction of single-family homes. Under the new zoning ordinance adopted in 2019, the construction of single-family homes was restricted to single-family dwelling districts.

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.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. 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.

No objection to zone change.

Planning:

This request is compliant 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 Medium, a classification that calls for a mix of residential and non-residential uses. This property also supports the existing neighborhood characteristics and uses of the area.

This request was approved at the September 20, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.**

Letters of Objection:

Staff has not received any letters of objection as of September 30, 2021.

Attachments:

Application
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 5, HOMESTEAD ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-22, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE WEST SIDE OF NORTH TERRELL STREET, APPROXIMATELY 142 FEET SOUTH OF MISSISSIPPI AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 3, Block 5, Homestead Addition, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as

that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0261

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jose Chavez		Phone (575) 694-3413 Email ferre_chavez@ymail.com	
Address 1206 E Pennsylvania	City Midland	State TX	Zip 79701

Property Owner Printed Name: (same as above)		Phone ( ) Email	
Address	City	State	Zip

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 807 N Terrell

Legal Description
Lot: 3 Block: 5 Subdivision: Homestead

Current Zoning: MF-22	**Proposed Zone:** SF-3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: New Build

Present Use of Property: MF-22 Vacant

Proposed Use of Property: New Home

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
AUG 20 2021
BY: .....

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Enrique Jurado	Date: 8-20-21
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.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appear_____who, being by me duly sworn, upon oath says: That (s)he is the owner of _____or authorized by_____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☒ Property Owner Authorization ☐ Dimensioned Site Plan

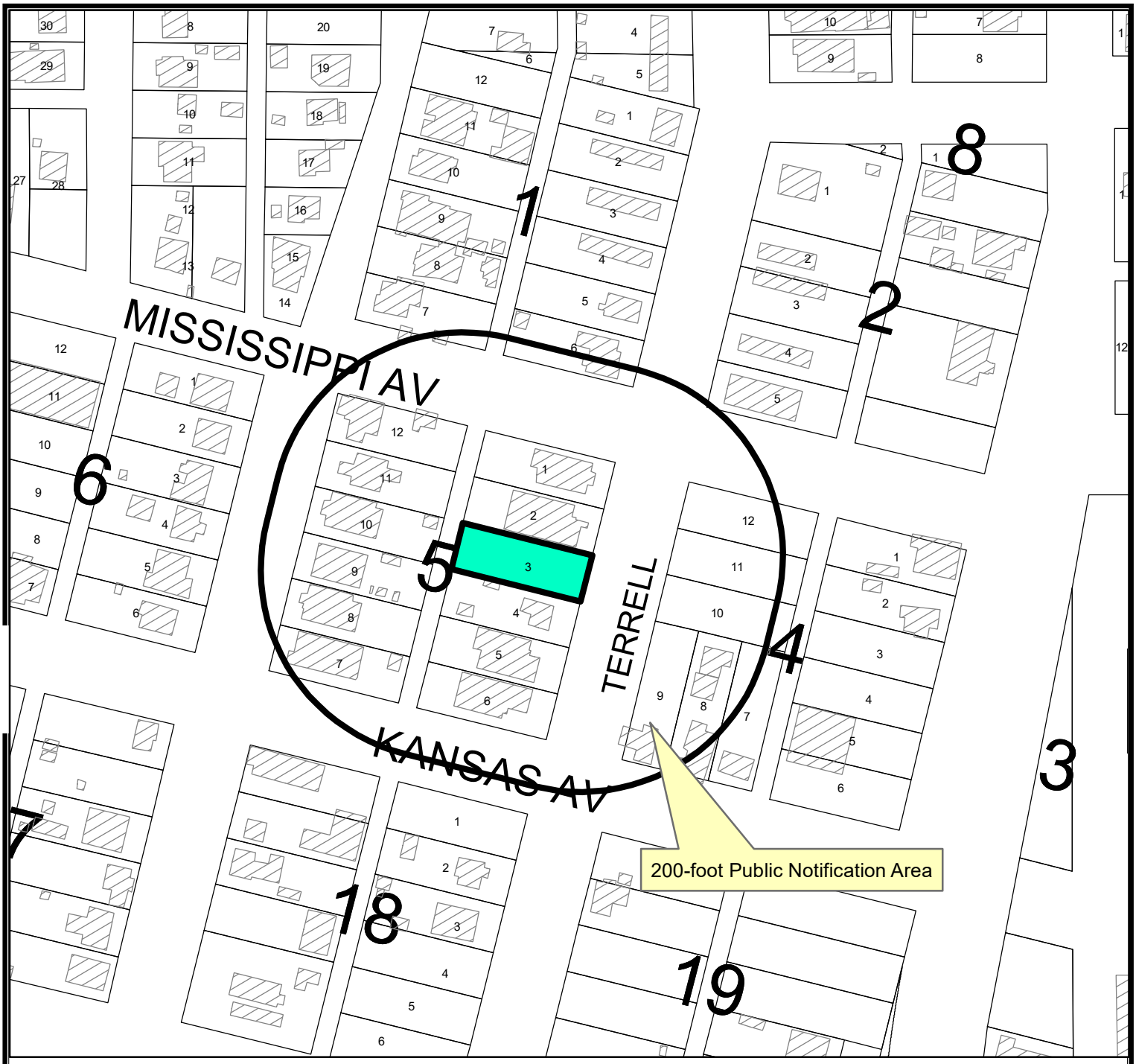
☐ Application Fee ☐ Plans in Digital Format (PDF/JPEG)

Check # CC

Received By: M Date:

RECEIVED
AUG 20 2021
BY:.....

Application will not be considered for scheduling until reviewed by a planner.



LOCATION MAP

Z-21-0261 **Scale: 1" = 200'**

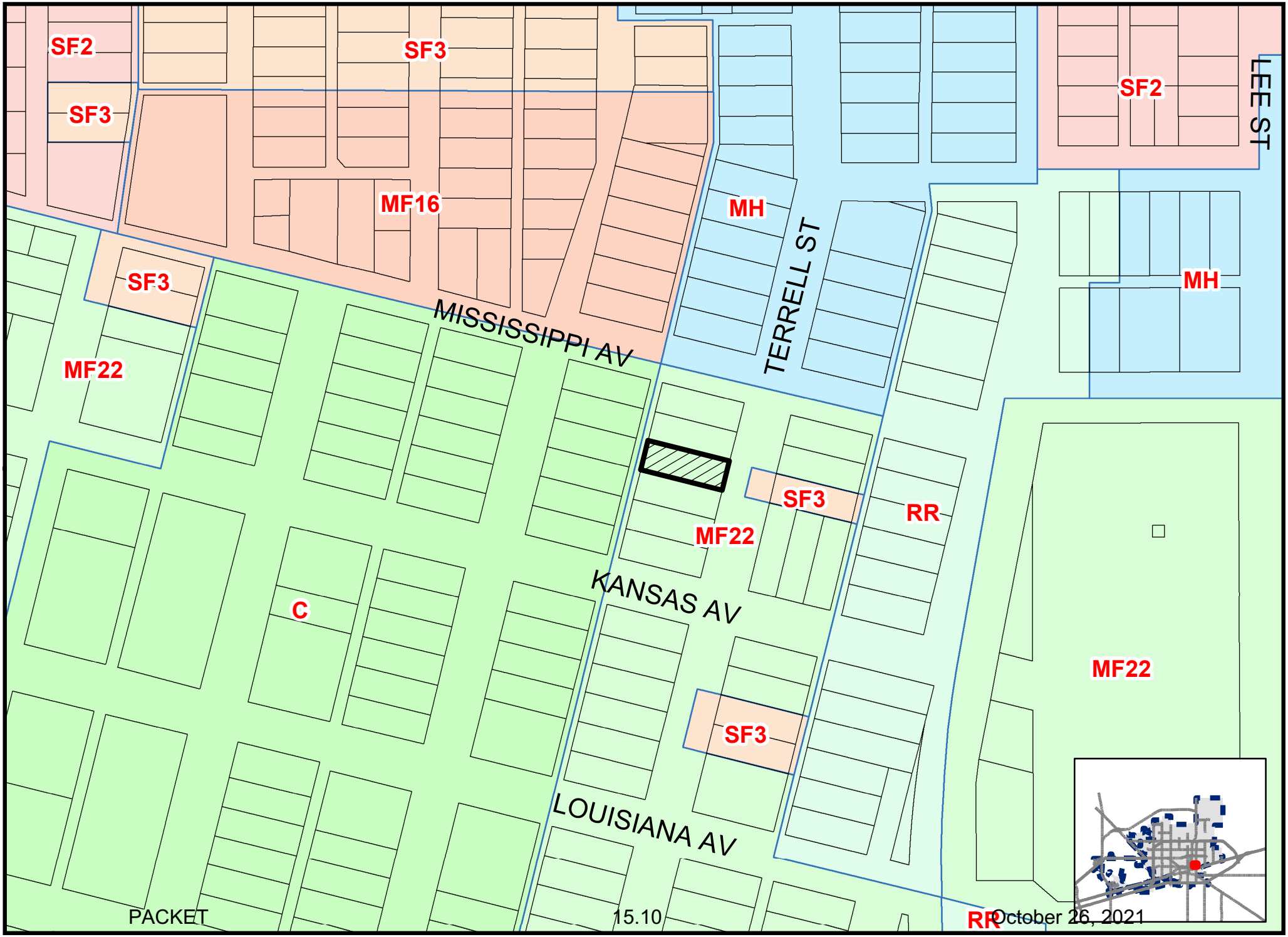
Consider a request by Jose Chavez for a zone change from MF-22, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, Homestead Addition, City and County of Midland, Texas.
Generally located on the west side of N. Terrell Street, approximately 142-feet south of Mississippi Avenue. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY OR ATTORNEY OR 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.



Map By KM, 08/26/2021

Z-21-0261

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: 16

Meeting Date: October 12, 2021

To: City Council / City Manager

From: Cole Furqueron, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.83-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EDWARDS STREET AND MISSISSIPPI 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, Jose Luis Zuniga, is requesting to rezone the properties located at 307 Mississippi Avenue to allow for the construction of a new residential home.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Current Zoning:

MF-16 Multiple-Family Dwelling District

Surrounding Zoning and Land Use:

The properties to the north, west, and south are zoned SF-3, Single-Family Dwelling District, and the locations of residential homes and vacant lots. The properties to the east are zoned MF-16, Multiple-Family Dwelling District and are the locations of residential homes and vacant lots.

Discussion:

The applicant, Jose Luis Zuniga, is requesting to rezone the property from MF-16 Multiple-Family, Single-Family Dwelling District, to allow for the construction of four (4) residential homes. The property is currently in the process of replat to meet the minimum lot size requirements for the SF-3, Single-Family Dwelling District. Under the previous zoning code, the current zoning district would have allowed for the construction of single-family homes. Under the new Zoning Code adopted in 2019, residential uses became more specific to single-family zoning districts.

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.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Fire: (Approved)

No objection to zone change.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. 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.

No objection to zone change.

Planning:

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-medium. This designation serves to connect commercial, office, and mixed-use areas with residential uses. Therefore, the construction of single-family housing at this location is in conformance with the recommendations of the Tall City Tomorrow plan as it provides for the integration of uses. It would also support the existing neighborhood characteristics and uses of the area.

This request was recommended for approval at the September 20, 2021, Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.

Letters of Objection:

Staff has not received any letters of objections as of September 30, 2021.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Robert Patrick

City Manager’s Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.83-ACRE TRACT OF LAND OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, FROM MF-16, MULTIPLE-FAMILY DWELLING DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH EDWARDS STREET AND MISSISSIPPI 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 0.83-acre tract of land out of Section 26, Block 39, 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 SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from MF-16, Multiple-Family Dwelling District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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 0.83 ACRE TRACT OF LAND, OUT OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, SAID 0.83 ACRE TRACT DESCRIBED MORE FULLY BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT, FROM WHICH THE SE CORNER OF LOT 21, W.W. HARRIS ADDITION, VOLUME 108, PAGE 77 BEARS NORTH 12° 05'14" WEST 20.52 FEET;

THENCE SOUTH 15° 26'00" EAST 250.85 FEET TO A 1/2" REINF BAR SET FOR THE SOUTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 88° 02'26" WEST 173.82 FEET TO A 1/2" REINF BAR SET FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE NORTH 7° 19'35" WEST 215.30 FEET TO A 1/2" REINF BAR SET FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE NORTH 75° 43'24" EAST 138.70 FEET TO THE PLACE OF BEGINNING.



RJ DAUM

TEXAS RPLS 4826

JOB NUMBER 77200

09/09/2021

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-21-0260

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Property Owner Printed Name: Jose Luis Zuniga		Phone (432) 553-6392 Email luispc40@hotmail.com	
Address 1605 E Scharbauer Dr.	City Midland	State TX	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: Schumann Engineering 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

Street Address: 307 Mississippi Av.

Legal Description Legal: Acres: 0.829, 0.829 OUT OF E/2 OF NW/4 OF SE/4 OF SEC: 26, BLK: 39-T1S
Lot: Block: Subdivision:

Current Zoning: MF16	**Proposed Zone:** SF3 *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: In the process of platting into 50 wide lots.

Present Use of Property: Vacant

Proposed Use of Property: Residential

How would this zone change affect the public health, safety and welfare?

Describe how conditions affecting the property have changed since present zoning designation:

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): X	Date: 8-19-21
Property Owner (printed) : Jose Luis Zuniga	

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 Eduardo who, being by me duly sworn, upon oath says: That (s)he is the owner of Jose Luis Zuniga 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.

Eduardo L. Alonzo
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 19th day of August, 2021, to certify which witness my hand and seal of office.

HUNTER WAYNE HALL
Notary Public, State of Texas
Comm. Expires 06-05-2024
Notary ID 132509132

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 1680	
Received By:	Date: RECEIVED AUG 19 2021

BY: .....

****Application will not be considered for scheduling until reviewed by a planner.****

PRELIMINARY PLAT

W.W. HARRIS ADDITION, SECTION 5

BEING A PLAT OF A 0.83 ACRES OF LAND LOCATED IN THE WAST HALF OF THE NORTHWEST QUARTER IN THE SOUTHEAST QUARTER OF SECTION 26, BLOCK 39, T-1-S, T&P R.R. CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS

STATE OF TEXAS

COUNTY OF MIDLAND

WHEREAS, I AM THE RECORD OWNER OF A 0.510 ACRES OUT OF THE EAST HALF OF THE NORTHWEST/4 OF THE SOUTHEAST/4 OF SECTION 26, BLOCK 39, T-1-S, T&P RR CO SURVEY, MIDLAND COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED HEREON.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT I DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS W.W. HARRIS ADDITION, SECTION 5, AN ADDITION TO THE CITY OF MIDLAND, 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 _____ , 20_____ .

_____
JOSE LUIS ZUNIGA

STATE OF TEXAS:
COUNTY OF MIDLAND:

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS_____ DAY OF _____, 20_____, JOSE LUIS ZUNIGA.

_____
NOTARY PUBLIC
MIDLAND COUNTY, TEXAS

OWNER:

JOSE LUIS ZUNIGA
1605 E. SCHARBAUER
MIDLAND TX 79705
(432) 553-6392
luispc40@hotmail.com

NOTES:

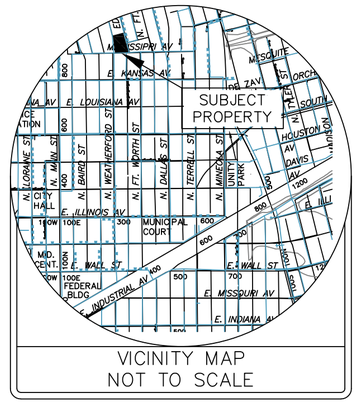
1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS MAY BE A VIOLATION OF CITY ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

2. 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.

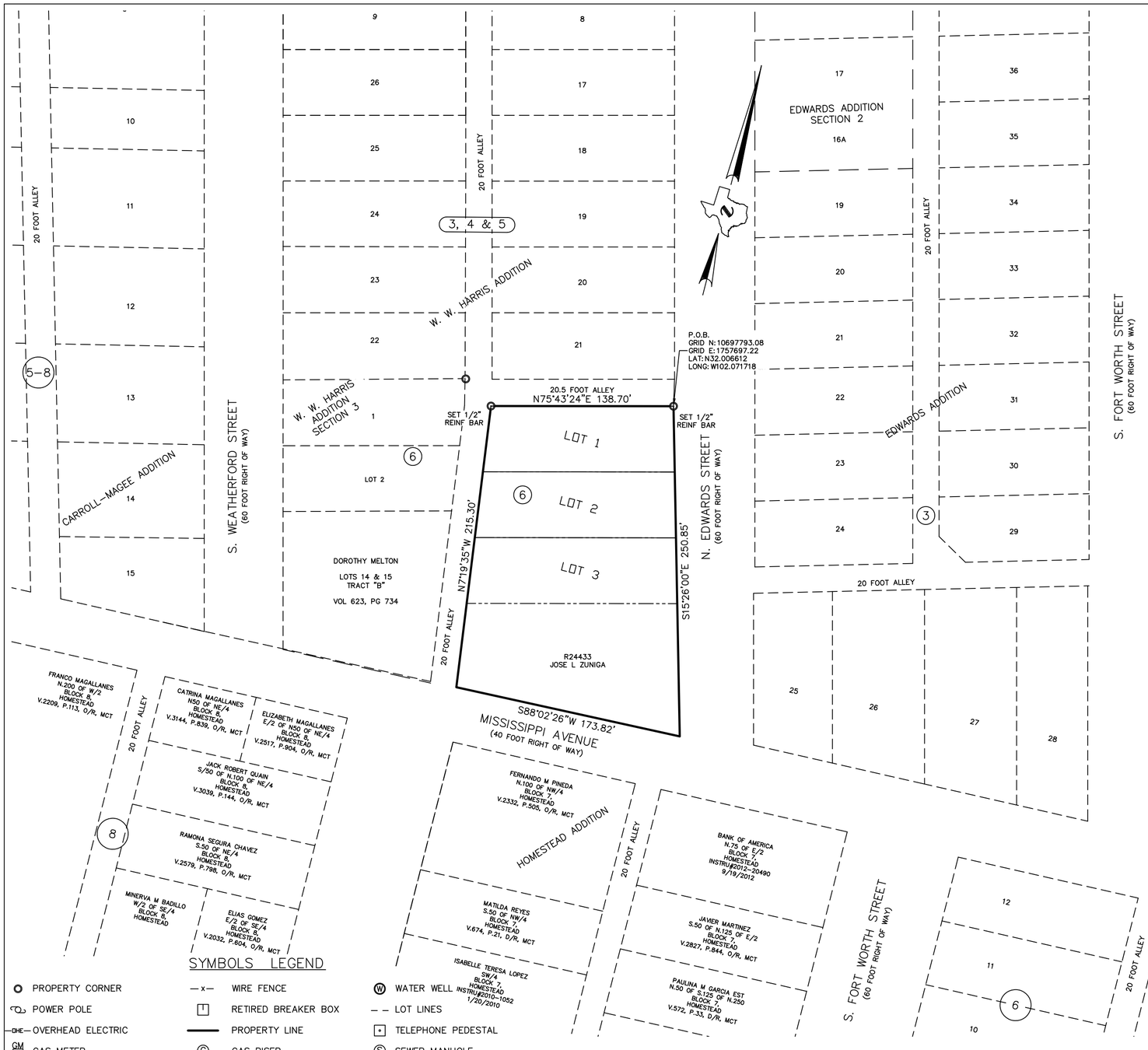
3. BEARINGS, DISTANCES AND ACREAGE SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.

4. THE INSTALLATION OF PUBLIC IMPROVEMENTS MAY BE REQUIRED BY THE CITY OF MIDLAND AS SUCH TIME AS: (1) THE 0.83 ACRE TRACT IS RE-PLATTED FOR SUBDIVISION INTO MORE THAN 3 TRACTS OR (2) THE PROPERTY IS REZONED FOR A MORE INTENSIVE USE.

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 INCREASES IN FEES MAY NOT BE ASSESSED AGAINST THE TRACT UNLESS THE NUMBER OF SERVICE UNITS TO BE DEVELOPED ON THE TRACT INCREASES.



VICINITY MAP
NOT TO SCALE



SYMBOLS LEGEND

PROPERTY CORNER	WIRE FENCE	WATER WELL
POWER POLE	RETIRED BREAKER BOX	LOT LINES
OVERHEAD ELECTRIC	PROPERTY LINE	TELEPHONE PEDESTAL
GAS METER	GAS RISER	SEWER MANHOLE

THIS PLAT HAS BEEN CHECKED FOR ACCESSIBILITY OF UTILITIES.

SIGNED: _____
ONCOR ELECTRIC DELIVERY COMPANY

SIGNED: _____
AT&T TEXAS

SIGNED: _____
ATMOS ENERGY

SIGNED: _____
SUDDENLINK COMMUNICATIONS

SIGNED: _____
GRANDE COMMUNICATIONS

CERTIFICATE OF APPROVAL

FOR APPROVAL BY THE COMMISSION:

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF W.W. HARRIS ADDITION, SECTION 5. WAS APPROVED BY PROPER ACTION OF THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF MIDLAND, ON THIS _____ DAY OF _____, 2020.

SIGNED: _____
CHAIRMAN REGGIE LAWRENCE

ATTEST: _____
SECRETARY CRISTINA ODENBORG BURNS

GRAPHIC SCALE
0 60' 120'
(IN FEET)
1 inch = 60 ft.

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.

_____
RJ DAUM
TEXAS RPLS 4826

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO._____CABINET ____
DATE_____PAGE_____

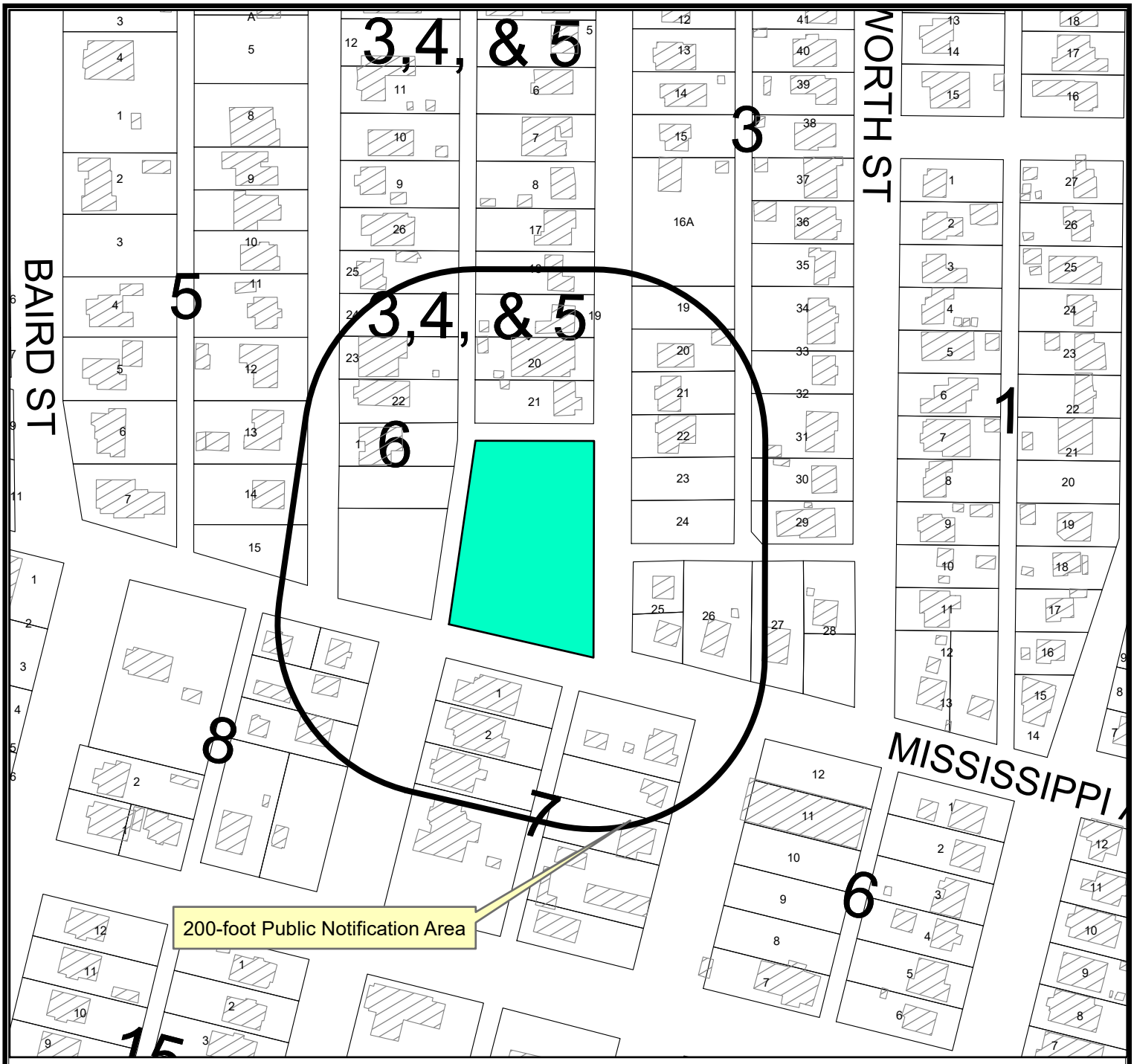
NO.	DATE	DESCRIPTION	BY

DRAWN BY: KDS DATE: 11/30/2020
CHECKED BY: RJD DRAWING NO.: 77200
JOB NO.: 77,200 SHEET 1 OF 1

SCHUMANN ENGINEERING CO.
A LATERAL LAND COMPANY
CIVIL ENGINEERING - LAND SURVEYING
800 N. MARIENFELD STREET SUITE 100 MIDLAND, TEXAS 79701
TEXAS FIRM No. F1880 - TEXAS FIRM No. 10149500
Office (432) 684-5548

W. W. HARRIS, SECTION 5

W. W. HARRIS, SECTION 5



LOCATION MAP

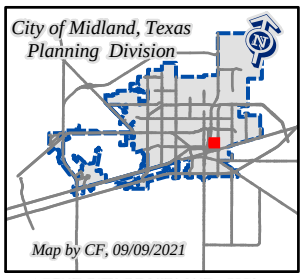
Z-21-0260 **Scale: 1" = 200'**

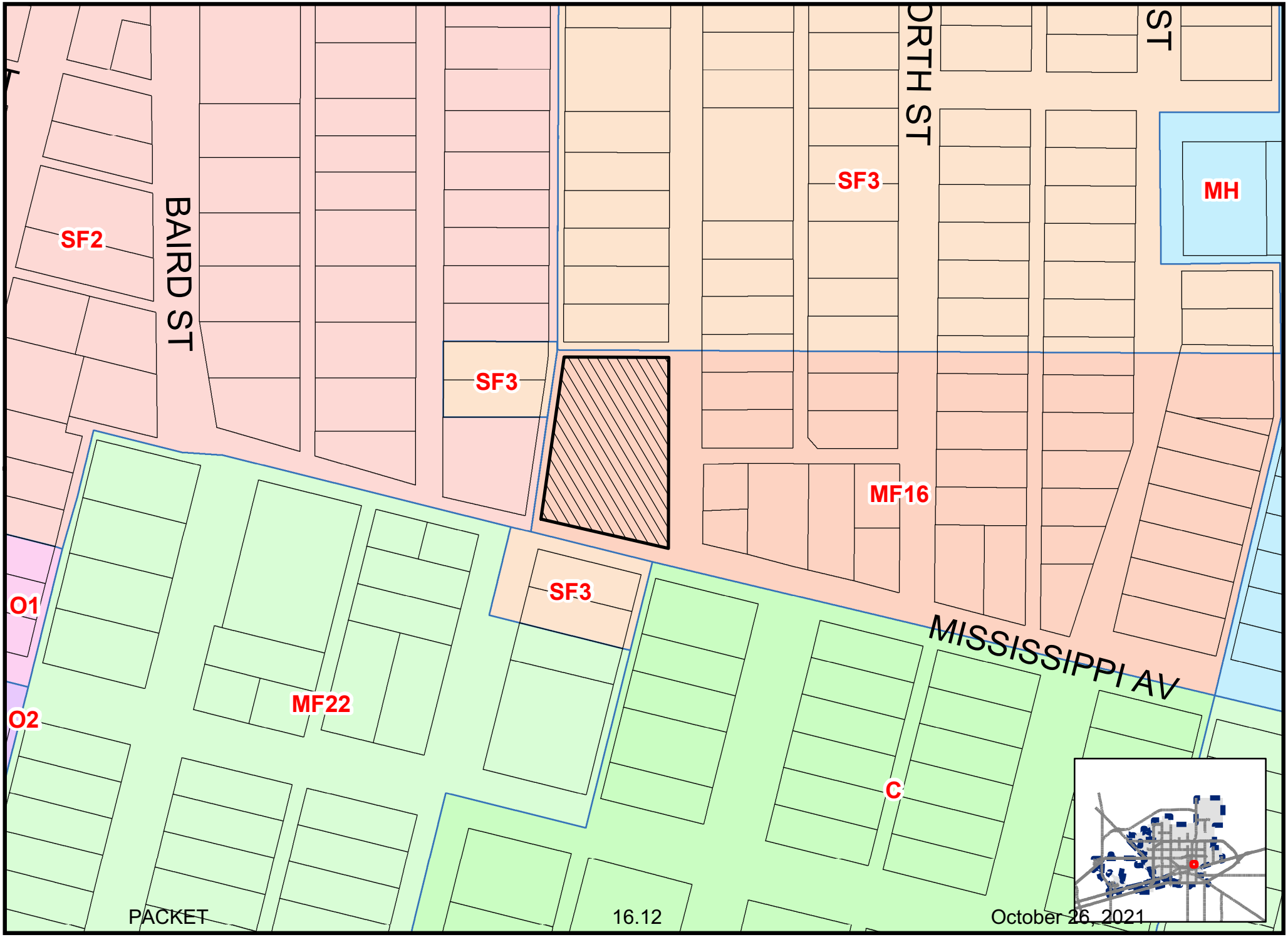
Consider a request by Jose Luis Zuniga for a zone change from MF-16, Multiple Family Dwelling District to SF-3, Single Family Dwelling District on a 0.829-acre tract of land located in the east half of the northwest quarter in the southeast quarter of Section 26, Block 39, T-1-S, T&P R.R. Co. Survey, City and County of Midland, Texas

Generally located on the northwest corner of the intersection of N. Edwards Street and Mississippi Avenue - (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS





Map By CF, 9/1/2021

Z-21-0260

Scale: 1" = 100'

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: 17

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Cole Furqueron, 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 2,494-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 496 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Yuanbing Gan, is requesting a Specific Use Designation with term for the sale of alcoholic beverages for on-premises consumption in a restaurant at 3303 N. Midkiff Street, Suite 152, Midland, Texas 79705.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Current Zoning:

RR, Regional Retail District

Surrounding Zoning and Land Use:

The property is located at 3303 N. Midkiff Road, Suite 152 in a RR, Regional Retail District. The property to the north is zoned SF-2, Single-Family Dwelling District and is utilized for single-family housing. The property to the east is zoned RR, Regional Retail District and is utilized for a variety of retail shops. The property to the south is zoned as PD, Planned Development and is the location of H-E-B. The property to the west is zoned SF-2 Single-Family Dwelling District and is utilized as single-family housing.

Analysis:

Kuo's Chinese Restaurant is requesting a Specific Use Designation to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned RR, Regional Retail District, which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation.

Kuo's Chinese Restaurant is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 2,494 square feet, with an alcohol serviceable area of 1,350 square feet. The site currently has adequate parking and restroom facilities.

The restaurant will have the following hours of operation and alcohol service:

Monday through Sunday: 11:00 a.m. to 9:45 p.m

Per Midland City Code 5.4.4. –Prohibited place of business

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public school, public school ground, athletic stadium used by any public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no churches or schools 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.

Engineering: (Approved)

No objections.

Transportation: (Approved)

No objections.

Building Code: (Approved)

No objections.

The SUD for Kuo's is acceptable. The property must adhere to the current maximum occupant load of 56 persons. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) Kuo's Chinese Restaurant will create a sophisticated atmosphere where Midland Residents can relax and enjoy drinks with their meal.

This request was approved at the October 18, Planning and Zoning Comission meeting.

This request meets all requirements; therefore, staff recommends approval of the request for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Condition A through G.

Conditions:

A. **That the alcoholic serviceable area of the restaurant shall be limited to approximately 1,350 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 9:45 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 October 20, 2021, staff has not received any letters of objections.

Attachments:

Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,494-SQUARE FOOT PORTION OF LOT 18, BLOCK 1, PROVIDENCE PARK ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF NORTH MIDKIFF ROAD, APPROXIMATELY 496 FEET NORTH OF WEST WADLEY AVENUE), WHICH IS PRESENTLY ZONED RR, REGIONAL RETAIL DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by granting a Specific Use Designation With Term for a 2,494-square foot portion of Lot 18, Block 1, Providence Park 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 RR, Regional Retail District.

SECTION TWO. That the Property shall be subject to the following conditions and

restrictions:

A. That the serviceable area of the Establishment shall be limited to approximately 1,350 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 Monday through Sunday from 11:00 a.m. to 9:45 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., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

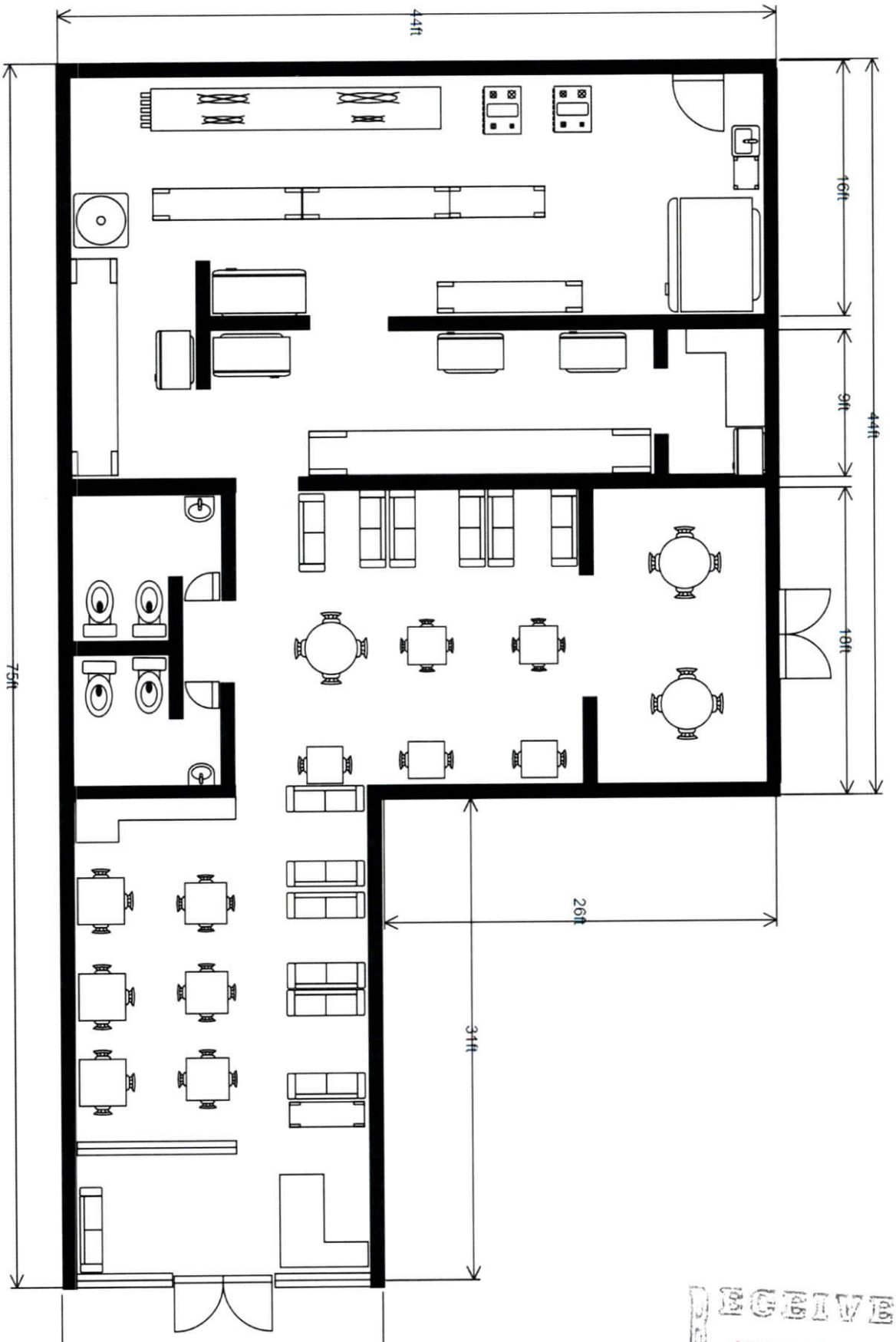
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

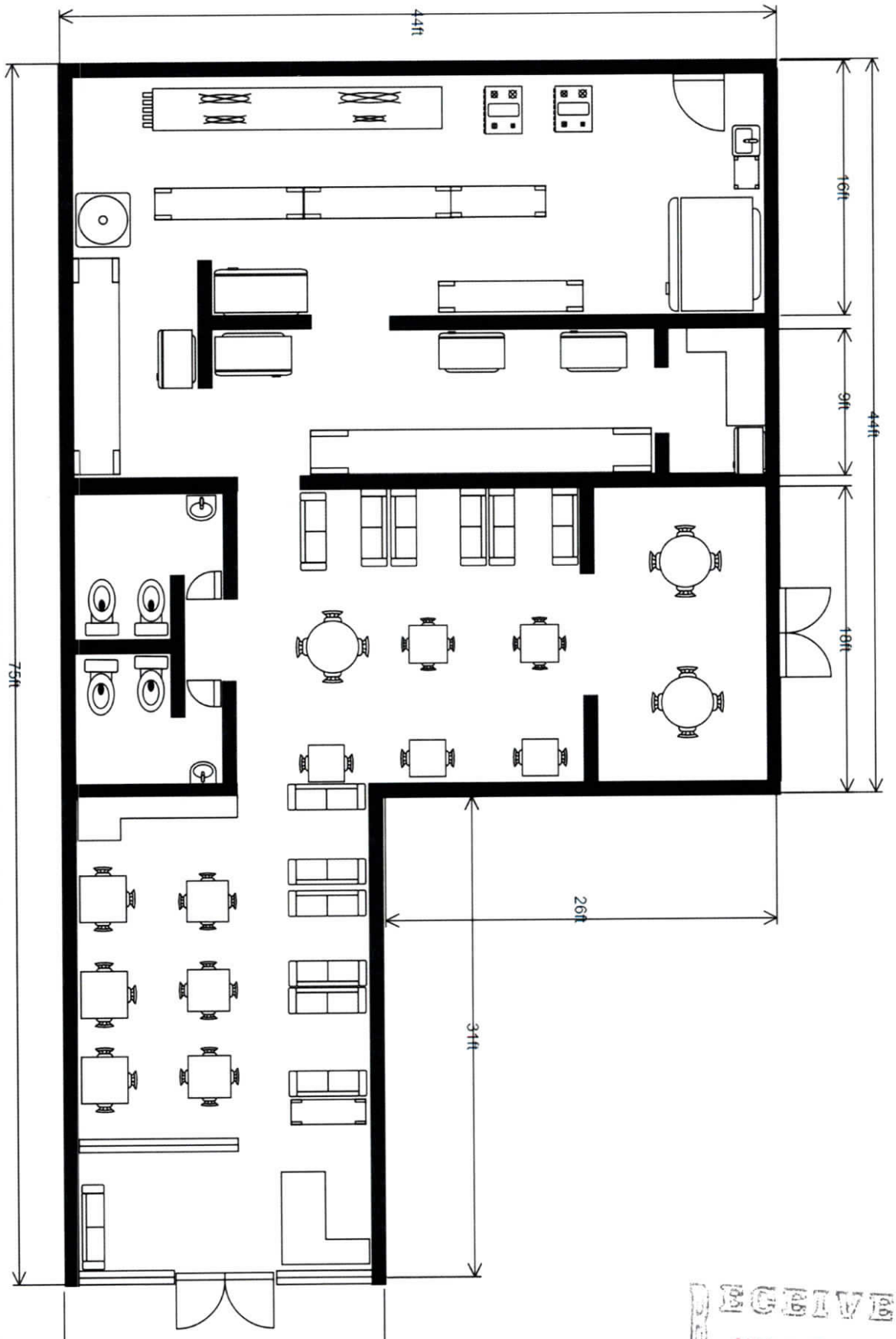
_____
John Ohnemiller, City Attorney

EXHIBIT A



RECEIVED
AUG 17 2021

EXHIBIT A



RECEIVED
AUG 17 2021

SITE PLAN

EXHIBIT B



MIDLAND Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number:
Case Number: SUD-21-0114

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Yuanbing Gan		Phone (432) 853-3939 Email Gubbbbby524@gmail.com	
Address 3303 North Midkiff #152	City Midland	State TX	Zip 79705

Property Owner Printed Name: Daniel Fuller		Phone (214) 960-2356 Email jay@shpcompanies.com	
Address 4809 Cole Avenue, Suite 330	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: 3303 North Midkiff #152, Midland Tx 79705

Business Name: Kuo's Chinese Restaurant

Legal Description
Lot: 18 Block: 1 Subdivision: Providence Park

Current Zoning: RR, Regional Retail

Reason for Request: Applying for Alcohol License

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Restaurant.

Proposed/Current Days and Hours of Operation: Tue - Sun
11:00 - 2:15, 5:00 - 9:45

Proposed Days and Hours of Alcohol Service: ~~Mon~~ Tue - Sun
11:00 ~~2:15~~, ~~5:00~~ - 9:45 p.m Yuanbing

Total Square Footage of Business: ~~2850~~ 2,482

Square Footage of Alcohol Serviceable Area: ~~2850~~ 846

Restroom Fixtures:	*Men*	**Toilets/Urinals:**	2 / 1	**Bathroom Sinks:**	1
	Women	**Toilets:**	2	**Bathroom Sinks:**	1

RECEIVED
AUG 17 2021
BY: .....

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature): Yuanbing Gan	Date: 05/17/2021
Applicant (printed): Yuanbing Gan	
Property Owner (signature):	Date: 8-16-21
Property Owner (printed): D.A. Riley, J.	

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

Before me, the undersigned authority, on this day personally appeared Yuanbing Gan who, being by me duly sworn, upon oath says: That (s)he is authorized by Daniel Fuller, 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.

Yuanbing Gan
Authorized Agent (*signature*)

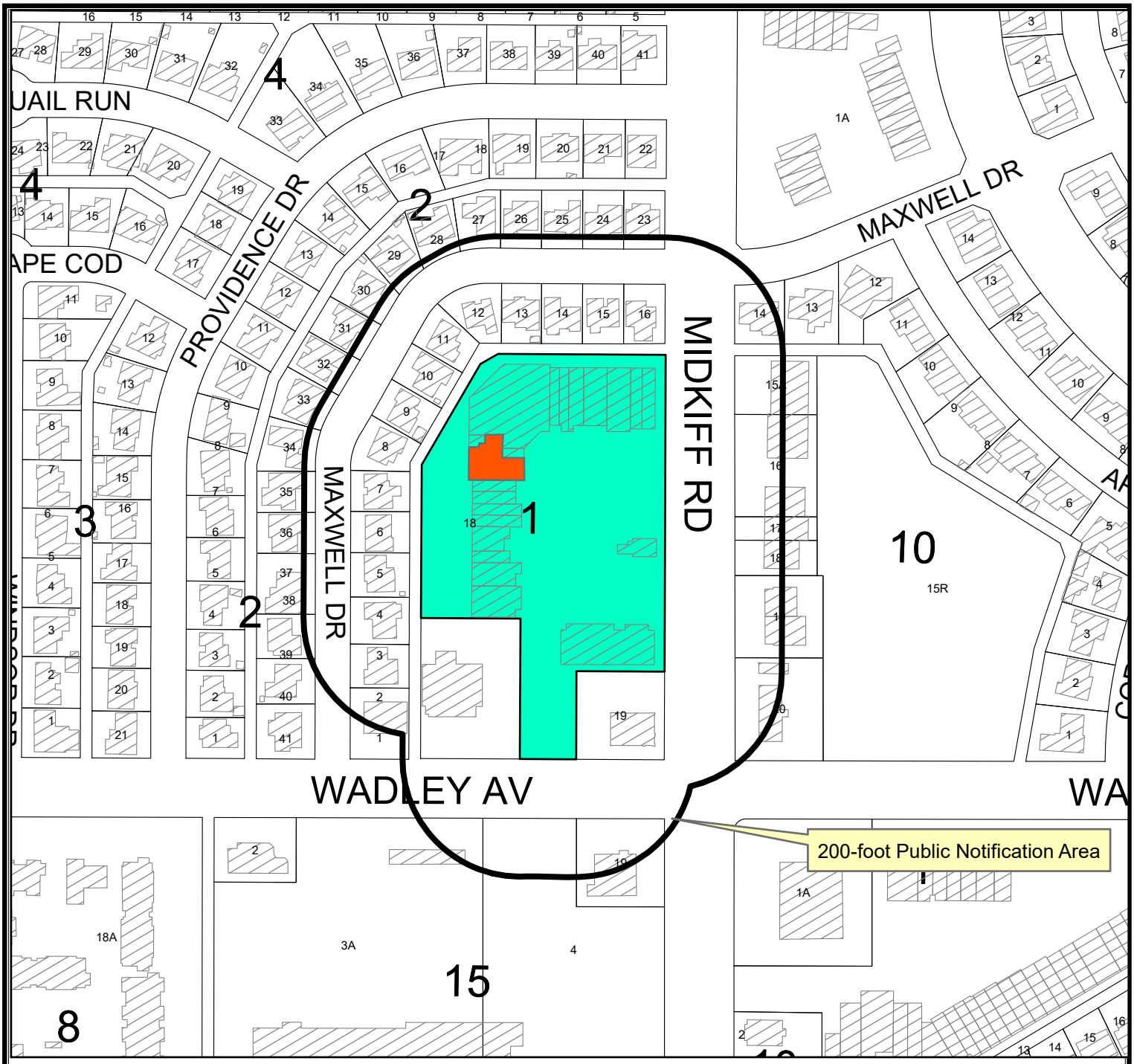
Subscribed and sworn to before me, this 17 day of August, 2021, to certify which witness my hand and seal of office.

MIRNA A. GRANADOS
Notary Public, State of Texas
Comm. Expires 04-07-2024
Notary ID 130610784

Mirna A. Granados
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

****Application will not be considered for scheduling until reviewed by a planner.****

RECEIVED
AUG 17 2021
BY: .....



LOCATION MAP

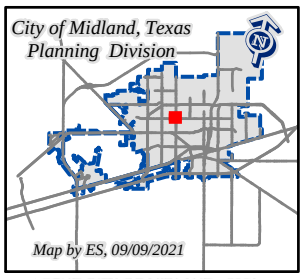
Z-21-0260 **Scale: 1" = 1,500'**

Consider a request by Kuo's Chinese Restaurant, for a Specific Use Designation with Term for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, on a 2,494 square foot portion of Lot 18, Block 1, Providence Park Addition, City and County of Midland, Texas.

Generally located on the northwest corner of the intersection of W. Wadley Avenue and N. Midkiff Road - (Council District 1)

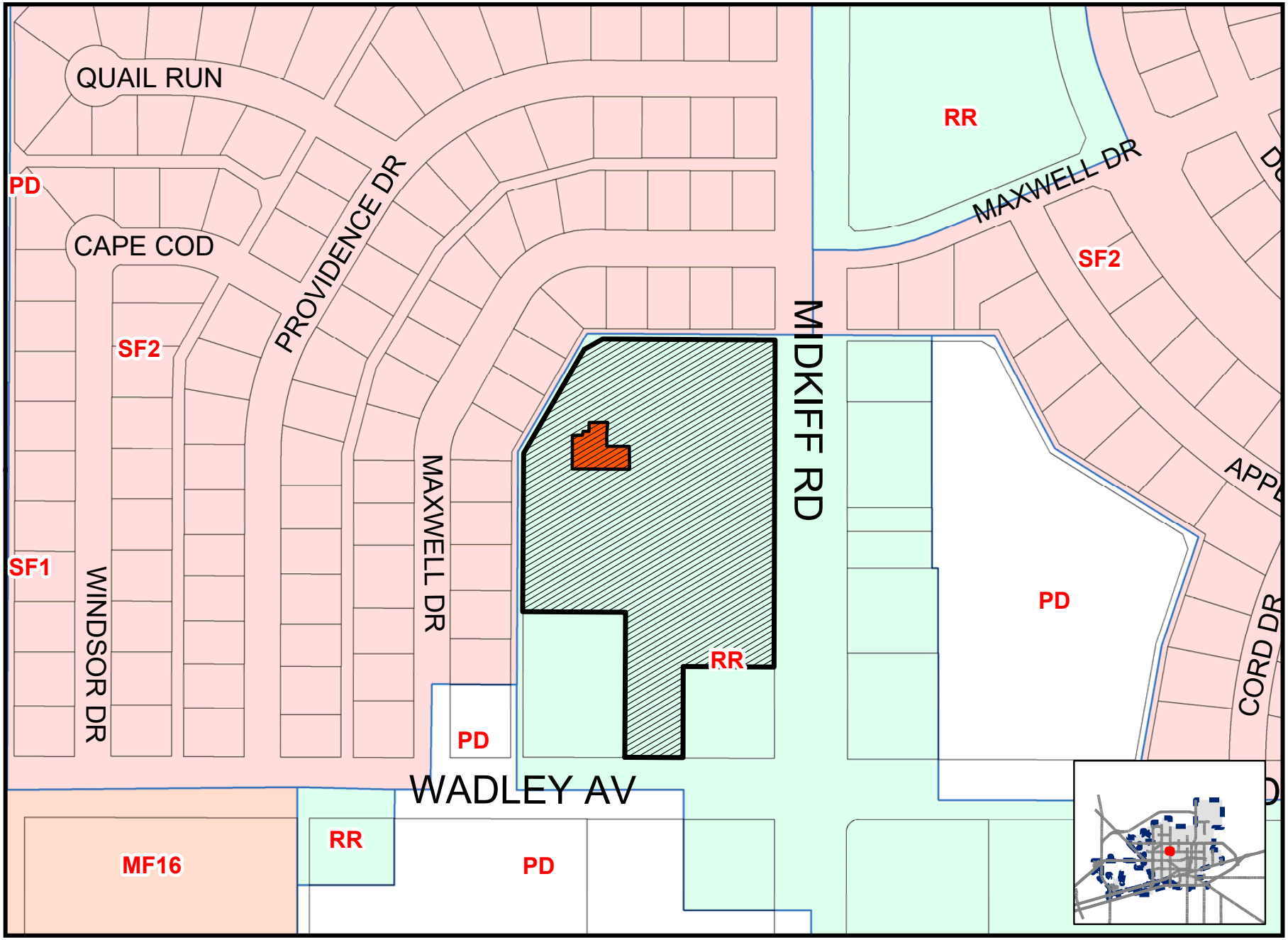
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



October 26, 2021

PACKET



Map By ES, 9/9/2021

Z-21-0260

Scale: 1" = 200'

ZONING MAP

PACKET
17.15
October 26, 2021




A&A NAILS


CNB
Community National Bank
ATM



City Council Meeting

Item Number: 18

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Cole Furqueron, Senior Planner

Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 5, FANNIN TERRACE, SECTION TWO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FANNIN AVENUE AND MABERRY STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT; 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, Brad Burgeson, is requesting a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning the minimum side yard setback for a corner lot to add 989 square foot garage.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant's property is located at 2512 Fannin Avenue, which is zoned SF-1, Single Family Dwelling District.

Per our City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart:

SF-1, Single Family Dwelling District
Lot dimensions
Minimum Side Yard Setback:
Corner Lot: 10 Feet

The applicant's property is a corner lot and would have to meet the required minimum 10-foot side yard setbacks for a corner lot as listed in the zoning ordinance.

The applicant is requesting to reduce the required minimum side yard setback for a corner lot for the proposed lot to be zero feet to be able to proceed with the addition of a 989 square foot garage.

This request has been circulated to all pertinent City departments for review. Below are the departments' comments.

Engineering: (Approved)

No objection.

Transportation: (Approved)

No objection.

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 2017 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary.

Planning Analysis:

As this request represents a deviation from the existing Zoning Ordinance, staff would recommend denial of this application for a Special Exception to the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart

concerning the minimum side yard setback for a corner lot.

This lot does not exhibit any hardships that are not already present in other lots around the city.

Should the City Council approve this request, the property shall be subject to conditions A and B:

Conditions:

A. That the property shall significantly conform to the site plan shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the minimum side yard setback for the proposed addition on this property shall be zero feet

Letters of Objection:

As of October 20, 2021, staff has not received any letters of objection

Attachments:

Proposed Site Plan (Exhibit A)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR LOT 7, BLOCK 5, FANNIN TERRACE, SECTION TWO, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF FANNIN AVENUE AND MABERRY STREET), BY PERMITTING A REDUCED MINIMUM SIDE YARD SETBACK ON THE WEST SIDE OF THE LOT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning Code, pursuant to Section 11-1-7, for the purposes herein stated, subject to special conditions;

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

SECTION ONE. That a special exception is hereby granted for the property described as Lot 7, Block 5, Fannin Terrace, Section Two, City and County of Midland, Texas. Said special exception shall allow a reduced minimum side yard setback on the west side of the lot.

SECTION TWO. Said special exception is subject to the following special conditions:

A. That the minimum side yard setback on the west side of the lot shall be zero feet.

B. That the property shall significantly conform to 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., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

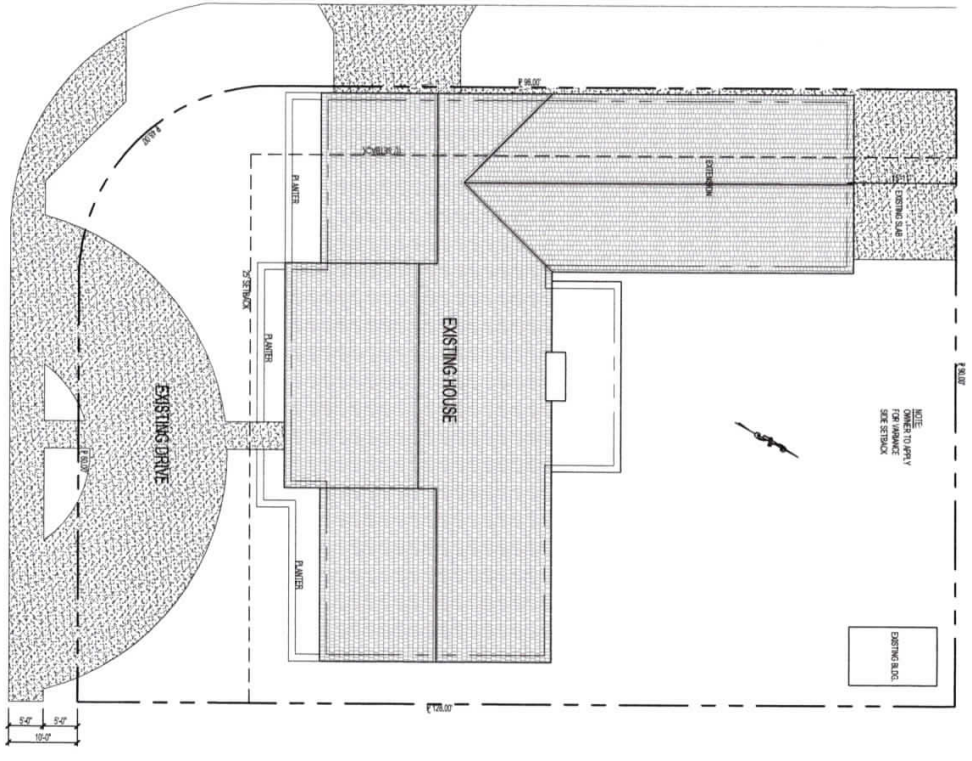
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"



A C-1.0 SITE PLAN
SCALE: 1/16" = 1'-0"

1. DRIVEWAY DETAILS ON SHEET D-1.0

RECEIVED
SEP 28 2021
BY: .....

2512 FANNIN
MIDLAND, TEXAS

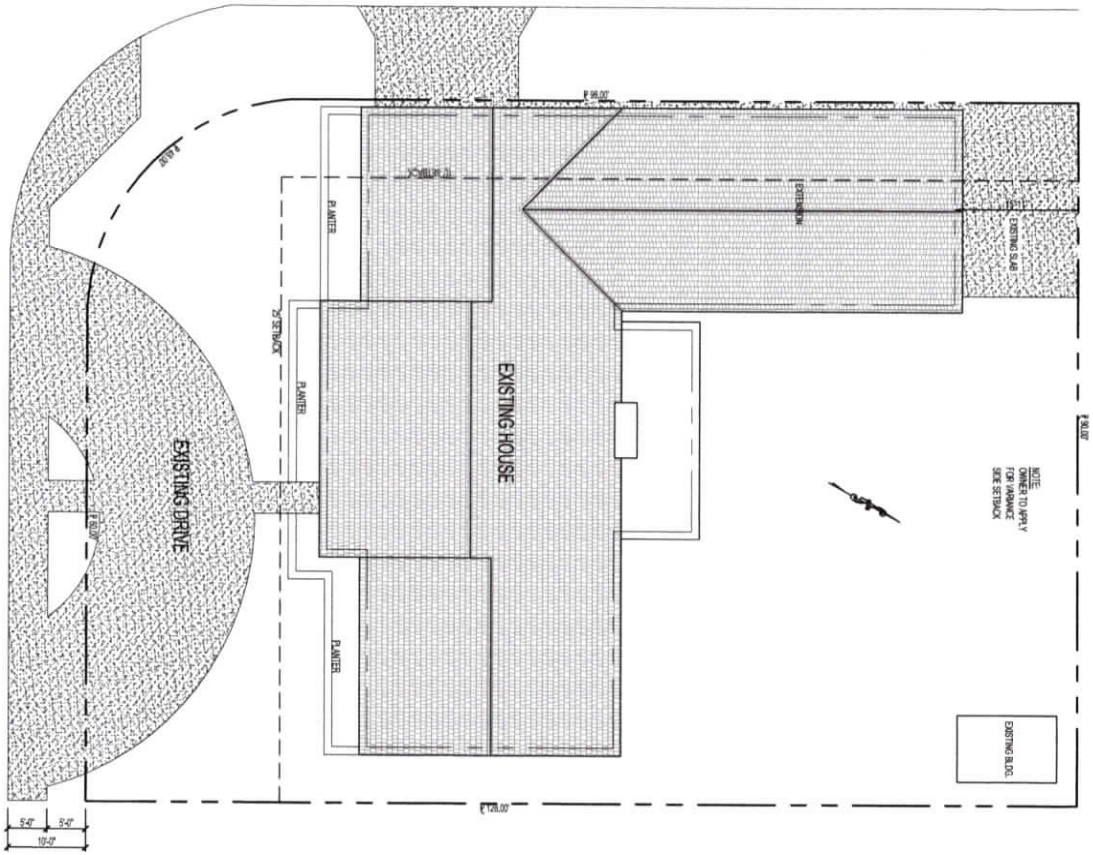
1	FINAL PLANS	09/22/21

Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 2021070	
DRAWN BY	HCC
CHECKED BY	CDW

C-1.0

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A C-1.0 SITE PLAN
SCALE: 1/16" = 1'-0"

1. DRIVEWAY DETAILS ON SHEET D-1.0

RECEIVED
SEP 28 2021
BY: .....

October 26, 2021

2512 FANNIN
MIDLAND, TEXAS

1	FINAL PLANS	09/22/21

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C-1.0

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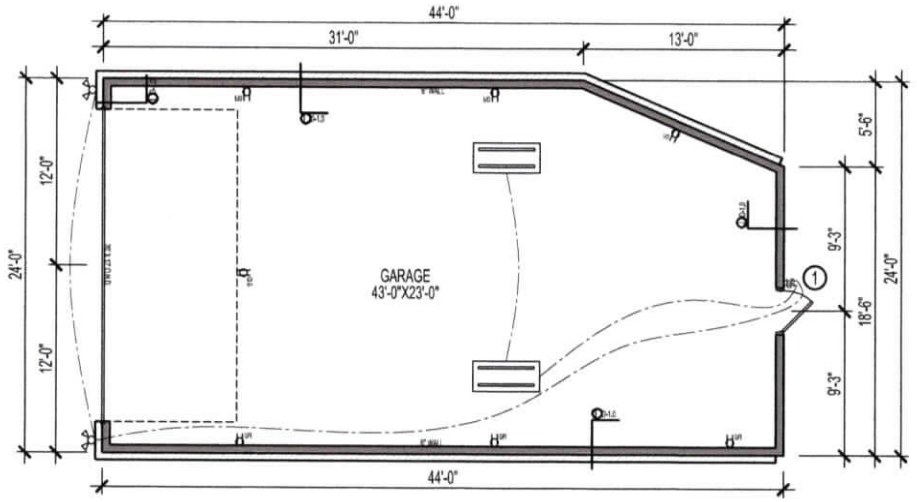
PACKET PAGE 18.9

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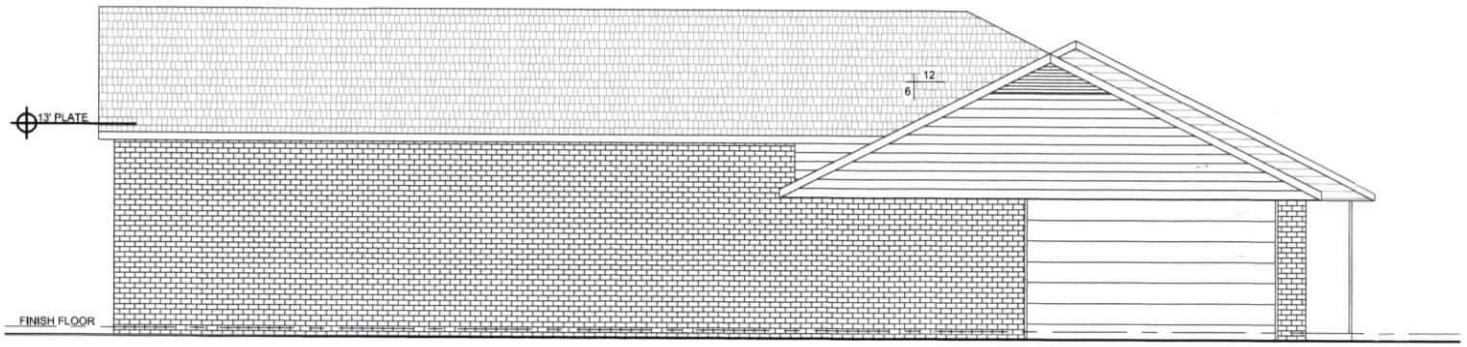
GROUND FAULT INTERRUPT
CEILING DUPLEX
SWITCH
FLUORESCENT LIGHT

1,072 SQ.FT. OVER BRICK

DOOR SCHEDULE				
SYM.	SIZE	THICKNESS	DESCRIPTION	QUANTITY
①	2' 8"	1-5/8	1HR FIRE RATED DOOR	1



A / A-1.0 FLOOR PLAN
SCALE: 1/8" = 1'-0"



B / A-1.0 WEST ELEVATION
SCALE: 1/8" = 1'-0"

2512 FANNIN
MIDLAND, TEXAS

October 26 2021

18.10

1	FINAL PLANS	09/22/21						

Designer-Consultants-Inspectors
DCI
Chod Walters
432-352-0788
chod@midland-dci.com
www.midland-dci.com

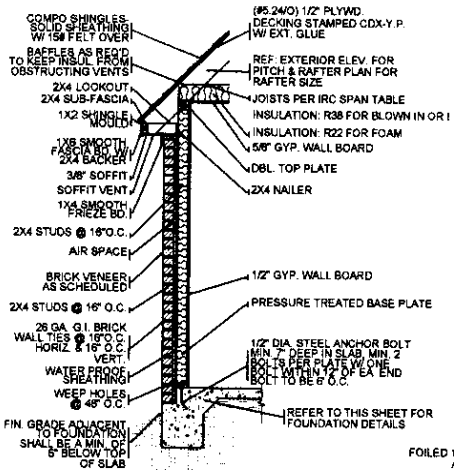
PROJECT NUMBER	
DRAWN BY	HCC
CHECKED BY	CDW

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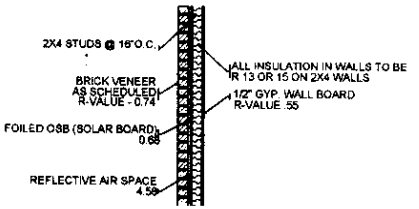
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The designs represented by these plans are copyrighted and are subject to copyright protection as an "Original Work", Unauthorized use of these plans (including reuse and reproduction of systems), title and other rights of the author are subject to damages, including but not limited to actual damages, profits derived by infringers and/or statutory damages as provided by Federal Law. Copyright protection does not apply to the building or other structure that may be constructed from these plans, nor do we represent that they are suitable for any purpose.

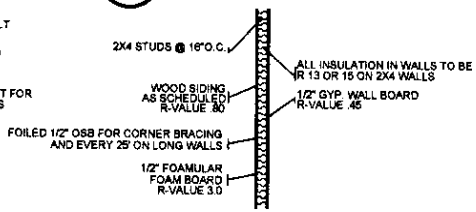
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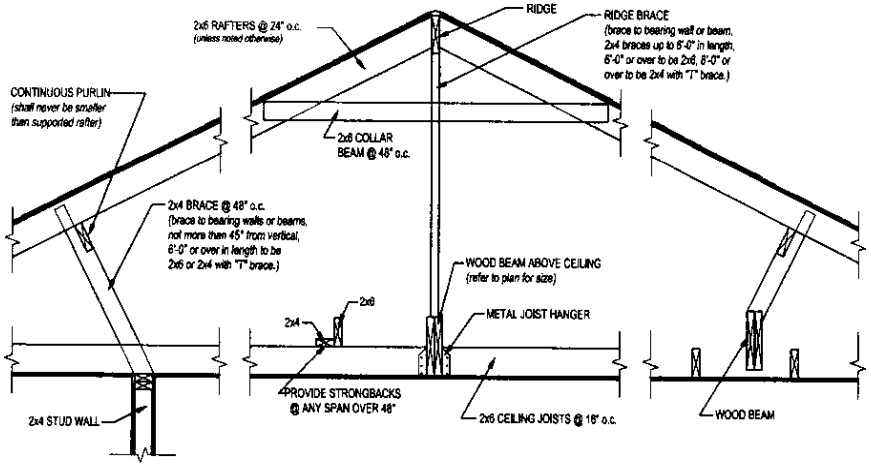
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SCALE: 1/4" = 1'-0"



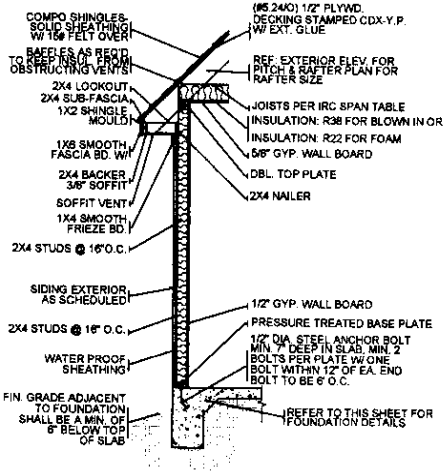
C D-1.0 WALL INSULATION REQUIRMENTS FOR 2 X 4 STUDS W/BRICK VENEER
SCALE: 1/4" = 1'-0"



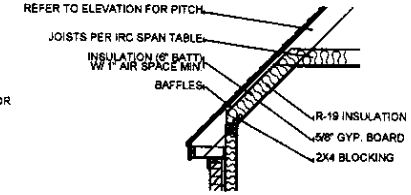
D D-1.0 WALL INSULATION REQUIRMENTS FOR 2 X 4 STUDS W/SIDING
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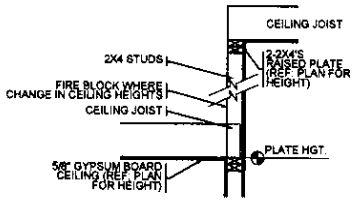
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SCALE: 1/4" = 1'-0"



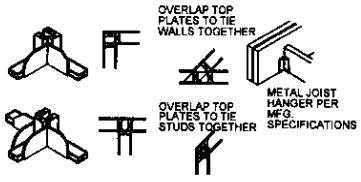
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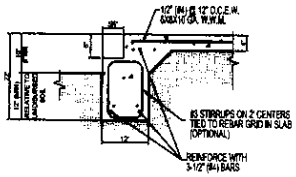
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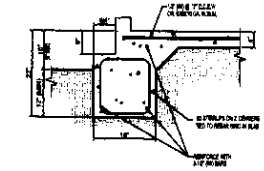
G D-1.0 CHANGE IN HEIGHT
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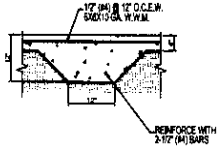
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SCALE: 1/4" = 1'-0"



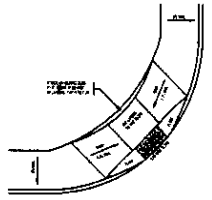
I D-1.0 PERIMETER BEAM
SCALE: 3/8" = 1'-0"



J D-1.0 PERIMETER BEAM
SCALE: 3/8" = 1'-0"



K D-1.0 INTERIOR BEAM
SCALE: 3/8" = 1'-0"



L D-1.0 TYPE:4 CURB RAMP
1/16" = 1'-0"

October 26, 2021

2512 FANNIN
MIDLAND, TEXAS

1	FINAL PLANS	09/22/21	

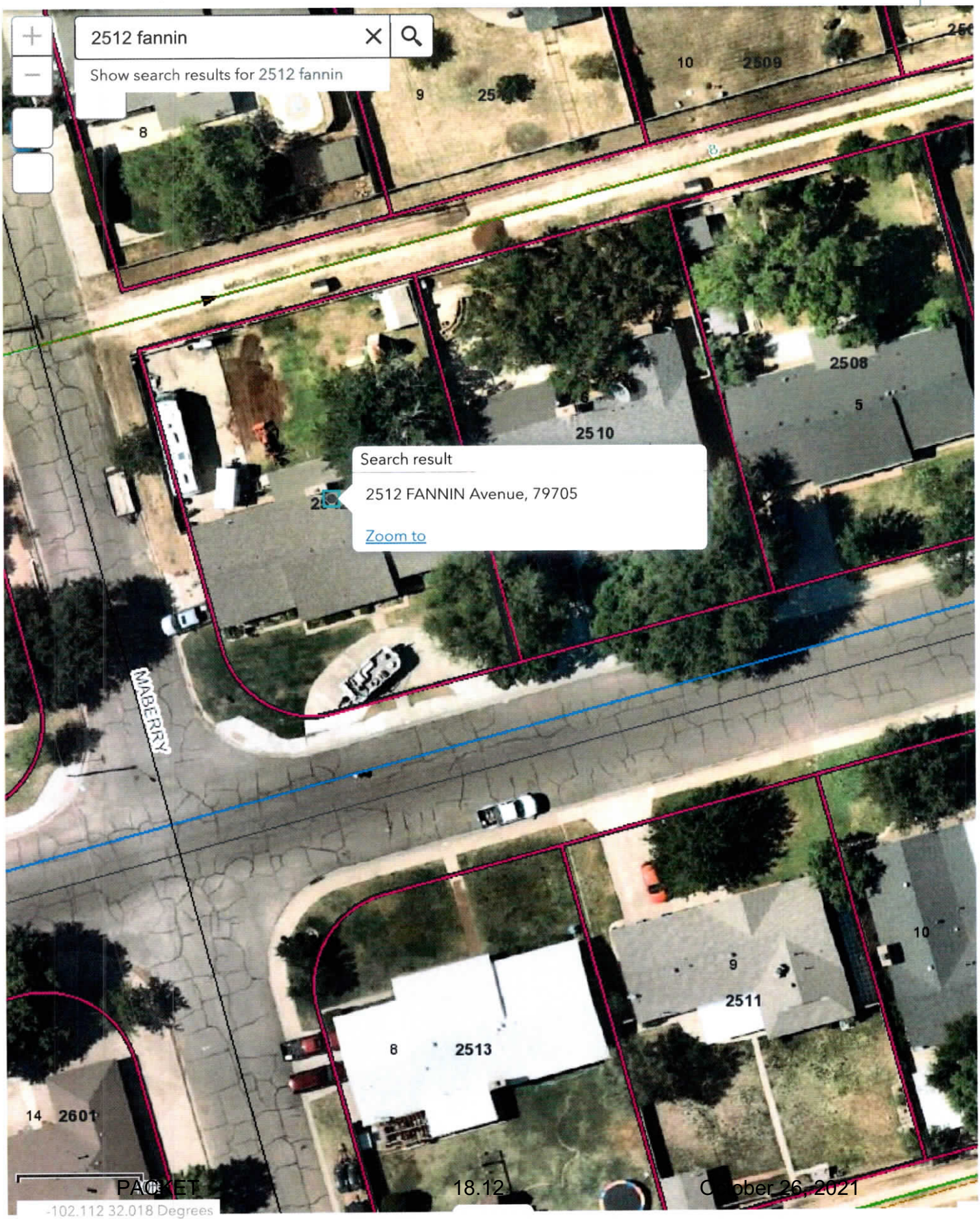
18.11

Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER	
DRAWN BY	KCC
CHECKED BY	CDW

3

D-1.0


2512 fannin
Show search results for 2512 fannin
Search result
2512 FANNIN Avenue, 79705
Zoom to
MABERRY
2510
2508
2513
2511
2601
-102.112 32.018 Degrees

MIDLAND Planning Division

Special Exception Application

Project Number: E-21-0060

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Brad Burgpson		Phone (432) 889 1822 Email rpbfixit@gmail.com	
Address 1611 W. Dengar Ave	City Midland	State TX	Zip 79705

Property Owner Printed Name: Harvey Villanueva		Phone (325) 206 1902 Email msv782@gmail.com	
Address 2512 Fannin	City Midland	State TX	Zip

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 2512 Fannin Midland TX ~~79~~

Legal Description
Lot: 7 Block: 5 Subdivision: FANNIN Terrace

Current Zoning: SF-1

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: Approval for encroachment on setback

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)

RECEIVED
SEP 28 2021
BY: .....

Signatures	
Applicant (signature): B-B	Date: 9-24-21
Applicant (printed): Brad Burgeson	
Property Owner (signature): M Villan	Date: 9-24-21
Property Owner (printed) : Marissa Villanueva	

The Special Exception shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ who, being by me duly sworn, upon oath says: That (s)he is authorized by _____, the owner of the above described property, to fully represent him/her in this application and that (s)he had the legal right, power and authority to sign said owner's name hereto as his/her attorney in fact.

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

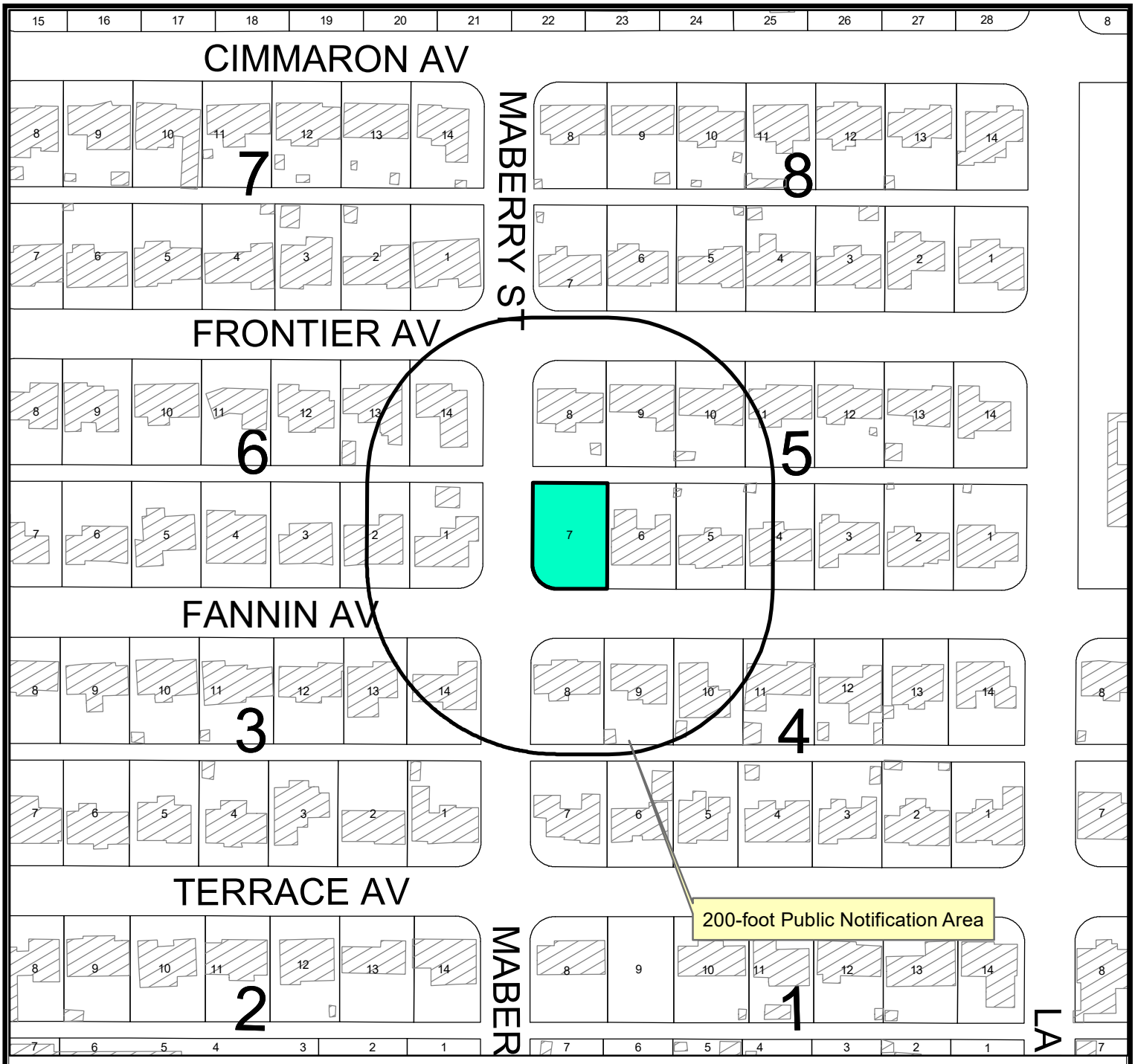
FOR OFFICE USE ONLY

☒ Property Owner Authorization	☒ Dimensioned Site Plan
☒ Application Fee	☒ Plans in Digital Format (PDF/JPEG)
Check # 1746	

RECEIVED
SEP 28 2021
BY: .....

Received By: DL	Date:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

E-21-0060 **Scale: 1" = 200'**

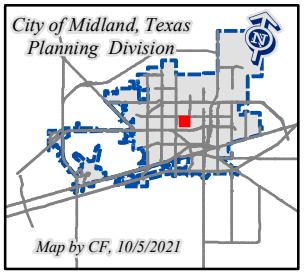
Consider a request by Brad Burgeson for a Special Exception from the City of Midland Zoning Ordinance, Section 5.04 – Residential Zoning District Dimensional Regulations Chart, concerning the minimum side yard setback for a corner lot on the west 40 feet of Lot 7, Block 5, Fannin Terrace, Section 2, City and County of Midland, Texas.

Generally located on the northeast corner of the intersection of Packet Avenue and Maberry Street. (Council District 3)

PACKET 18.15

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY OR ANY PRIOR 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.

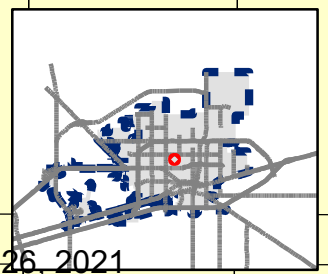
October 26, 2021

ST

ONTIER AV

SF1

NIN AV



PACKET 18.16 October 26, 2021

Map By CF, 10/5/2021

E-21-0060

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: 19

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Elizabeth Shaughnessy, Planning Division Manager

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY FRONTAGE ROAD, APPROXIMATELY 197 FEET EAST OF TRADEWINDS BOULEVARD); 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)

Purpose:

The applicant is requesting this zone change to LR, Local Retail District, for a future dental office.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

Surrounding Zoning and Land Use:

The property to the north across Andrews Highway is zoned SF-1, Single-Family Dwelling District and the location of residences. The property to the east is zoned RR, Regional Retail

District and the location of H-E-B Gas Station. The property to the south is zoned PD, Planned District for a Shopping Center, and the location of a parking lot. The property to the west is zoned LR, Local Retail District, and the location of a gas station.

Analysis:

The property is located at 5509 Andrews Highway and is currently zoned PD, Planned District for a Shopping Center (regulated by Ordinance No. 6621). The applicant, PREG Development, LLC, is requesting this zone change to LR, Local Retail District, for a future dental office.

As shown on the site plan, hereto as Exhibit A, there will be (37) thirty-seven parking spaces, of which (2) two will be ADA accessible spaces. The total square footage for the proposed development is approximately 6,000 square feet.

This proposed project has been circulated to and reviewed by respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No objection to zone change.

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.

Engineering: (Approved)

No objections to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering

and Traffic Operations.

No objection to zone change.

Planning:

The Future Land Use map in the Tall City Tomorrow Comprehensive Plan identifies this region as a Special Study Area, which is an area where there may be multiple possibilities for development. The development has been directed toward retail. It creates a buffer and serves the surrounding neighborhood; therefore, this development will continue its purpose of serving its community needs.

This request has been recommended for approval by a unanimous vote at the October 4, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of the zone change from PD, Planned District for a Shopping Center to LR, Local Retail District, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the LR, Local Retail District, except as stated below.**

Letters of Objection:

As of October 20, 2021, staff has not received any letters of objection.

Attachments:

Site Plan (Exhibit A)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 2A, BLOCK 2, WESTRIDGE PARK ADDITION, SECTION 8, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED ON THE SOUTH SIDE OF ANDREWS HIGHWAY FRONTAGE ROAD, APPROXIMATELY 197 FEET EAST OF TRADEWINDS BOULEVARD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 2A, Block 2, Westridge Park Addition, Section 8, City and County of Midland, Texas (the "Property") to LR, Local Retail District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from PD, Planned Development District for a Shopping Center to LR, Local Retail District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as

that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

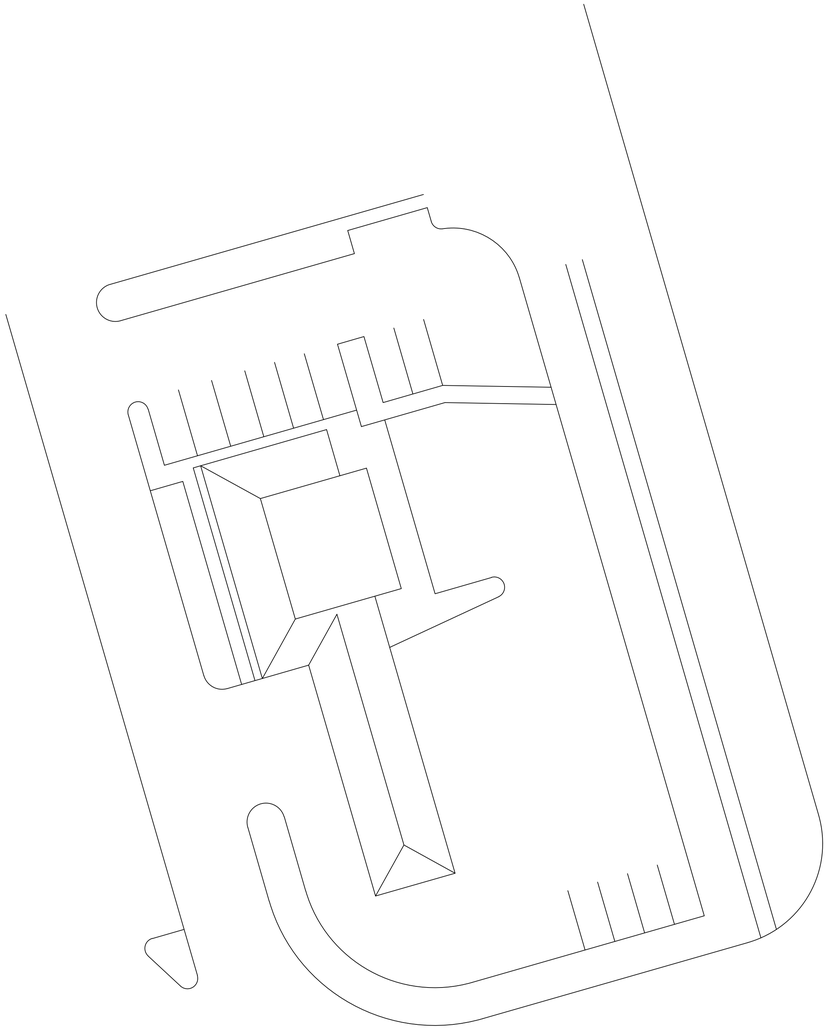
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

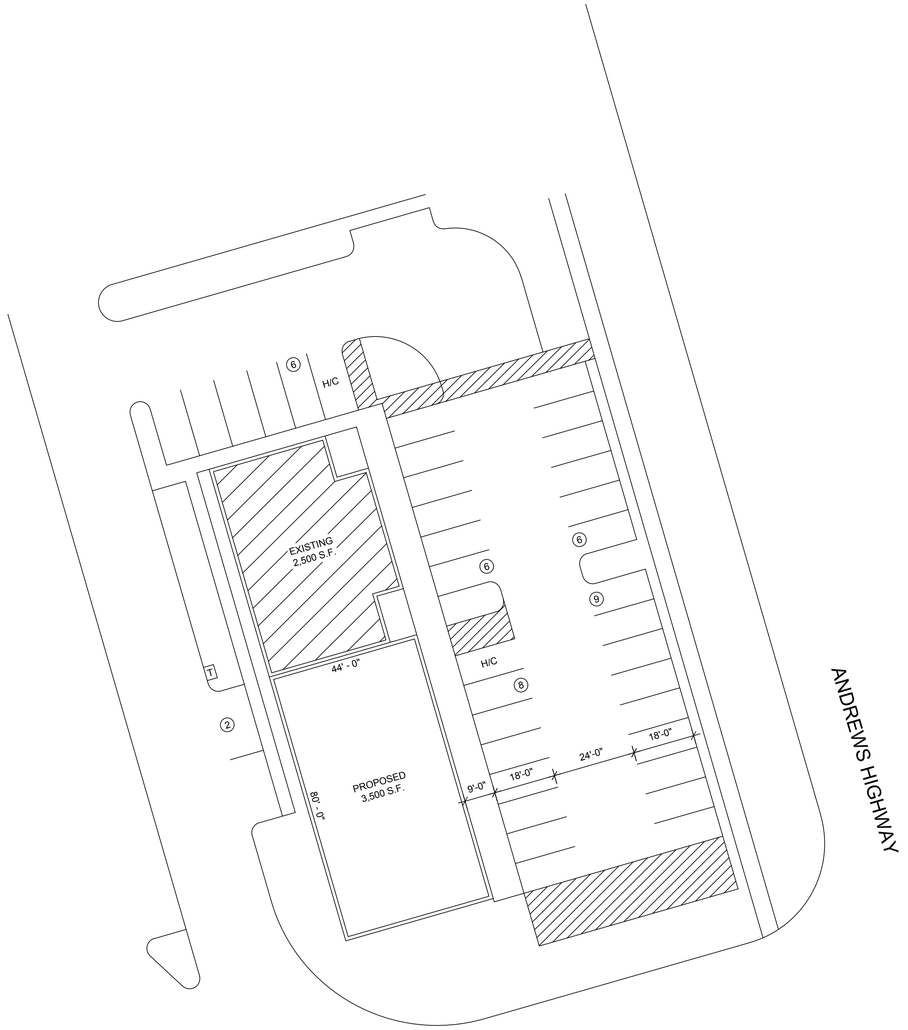
APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT A



2 EXISTING SITE PLAN
SCALE: 1:20



1 ARCHITECTURAL SITE PLAN
SCALE: 1:20

ISSUE:
OWNER REVIEW: 07-13-2021

COPYRIGHT NOTICE:
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OFFICE ADDITION & REMODEL FOR
PRACTICE REAL ESTATE GROUP
5509 Andrews Highway
Midland, Texas 79706

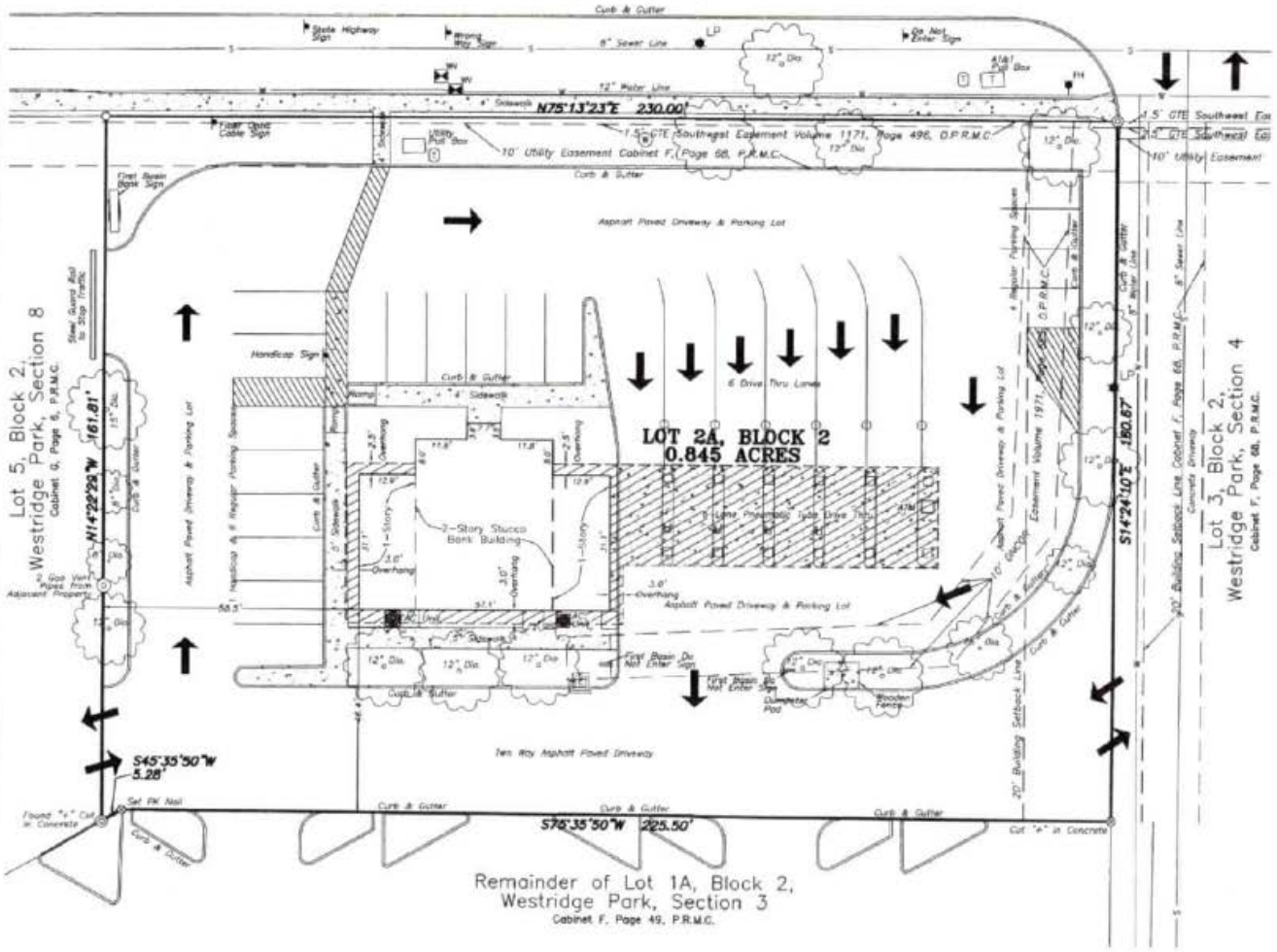
PRACTICE REAL
ESTATE GROUP

CARROLL architects
750 E. Interstate 30
Suite 110
Rockwall, TX. 75087
p. 972.732.6085
f. 972.732.8058

ARCHITECTURAL
SITE PLAN

DATE: JULY 2021
PROJECT NO: 2021043
DRAWN BY:
CHECKED BY:
SHEET NO: A100

Exhibit "B"



LEGEND OF SYMBOLS

- ○ = Set 1/2" Iron Rod with Plastic Cap marked "PLS 1974"
- ◎ = Found 1/2" Iron Rod with Plastic Cap marked "PLS 1974"
- ⊗ = Cut "+" in Concrete unless noted otherwise
- FH = Fire Hydrant
- WV = Water Valve
- LP = Light Pole
- TF = Transformer
- PT = Pneumatic Tube Receiver
- T = Communications Pedestal
- = 6" Bollard
- = Tree with Diameter Shown
- = Concrete
- = Awning/Building Overhang
- = No Parking Fire Lane
- = Direction of Traffic Flow

N

GRAPHIC SCALE IN FEET
0 20' 40' 60'
Scale: 1"=20'



VICINITY MAP – NOT TO SCALE

Drawing File: Westridge8L2AB2.Dwg
Crd File: Westridge8L2AB2.Crd
Drawn by: Gene M. Rodriguez
Scale: 1"=20'
Date: 7/28/21

PIPER SURVEYING
P.O. Box 60432, Midland, Texas 79711
(432)580-7810, Fax (432)560-0312
Firm No. 10155200

"T.S.P.S. CATEGORY 1A, LAND TITLE SURVEY"

5509 ANDREWS HIGHWAY

LOT 2A, BLOCK 2,
WESTRIDGE PARK ADDITION, SECTION 8,
AN ADDITION TO THE CITY OF MIDLAND,
MIDLAND COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN
CABINET G, PAGE 6, PLAT RECORDS OF MIDLAND COUNTY, TEXAS

EXCEPTIONS LISTED IN SCHEDULE B OF TITLE COMMITMENT NO. 48802117661 ISSUED BY CHICAGO TITLE INSURANCE COMPANY ON JULY 15, 2021 WITH AN EFFECTIVE DATE OF JULY 2, 2021

1) The Covenants, conditions and restrictions recorded in Cabinet G, Page 6, Plat Records of Midland County, Texas does affect subject property as shown when possible or are unplottable. (Item 1 in said Title Commitment.)

3) The following all according to the plat recorded in Cabinet G, Page 6, Plat Records of Midland County, Texas:

i. The Ten (10) foot Utility Easement along the North property line does affect subject property as shown.
ii. The 1.5' GTE Easement along the North property line does affect subject property as shown.
iii. The Blanket easement of ingress and egress to the City of Midland for garbage and trash collection and location and maintenance of trash containers, Save and Except those areas occupied by a building or structure. No construction shall commence on lots until exact location of containers and the easement in connection therewith have been selected and approved by the Director of Utilities does affect subject property in a blanket manner and is unplottable.
iv. Reciprocal Right for access and parking between Lots 1A, 2A, 3 & 5, Block 2, in all locations except where otherwise obstructed by a building. No physical barriers will be erected that would restrict vehicular traffic between lots, said Reciprocal Rights, recorded in Volume 886, Page 738, Deed Records of Midland County, Texas does affect subject property in a blanket manner and is unplottable.
v. Two parcels of Lot 1A, Block 2, Westridge Park Addition were vacated by a parcel subdivision Plat vacation as recorded in Volume 1205, Page 122, Official Records of Midland County, Texas does affect subject property in a blanket manner and is unplottable.
vi. Any utility company, developer or other entity installing, repairing, maintaining or relocating a utility line or permanent improvement within utility easements must restore the premises as nearly as possible to its original condition following any such work at its sole expense does affect subject property in a blanket manner and is unplottable.
vii. 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 does affect subject property in a blanket manner and is unplottable. (Item 10b in said Title Commitment.)

4) Negative Covenant executed by SBC Corporation etal, dated September 23, 1985, recorded in Volume 783, Page 429, Deed Records, Midland County, Texas does affect subject property in a blanket manner and is unplottable. (Item 10c in said Title Commitment.)

5) Reservation and Grant of Easements and Utility and Development Agreement in Deed dated March 21, 1986, recorded in Volume 886, Page 738, Deed Records and Ammendment thereto recorded in Volume 2548, Page 146, Official Records of Midland County, Texas do affect subject property in a blanket manner and is unplottable. (Item 10d in said Title Commitment.)

6) Easement and Right of Way to Texas Electric Service Company, recorded in Volume 900, Page 593, Deed Records, Midland County, Texas does not affect subject property. (Item 10e in said Title Commitment.)

7) Easement and Right of Way to GTE Southwest Incorporated, recorded in Volume 1171, Page 496, Deed Records of Midland County, Texas does affect subject property as shown. (Item 10f in said Title Commitment.)

8) Easement and Right of Way to Oncor Electric Delivery Company, recorded in Volume 1971, Page 885, Official Records, Midland County, Texas does affect subject property as shown. (Item 10g in said Title Commitment.)

GENERAL NOTES

1) Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 480477, Sheet Number 48329C0200 F, with an effective date of September 27, 1991 and revised September 16, 2005, the surveyed property is not located in a special flood hazard area according to the map. The flood zone classification for the surveyed property is Zone X.

2) The Premises consists of 36,793 square feet or 0.845 acres.

3) The Six Islands along the South property lines Encroach onto Subject Property.

4) The Premises has direct physical access to State Highway 191 Frontage Road and Tradewinds Boulevard via said reciprocal access easement, both public streets.

STATE PLANE COORDINATE NOTE

Bearings shown on this plat are relative to the previous recorded plat plats of Westridge Park Addition, Sections 2, 3, 4, 5, and 6. To convert to 1983 NAD (Central Zone) Texas State Plane Coordinate Grid bearings rotate clockwise 00°00'15". Distances shown on this plat are average horizontal surface distances. To reduce to grid distances, multiply by the area combined grid factor of 0.99989787. Coordinates shown are NAD 1983/86, Central Zone, State Plane Coordinates based on the City of Midland Control Monuments "GPS 3590" and "GPS 191 158" as published in U.S. Survey Feet.

SURVEYOR'S CERTIFICATE

To: PREG Development LLC; Medical Community Credit Union; Chicago Title Insurance Company and West Texas Abstract & Title Company that:

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A Condition Urban Survey.
Last day of Field Survey is July 23, 2021.

J. Stan Piper
Registered Professional Land Surveyor #1974
Date: July 28, 2021

Prepared for:
First Basin Bank
3316 N. Midland Drive
Midland, Texas 79707

Continuation of Exhibit "B"



MIDLAND Planning Department

Zone Change/Planned District Amendment/Site Plan Approval

Project Number 2-21-0263

Case Number

Applicant *(if acting as Agent, see affidavit on page 2)*
Printed Name PREG Development, LLC
Phone (512) 914-1615
Email trac@practicerealestategroup.com
Address 1301 Capital of Texas Highway Suite C110 | City Austin | State TX | Zip 78746

Property Owner
Printed Name First Basin Credit Union
Phone (512) 914-1615
Email
Address 2740 N COUNTY RD WEST | City Odessa | State TX | Zip 79764

Representative *(if different from Applicant or Property Owner)*
Firm
Printed Name
Phone (512) 914-1615
Email
Address | City | State | Zip

Street Address: 5509 Andrews Hwy, Midland, TX 79706

Legal Description
Lot: Lot 2A Block: Block 2 Subdivision: Westridge Park Addition, Section 8

Current Zoning:
PD - Planned Development District

Proposed Zone: LR - Local Retail District
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Change of use from bank to dental office

Present Use of Property: Bank

Proposed Use of Property: Dental office

How would this zone change affect the public health, safety and welfare? There would be no effect to public health, safety, and welfare

Describe how conditions affecting the property have changed since present zoning designation: No conditions have changed other than the ownership and proposed use

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: 9/3/2021
Applicant (printed): Bracton Bledsoe	
Property Owner (signature):	Date: 9/2/2021
Property Owner (printed): Shem E. Culpepper for First Basin Credit Union	

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 Bracton TX 79707 Bledsoe who, being by me duly sworn, upon oath says: That (s)he is the owner of ProgDev LLC 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 3 day of September, 2021, to certify which witness my hand and seal of office

KIMBERLY J DAWSON
Notary Public, State of Texas
Comm. Expires 05-22-2022
Notary ID 124201148-9

Kimberly J Dawson

Basin

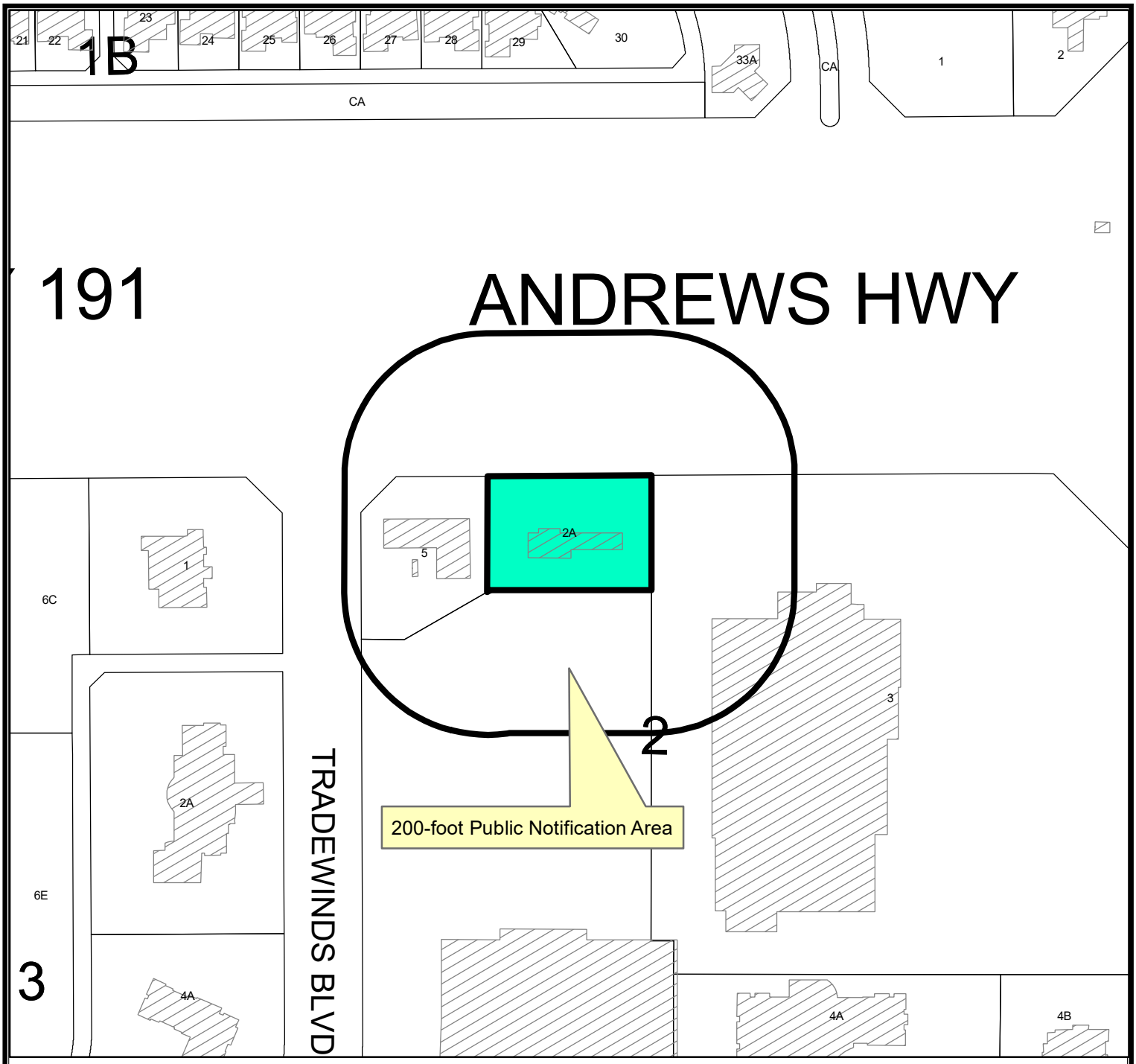
NOTARY PUBLIC, ~~MIDLAND~~ COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # Credit Card	
Received By: Emailed	Date:

RECEIVED
SEP 08 2021

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

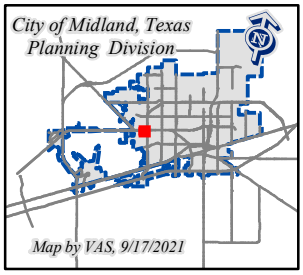
Z-21-0263 **Scale: 1" = 200'**

Consider a request by PREG Development, LLC, for a zone change from PD, Planned District for a Shopping Center, to LR, Local Retail District, on Lot 2A, Block 2, Westridge Park Addition, Section 8, City and County of Midland, Texas.

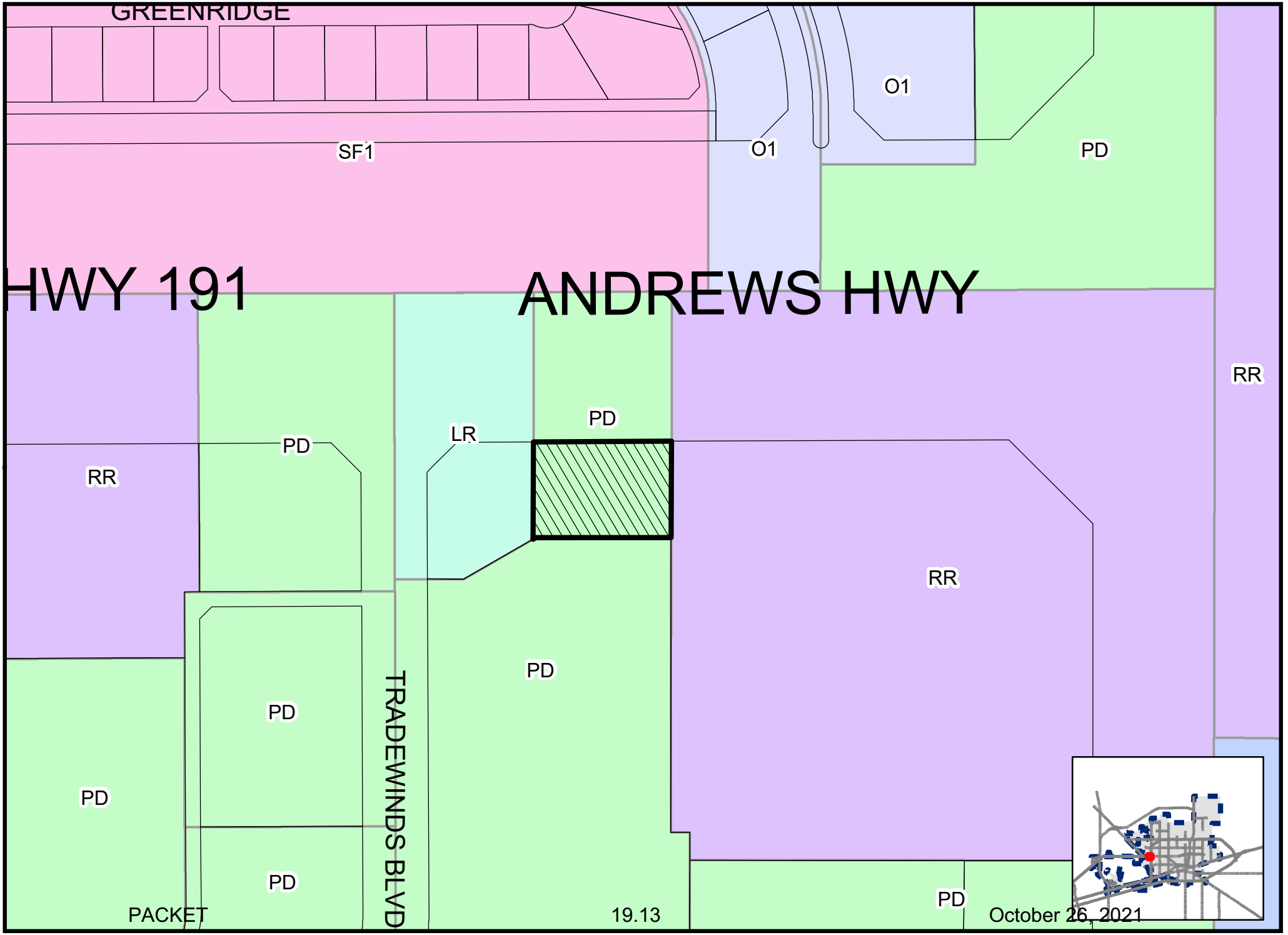
Generally located on the south side of Andrews Highway Frontage Road, approximately 197 feet east of Tradewinds Boulevard. (Council District 4)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THIS DATA IS NOT A SUBSTITUTION FOR A SURVEY OR ITS 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.



Map By VAS, 9/17/2021

Z-21-0263

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.

pr

ORDINANCE NO. 6621

AN ORDINANCE AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING THE PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED "AE", AGRICULTURE-ESTATE DISTRICT, TO BE USED AS A "PLANNED DISTRICT" FOR A SHOPPING CENTER; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; PROVIDING THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE SITE PLAN, ORDINANCES AND OTHER SPECIFICATIONS SET OUT AND REFERRED TO HEREIN; ADDING THE PROPERTY DESCRIBED HEREIN TO THE FIRE DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF ONE THOUSAND DOLLARS (1,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of the "Planned District" set out hereinafter and subject to the conditions and restrictions set out hereinafter; and

WHEREAS, the Council, by Ordinance no. 4531, created a Fire District within the City limits of Midland, Texas, and adopted a Fire District map, appropriately shaded; and

WHEREAS, because of the less restrictive zoning being established for the property involved herein, the Council finds it to be in the public interest to amend the Fire District so as to add said premises thereto;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter

described property is concerned, which is presently zoned "AE", Agriculture-Estate District, and it shall be used as a "Planned District" for a Shopping Center, subject to the special conditions and restrictions hereinafter set out.

Said property is described as follows:

A 68.141 acre tract of land located in Sections 36 and 37, Block 40, T-1-S, T&P Ry. Co. Survey, Midland County, Texas, being more fully described by metes and bounds as follows:

Beginning at the intersection of the common line of said Sections 36 and 37, from whence the common SE corner of said Section 36 and the NE corner of said Section 37, bears N 75° 15' 15" E, a distance of 91.02 feet;

Thence S 14° 24' 08" E, along the old westerly right of way line of FM 1369 a distance of 1,970.59 feet to the SE corner of this tract;

Thence S 75° 35' 50" W a distance of 1,062.04 feet to a point at the most southerly SW corner of this tract;

Thence N 14° 24' 10" W a distance of 158.23 feet to a point of curvature, from whence a 1/2" iron rod with plastic cap marked "RPS-1974", bears N 75° 35' 50" E, a distance of 40.00 feet;

Thence around a curve to the left in a northwesterly direction with a radius of 320.00 feet, delta angle of 66° 42' 27", tangents of 210.63 feet, and chord bearing N 47° 45' 24" W, 351.87 and an arc length of 372.56 feet to a point of tangency;

Thence N 81° 06' 37" W a distance of 271.69 feet to the most westerly SW corner of this tract;

Thence N 8° 53' 23" E, a distance of 185.00 feet to a point of curvature;

Thence around a curve to the left in a northerly direction, with a radius of 515.00 feet, delta angle of 23° 40' 00", tangents of 107.89 feet, a chord bearing N 2° 56' 37" W, 211.22 and an arc length of 212.72 feet to a point of tangency;

Thence N 14° 46' 37" W, a distance of 1,274.99 feet to the NW corner of this tract;

Thence N 75° 13' 23" E along the north right of way line of State Highway No. 191 and the south boundary line of Grasslands Estates, Section 1, a distance of 1,398.30 feet to the NE corner of this tract;

Thence S 14° 24' 08" E along a projection of the old west right of way line of FM 1369 a distance of 250.04 feet to the place of beginning.

Note: Bearings and coordinates are relative to the Texas State Plane Coordinate System Central Zone with a combined grid factor of 0.9998625 and an average theta angle of -0° 56' 17".

SECTION TWO. That the property described in Section One hereof shall be subject to the following special conditions and restrictions:

1. That the use and development of this property shall conform in all respects to the "LR-2", Local Retail District, except as indicated otherwise on Exhibits "A", "B" or "C", attached hereto and made a part hereof for all legal purposes, or in other conditions of this ordinance.

2. That development of this property shall conform in all respects to said Exhibits "A", "B" and "C".

3. That a retail or wholesale membership club is permitted on this tract in the indicated location, identified on the site plan as "Sam's", subject to conformance to Exhibit "C" in all respects, and subject to the following special conditions:

(a) The "LR-2", Local Retail District shall govern the use of this property, except as otherwise stated in these conditions.

(b) Development of the Sam's building shall conform in all respects to said Exhibit "C" regarding front, side and rear elevations of the building. All doors of a metal material shall be painted a color which will match the concrete on either side of said doors.

(c) There shall be a single entrance/exit for the public and it shall correspond to the main entry door on the elevation. There shall be no customer pick-up area for vehicles permitted in the front of the store, adjacent to the main entry door. Emergency doors shall not be available for public use, except in emergency conditions.

(d) There shall be no customer pick-up permitted on the side of the building, as indicated on the site plan, where at-grade delivery only will be permissible (see side elevation). This at-grade delivery shall be limited to small vehicle delivery, such as fresh bakery goods and produce.

(e) The TMA, Tire Mounting Area, indicated on the side elevation, shall be an area devoted to tire, battery and automotive accessory installation, and minor automotive tune-up and repair. No other auto servicing use will be permissible within this area. All auto servicing will occur within the building. There shall be no storage of tires or other materials outside the building at any time, except as allowed within the screened tire storage area indicated on the west side elevation.

(f) There shall be no delivery of merchandise to any business or business location permitted from this business (Sam's).

4. A building materials sales store shall be permissible within this "Planned District", subject to the following special conditions:

(a) The building materials sales store shall be an integrated building attached to or abutting the principal mall building and shall not be a free-standing development.

(b) The exterior of the building shall conform in color and texture to the exterior of the main mall building.

(c) All exterior doors shall be painted a color which will match the concrete exterior wall.

(d) There shall be a single entrance/exit for the public and it shall correspond to the main entry door on the front elevation.

(e) All sales items will be carried through the main entrance and there shall be no customer pick-up for vehicles.

(f) Emergency doors shall not be available for public use, except in emergency conditions.

(g) There shall be no store delivery of sale items to any business or business locations permitted from this location.

(h) There shall be no outside storage area nor a garden center allowed in conjunction with the building materials sales store.

5. All screening walls shall conform in all respects to Exhibit "B", and shall provide an effective screen of all major refuse, loading/unloading delivery areas indicated on Exhibit "B". The screening wall shall match the color and texture of the walls provided for the mall itself.

6. Parking for this tract shall be accordance with Exhibit "A" in all respects, based upon the distribution of spaces indicated below (2371 spaces minimum):

(a) Gross leasable area of the Mall, excluding the Cinema and Outbuildings:

442,413 square feet divided by 1,000 square feet x 4.5 = 1,991 spaces

(b) The Cinema, associated with the Mall Building, with a maximum 1,758 seats = 30 spaces

(c) The Outbuildings, Numbered 1-4, shall provide the following minimum number of spaces each:

1: 83 spaces
2: 83 spaces
3: 92 spaces
4: 92 spaces
350 Total

If used as a restaurant(s), the maximum capacity of each building shall be as follows:

1: 250 seats
2: 250 seats
3: 275 seats
4: 275 seats

7. Reciprocal access and parking easements shall be established prior to final plat approval.

8. Areas indicated on Exhibit "A" as "shaded" denote areas that are required to be unpaved and available for landscaping.

SECTION THREE. That the Fire District be amended so as to add thereto the premises described in Section One hereof and the Building Inspector is authorized and directed to add to the Fire District Map said premises.

SECTION FOUR. That definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas,

shall be applicable to such of those terms as are used herein.

SECTION FIVE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The 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 one thousand dollars ($1,000.00).

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 17th day of December, A.D., 1985; and passed to second reading on motion of Council member Davidson, seconded by Council member Corrales, by the following vote:

Council members voting "AYE": Davidson, Corrales, Akins, Heck, Godfrey, Marcum and Hotchkiss

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 Godfrey, seconded by Council member Hotchkiss, on the 14th day of January, A.D., 1986, at a regular meeting of the City Council:

Council members voting "AYE": Godfrey, Hotchkiss, Heck, Corrales, Davidson, Marcum and Akins

Council members voting "NAY": None

PASSED AND APPROVED THIS 14th day of January, A.D., 1986.

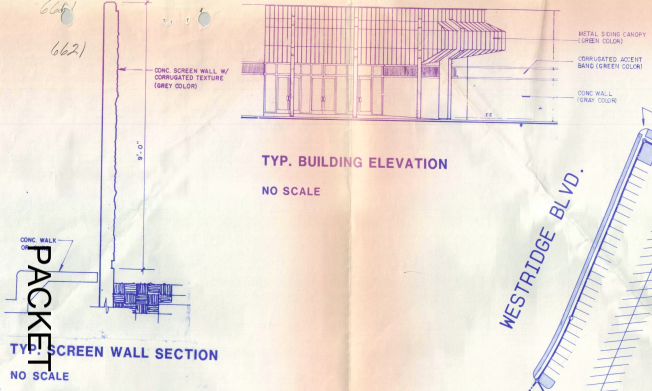
G. Thane Akins, Mayor

ATTEST:

B. C. Clanton, City Secretary

APPROVED AS TO FORM:

David W. Reagan, City Attorney



TYP. BUILDING ELEVATION

NO SCALE

TYP. SCREEN WALL SECTION

NO SCALE

PACKET

19.20

October 26, 2021

PROJECT DATA

GROSS LAND AREA	39.552 Acres
GROSS BUILDING ENVELOPE	675610.36 ft²
GROSS BUILDING AREA	574885.56 ft²
GROSS LEASABLE AREA	503757.15 ft²
PARKING	2372 SPACES

NOTES:

1. CONCRETE WHEEL STOPS WILL BE PROVIDED AT EACH PARKING SPACE ADJACENT TO A PUBLIC RIGHT-OF-WAY, LOCATED 30" IN FROM PROPERTY LINE.
2. CONCRETE SIDEWALKS WILL BE PROVIDED WITHIN THE PUBLIC RIGHT-OF-WAY AROUND THE PERIMETER OF THIS SITE. SIDEWALKS WILL BE 4' WIDE, LOCATED 12" OUTSIDE OF THE PROPERTY LINE, PER CITY OF MIDLAND STANDARDS.
3. ALL TRACTS SHOWN WITHIN THIS SITE PLAN WILL HAVE RECIPROCAL RIGHTS FOR ACCESS AND PARKING BETWEEN TRACTS. NO PHYSICAL BARRIERS WILL BE ERECTED THAT WOULD RESTRICT VEHICULAR ACCESS BETWEEN TRACTS.
4. SHADED AREAS DENOTE AREAS THAT ARE TO BE LANDSCAPED
5. ALL SIGNAGE IS TO CONFORM TO LR2 ZONING CRITERIA

Exhibit "A"
SITE PLAN

1"=60' scale 60 0 60 120 feet

Deauville **Mall**

Loop 250 at

State Highway 191

Midland, Texas

A Project of

Deauville Development Corporation

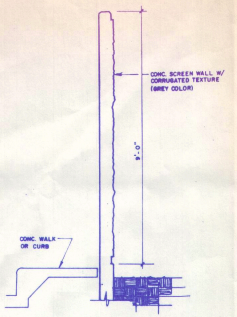
550 Post Oak Blvd.
Suite 550
Houston, Texas
77027
713/626-9292

RECEIVED
DEC 02 1985
PLANNING & DEVELOPMENT
CITY OF MIDLAND

CHARLES L. THOMPSON AND ASSOCIATES, INC.
ARCHITECTS AND PLANNERS
2470 GRAY FALLS SUITE 150
HOUSTON, TEXAS 77077
713 / 558-7250

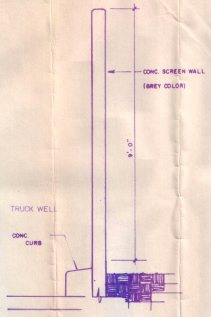
10/14/85
11/7/85

SITE PLAN



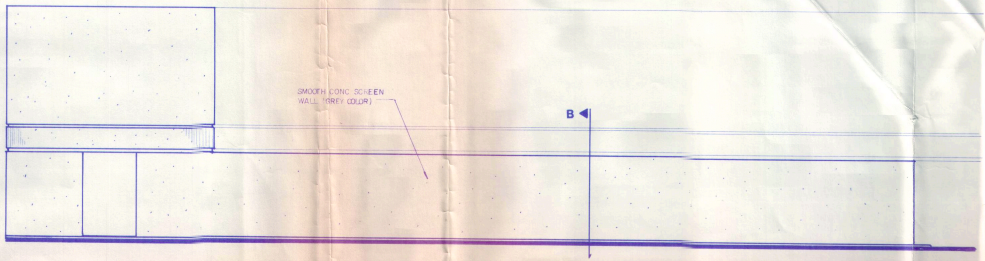
TYP. SCREEN WALL SECTION A

NO SCALE

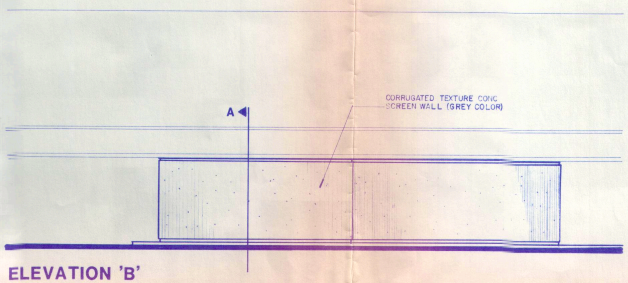


TYP. SCREEN WALL SECTION B

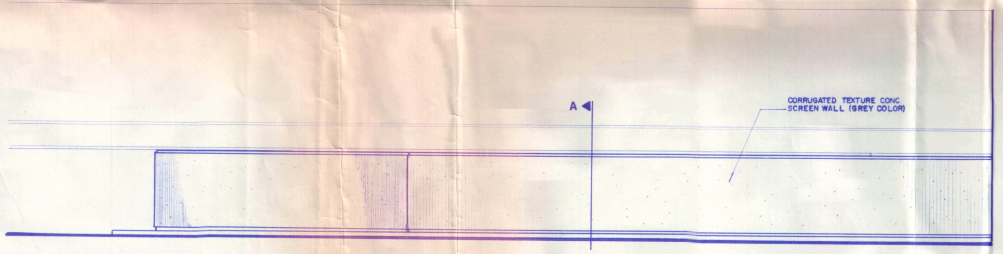
NO SCALE



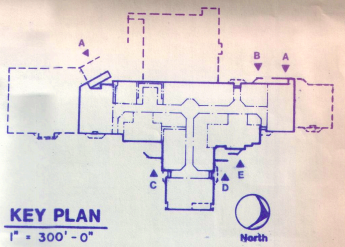
ELEVATION 'A'



ELEVATION 'B'



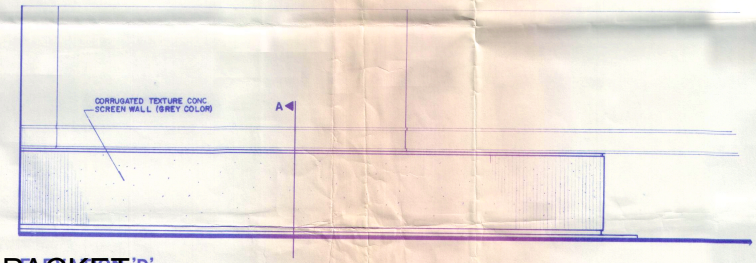
ELEVATION 'C'



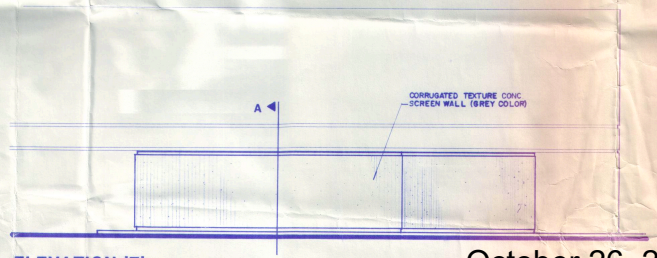
KEY PLAN

1" = 300'-0"

EXHIBIT "B"

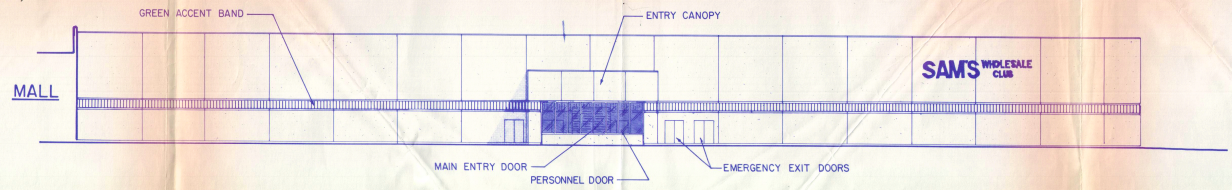


ELEVATION 'D'



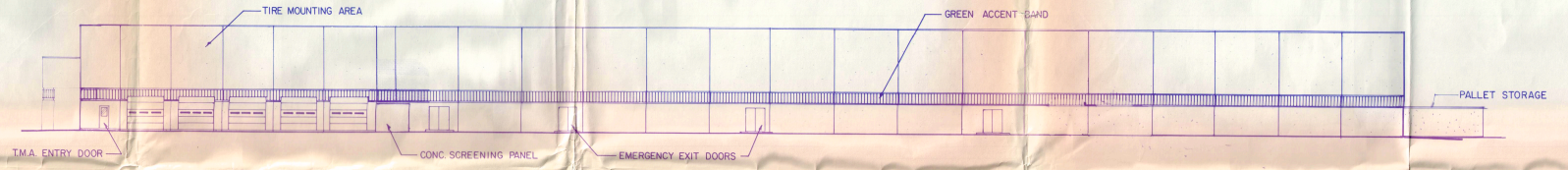
ELEVATION 'E'

6621



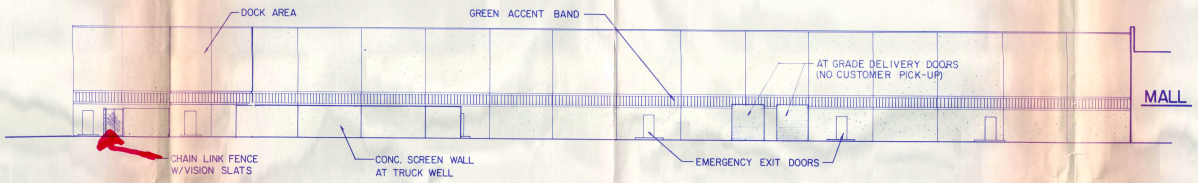
NORTH FRONT ELEVATION
1/16" = 1'-0"

NORTH



WEST SIDE ELEVATION
1/16" = 1'-0"

WEST



SOUTH REAR ELEVATION
1/16" = 1'-0"

SOUTH

Note: All screening shown shall be concrete construction as detailed on Mall site plan

EXHIBIT C

RECEIVED
DEC 12 1985
PLANNING & DEVELOPMENT
CITY OF MIDLAND

PACKET 19.22 October 26, 2021

Crafton, Tull, Spann & Yoe, Inc.
Architects & Engineers
Rogers, Arkansas 72756

SAM'S WHOLESALE CLUB WAREHOUSE NO. 8288 MIDLAND, TEXAS

Revisions

12/11/86

Drawn by JE - JPK
Checked by

Job Number 83065-47








First Basin
WRONG WAY
GMC

City Council Meeting

Item Number: 20

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Elizabeth Shaughnessy, Planning Division Manger

Subject: AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT: NONE) (DEVELOPMENT SERVICES)

Purpose:

Consider an ordinance for an annexation of a 9.162-acre tract of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, located on the northeast corner of the intersection of Fairgrounds Road and Garden City Highway.

Recommended City Council Action:

Approve

Fiscal Impact:

Additional land to be developed under City regulations in an expanded growth area.

Discussion:

The applicant, Black & Dillard Property Management, LP, is requesting to annex a 9.162-acre tract of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, to develop a new an auto and diesel fuel service station. The proposed annexation will allow the provision of City services to the property. This is considered a voluntary annexation.

On September 23, 2021, the service agreement between the City and the property was executed. This is the next step in the annexation process.

This project has been circulated to all respective departments for internal review and received no objections.

Engineering: (Approved)

No objection.

Transportation: (Approved)

No objection.

Fire: (Approved)

No objections.

Code Administration: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Building Code: (Approved)

No objections to annexation.

Planning:

As this proposed development will conform with the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this annexation.

Attachments:

Petition (Exhibit A)
Service Agreement (Exhibit B)
Application
Maps

ORDINANCE NO. _____

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF MIDLAND, TEXAS, BY ADDING THERETO A CERTAIN AREA ADJOINING THE PRESENT CITY LIMITS, BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY); ORDERING PUBLICATION; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, a public hearing before the City Council of the City of Midland, Texas, a home rule municipal corporation, was held in the City Council Chamber on October 26, 2021, during which all interested persons were provided an opportunity to be heard on the proposed annexation of the hereinafter described territory; and

WHEREAS, notice of the public hearing was published on the City of Midland, Texas' Internet website on October 8, 2021, and the notice remained posted until the date of the public hearing; and

WHEREAS, notice of the public hearing was published in a newspaper having general circulation in the City of Midland, Texas, and in the below described territory, on October 8, 2021; and

WHEREAS, all required notices of the proposed annexation and the public hearing were given in accordance with applicable laws; and

WHEREAS, the City of Midland has entered into a written agreement with the owner(s) of the hereinafter described territory for the provision of services in said area;

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

SECTION ONE. That the following described property adjoining the present boundary lines of the City of Midland, Texas, be and the same is hereby annexed to and incorporated within the boundary of the City of Midland, Texas:

Being a 9.162-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR

Co. Survey, Midland County, Texas, and being more fully described by metes and bounds in the petition for annexation attached hereto as Exhibit "A" and incorporated herein by reference for all legal purposes.

SECTION TWO. That this ordinance shall be published in the official newspaper in the City of Midland, Texas, and the same shall not be effective until after the publication thereof.

SECTION THREE. That the City Secretary is hereby authorized and directed to file a certified copy of this ordinance with the County Clerk of Midland County, Texas, for the purpose of recording in the Deed Records of Midland County, Texas.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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"

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

MY COMMISSION EXPIRES:

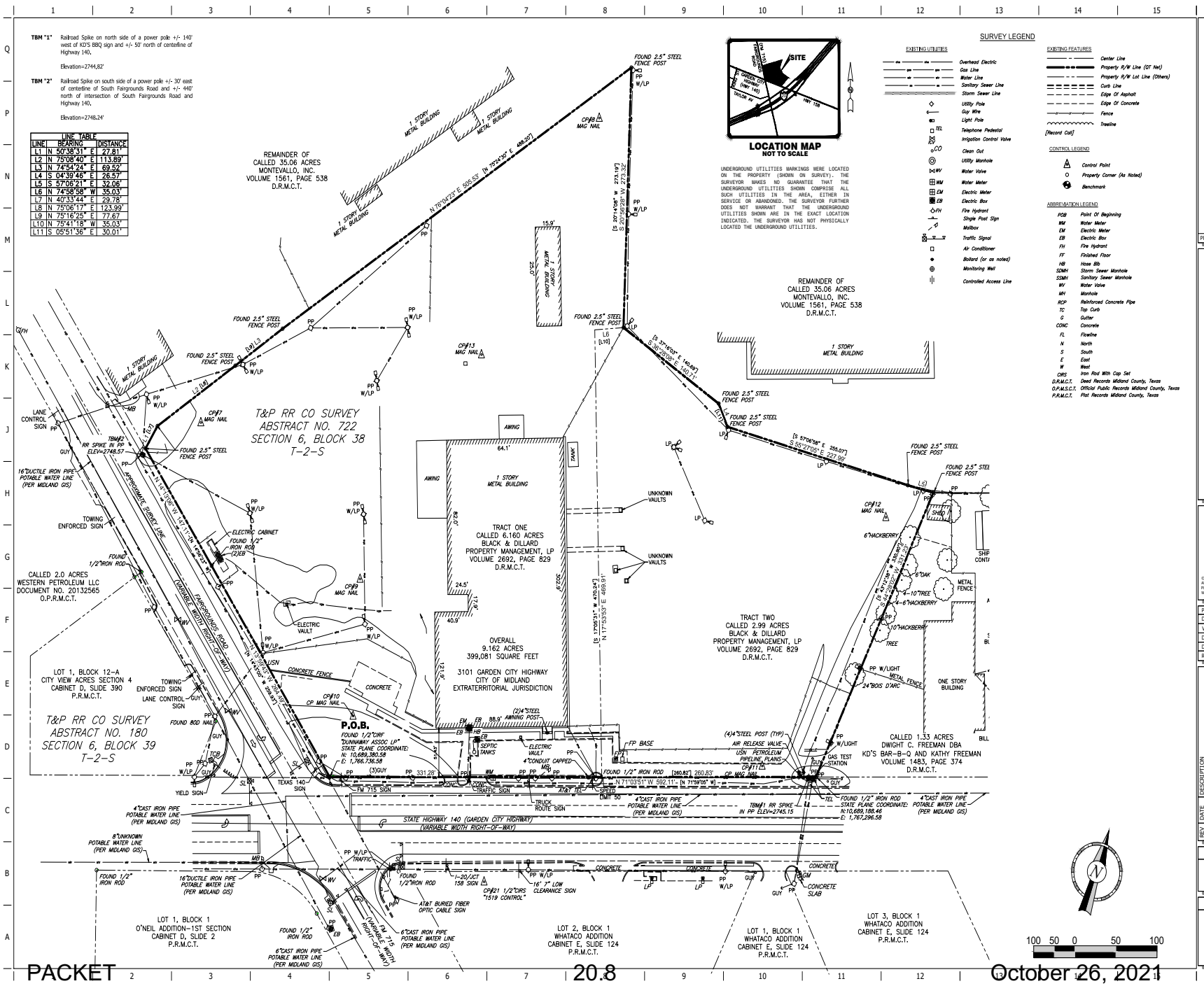
01-02-2025

NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate

Notary Public, State of Texas

EXHIBIT A



CENTRAL TEXAS SURVEYING, INC.
3604 FLOWER AVE., Ste. A
Waco, TX. 76710
254.666.4435
TBPLS# F-10194283
1604 AVE J E. SUITE 300
Fort Worth, TX. 76104
817.882.4435
TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10193968 TBPELS# 10193969

1519
SURVEYING & ENGINEERING
1519LLC.com

PROJECT NO.:9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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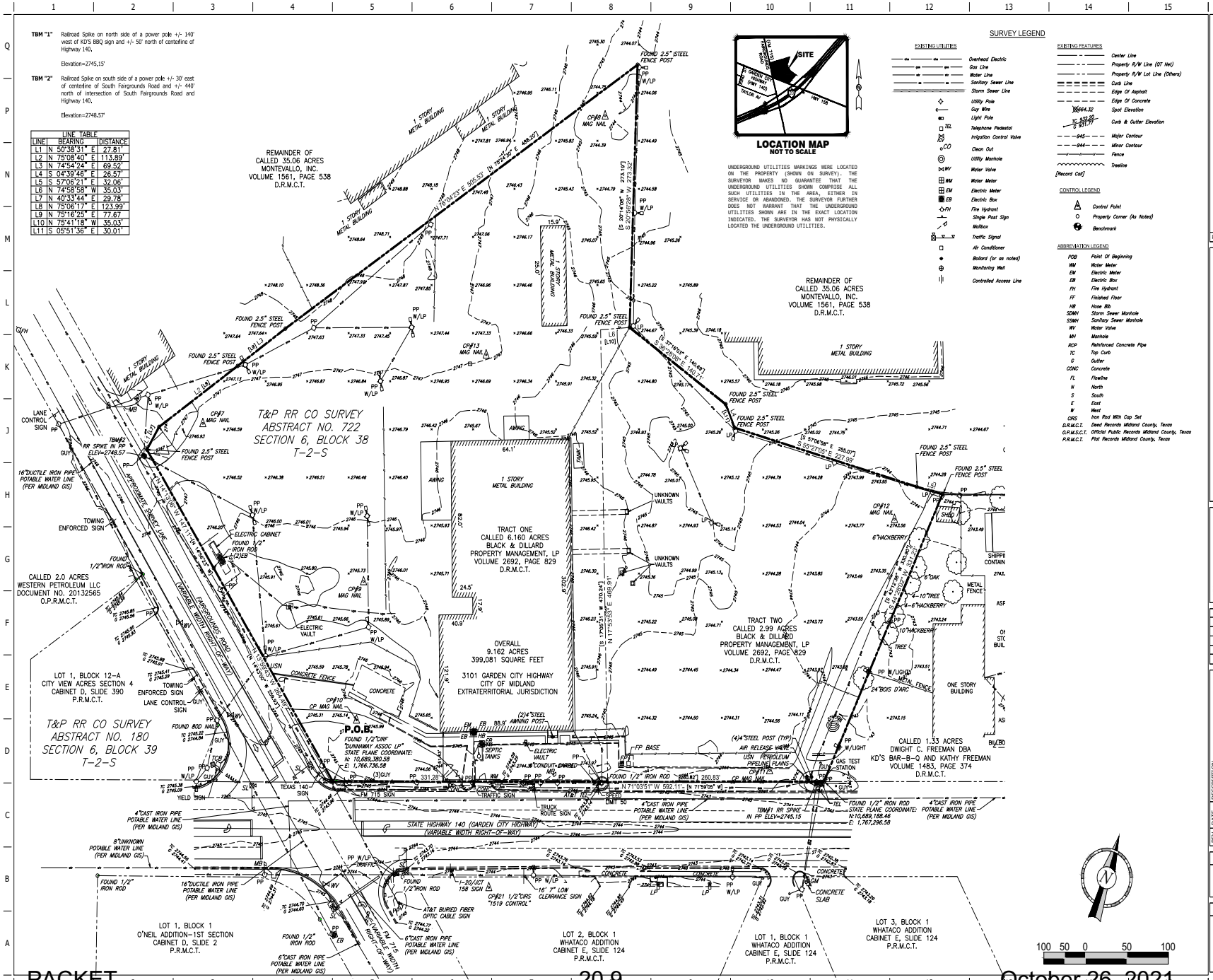
PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
	8/20/2021	UPDATED SURVEY PER NEW SURVEYOR
	7/28/2021	UPDATE SURVEY - FIELDWORK
	8/13/2021	UPDATE SURVEY - FIELDWORK

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
1 OF 4



1519 SURVEYING & ENGINEERING
CENTRAL TEXAS 3604 FOWLER Ave., Ste. A Midland, TX 79705 (432) 570-1519
DALLAS / FT. WORTH 5750 Airport Fwy., Ste. 300 Fort Worth, TX. 76104 (817) 349-1519
1519LLC.com
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

PROJECT NO.:9272

QuikTrip No. 7911
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MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED AS-BUILTS PROVIDED, COORDINATES ON 2 SCREENS
	8/19/2021	UPDATE SURVEY
	7/28/2021	UPDATE SURVEY - Interview
	8/13/2021	UPDATE SURVEY - Interview

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

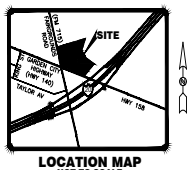
SHEET NUMBER:
2 OF 4

TBM "1" Railroad Spike on north side of a power pole +/- 140' west of KD'S BBQ sign and +/- 50' north of centerline of Highway 140.

Elevation=2745.15'

TBM "2" Railroad Spike on south side of a power pole +/- 30' east of centerline of South Fairgrounds Road and +/- 440' north of intersection of South Fairgrounds Road and Highway 140.

Elevation=2748.57'



LOCATION MAP
NOT TO SCALE

UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SURVEY LEGEND

EXISTING UTILITIES

- Overhead Electric
- Gas Line
- Water Line
- Sanitary Sewer Line
- Storm Sewer Line
- Utility Pole
- Guy Wire
- Light Pole
- TEL Telephone Pedestal
- Irrigation Control Valve
- CO Clean Out
- Utility Manhole
- WV Water Valve
- WM Water Meter
- EM Electric Meter
- EB Electric Box
- FH Fire Hydrant
- Single Post Sign
- Mailbox
- Traffic Signal
- Air Conditioner
- Bollard (or as noted)
- Monitoring Well
- Controlled Access Line

EXISTING FEATURES

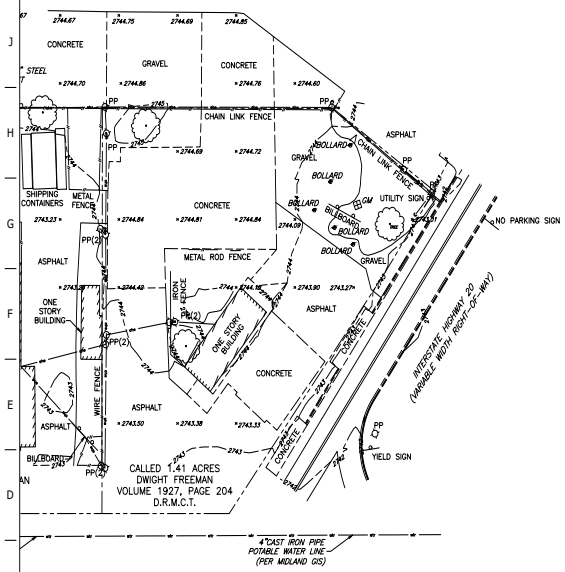
- Center Line
- Property R/W Line (QT Net)
- Property R/W Lot Line (Others)
- Curb Line
- Edge Of Asphalt
- Edge Of Concrete
- 3664.32 Spot Elevation
- TC 942.65 G 931.77 Curb & Gutter Elevation
- 945 Major Contour
- 944 Minor Contour
- Fence
- Treeline
- [Record Call]

CONTROL LEGEND

- Control Point
- Property Corner (As Noted)
- Benchmark

ABBREVIATION LEGEND

POB	Point Of Beginning
WM	Water Meter
EM	Electric Meter
EB	Electric Box
FH	Fire Hydrant
FF	Finished Floor
HB	Hose Bib
SDMH	Storm Sewer Manhole
SSMH	Sanitary Sewer Manhole
WV	Water Valve
MH	Manhole
RCP	Reinforced Concrete Pipe
TC	Top Curb
G	Gutter
CONC	Concrete
FL	Flowline
N	North
S	South
E	East
W	West
CIRS	iron Rod With Cap Set
K.L.K. 4687	1/2" Iron Rod With Cap Stamped "K.L.K. 4687"
O.P.S.C.T.	Official Records Smith County, Texas
O.P.R.S.C.T.	Official Public Records Smith County, Texas
P.P.S.C.T.	Plat Records Smith County, Texas





100 50 0 50 100

CENTRAL TEXAS
3505 Fiberglass Rd., Ste. A
Weatherford, TX 76087
817.599.1519
TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

DALLAS / FT. WORTH
2000 W. Loop 820 S., Ste. 300
Fort Worth, TX 76104
817.599.1519
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

1519
SURVEYING & ENGINEERING
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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/31/2021	UPDATE SURVEY PER REVIEW COMMENTS
3	9/15/2021	UPDATE SURVEY - Hatching
4	10/6/2021	UPDATE SURVEY - Hatching

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
3 OF 4

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 6, BLOCK 38, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 6.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 38 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 27.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.89 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.52 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 28 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 28 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 140.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 57 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 51 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 260.83 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 317, PAGE 320, VOLUME 413, PAGE 18, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 475, PAGE 602, VOLUME 576, PAGE 394, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. THOSE LIENS CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, CODES, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES IN POSSESSION UNDER ANY UNRECORDED, WRITTEN OR ORAL LEASE AGREEMENT.

10i. VISIBLE OR APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ON, OVER, UNDER OR ACROSS THE LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AND/OR THE OWNER'S TITLE POLICY COVERAGE AMOUNT INCLUDES FUNDS FOR IMMEDIATELY CONTEMPLATED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS INDICATED: OWNER AND LOAN POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF UNPAID BILLS OR CLAIMS FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND. HOWEVER, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO $ 0.00. LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, SO THAT ANY LOSS PAYABLE HEREUNDER SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS. ANY EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY. IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO.: 48802011190

10k. THE FOLLOWING EXCEPTION WILL APPEAR IN ANY POLICY ISSUED (OTHER THAN THE T-1R RESIDENTIAL OWNER POLICY OF TITLE INSURANCE AND THE T-2R SHORT-FORM RESIDENTIAL MORTGAGE POLICY) IF THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, FOR REVIEW AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION. NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140; FOR FURTHER INFORMATION CONTACT ROBERT ORNELAS, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION. ROBERT ORNELAS, PE (432) 498-4772.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0206F DATED SEPTEMBER 16, 2005 PANEL 206 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2020. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED IN OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUND ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PIEPKORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283

STATE OF TEXAS · REGISTERED · SHAUN MARVIN PIEPKORN · 6432 · PROFESSIONAL · LAND SURVEYOR

1519
SURVEYING & ENGINEERING
1519LLC.com
CENTRAL TEXAS
3009 Fannin Ave., Ste. A
Brady, TX 76825
325.716.1519
DALLAS / FT. WORTH
1320 Greenway Dr., Ste. 300
Irving, TX 75038
214.272.0726
FORT WORTH
6080 Tacoma Dr.
Fort Worth, TX 76104
817.349.9256
TBPELS# 10194283 TBPELS# 10191451 TBPELS# F-17299 TBPELS# 10193968

PROJECT NO.:9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
3	8/30/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/19/2021	UPDATE SURVEY PER NEW ALTA STANDARDS
1	7/30/2021	UPDATE SURVEY
	8/13/2021	UPDATE SURVEY - PRELIMINARY

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

MY COMMISSION EXPIRES:

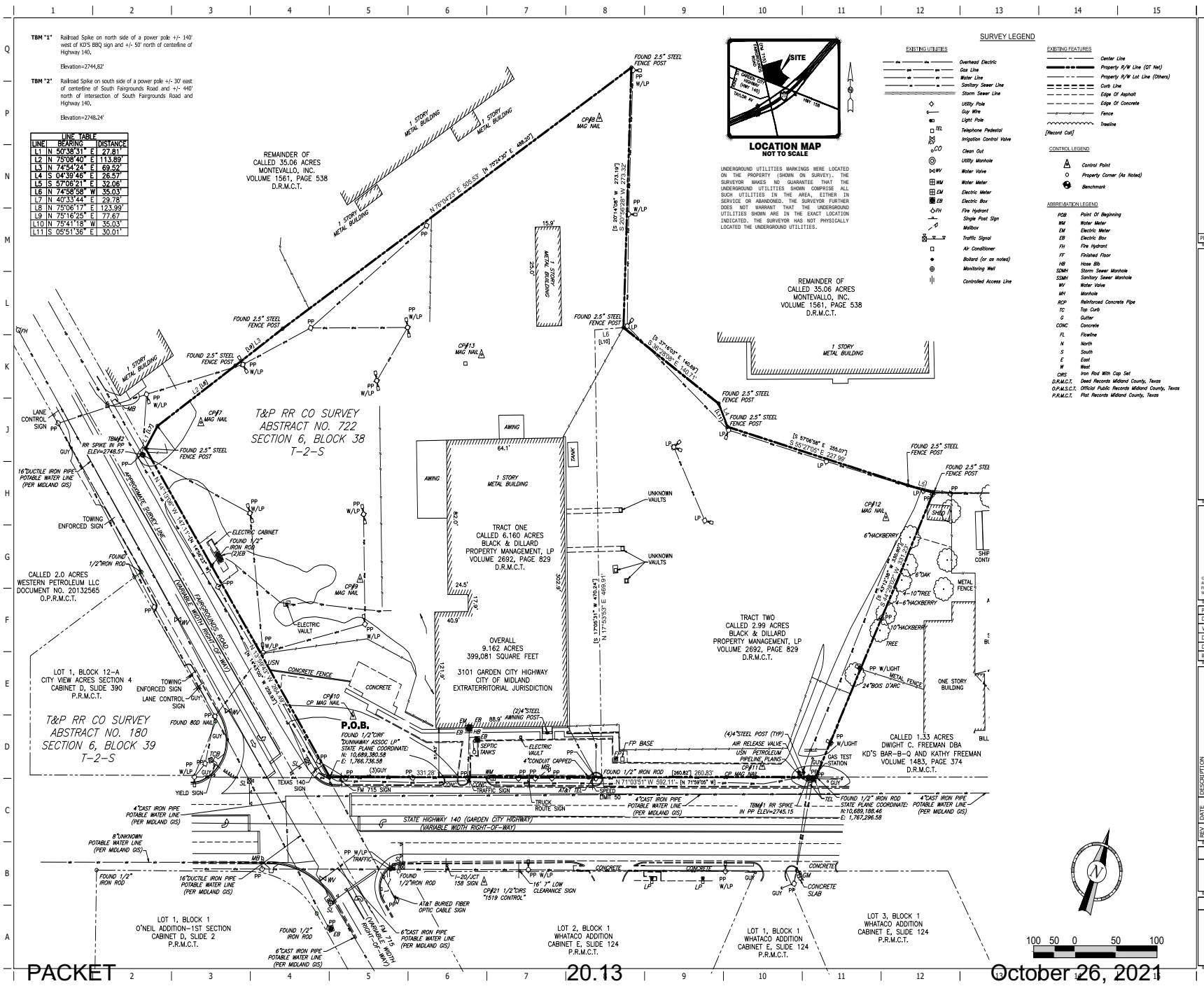
01-02-2025

NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate

Notary Public, State of Texas

EXHIBIT A



CENTRAL TEXAS 1519 SURVEYING, INC. 3004 FLOWER AVE., Ste. A MIDLAND, TX 79705 (432) 697-1519 TBPELS# 10194283
DALLAS / FT. WORTH 2000 AVE. F, Ste. 300 FORT WORTH, TX. 76104 (817) 349-1519 TBPELS# 10194351
SURVEYING & ENGINEERING 1519LLC.com
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

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MIDLAND, TEXAS 79701

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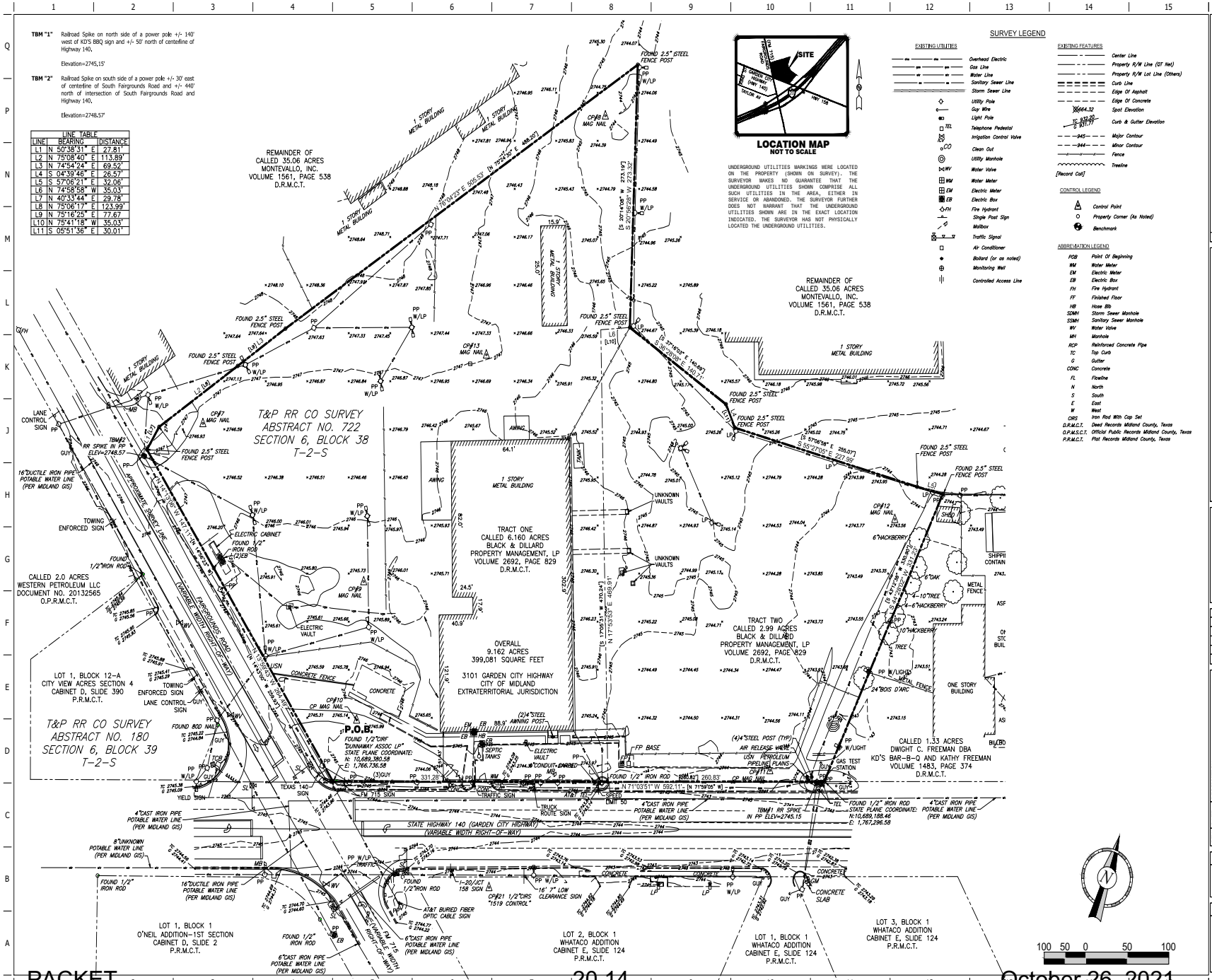
PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
	8/20/2021	UPDATED SURVEY PER NEW SURVEY DATA
	7/29/2021	UPDATE SURVEY - PARTNERS
	8/13/2021	UPDATE SURVEY - PARTNERS

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
1 OF 4



CENTRAL TEXAS SURVEYING, INC.
3604 FOREST AVE., Ste. A
WACO, TX. 76710
254.662.7810
TBPELS# F-10194283
DALLAS / FT. WORTH
2000 NE Loop 820, Ste. 300
Fort Worth, TX. 76106
214.905.1165
TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10193968 TBPELS# 10193968
1519
SURVEYING & ENGINEERING
1519LLC.com

PROJECT NO.:9272

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MIDLAND, TEXAS 79701

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DIVISION: 08
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DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED AS-BUILT PROVIDED, COORDINATES ON 2 SCREENS
2	8/30/2021	UPDATED AS-BUILT PROVIDED, ADDED LEGEND
3	9/7/2021	UPDATE SURVEY
4	9/13/2021	UPDATE SURVEY - Addendum

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

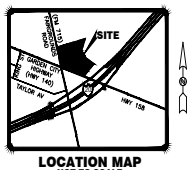
SHEET NUMBER:
2 OF 4

TBM "1" Railroad Spike on north side of a power pole +/- 140' west of KD'S BBQ sign and +/- 50' north of centerline of Highway 140.

Elevation=2745.15'

TBM "2" Railroad Spike on south side of a power pole +/- 30' east of centerline of South Fairgrounds Road and +/- 440' north of intersection of South Fairgrounds Road and Highway 140.

Elevation=2748.57'



LOCATION MAP
NOT TO SCALE

UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SURVEY LEGEND

EXISTING UTILITIES

- Overhead Electric
- Gas Line
- Water Line
- Sanitary Sewer Line
- Storm Sewer Line
- Utility Pole
- Guy Wire
- Light Pole
- Telephone Pedestal
- Irrigation Control Valve
- Clean Out
- Utility Manhole
- Water Valve
- Water Meter
- Electric Meter
- Electric Box
- Fire Hydrant
- Single Post Sign
- Mailbox
- Traffic Signal
- Air Conditioner
- Bollard (or as noted)
- Monitoring Well
- Controlled Access Line

EXISTING FEATURES

- Center Line
- Property R/W Line (QT Net)
- Property R/W Lot Line (Others)
- Curb Line
- Edge Of Asphalt
- Edge Of Concrete
- Spot Elevation
- Curb & Gutter Elevation
- Major Contour
- Minor Contour
- Fence
- Treeline

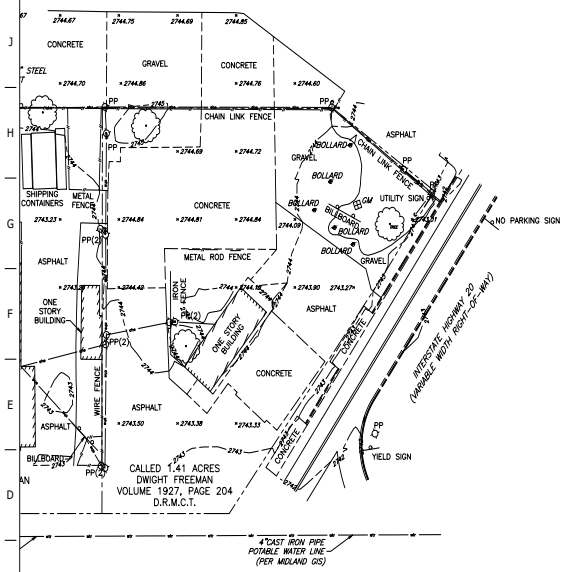
[Record Call]

CONTROL LEGEND

- Control Point
- Property Corner (As Noted)
- Benchmark

ABBREVIATION LEGEND

POB	Point Of Beginning
WM	Water Meter
EM	Electric Meter
EB	Electric Box
FH	Fire Hydrant
FF	Finished Floor
HB	Hose Bib
SDMH	Storm Sewer Manhole
SSMH	Sanitary Sewer Manhole
WV	Water Valve
MH	Manhole
RCP	Reinforced Concrete Pipe
TC	Top Curb
G	Gutter
CONC	Concrete
FL	Flowline
N	North
S	South
E	East
W	West
CIRS	Iron Rod With Cap Set
K.L.K. 4687	1/2" Iron Rod With Cap Stamped "K.L.K. 4687"
O.P.S.C.T.	Official Records Smith County, Texas
O.P.R.S.C.T.	Official Public Records Smith County, Texas
P.P.S.C.T.	Plat Records Smith County, Texas





100 50 0 50 100

CENTRAL TEXAS
3500 Fairway Ave., Ste. A
Waco, TX 76710
254.666.4144
TBPELS# F-17299
DFW
2301 Ave. J E. Suite 300
Fort Worth, TX. 76104
817.886.4144
TBPELS# F-17299
1519
SURVEYING & ENGINEERING
1519LLC.com
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

PROJECT NO.:9272

QuikTrip No. 7911

3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/31/2021	UPDATE SURVEY PER REVIEW COMMENTS
3	9/15/2021	UPDATE SURVEY - Hatching
4	7/26/2021	UPDATE SURVEY

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
3 OF 4

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 6, BLOCK 38, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 6.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 38 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 27.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.89 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.52 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 28 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 28 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 140.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 67 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 51 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 260.83 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 317, PAGE 320, VOLUME 413, PAGE 18, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 475, PAGE 602, VOLUME 576, PAGE 394, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. THOSE LIENS CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, CODES, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES IN POSSESSION UNDER ANY UNRECORDED, WRITTEN OR ORAL LEASE AGREEMENT.

10i. VISIBLE OR APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ON, OVER, UNDER OR ACROSS THE LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AND/OR THE OWNER'S TITLE POLICY COVERAGE AMOUNT INCLUDES FUNDS FOR IMMEDIATELY CONTEMPLATED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS INDICATED: OWNER AND LOAN POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF UNPAID BILLS OR CLAIMS FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND. HOWEVER, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO $ 0.00. LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, SO THAT ANY LOSS PAYABLE HEREUNDER SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS. ANY EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY. IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO.: 48802011190

10k. THE FOLLOWING EXCEPTION WILL APPEAR IN ANY POLICY ISSUED (OTHER THAN THE T-1R RESIDENTIAL OWNER POLICY OF TITLE INSURANCE AND THE T-2R SHORT-FORM RESIDENTIAL MORTGAGE POLICY) IF THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, FOR REVIEW AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION. NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140; FOR FURTHER INFORMATION CONTACT ROBERT ORNELAS, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION. ROBERT ORNELAS, PE (432) 498-4772.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0206F DATED SEPTEMBER 16, 2005 PANEL 206 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2020. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED IN OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUND ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PIEPKORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283

STATE OF TEXAS · REGISTERED · SHAUN MARVIN PIEPKORN · 6432 · PROFESSIONAL · LAND SURVEYOR

1519
SURVEYING & ENGINEERING
1519LLC.com
CENTRAL TEXAS
3009 Fairway Ave., Ste. A
Bryan, TX 77802
254.776.1519
DALLAS / FT. WORTH
2201 Double Creek Dr., Ste. 300
Round Rock, TX 78664
Fort Worth, TX 76104
817.953.1519
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10191451 TBPELS# 10194283

PROJECT NO.:9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
3	8/30/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/19/2021	UPDATED ALTA TO PROVIDE CLEARANCE
1	7/30/2021	UPDATE SURVEY
	8/13/2021	UPDATE SURVEY - minor corr.

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

SERVICE AGREEMENT

THIS AGREEMENT is made and effective the 23 day of September 20 21, by and between the CITY OF MIDLAND, TEXAS, hereinafter called "CITY," and BLACK & DILLARD PROPERTY MANAGEMENT, LP, hereinafter referred to as "PETITIONER" whether one or more.

WHEREAS, a petition for annexation of **9.162-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas**, said tract being more fully described by metes and bounds therein (the "Area"), has been submitted to CITY by PETITIONER, the owner(s) of the land located in the Area, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, before CITY annexes the Area, CITY and PETITIONER must enter into a written agreement for the provision of services in the Area in accordance with Section 43.0672 of the Local Government Code;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is (1) to list each service CITY will provide in the Area on the effective date of the annexation, (2) to establish a schedule that includes the period within which CITY will provide each service in the Area that is not provided on the effective date of the annexation, and (3) to establish the duty of PETITIONER to pay fees similar to impact fees in the event that CITY has adopted, or adopts in the future, one or more ordinances establishing impact fees. PETITIONER understands and agrees that CITY is not required to provide a service that is not included in this Agreement. PETITIONER further understands and agrees that the execution of this Agreement does not constitute a promise by CITY to annex the Area and that this Agreement is not a permit for purposes of Chapter 245 of the Local Government Code.

ARTICLE II. TERM

The term of this Agreement shall be one year; provided, however, that if CITY annexes the Area within one year from the effective date, the term of this Agreement shall continue until such time when all services described in this Agreement are provided in the Area, and at such time, the Agreement shall terminate and shall be of no further force or effect except for those provisions that expressly survive termination. If CITY does not annex the Area during the term of this Agreement, this Agreement shall terminate and shall be of no further force or effect, and CITY shall have no duty to provide services to the Area.

ARTICLE III. SERVICES TO BE PROVIDED UPON ANNEXATION

CITY will provide the following services in the Area on the date that the ordinance annexing the Area becomes effective:

A. **Engineering:** CITY's Engineering Services Department will maintain streets, drainage facilities, and rights-of-way in accordance with CITY policies, procedures, and ordinances and applicable laws. PETITIONER understands and agrees that PETITIONER may be required to construct public improvements, including but not limited to (i) roadways adjacent to property located in the Area upon platting and (ii) roadway connections to existing facilities in the Area upon issuance of building permits in accordance with applicable laws and ordinances. PETITIONER understands and agrees that the Area will be included in CITY's service area of CITY's drainage utility.

B. **Utilities:** CITY will provide water services and wastewater collection services, upon platting property in the Area, in accordance with the City Code at rates established by ordinances for such services; provided, however, that no such service shall be provided until the public improvements necessary therefor have been constructed and CITY has approved said improvements. PETITIONER understands and agrees that CITY may require PETITIONER to construct such public improvements in accordance with applicable laws and ordinances.

C. **Development:** CITY's Development Services Department will provide planning, land development, land use, building review and inspection, and code enforcement services in accordance with applicable laws, rules, regulations, and ordinances.

D. **Police:** CITY's Police Department will provide emergency and routine call response, traffic enforcement, and law enforcement services in the Area.

E. **Fire:** CITY's Fire Department will provide emergency service for fire protection services and emergency medical services.

F. **Community Services:** CITY's Community Services Department will provide access to services and programs that may be offered by the Health and Senior Services Division, services and programs that may be offered by Animal Services Division, and access to City-owned parks.

G. **Solid Waste:** CITY's Solid Waste Department will provide residential garbage pickup service only. PETITIONER understands and agrees that CITY will not provide garbage pickup services to new commercial developments.

Regarding the services described above, PETITIONER understands and agrees that CITY will provide a level of services that is comparable to the level of services available in other parts of the City of Midland with topography, land use, and population density similar to those reasonably contemplated or projected for the Area. PETITIONER understands and acknowledges that any CITY departments or divisions identified above may change names or be reorganized. Any reference to a specific CITY department or division also includes any subsequent CITY department or division that will provide the same or similar services.

ARTICLE IV. IMPACT FEES

A. **Fees to be assessed and collected.** Except as otherwise described herein, if CITY has adopted, or adopts in the future, one or more ordinances establishing impact fees in accordance with Chapter 395 of the Local Government Code, CITY shall assess and collect fees associated with the development of the Area as described for impact fees in the applicable impact fee ordinance(s) (the "Fees").

B. **Service areas.** For purposes of assessing and collecting Fees for water and wastewater under this Agreement, the Area is deemed to be located within CITY's capital improvements plan service area therefor. For the purpose of assessing and collecting Fees for roadways under this Agreement, the Area is deemed to be located in CITY's capital improvements plan roadway service area(s) immediately adjacent thereto; provided, however, that if the Area is not located immediately adjacent to a roadway service area and is located immediately adjacent to a tract of land that is associated with an agreement regarding fees similar to the Fees in this Agreement, the Area is deemed to be located in the roadway service area(s) specified in such similar agreement associated with the adjacent tract of land.

C. **Capital improvements and facility expansions.** For purposes of this Agreement, a capital improvement or facility expansion that will serve the Area shall be deemed to be included in CITY's capital improvements plan if:

   a. said capital improvement or facility expansion is substantially similar to a type of capital improvement or facility expansion identified in CITY's capital improvements plan; or

   b. said capital improvement or facility expansion is an extension of a capital improvement or facility expansion identified in CITY's capital improvements plan.

D. **Time of assessment.** Fees shall be assessed at the time of recordation of a final plat of any portion of the Area, at the time the Area is annexed, or on the effective date(s) of the applicable impact fee ordinance(s), whichever is later.

E. **Time of collection.** CITY shall collect the Fees from PETITIONER at the time of issuance of a building permit. PETITIONER acknowledges and agrees that no building permit or certificate of occupancy shall be issued until PETITIONER has paid the applicable Fees.

F. **Amendment to land use assumptions, capital improvements plan, or impact fees.** Notwithstanding any provision in this Agreement to the contrary, if CITY amends its land use assumptions, capital improvements plan, or impact fees such that PETITIONER would be required to pay impact fees, CITY shall assess and PETITIONER shall pay the applicable impact fees in accordance with the applicable impact fee ordinance(s), as amended; provided, however, that to the extent CITY assesses applicable Fees for service units under this Agreement, PETITIONER shall pay such Fees in accordance with this Agreement and shall not be required to pay the applicable impact fees for the same service units.

G. **Article to survive termination.** If CITY annexes the Area within one year from the

effective date, the provisions of this Article shall survive termination of this Agreement.

ARTICLE V. GOVERNMENTAL IMMUNITY

By executing this agreement 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. THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE VI. RELEASE

NOTWITHSTANDING ANY OTHER PROVISIONS, PETITIONER 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 WHICH PETITIONER HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF AGREEMENT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, CITY'S NEGLIGENCE, OR CLAIMS UNDER CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE. THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE VII. ATTORNEYS' FEES

In the event of any conflict between the parties hereto such that either party brings or commences any legal action or proceeding related to this Agreement, including but not limited to any action pursuant to the provisions of the Texas Uniform Declaratory Judgments Act (Tex. Civ. Prac. & Rem. Code §37.001, et seq., as amended), the parties hereto agree to waive any and all rights to recovery of attorneys' fees to which the prevailing party might otherwise be entitled.

BY EXECUTING THIS AGREEMENT, THE PARTIES AGREE TO WAIVE AND DO HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM EITHER PARTY HAS OR MAY HAVE IN THE FUTURE AGAINST THE OTHER PARTY, SPECIFICALLY AND SOLELY REGARDING THE AWARD OF ATTORNEYS' FEES, WHICH ARE IN ANY WAY RELATED TO THE AGREEMENT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THE AGREEMENT. THE PARTIES SPECIFICALLY AGREE THAT IF A PARTY BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING

RELATED TO THIS AGREEMENT, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET. SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, THE PARTY BRINGING THE ACTION AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEYS' FEES TO WHICH THE PARTY MIGHT OTHERWISE BE ENTITLED.

THE PARTIES AGREE THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY EXISTING KNOWN RIGHT. EACH PARTY ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THE AGREEMENT. THE PARTIES FURTHER ACKNOWLEDGE AND AGREE THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND PETITIONER. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OF SOVEREIGN IMMUNITY.

THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT. PETITIONER AND CITY ARE RELYING ON THEIR OWN JUDGMENT. EACH PARTY HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO ITS EXECUTION.

ARTICLE VIII. GENERAL PROVISIONS

A. **Governing law and venue.** This Agreement shall be governed by the laws of the State of Texas. All performance made pursuant to this Agreement shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Midland County, Texas. The obligations and undertakings of each of the parties to this Agreement shall be deemed to have occurred in Midland County, Texas. This Agreement shall be governed by, interpreted, enforced and construed under the laws of the State of Texas. The laws of the State of Texas shall govern, construe and enforce all the rights and duties of the parties, including but not limited to tort claims and any and all contractual claims or disputes, arising from or relating in any way to the subject matter of this Agreement, without regard to conflict of laws and rules that would direct application of the laws of another jurisdiction. The provisions of this Article VIII.A. shall survive termination of this Agreement.

B. **Notice.** Any notice or demand that shall be made regarding this Agreement, shall be made in writing and delivered either in person or by certified or registered mail. Notice by mail shall be complete upon deposit of the paper, postage prepaid, in a post office or official depository under the care and custody of the United States Postal Service addressed as

follows:

If to CITY: City Manager's Office
P.O. Box 1152
Midland, Texas 79702

If to PETITIONER: Black & Dillard Property Management, LP
P.O. Box 60850
Midland, Texas 79711

The parties hereto may change the above-designated addresses by giving notice pursuant to the terms of this Section.

C. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

D. **Use of language.** Words in the singular shall be held to include the plural, unless the context otherwise requires.

E. **Amendments, modifications, alterations.** No amendment, modification, or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the parties to this Agreement.

F. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed as original, and all of which shall constitute one and the same instrument.

G. **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 Agreement, PETITIONER or PETITIONER'S legal representative, shall give the City Manager, or any other reasonable official of CITY, notice in writing (consisting of one original and seven copies of notice attached to a copy of this Agreement) of such damages, duly verified, within one-hundred fifty (150) 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 PETITIONER will settle, the physical and mailing addresses of PETITIONER at the time and date the claim was presented and the physical and mailing addresses of PETITIONER for the six months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom PETITIONER relies to establish its claim; and a failure to so notify the City Manager within the time and manner provided herein shall exonerate, excuse and except CITY from any liability whatsoever. CITY is under no obligation to provide notice to PETITIONER that PETITIONER'S notice is insufficient. CITY reserves the right to request reasonable additional information regarding the claim. Said additional information shall be

supplied within thirty (30) days after receipt of notice.

The statutory prerequisites outlined herein constitute jurisdictional requirements pursuant to Section 271.154 of the Texas Local Government Code and Section 311.034 of the Texas Government Code. Notwithstanding any other provision, PETITIONER'S failure to comply with the requirements herein shall perpetually bar PETITIONER'S claim for damages under Chapter 271 of the Texas Local Government Code and Section 311.034 of the Texas Government Code, regardless of whether CITY has actual or constructive notice or knowledge of said claim or alleged damages. The provisions of this Article VIII.G. shall survive termination of this agreement. **PETITONER AGREES THAT THE REQUIREMENTS OF THIS ENTIRE AGREEMENT ARE REASONABLE.**

H. **Covenants run with the land.** The provisions of this Agreement are covenants that run with the land located in the Area. CITY and PETITIONER agree that this Agreement may be recorded in the deed records of the county in which the Area is located. CITY and PETITIONER acknowledge and agree that this Agreement is binding upon CITY and PETITIONER and their respective successors, executors, heirs, and assigns, as applicable. The provisions of this Article VIII.H. shall survive termination of this Agreement.

EXECUTED the day and year first above mentioned.

THE CITY OF MIDLAND, TEXAS

By: _____
Robert Patrick, City Manager

ATTEST

_____
Amy M. Turner, City Secretary

APPROVED ONLY AS TO FORM

_____
John Ohnemiller, City Attorney

PETITIONER:

By: _____

Name: Michael Black

Title: Manager / Vice President

STATE OF Texas §

§

COUNTY OF Midland §

BEFORE ME, the undersigned authority, on this 8th day of September, 2021 personally appeared, Michael Black, an officer of Black Dillard Property Management, LP, 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 8th day of September, 2021.

SAMANTHA JEAN DURHAM
Notary Public, State of Texas
Comm. Expires 11-04-2023
Notary ID 128791814

Samantha Jean Durham

Notary Public, State of Texas

Exhibit "A" to Service Agreement

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

MY COMMISSION EXPIRES

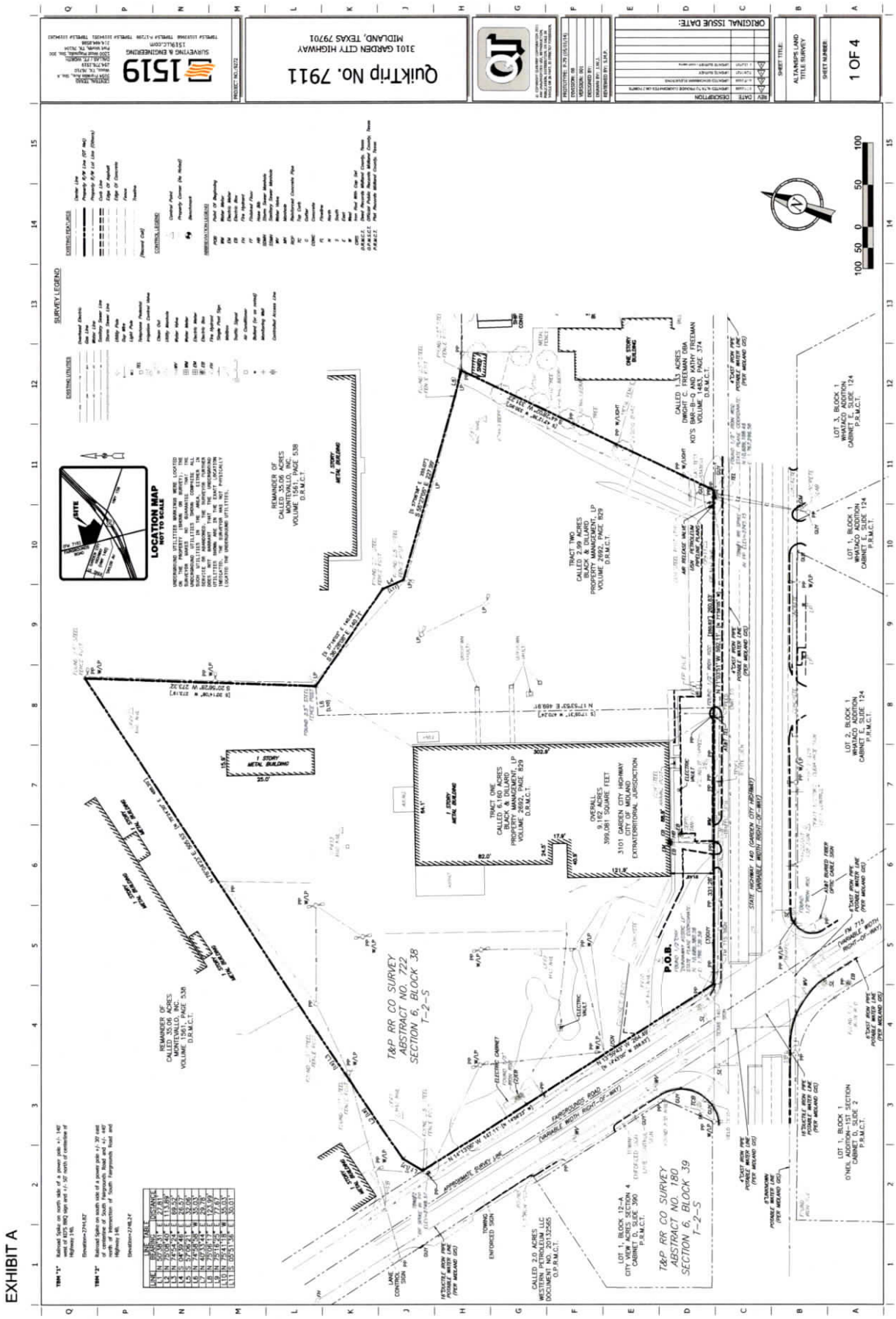
01-02-2025

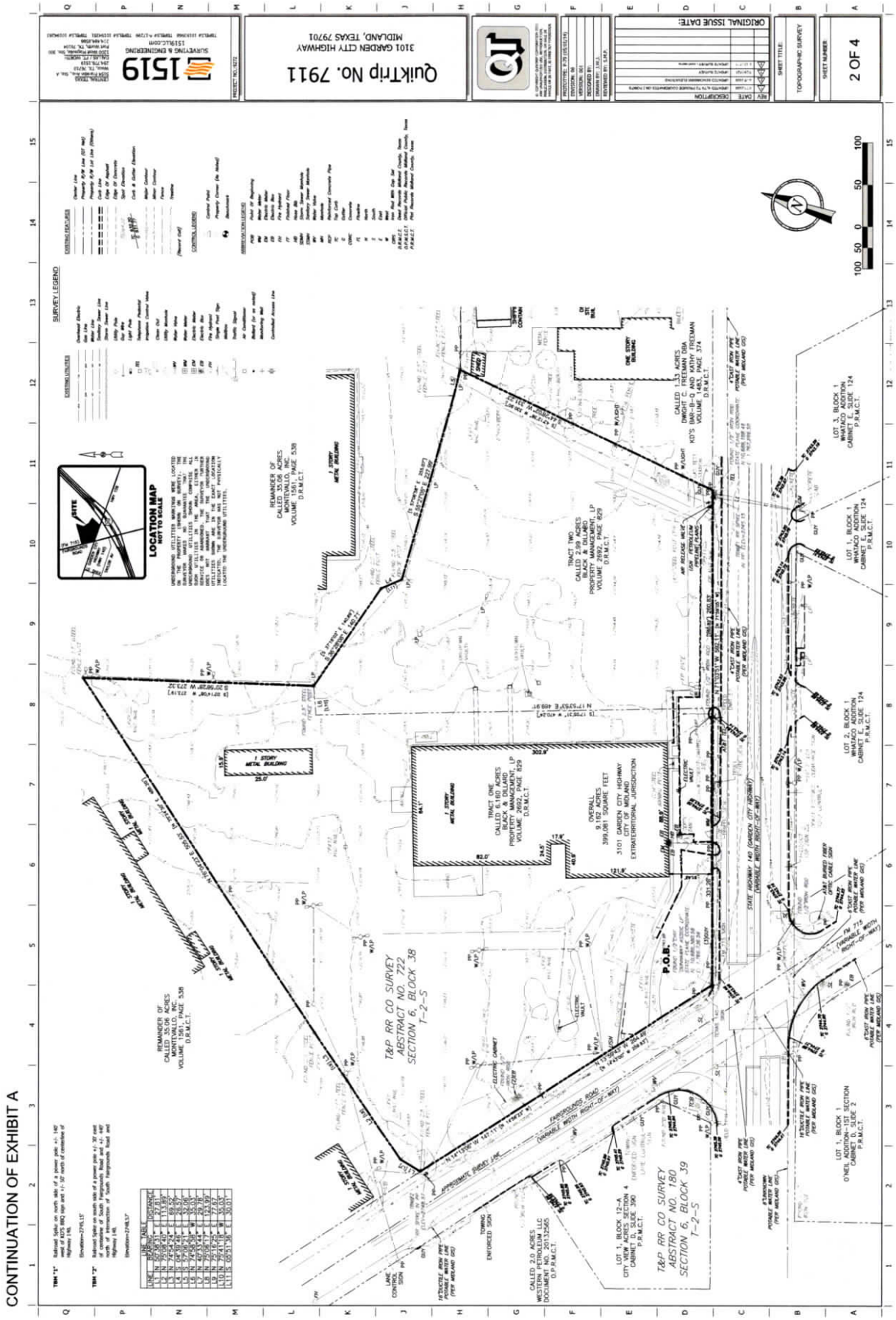
NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate

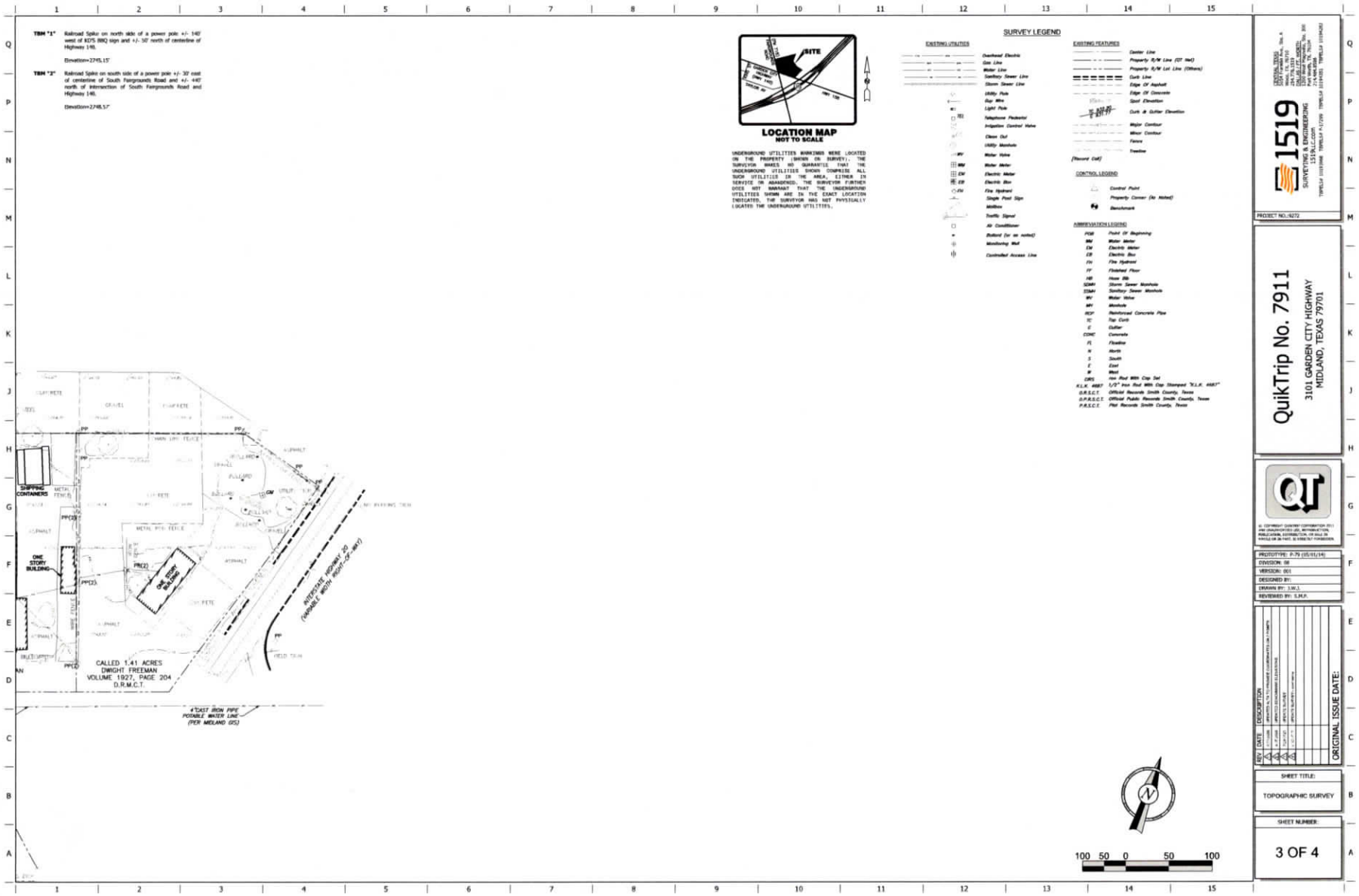
Notary Public, State of Texas

EXHIBIT A


QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701
1519
SURVEYING & ENGINEERING
ORIGINAL ISSUE DATE:
SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY
SHEET NUMBER:
1 OF 4
SURVEY LEGEND
LOCATION MAP
NOT TO SCALE
SITE
REMAINDER OF CALLED 538.36 ACRES MONTEVALLO, INC. VOLUME 1561, PAGE 538 D.R.M.C.T.
TRACT TWO CALLED 7.340 ACRES BLACK & DILLARD PROPERTY MANAGEMENT, LP VOLUME 2892, PAGE 829 D.R.M.C.T.
TRACT ONE CALLED 6.160 ACRES BLACK & DILLARD PROPERTY MANAGEMENT, LP VOLUME 2892, PAGE 829 D.R.M.C.T.
OVERALL 9.500 ACRES 399,081 SQUARE FEET 3101 GARDEN CITY HIGHWAY CITY OF MIDLAND EXTRATERRITORIAL JURISDICTION
CALLED 1.33 ACRES DWIGHT C. FREEMAN DBA KID'S KINGDOM LEASEHOLD VOLUME 1483, PAGE 374 D.R.M.C.T.
T&P RR CO SURVEY ABSTRACT NO. 722 SECTION 6, BLOCK 38 T-2-S
T&P RR CO SURVEY ABSTRACT NO. 180 SECTION 6, BLOCK 39 T-2-S
P.O.B.
LOT 1, BLOCK 12-A CITY VIEW ACRES SECTION 4 CABINET D, SLIDE 390 P.R.M.C.T.
LOT 1, BLOCK 1 O'NEIL ADDITION CABINET C, SLIDE 2 P.R.M.C.T.
LOT 2, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
LOT 3, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
LOT 4, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
CALLED 2.0 ACRES WESTERN PETROLEUM, LLC DOCUMENT NO. 2022012565 O.P.R.M.C.T.
STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY)
FARMS ROAD (VARIABLE WIDTH RIGHT-OF-WAY)
FM 715 (VARIABLE WIDTH RIGHT-OF-WAY)
LINE TABLE
LOCATION MAP
NOT TO SCALE
SITE
100 50 0 50 100


CONTINUATION OF EXHIBIT A
QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701
1519
SURVEYING & DRAFTING, INC.
1519LLC.COM
ORIGINAL ISSUE DATE:
SHEET TITLE:
TOPOGRAPHIC SURVEY
SHEET NUMBER:
2 OF 4
SURVEY LEGEND
LOCATION MAP
NOT TO SCALE
SITE
P.O.B.
T&P RR CO SURVEY
ABSTRACT NO. 722
SECTION 6, BLOCK 38
T-2-S
T&P RR CO SURVEY
ABSTRACT NO. 180
SECTION 6, BLOCK 39
T-2-S
TRACT ONE
CALLED 4.76 ACRES
BLOCK 6, DILLARD
PROPERTY MANAGEMENT, LP
VOLUME 2892, PAGE 829
O.P.R.M.C.T.
TRACT TWO
CALLED 2.00 ACRES
BLOCK 6, DILLARD
PROPERTY MANAGEMENT, LP
VOLUME 2892, PAGE 829
O.P.R.M.C.T.
OVERALL
9.161 ACRES
399,081 SQUARE FEET
3101 GARDEN CITY HIGHWAY
CITY OF MIDLAND
EXTRATERRITORIAL JURISDICTION
REMAINDER OF
CALLED 35.96 ACRES
MONTEVALLO, INC.
VOLUME 1561, PAGE 538
O.R.M.C.T.
CALLED 1.33 ACRES
DWIGHT C. FREEMAN DBA
MIDLAND ANIMAL HOSPITAL
VOLUME 1483, PAGE 374
O.R.M.C.T.
CALLED 2.0 ACRES
WESTLAKE PETROLEUM, LLC
DOCUMENT NO. 2021-22265
O.P.R.M.C.T.
LOT 1, BLOCK 12-A
CITY VIEW ACRES, SECTION 4
CABINET D, SLIDE 390
P.R.M.C.T.
LOT 1, BLOCK 1
O'NEIL ADDITION, SECTION 2
CABINET D, SLIDE 2
P.R.M.C.T.
LOT 2, BLOCK 1
WHATACO ADDITION
CABINET E, SLIDE 124
P.R.M.C.T.
LOT 3, BLOCK 1
WHATACO ADDITION
CABINET E, SLIDE 124
P.R.M.C.T.
LOT 4, BLOCK 1
WHATACO ADDITION
CABINET E, SLIDE 124
P.R.M.C.T.
FAIRGROUNDS ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)
STATE HIGHWAY 140 (GARDEN CITY HIGHWAY)
(VARIABLE WIDTH RIGHT-OF-WAY)
APPROXIMATE SURVEY LINE
LINE TABLE
LINE BEARING DISTANCE
L1 N 75°08'40" E 111.89'
L2 N 75°08'40" E 111.89'
L3 N 74°47'24" E 69.29'
L4 N 74°47'24" E 69.29'
L5 S 75°08'40" W 43.26'
L6 N 74°56'56" W 35.01'
L7 N 75°08'40" E 43.26'
L8 N 74°56'56" W 35.01'
L9 N 75°17'25" E 77.01'
L10 N 75°41'16" W 35.01'
L11 S 08°31'36" E 30.01'

CONTINUATION OF EXHIBIT A



CONTINUATION OF EXHIBIT A

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 9, BLOCK 39, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 9.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "TOWNWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "TOWNWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 36 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 37.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.88 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.62 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 28 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 29 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 145.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 57 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 31 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 280.85 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF OIL, LIGNITE, COAL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 377, PAGE 225, VOLUME 435, PAGE 19, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE ABOVE DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT , BUT SHOWN ON THE SURVEY (NOT SHOWN EXPLICITLY).

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 470, PAGE 482, VOLUME 577, PAGE 284, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE ABOVE DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT , BUT SHOWN ON THE SURVEY (NOT SHOWN EXPLICITLY).

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. TAXES (2026) CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, ITEMS, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES TO PROCEEDING UNDER ANY AGREEMENT, WRITTEN OR ORAL LEASE AGREEMENT.

10i. POSSIBLE BY APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ALL PIPES, LINES OR OTHERS THE LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AMOUNT THE INSURED'S TITLE POLICY EXCEEDS AMOUNT INCLUDES FUNDS FOR IMPROVEMENTS OR OTHER UNRECORDED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS REQUESTED: MECHANIC AND LIENS POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF SERVICE DONE OR CLAIMED FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND, WHICH, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO A $1,000, LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, BUT FOR LESS MAYBLE DEFICIENCY SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS, AND EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY, IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. WTA-80C-48802011190.

10k. THE FOLLOWING EXCEPTIONS WILL APPEAR IN ANY POLICY ISSUED UNDER THAN THE T-1R RESIDENTIAL OWNER POLICY OF TITLE INSURANCE AND THE T-2R RESIDENTIAL MORTGAGE POLICY: IF THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, PRIOR BEFORE AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR WAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140. FOR FURTHER INFORMATION CONTACT ROBERT BRINDLE, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION, ROBERT.BRADLEY, PE (432) 498-4772.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0325F DATED SEPTEMBER 18, 2014 PANEL 325 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OR LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND ASSAD PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2025. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, DUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED ON OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUNDS ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PREPKORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283

STATE OF TEXAS REGISTERED SHAUN MARVIN PREPKORN 6432 PROFESSIONAL LAND SURVEYOR

CENTER TEXAS
CENTER POINT — DAL A
1519 DESIGN, LLC
TBPELS: 10194283
2551 RIO GRANDE
FORT WORTH, TX. 76164
SURVEYING & ENGINEERING
1519LLC.COM
TBPELS# 10194283 TBPELS# F-11376 TBPELS# 10194283 TBPELS# 10194283

PROJECT NO.: 9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/24)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	7-29-2021	REVISIONS PER QT COMMENTS
2	8-4-2021	REVISIONS PER QT COMMENTS
3	8-20-2021	UPDATED SURVEY
4	9-16-2021	REVISED SURVEY PER COMMENTS

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

MIDLAND
Planning Division

Annexation/Initial Zoning Application

Project Number: _____

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Erik Eckhart		Phone (913) 905-2045 Email eeckhart@quiktrip.com	
Address 5725 Foxridge Drive	City Mission	State KS	Zip 66202

Property Owner Printed Name: BLACK & DILLARD PROPERTY MANAGEMENT LTD		Phone ( ) Email	
Address PO BOX 60850	City MIDLAND	State TEXAS	Zip 79711

Representative *(if different from Applicant or Property Owner)* Firm: Jacobs Engineering Printed Name: Steven Granado, P.E.		Phone (212) 494-0088 Email Steven.Granado@jacobs.com	
Address 911 Central Parkway N, Suite 425	City San Antonio	State TX	Zip 78232

Street Address: 3101 GARDEN CITY HIGHWAY

Legal Description
Lot: 2010 Block: 006 Subdivision: 03820

Current Zoning: N/A - ETJ	**Proposed Zone:** RR - Retail Regional District *(List by tracts if more than one district is requested)*

Reason for Annexation/Zone Change Request: New use of property

Present Use of Property: Undeveloped

Proposed Use of Property: Auto and diesel fuel service

How would this annexation/zone change affect the public health, safety and welfare?
Improve land use due to commercial development

Describe how this annexation/zone change will affect adjacent properties:

N/A - Proposed zoning is compatible with adjacent 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):	Date: 8/2/2021
Applicant (printed): Erik Eckhart	
Property Owner (signature):	Date: 7/22/2021
Property Owner (printed): Michael E. Black	

The Annexation/Initial Zoning 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 Steven Granado who, being by me duly sworn, upon oath says: That (s)he is authorized by Michael E. Black, 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 9th day of August, 2021, to certify which witness my hand and seal of office.

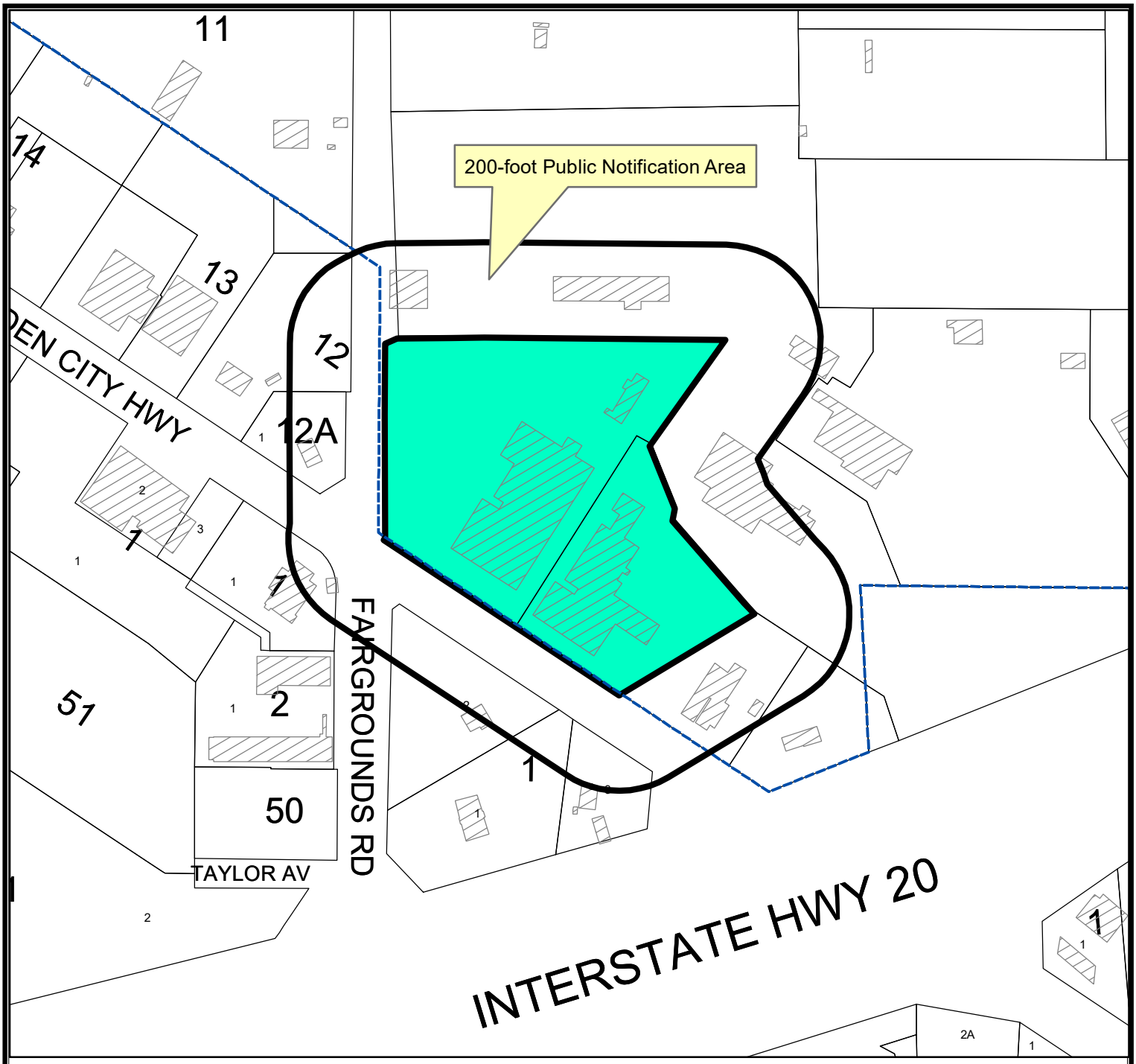
NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate
NOTARY PUBLIC, ~~MIDLAND COUNTY~~ Bexar County, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check #☐	
Received By:	Date:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

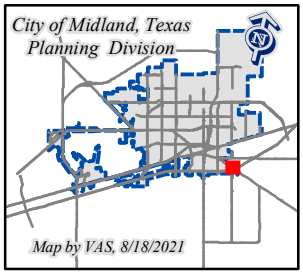
A-21-0028 **Scale: 1" = 300'**

Consider an ordinance for an annexation of a 9.162-acres tract of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas.

Generally located on the northeast corner of the intersection of Fairgrounds Road and Garden City Highway. (Extraterritorial Jurisdiction) 20.32

LEGEND

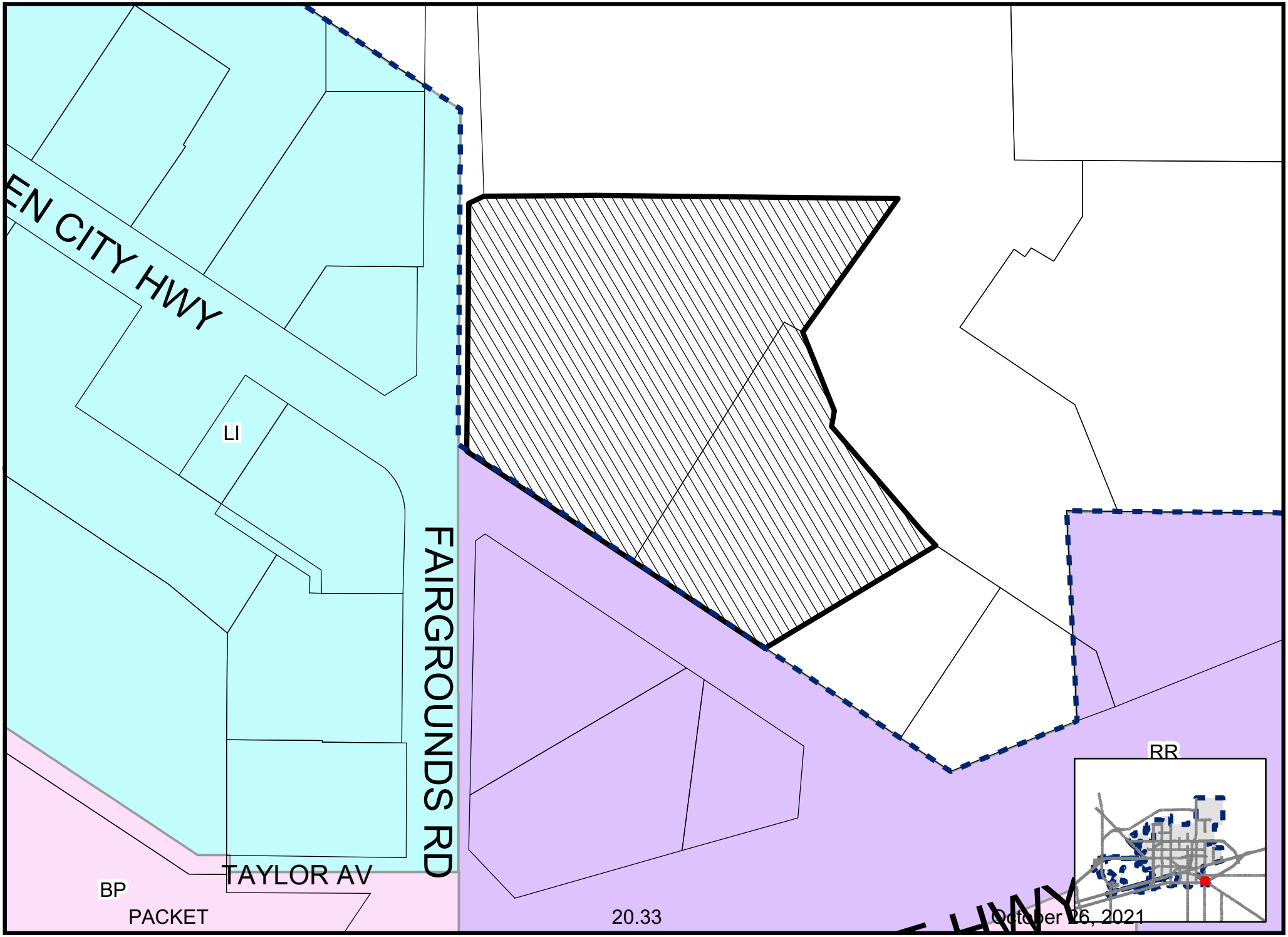
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

October 26, 2021

EXHIBIT
PACKET



Map By VAS, 9/22/2021

A-21-0028

Scale: 1" = 200'

ZONING MAP

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Pilot


2214




Pilot
Pilot
Pilot
travel centers

City Council Meeting

Item Number: 21

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Elizabeth Shaughnessy, Planning Division Manager

Subject: AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY; 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: NONE) (DEVELOPMENT SERVICES)

Purpose:

Consider an ordinance on a request by Black & Dillard Property Management, LP, for the initial zoning of a 9.162-acre tract of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas, located on the northeast corner of the intersection of Fairgrounds Road and Garden City Highway.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the city.

Discussion:

The applicant, Black & Dillard Property Management, LP, is requesting the initial zoning of a 9.162-acre tract of land located in Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland

County, Texas, located on the northeast corner of the intersection of Fairgrounds Road and Garden City Highway, which is currently being annexed to be RR, Regional Retail District to develop a new gas station.

The site is currently in the process of being annexed into City Limits.

This case has been circulated to and reviewed by all pertinent City departments for internal review and has received no objections. Their comments are as follows.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Fire: (Approved)

No objection.

Code Administration: (Approved)

No objections.

Oil and Gas: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat.

Planning:

The Future Land Use Map in Tall City Tomorrow Comprehensive Plan calls for Business Park uses in this location, where special consideration should be given to the image travelers have, as they pass through Midland. Preservation of sites suitable for industrial and business development adjacent to railroad and interstate access is important to the economic

development of the region. This request will aid in promoting investment in an established area with existing capital assets. This development will make full use of existing infrastructure, while also respecting the character of the surrounding neighborhood.

This request was recommended for approval at the October 4, 2021, Planning and Zoning Commission meeting.

As this proposed initial zoning conforms with the Tall City Tomorrow Comprehensive Plan, staff recommends approval of this initial zoning of RR, Regional Retail District, subject to condition A.

Conditions:

A. **That the use and development of this property (Exhibit A) shall conform to the regulations of the RR, Regional Retail District.**

Letters of Objection:

As of October 20, 2021, staff has not received any letters of objection to this request.

Attachments:

Survey (Exhibit A)
Petition
Service Agreement
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE INITIAL ZONING CLASSIFICATION OF THE AREA INDICATED AS BEING A 9.162-ACRE TRACT OF LAND OUT OF SECTION 6, BLOCK 38, T-2-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS, AS AN RR, REGIONAL RETAIL DISTRICT; SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF FAIRGROUNDS ROAD AND GARDEN CITY HIGHWAY; 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, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a public hearing to be held before the City Council on October 26, 2021 (the "Hearing Date"), to consider an amendment to the Zoning District Map of the City of Midland, Texas, so as to establish the initial zoning classification of the property described in Section One hereof as an RR, Regional Retail District, as set out in Title XI, Chapter 1 of the City Code of Midland, Texas; and

WHEREAS, such a public hearing was held in the Council Chambers on the Hearing Date, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Midland to amend the Zoning District Map accordingly;

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

SECTION ONE. That the initial zoning classification of the area indicated on Exhibit "A", attached hereto and incorporated herein by reference, is hereby established as

a RR, Regional Retail District, and the Zoning District Map of the City of Midland, Texas, is hereby amended to reflect the establishment of this initial zoning classification.

SECTION TWO. 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 THREE. 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 FOUR. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION FIVE. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the ___day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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"

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

MY COMMISSION EXPIRES:

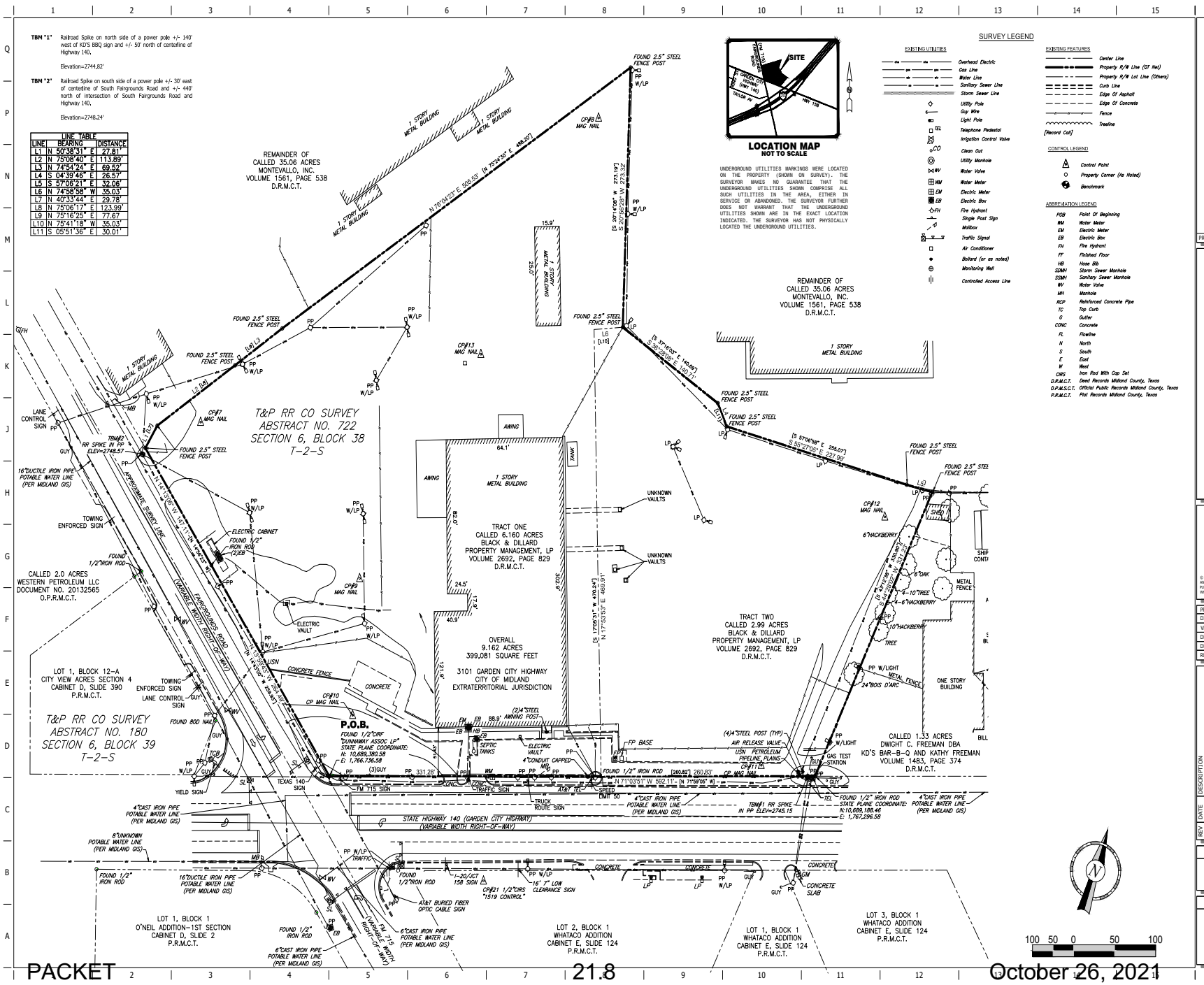
01-02-2025

NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate

Notary Public, State of Texas

EXHIBIT A



CENTRAL TEXAS SURVEYING, Inc.
3604 FLOWER Ave., Ste. A
Waco, TX. 76710
254.666.4164
FIRM #10194283
1519
SURVEYING & ENGINEERING
1519LLC.com
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

PROJECT NO.:9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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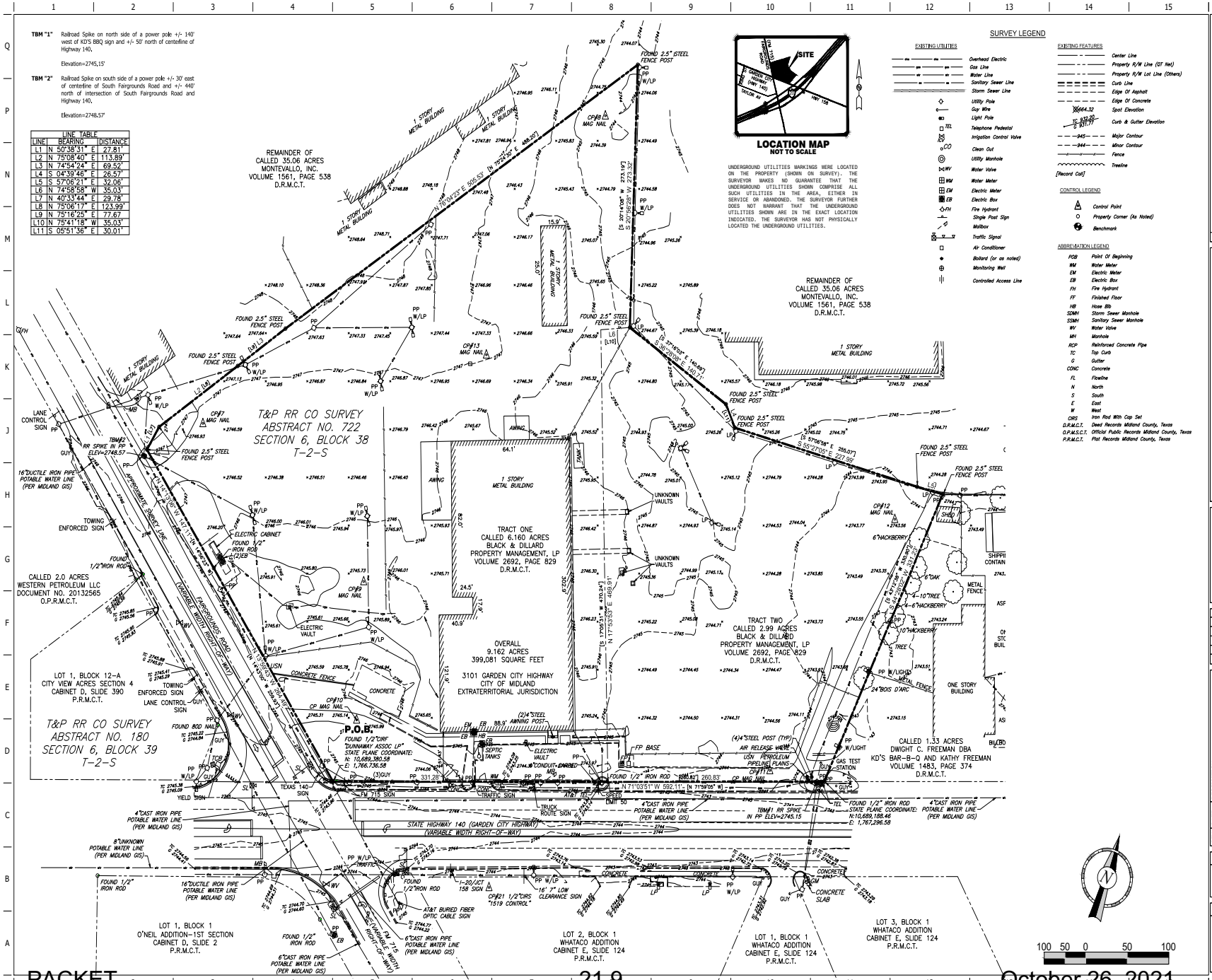
PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
	8/20/2021	UPDATED SURVEY PER NEW SURVEY INFORMATION
	7/28/2021	UPDATE SURVEY
	6/15/2021	UPDATE SURVEY - Initial Issue

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
1 OF 4



CENTRAL TEXAS SURVEYING Inc.
3604 FOWLER Ave., Ste. A
Waco, TX. 76710
254.666.1519
TBPLS# F-10194283
1519 ALL JAY WORKS
2500 W. 7th St., Ste. 300
Fort Worth, TX. 76107
817.349.1519
SURVEYING & ENGINEERING
1519LLC.com
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

PROJECT NO.:9272

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DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED AS-BUILTS PROVIDED, COORDINATES ON 2 SCREENS
2	8/30/2021	UPDATE SURVEY
3	9/7/2021	UPDATE SURVEY - Interference
4	9/13/2021	UPDATE SURVEY
5	9/15/2021	UPDATE SURVEY

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

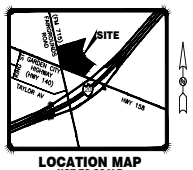
SHEET NUMBER:
2 OF 4

TBM "1" Railroad Spike on north side of a power pole +/- 140' west of KD'S BBQ sign and +/- 50' north of centerline of Highway 140.

Elevation=2745.15'

TBM "2" Railroad Spike on south side of a power pole +/- 30' east of centerline of South Fairgrounds Road and +/- 440' north of intersection of South Fairgrounds Road and Highway 140.

Elevation=2748.57'



LOCATION MAP
NOT TO SCALE

UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SURVEY LEGEND

EXISTING UTILITIES

- Overhead Electric
- Gas Line
- Water Line
- Sanitary Sewer Line
- Storm Sewer Line
- Utility Pole
- Guy Wire
- Light Pole
- TEL Telephone Pedestal
- Irrigation Control Valve
- CO Clean Out
- Utility Manhole
- WV Water Valve
- WM Water Meter
- EM Electric Meter
- EB Electric Box
- FH Fire Hydrant
- Single Post Sign
- Mailbox
- Traffic Signal
- Air Conditioner
- Bollard (or as noted)
- Monitoring Well
- Controlled Access Line

EXISTING FEATURES

- Center Line
- Property R/W Line (QT Net)
- Property R/W Lot Line (Others)
- Curb Line
- Edge Of Asphalt
- Edge Of Concrete
- 3664.32 Spot Elevation
- TC 942.65 G 931.77 Curb & Gutter Elevation
- 945 Major Contour
- 944 Minor Contour
- Fence
- Treeline

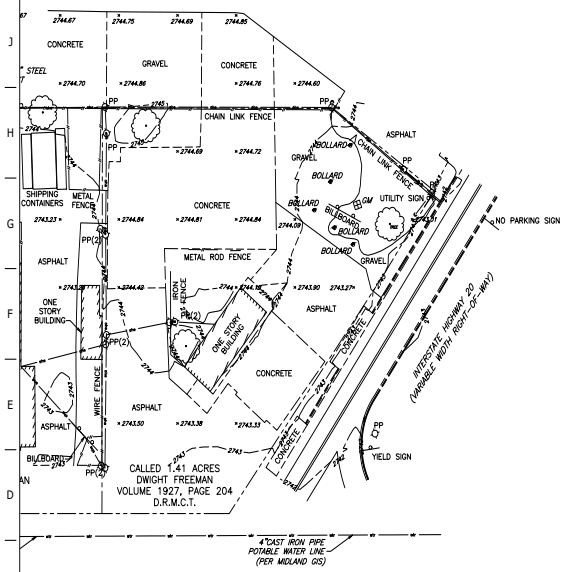
[Record Call]

CONTROL LEGEND

- Control Point
- Property Corner (As Noted)
- Benchmark

ABBREVIATION LEGEND

POB	Point Of Beginning
WM	Water Meter
EM	Electric Meter
EB	Electric Box
FH	Fire Hydrant
FF	Finished Floor
HB	Hose Bib
SDMH	Storm Sewer Manhole
SSMH	Sanitary Sewer Manhole
WV	Water Valve
MH	Manhole
RCP	Reinforced Concrete Pipe
TC	Top Curb
G	Gutter
CONC	Concrete
FL	Flowline
N	North
S	South
E	East
W	West
CIRS	Iron Rod With Cap Set
K.L.K. 4687	1/2" Iron Rod With Cap Stamped "K.L.K. 4687"
O.P.S.C.T.	Official Records Smith County, Texas
O.P.R.S.C.T.	Official Public Records Smith County, Texas
P.P.S.C.T.	Plat Records Smith County, Texas





100 50 0 50 100

CENTRAL TEXAS
3005 Fiddlers Rd., Ste. A
Midland, TX 79707
(432) 687-1010
DALLAS / FT. WORTH
2201 Ave. K, Ste. 300
Plano, TX 75074
(469) 467-5100
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

1519
SURVEYING & ENGINEERING
1519LLC.com

PROJECT NO.:9272

QuikTrip No. 7911
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MIDLAND, TEXAS 79701

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DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED ALTA PROVIDED COORDINATES ON 2 POINTS
2	8/31/2021	ADDED SURVEY NARRATIVE AND LEGEND
3	9/15/2021	UPDATE SURVEY
4	10/6/2021	UPDATE SURVEY - Hatching

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
3 OF 4

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 6, BLOCK 38, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 6.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 38 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 27.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.89 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.52 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 28 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 28 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 140.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 57 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 51 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 260.83 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 317, PAGE 320, VOLUME 413, PAGE 18, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 475, PAGE 602, VOLUME 576, PAGE 394, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. THOSE LIENS CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, CODES, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES IN POSSESSION UNDER ANY UNRECORDED, WRITTEN OR ORAL LEASE AGREEMENT.

10i. VISIBLE OR APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ON, OVER, UNDER OR ACROSS THE LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AND/OR THE OWNER'S TITLE POLICY COVERAGE AMOUNT INCLUDES FUNDS FOR IMMEDIATELY CONTEMPLATED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS INDICATED: OWNER AND LOAN POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF UNPAID BILLS OR CLAIMS FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND. HOWEVER, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO $ 0.00. LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, SO THAT ANY LOSS PAYABLE HEREUNDER SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS. ANY EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY. IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO.: 48802011190

10k. THE FOLLOWING EXCEPTION WILL APPEAR IN ANY POLICY ISSUED (OTHER THAN THE T-1R RESIDENTIAL OWNER POLICY OF TITLE INSURANCE AND THE T-2R SHORT-FORM RESIDENTIAL MORTGAGE POLICY) IF THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, FOR REVIEW AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION. NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140; FOR FURTHER INFORMATION CONTACT ROBERT ORNELAS, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION. ROBERT ORNELAS, PE (432) 498-4772.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0206F DATED SEPTEMBER 16, 2005 PANEL 206 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2020. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED IN OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUND ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PIEPKORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283

STATE OF TEXAS · REGISTERED · SHAUN MARVIN PIEPKORN · 6432 · PROFESSIONAL · LAND SURVEYOR

1519
SURVEYING & ENGINEERING
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Dallas, TX 75201
Fort Worth, TX 76104
817.349.9256
TBPELS# 10193998 TBPELS# F-17299 TBPELS# 10191451 TBPELS# 10194283

PROJECT NO.:9272

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3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
3	8/30/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/19/2021	UPDATED ALTA TO PROVIDE CLEARANCE
1	7/30/2021	UPDATE SURVEY
	8/13/2021	UPDATE SURVEY - PARTIAL

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

MY COMMISSION EXPIRES:

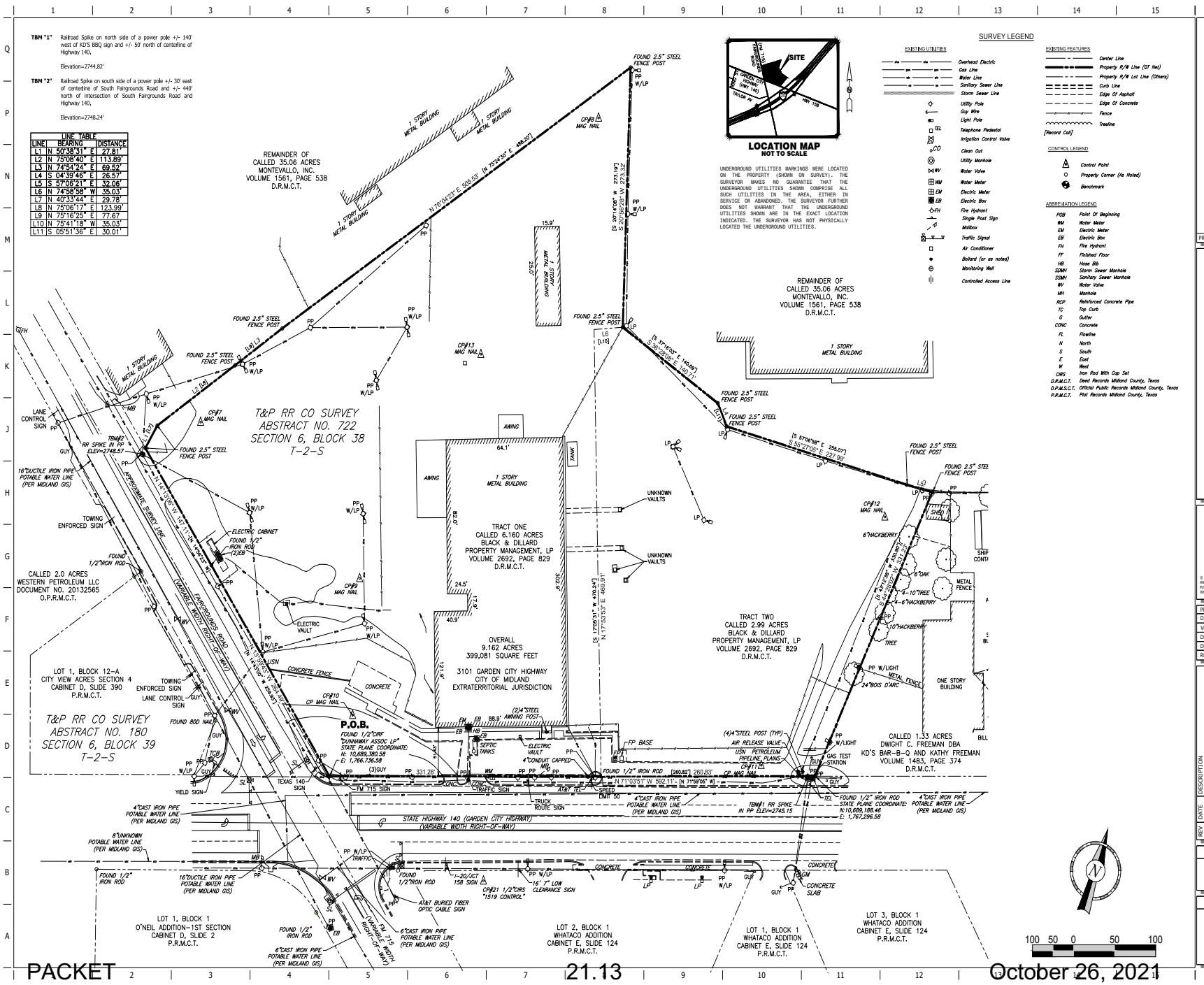
01-02-2025

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Notary Public, State of Texas
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ID No. 717267-7

Neysa Camille Choate

Notary Public, State of Texas

EXHIBIT A



CENTRAL TEXAS SURVEYING, INC.
3604 FLOWER AVE., Ste. A
Midland, TX 79705
(432) 697-1317
TBPLS# 10194283
DALLAS / FT. WORTH
2000 NE Loop 820, Ste. 300
Fort Worth, TX. 76106
(817) 349-4961
TBPELS# 10194351 TBPELS# F-17299 TBPELS# 10193968 TBPELS# 10194283
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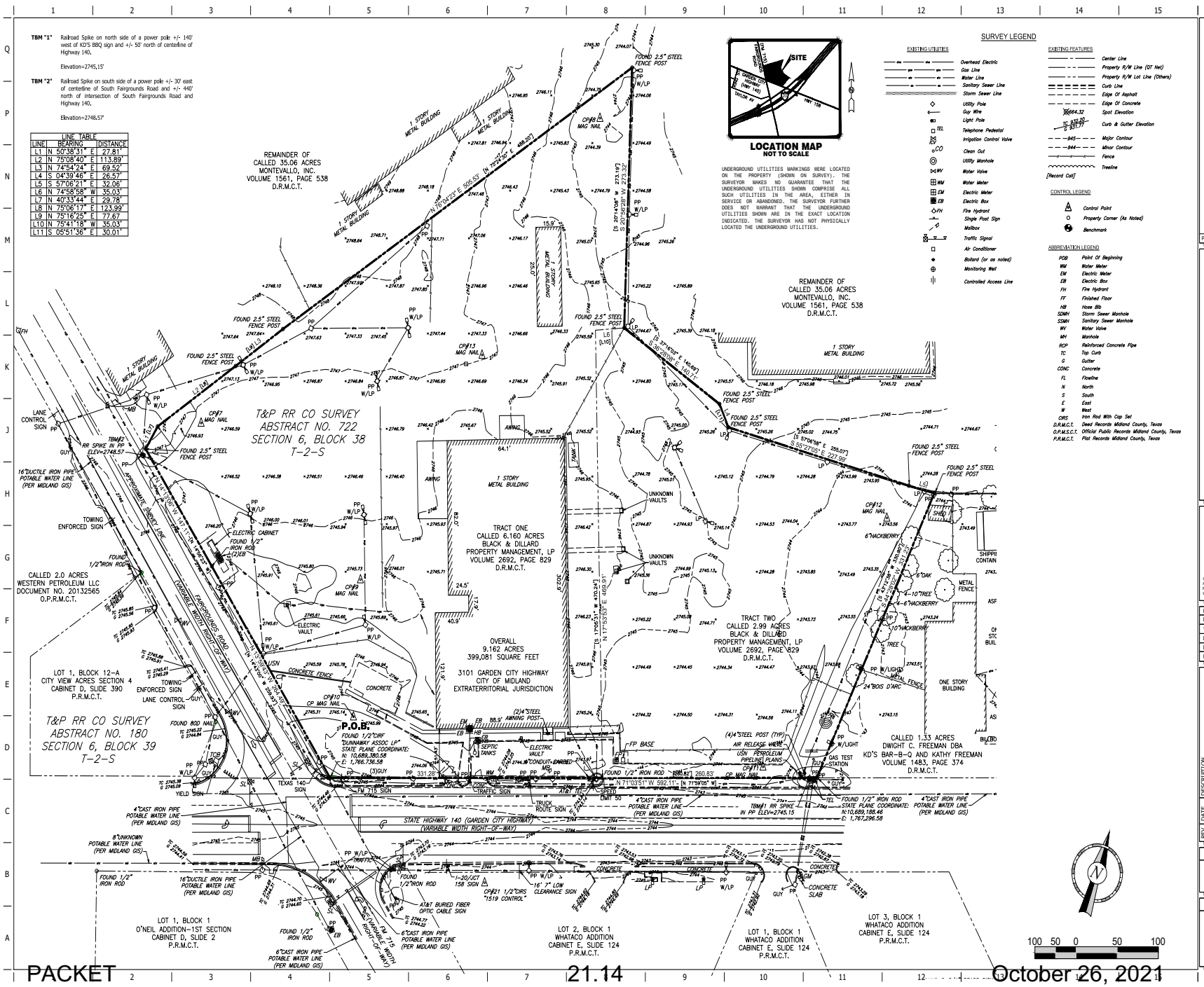
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DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
	8/20/2021	UPDATED SURVEY PER NEW SURVEYOR
	7/28/2021	UPDATE SURVEY
	8/13/2021	UPDATE SURVEY - Information

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
1 OF 4



CENTRAL TEXAS SURVEYING, INC.
3604 FOREST AVE., Ste. A
WACO, TX. 76710
254.757.1519
1519 JBI WORKS
2000 AVE. F, Ste. 300
FORT WORTH, TX. 76104
817.349.1519
1519JBI.COM
TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283
SURVEYING & ENGINEERING

PROJECT NO.:9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/14)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
	8/23/2021	UPDATED AS-BUILTS PROVIDED, COORDINATES ON 2 SCREENS
	8/19/2021	UPDATE SURVEY
	8/18/2021	UPDATE SURVEY - Interview
	7/28/2021	UPDATE SURVEY
	8/19/2021	

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

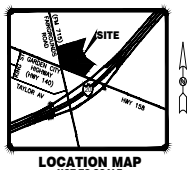
SHEET NUMBER:
2 OF 4

TBM "1" Railroad Spike on north side of a power pole +/- 140' west of KD'S BBQ sign and +/- 50' north of centerline of Highway 140.

Elevation=2745.15'

TBM "2" Railroad Spike on south side of a power pole +/- 30' east of centerline of South Fairgrounds Road and +/- 440' north of intersection of South Fairgrounds Road and Highway 140.

Elevation=2748.57'



LOCATION MAP
NOT TO SCALE

UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

SURVEY LEGEND

EXISTING UTILITIES

- Overhead Electric
- Gas Line
- Water Line
- Sanitary Sewer Line
- Storm Sewer Line
- Utility Pole
- Guy Wire
- Light Pole
- TEL Telephone Pedestal
- Irrigation Control Valve
- CO Clean Out
- Utility Manhole
- WV Water Valve
- WM Water Meter
- EM Electric Meter
- EB Electric Box
- FH Fire Hydrant
- Single Post Sign
- Mailbox
- Traffic Signal
- Air Conditioner
- Bollard (or as noted)
- Monitoring Well
- Controlled Access Line

EXISTING FEATURES

- Center Line
- Property R/W Line (QT Net)
- Property R/W Lot Line (Others)
- Curb Line
- Edge Of Asphalt
- Edge Of Concrete
- 3664.32 Spot Elevation
- TC 942.65 G 931.77 Curb & Gutter Elevation
- 945 Major Contour
- 944 Minor Contour
- Fence
- Treeline

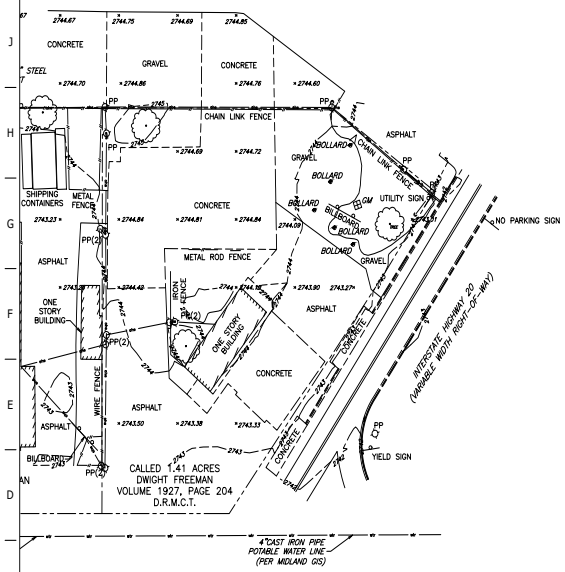
[Record Call]

CONTROL LEGEND

- Control Point
- Property Corner (As Noted)
- Benchmark

ABBREVIATION LEGEND

POB	Point Of Beginning
WM	Water Meter
EM	Electric Meter
EB	Electric Box
FH	Fire Hydrant
FF	Finished Floor
HB	Hose Bib
SDMH	Storm Sewer Manhole
SSMH	Sanitary Sewer Manhole
WV	Water Valve
MH	Manhole
RCP	Reinforced Concrete Pipe
TC	Top Curb
G	Gutter
CONC	Concrete
FL	Flowline
N	North
S	South
E	East
W	West
CIRS	Iron Rod With Cap Set
K.L.K. 4687	1/2" Iron Rod With Cap Stamped "K.L.K. 4687"
O.P.S.C.T.	Official Records Smith County, Texas
O.P.R.S.C.T.	Official Public Records Smith County, Texas
P.P.S.C.T.	Plat Records Smith County, Texas





100 50 0 50 100

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3005 Fairway Ave., Ste. A
Waco, TX 76710
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TBPELS# F-17299
DALLAS / FT. WORTH
2201 Double Creek Dr., Ste. 3004
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SURVEYING & ENGINEERING
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TBPELS# 10193968 TBPELS# F-17299 TBPELS# 10194351 TBPELS# 10194283

PROJECT NO.:9272

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DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	8/23/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/31/2021	UPDATE SURVEY PER REVIEW COMMENTS
3	9/15/2021	UPDATE SURVEY - Hatching
4	7/26/2021	UPDATE SURVEY

ORIGINAL ISSUE DATE:

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER:
3 OF 4

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 6, BLOCK 38, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 6.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 38 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 27.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.89 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.52 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 28 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 28 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 140.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 67 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 51 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 260.83 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF COAL, LIGNITE, OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 317, PAGE 320, VOLUME 413, PAGE 18, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 475, PAGE 602, VOLUME 576, PAGE 394, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE RECORD DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT – NOT SHOWN ON THE SURVEY (NOT ENOUGH INFORMATION).

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. THOSE LIENS CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, CODES, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES IN POSSESSION UNDER ANY UNRECORDED, WRITTEN OR ORAL LEASE AGREEMENT.

10i. VISIBLE OR APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ON, OVER, UNDER OR ACROSS THE LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AND/OR THE OWNER'S TITLE POLICY COVERAGE AMOUNT INCLUDES FUNDS FOR IMMEDIATELY CONTEMPLATED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS INDICATED: OWNER AND LOAN POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF UNPAID BILLS OR CLAIMS FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND. HOWEVER, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO $ 0.00. LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, SO THAT ANY LOSS PAYABLE HEREUNDER SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS. ANY EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY. IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO.: 48802011190

10k. THE FOLLOWING EXCEPTION WILL APPEAR IN ANY POLICY ISSUED (OTHER THAN THE T-1R RESIDENTIAL OWNER POLICY OF TITLE INSURANCE AND THE T-2R SHORT-FORM RESIDENTIAL MORTGAGE POLICY) IF THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, FOR REVIEW AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION. NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140; FOR FURTHER INFORMATION CONTACT ROBERT ORNELAS, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION. ROBERT ORNELAS, PE (432) 498-4772.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0206F DATED SEPTEMBER 16, 2005 PANEL 206 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2020. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED IN OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUND ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PIEPKORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283

STATE OF TEXAS · REGISTERED · SHAUN MARVIN PIEPKORN · 6432 · PROFESSIONAL · LAND SURVEYOR

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PROJECT NO.:9272

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MIDLAND, TEXAS 79701

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DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
3	8/30/2021	UPDATED ALTA TO PROVIDE COORDINATES ON 2 POINTS
2	8/19/2021	UPDATE SURVEY PER COMMENTS
1	7/30/2021	UPDATE SURVEY
0	8/13/2021	UPDATE SURVEY - PRELIMINARY

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

SERVICE AGREEMENT

THIS AGREEMENT is made and effective the 23 day of September 20 21, by and between the CITY OF MIDLAND, TEXAS, hereinafter called "CITY," and BLACK & DILLARD PROPERTY MANAGEMENT, LP, hereinafter referred to as "PETITIONER" whether one or more.

WHEREAS, a petition for annexation of **9.162-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas**, said tract being more fully described by metes and bounds therein (the "Area"), has been submitted to CITY by PETITIONER, the owner(s) of the land located in the Area, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, before CITY annexes the Area, CITY and PETITIONER must enter into a written agreement for the provision of services in the Area in accordance with Section 43.0672 of the Local Government Code;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is (1) to list each service CITY will provide in the Area on the effective date of the annexation, (2) to establish a schedule that includes the period within which CITY will provide each service in the Area that is not provided on the effective date of the annexation, and (3) to establish the duty of PETITIONER to pay fees similar to impact fees in the event that CITY has adopted, or adopts in the future, one or more ordinances establishing impact fees. PETITIONER understands and agrees that CITY is not required to provide a service that is not included in this Agreement. PETITIONER further understands and agrees that the execution of this Agreement does not constitute a promise by CITY to annex the Area and that this Agreement is not a permit for purposes of Chapter 245 of the Local Government Code.

ARTICLE II. TERM

The term of this Agreement shall be one year; provided, however, that if CITY annexes the Area within one year from the effective date, the term of this Agreement shall continue until such time when all services described in this Agreement are provided in the Area, and at such time, the Agreement shall terminate and shall be of no further force or effect except for those provisions that expressly survive termination. If CITY does not annex the Area during the term of this Agreement, this Agreement shall terminate and shall be of no further force or effect, and CITY shall have no duty to provide services to the Area.

ARTICLE III. SERVICES TO BE PROVIDED UPON ANNEXATION

CITY will provide the following services in the Area on the date that the ordinance annexing the Area becomes effective:

A. **Engineering:** CITY's Engineering Services Department will maintain streets, drainage facilities, and rights-of-way in accordance with CITY policies, procedures, and ordinances and applicable laws. PETITIONER understands and agrees that PETITIONER may be required to construct public improvements, including but not limited to (i) roadways adjacent to property located in the Area upon platting and (ii) roadway connections to existing facilities in the Area upon issuance of building permits in accordance with applicable laws and ordinances. PETITIONER understands and agrees that the Area will be included in CITY's service area of CITY's drainage utility.

B. **Utilities:** CITY will provide water services and wastewater collection services, upon platting property in the Area, in accordance with the City Code at rates established by ordinances for such services; provided, however, that no such service shall be provided until the public improvements necessary therefor have been constructed and CITY has approved said improvements. PETITIONER understands and agrees that CITY may require PETITIONER to construct such public improvements in accordance with applicable laws and ordinances.

C. **Development:** CITY's Development Services Department will provide planning, land development, land use, building review and inspection, and code enforcement services in accordance with applicable laws, rules, regulations, and ordinances.

D. **Police:** CITY's Police Department will provide emergency and routine call response, traffic enforcement, and law enforcement services in the Area.

E. **Fire:** CITY's Fire Department will provide emergency service for fire protection services and emergency medical services.

F. **Community Services:** CITY's Community Services Department will provide access to services and programs that may be offered by the Health and Senior Services Division, services and programs that may be offered by Animal Services Division, and access to City-owned parks.

G. **Solid Waste:** CITY's Solid Waste Department will provide residential garbage pickup service only. PETITIONER understands and agrees that CITY will not provide garbage pickup services to new commercial developments.

Regarding the services described above, PETITIONER understands and agrees that CITY will provide a level of services that is comparable to the level of services available in other parts of the City of Midland with topography, land use, and population density similar to those reasonably contemplated or projected for the Area. PETITIONER understands and acknowledges that any CITY departments or divisions identified above may change names or be reorganized. Any reference to a specific CITY department or division also includes any subsequent CITY department or division that will provide the same or similar services.

ARTICLE IV. IMPACT FEES

A. **Fees to be assessed and collected.** Except as otherwise described herein, if CITY has adopted, or adopts in the future, one or more ordinances establishing impact fees in accordance with Chapter 395 of the Local Government Code, CITY shall assess and collect fees associated with the development of the Area as described for impact fees in the applicable impact fee ordinance(s) (the "Fees").

B. **Service areas.** For purposes of assessing and collecting Fees for water and wastewater under this Agreement, the Area is deemed to be located within CITY's capital improvements plan service area therefor. For the purpose of assessing and collecting Fees for roadways under this Agreement, the Area is deemed to be located in CITY's capital improvements plan roadway service area(s) immediately adjacent thereto; provided, however, that if the Area is not located immediately adjacent to a roadway service area and is located immediately adjacent to a tract of land that is associated with an agreement regarding fees similar to the Fees in this Agreement, the Area is deemed to be located in the roadway service area(s) specified in such similar agreement associated with the adjacent tract of land.

C. **Capital improvements and facility expansions.** For purposes of this Agreement, a capital improvement or facility expansion that will serve the Area shall be deemed to be included in CITY's capital improvements plan if:

   a. said capital improvement or facility expansion is substantially similar to a type of capital improvement or facility expansion identified in CITY's capital improvements plan; or

   b. said capital improvement or facility expansion is an extension of a capital improvement or facility expansion identified in CITY's capital improvements plan.

D. **Time of assessment.** Fees shall be assessed at the time of recordation of a final plat of any portion of the Area, at the time the Area is annexed, or on the effective date(s) of the applicable impact fee ordinance(s), whichever is later.

E. **Time of collection.** CITY shall collect the Fees from PETITIONER at the time of issuance of a building permit. PETITIONER acknowledges and agrees that no building permit or certificate of occupancy shall be issued until PETITIONER has paid the applicable Fees.

F. **Amendment to land use assumptions, capital improvements plan, or impact fees.** Notwithstanding any provision in this Agreement to the contrary, if CITY amends its land use assumptions, capital improvements plan, or impact fees such that PETITIONER would be required to pay impact fees, CITY shall assess and PETITIONER shall pay the applicable impact fees in accordance with the applicable impact fee ordinance(s), as amended; provided, however, that to the extent CITY assesses applicable Fees for service units under this Agreement, PETITIONER shall pay such Fees in accordance with this Agreement and shall not be required to pay the applicable impact fees for the same service units.

G. **Article to survive termination.** If CITY annexes the Area within one year from the

effective date, the provisions of this Article shall survive termination of this Agreement.

ARTICLE V. GOVERNMENTAL IMMUNITY

By executing this agreement 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. THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE VI. RELEASE

NOTWITHSTANDING ANY OTHER PROVISIONS, PETITIONER 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 WHICH PETITIONER HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF AGREEMENT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, CITY'S NEGLIGENCE, OR CLAIMS UNDER CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE. THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT.

ARTICLE VII. ATTORNEYS' FEES

In the event of any conflict between the parties hereto such that either party brings or commences any legal action or proceeding related to this Agreement, including but not limited to any action pursuant to the provisions of the Texas Uniform Declaratory Judgments Act (Tex. Civ. Prac. & Rem. Code §37.001, et seq., as amended), the parties hereto agree to waive any and all rights to recovery of attorneys' fees to which the prevailing party might otherwise be entitled.

BY EXECUTING THIS AGREEMENT, THE PARTIES AGREE TO WAIVE AND DO HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY CLAIM EITHER PARTY HAS OR MAY HAVE IN THE FUTURE AGAINST THE OTHER PARTY, SPECIFICALLY AND SOLELY REGARDING THE AWARD OF ATTORNEYS' FEES, WHICH ARE IN ANY WAY RELATED TO THE AGREEMENT, OR THE CONSTRUCTION, INTERPRETATION OR BREACH OF THE AGREEMENT. THE PARTIES SPECIFICALLY AGREE THAT IF A PARTY BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING

RELATED TO THIS AGREEMENT, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET. SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, THE PARTY BRINGING THE ACTION AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEYS' FEES TO WHICH THE PARTY MIGHT OTHERWISE BE ENTITLED.

THE PARTIES AGREE THAT THIS IS THE VOLUNTARY AND INTENTIONAL RELINQUISHMENT AND ABANDONMENT OF A PRESENTLY EXISTING KNOWN RIGHT. EACH PARTY ACKNOWLEDGES THAT IT UNDERSTANDS ALL TERMS AND CONDITIONS OF THE AGREEMENT. THE PARTIES FURTHER ACKNOWLEDGE AND AGREE THAT THERE WAS AND IS NO DISPARITY OF BARGAINING POWER BETWEEN CITY AND PETITIONER. THIS SECTION SHALL NOT BE CONSTRUED OR INTERPRETED AS A WAIVER OF SOVEREIGN IMMUNITY.

THE PROVISIONS OF THIS ARTICLE SHALL SURVIVE TERMINATION OF THIS AGREEMENT. PETITIONER AND CITY ARE RELYING ON THEIR OWN JUDGMENT. EACH PARTY HAD THE OPPORTUNITY TO DISCUSS THIS AGREEMENT WITH LEGAL COUNSEL PRIOR TO ITS EXECUTION.

ARTICLE VIII. GENERAL PROVISIONS

A. **Governing law and venue.** This Agreement shall be governed by the laws of the State of Texas. All performance made pursuant to this Agreement shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this Agreement or the performance of this Agreement shall be in Midland County, Texas. The obligations and undertakings of each of the parties to this Agreement shall be deemed to have occurred in Midland County, Texas. This Agreement shall be governed by, interpreted, enforced and construed under the laws of the State of Texas. The laws of the State of Texas shall govern, construe and enforce all the rights and duties of the parties, including but not limited to tort claims and any and all contractual claims or disputes, arising from or relating in any way to the subject matter of this Agreement, without regard to conflict of laws and rules that would direct application of the laws of another jurisdiction. The provisions of this Article VIII.A. shall survive termination of this Agreement.

B. **Notice.** Any notice or demand that shall be made regarding this Agreement, shall be made in writing and delivered either in person or by certified or registered mail. Notice by mail shall be complete upon deposit of the paper, postage prepaid, in a post office or official depository under the care and custody of the United States Postal Service addressed as

follows:

If to CITY: City Manager's Office
P.O. Box 1152
Midland, Texas 79702

If to PETITIONER: Black & Dillard Property Management, LP
P.O. Box 60850
Midland, Texas 79711

The parties hereto may change the above-designated addresses by giving notice pursuant to the terms of this Section.

C. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, this invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained herein.

D. **Use of language.** Words in the singular shall be held to include the plural, unless the context otherwise requires.

E. **Amendments, modifications, alterations.** No amendment, modification, or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the parties to this Agreement.

F. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed as original, and all of which shall constitute one and the same instrument.

G. **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 Agreement, PETITIONER or PETITIONER'S legal representative, shall give the City Manager, or any other reasonable official of CITY, notice in writing (consisting of one original and seven copies of notice attached to a copy of this Agreement) of such damages, duly verified, within one-hundred fifty (150) 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 PETITIONER will settle, the physical and mailing addresses of PETITIONER at the time and date the claim was presented and the physical and mailing addresses of PETITIONER for the six months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom PETITIONER relies to establish its claim; and a failure to so notify the City Manager within the time and manner provided herein shall exonerate, excuse and except CITY from any liability whatsoever. CITY is under no obligation to provide notice to PETITIONER that PETITIONER'S notice is insufficient. CITY reserves the right to request reasonable additional information regarding the claim. Said additional information shall be

supplied within thirty (30) days after receipt of notice.

The statutory prerequisites outlined herein constitute jurisdictional requirements pursuant to Section 271.154 of the Texas Local Government Code and Section 311.034 of the Texas Government Code. Notwithstanding any other provision, PETITIONER'S failure to comply with the requirements herein shall perpetually bar PETITIONER'S claim for damages under Chapter 271 of the Texas Local Government Code and Section 311.034 of the Texas Government Code, regardless of whether CITY has actual or constructive notice or knowledge of said claim or alleged damages. The provisions of this Article VIII.G. shall survive termination of this agreement. **PETITONER AGREES THAT THE REQUIREMENTS OF THIS ENTIRE AGREEMENT ARE REASONABLE.**

H. **Covenants run with the land.** The provisions of this Agreement are covenants that run with the land located in the Area. CITY and PETITIONER agree that this Agreement may be recorded in the deed records of the county in which the Area is located. CITY and PETITIONER acknowledge and agree that this Agreement is binding upon CITY and PETITIONER and their respective successors, executors, heirs, and assigns, as applicable. The provisions of this Article VIII.H. shall survive termination of this Agreement.

EXECUTED the day and year first above mentioned.

THE CITY OF MIDLAND, TEXAS

By: _____
Robert Patrick, City Manager

ATTEST

_____
Amy M. Turner, City Secretary

APPROVED ONLY AS TO FORM

_____
John Ohnemiller, City Attorney

PETITIONER:

By: _____

Name: Michael Black

Title: Manager / Vice President

STATE OF Texas §

§

COUNTY OF Midland §

BEFORE ME, the undersigned authority, on this 8th day of September, 2021 personally appeared, Michael Black, an officer of Black Dillard Property Management, LP, 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 8th day of September, 2021.

SAMANTHA JEAN DURHAM
Notary Public, State of Texas
Comm. Expires 11-04-2023
Notary ID 128791814

Samantha Jean Durham

Notary Public, State of Texas

Exhibit "A" to Service Agreement

PETITION FOR ANNEXATION

Dear City of Midland:

As current owner of the tract(s) of land described in Exhibit(s) Exhibit A (the "Property"), said Exhibit(s) being attached hereto and incorporated herein, Black & Dillard Property Management LP. ("Owner") submits this petition for annexation and hereby requests that the Property be added to and annexed to the City of Midland.

Signature of Owner or Owner's Authorized Representative

Steven Granado, P.E.

Printed Name

Project Manager

Title

THE STATE OF Texas §
§
COUNTY OF Bexar §

This instrument was acknowledged before me on the 24 day of August, 2021, by Steven Granado in the capacity herein stated.

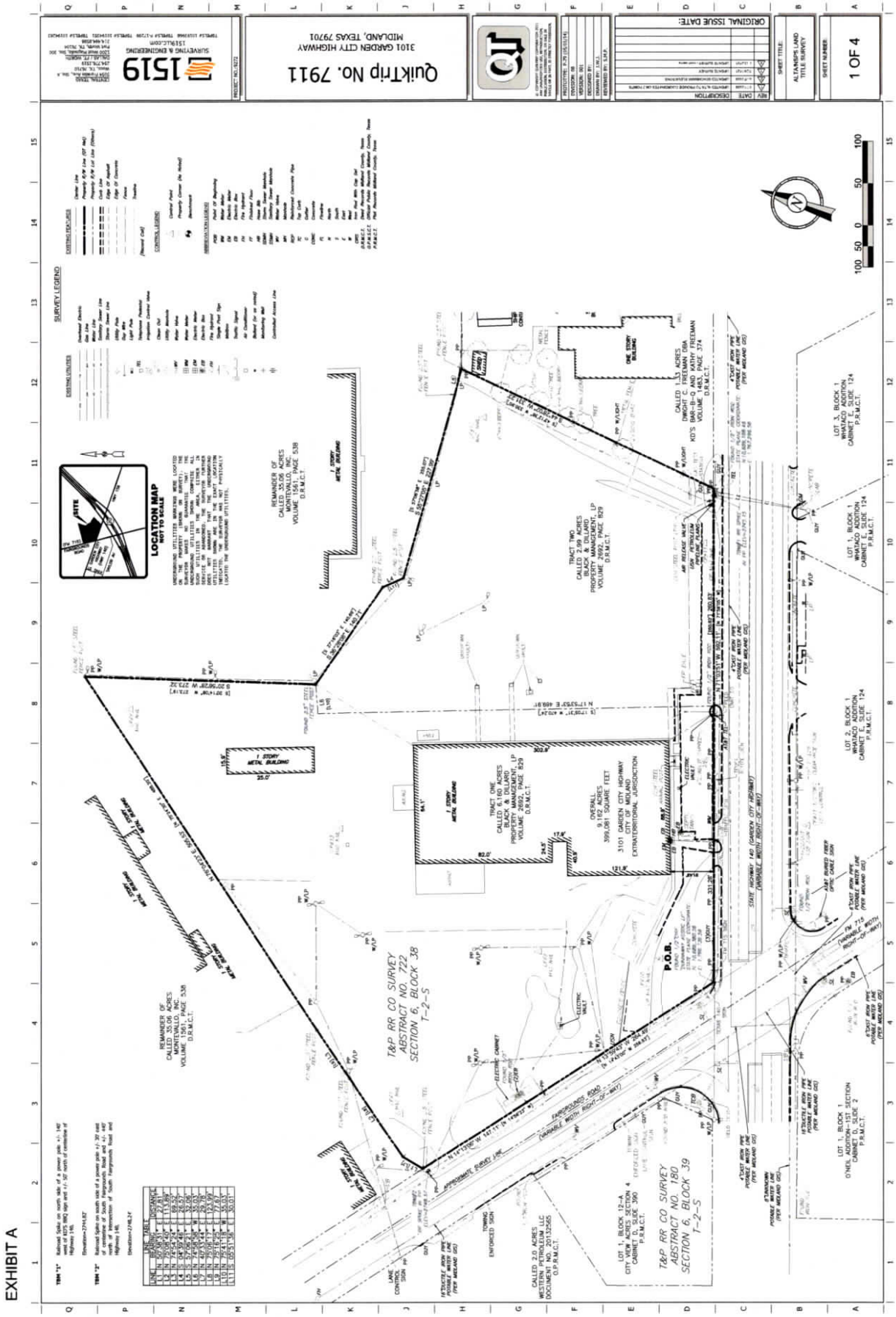
NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

MY COMMISSION EXPIRES

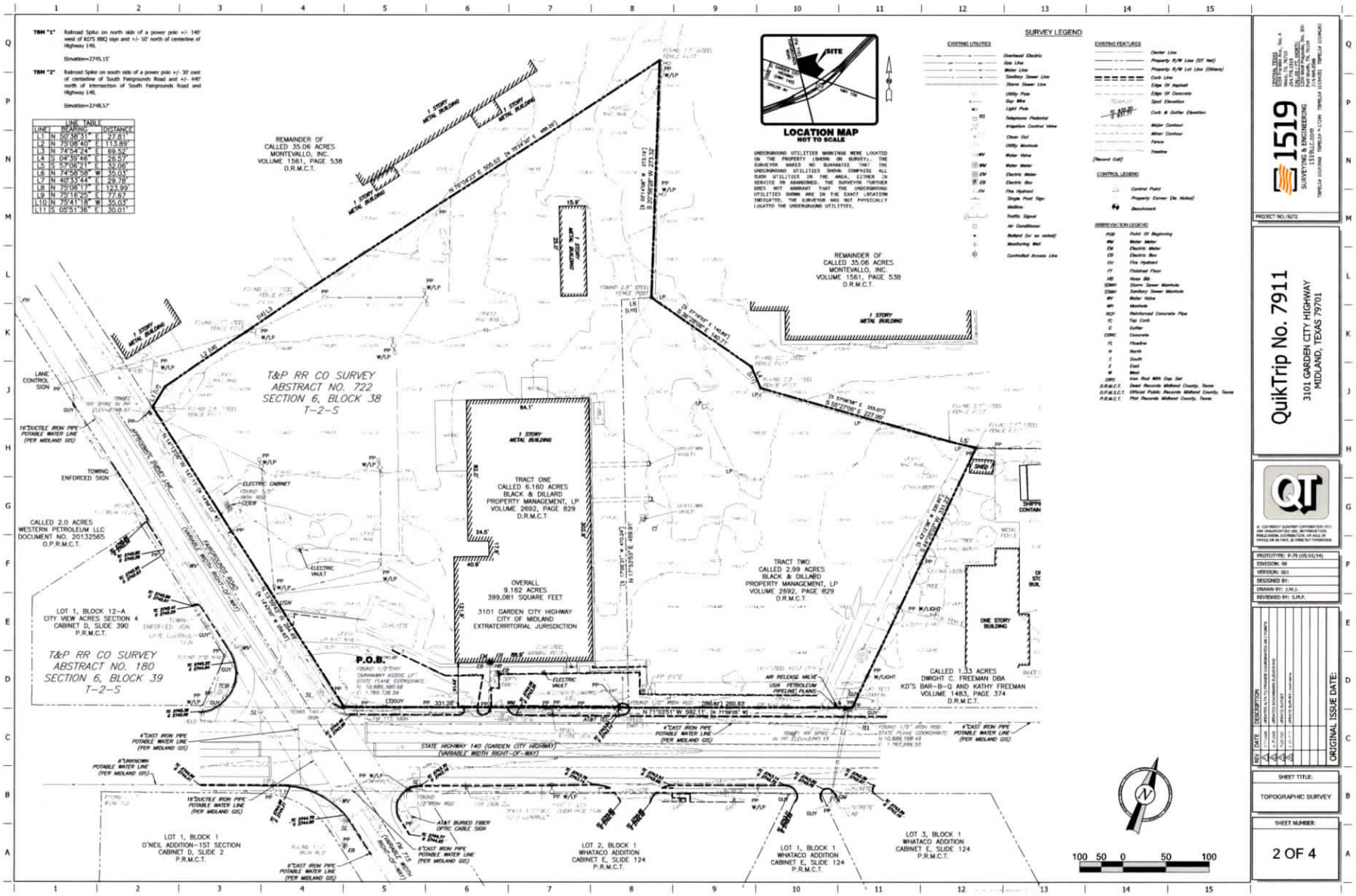
01-02-2025

Notary Public, State of Texas

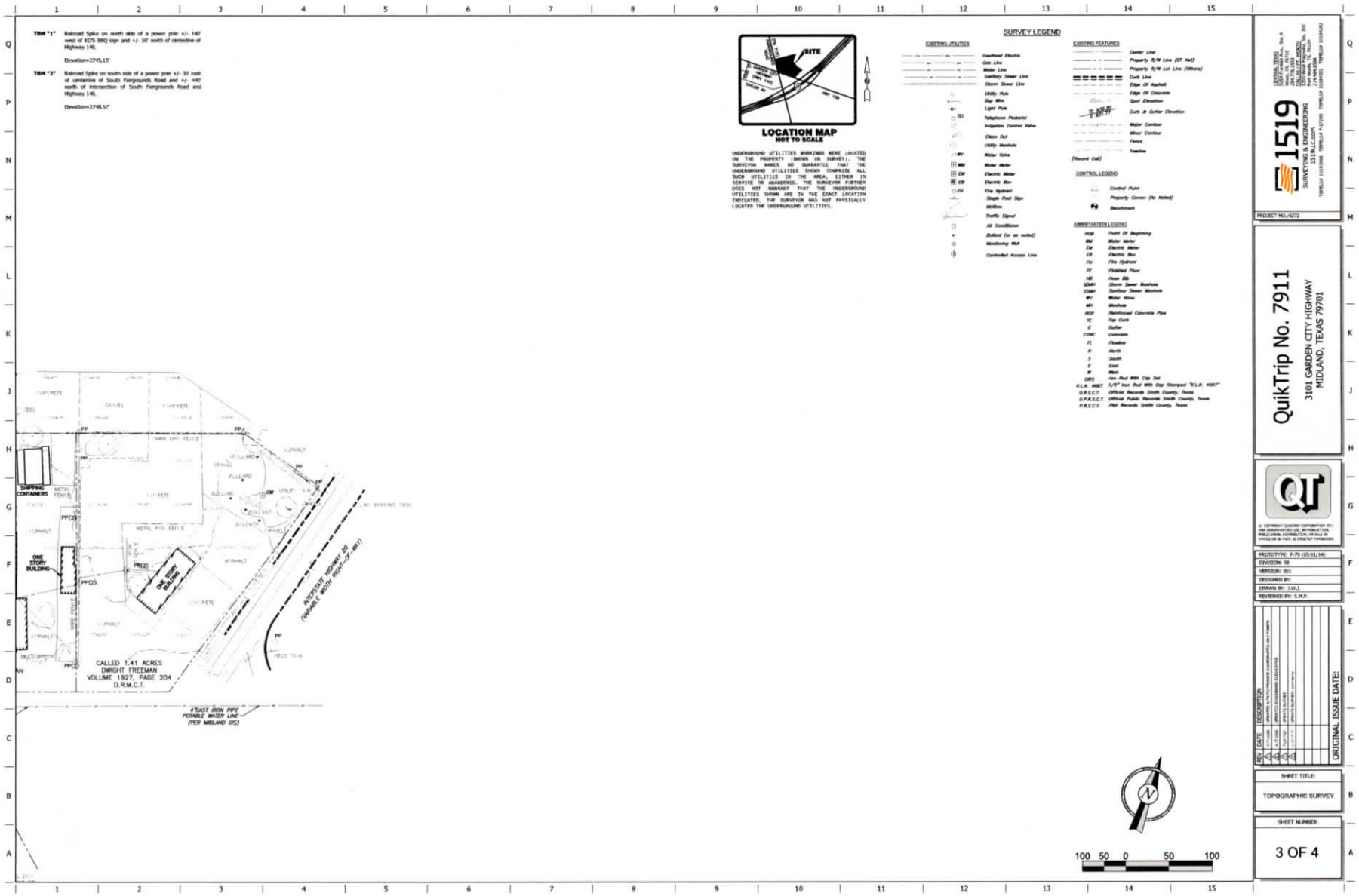
EXHIBIT A


QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701
1519
SURVEYING & ENGINEERING
ORIGINAL ISSUE DATE:
SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY
SHEET NUMBER:
1 OF 4
SURVEY LEGEND
LOCATION MAP
NOT TO SCALE
SITE
REMAINDER OF CALLED 320.36 ACRES MONTEVALLO, INC. VOLUME 1561, PAGE 538 D.R.M.C.T.
TRACT TWO CALLED 7.340 ACRES BLACK & DILLARD PROPERTY MANAGEMENT, LP VOLUME 2892, PAGE 829 D.R.M.C.T.
TRACT ONE CALLED 6.160 ACRES BLACK & DILLARD PROPERTY MANAGEMENT, LP VOLUME 2892, PAGE 829 D.R.M.C.T.
OVERALL 9.500 ACRES 399,081 SQUARE FEET 3101 GARDEN CITY HIGHWAY CITY OF MIDLAND EXTRATERRITORIAL JURISDICTION
CALLED 1.33 ACRES DWIGHT C. FREEMAN DBA KID'S WORLD LEARNING CENTER VOLUME 1483, PAGE 374 D.R.M.C.T.
LOT 3, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
LOT 1, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
LOT 2, BLOCK 1 WHATACO ADDITION CABINET E, SLIDE 124 P.R.M.C.T.
LOT 1, BLOCK 1 O'NEIL ADDITION, UNIT 2 CABINET C, SLIDE 2 P.R.M.C.T.
LOT 1, BLOCK 12-A CITY VIEW ACRES SECTION 4 CABINET D, SLIDE 390 P.R.M.C.T.
CALLED 2.0 ACRES WESTERN PETROLEUM, LLC DOCUMENT NO. 2022032565 O.P.R.M.C.T.
T&P RR CO SURVEY ABSTRACT NO. 722 SECTION 6, BLOCK 38 T-2-S
T&P RR CO SURVEY ABSTRACT NO. 180 SECTION 6, BLOCK 39 T-2-S
P.O.B.
FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY)
STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY)
FM 715 (VARIABLE WIDTH RIGHT-OF-WAY)
LINE TABLE
LOCATION MAP
NOT TO SCALE

CONTINUATION OF EXHIBIT A



CONTINUATION OF EXHIBIT A



CONTINUATION OF EXHIBIT A

DESCRIPTION PROPERTY

BEING A 9.162 ACRE TRACT OF LAND SITUATED IN THE T&P RR CO SURVEY, ABSTRACT NO. 722, SECTION 9, BLOCK 39, T-2-S, MIDLAND COUNTY, TEXAS, AND BEING ALL OF THE CALLED 6.160 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF THE DEED RECORDS OF MIDLAND COUNTY, TEXAS, AND ALSO BEING ALL OF THE CALLED 2.99 ACRE TRACT OF LAND DESCRIBED AS TRACT TWO IN THE DEED TO BLACK & DILLARD PROPERTY MANAGEMENT, LP RECORDED IN VOLUME 2692, PAGE 829 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS, SAID 9.162 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2 INCH IRON ROD WITH CAP STAMPED "TOWNWAY ASSOC LP" FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT ONE, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "TOWNWAY ASSOC LP" ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 140 (GARDEN CITY HIGHWAY) (VARIABLE WIDTH RIGHT-OF-WAY) WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 13 DEGREES 59 MINUTES 43 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 264.49 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 13 MINUTES 06 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT ONE AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID FAIRGROUNDS ROAD, A DISTANCE OF 147.11 FEET TO A 2.5 INCH STEEL FENCE CORNER FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 50 DEGREES 36 MINUTES 31 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 37.81 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT ONE;

THENCE NORTH 75 DEGREES 08 MINUTES 40 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 113.88 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 74 DEGREES 54 MINUTES 24 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 69.62 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE NORTH 76 DEGREES 04 MINUTES 23 SECONDS EAST, WITH THE NORTHWESTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 505.53 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST NORTHERLY NORTHEAST CORNER OF SAID TRACT ONE;

THENCE SOUTH 20 DEGREES 56 MINUTES 26 SECONDS WEST, WITH THE SOUTHEASTERLY LINE OF SAID TRACT ONE, A DISTANCE OF 273.32 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF SAID TRACT ONE, SAID 2.5 INCH STEEL FENCE POST ALSO BEING AN EXTERIOR CORNER OF SAID TRACT TWO;

THENCE SOUTH 36 DEGREES 29 MINUTES 08 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 145.71 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 04 DEGREES 39 MINUTES 46 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 26.57 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 55 DEGREES 27 MINUTES 05 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 227.99 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR CORNER;

THENCE SOUTH 57 DEGREES 06 MINUTES 21 SECONDS EAST, WITH THE NORTHEASTERLY LINE OF SAID TRACT TWO, A DISTANCE OF 32.06 FEET TO A 2.5 INCH STEEL FENCE POST FOUND FOR THE COMMON NORTHEAST CORNER OF SAID TRACT TWO AND NORTHWEST CORNER OF A CALLED 1.33 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DWIGHT C. FREEMAN DBA KD'S BAR-B-Q AND KATHY FREEMAN RECORDED IN VOLUME 1483, PAGE 374 OF SAID DEED RECORDS OF MIDLAND COUNTY, TEXAS;

THENCE SOUTH 44 DEGREES 28 MINUTES 02 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID TRACT TWO AND NORTHWESTERLY LINE OF SAID 1.33 ACRE TRACT OF LAND, A DISTANCE OF 331.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHEAST CORNER OF SAID TRACT TWO AND SOUTHWEST CORNER OF SAID 1.33 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD ALSO BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY);

THENCE NORTH 71 DEGREES 03 MINUTES 31 SECONDS WEST, WITH THE COMMON SOUTHWESTERLY LINE OF SAID TRACT TWO AND NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 140 (GARDEN CITY HIGHWAY), PASSING AT A DISTANCE OF 280.85 FEET, A 1/2 INCH IRON ROD FOUND FOR THE COMMON SOUTHWEST CORNER OF SAID TRACT TWO AND SOUTHEAST CORNER OF SAID TRACT ONE, IN ALL, A DISTANCE OF 592.11 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 399,081 SQUARE FEET, OR 9.162 ACRES OF LAND, MORE OR LESS.

TITLE COMMITMENT GF NO. WTA-80C-48802011190-MR

SCHEDULE "B" 10 ITEMS

10a. ALL LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF OIL, GAS AND OTHER MINERALS, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, APPEARING IN THE PUBLIC RECORDS WHETHER LISTED IN SCHEDULE B OR NOT. THERE MAY BE LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERAL INTEREST THAT ARE NOT LISTED.

10b. DISTRIBUTION EASEMENT AND RIGHT OF WAY GRANTED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 377, PAGE 225, VOLUME 410, PAGE 19, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE ABOVE DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT , BUT SHOWN ON THE SURVEY (NOT SHOWN DEFINITIVELY)

10c. EASEMENT TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 470, PAGE 482, VOLUME 577, PAGE 284, DEED RECORDS OF MIDLAND COUNTY, TEXAS. COMPANY MAKES NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF THIS INTEREST.

BASED ON THE ABOVE DESCRIPTION THIS ITEM DOES AFFECT SUBJECT TRACT , BUT SHOWN ON THE SURVEY (NOT SHOWN DEFINITIVELY)

10d. ANY PORTION OF THE PROPERTY DESCRIBED HEREIN WITHIN THE LIMITS OR BOUNDARIES OF ANY PUBLIC OR PRIVATE ROADWAY AND/OR HIGHWAY.

10e. TAXES (2026) CREATED AT CLOSING, IF ANY, PURSUANT TO LENDER INSTRUCTIONS.

10f. SUBJECT PROPERTY IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, AND AS SUCH, MAY BE SUBJECT TO CERTAIN ORDINANCES, ITEMS, RESTRICTIONS AND REGULATORY POWERS OF THE CITY OF MIDLAND.

10g. RIGHTS OF PARTIES IN POSSESSION.

10h. RIGHTS OF PARTIES TO PROCEEDING UNDER ANY AGREEMENT, WRITTEN OR ORAL LEASE AGREEMENT.

10i. POSSIBLE OR APPARENT EASEMENT(S) AND/OR RIGHTS OF WAY ALL PIPES, WIRES OR OTHERS ON LAND.

10j. IF ANY PORTION OF THE PROPOSED LOAN AMOUNT THE INSURED'S TITLE POLICY EXCEEDS AMOUNT INCLUDES FUNDS FOR IMPROVEMENTS OR COMPLETED IMPROVEMENTS, THE FOLLOWING EXCEPTIONS WILL APPEAR IN SCHEDULE B OF ANY POLICY ISSUED AS REQUESTED: MECHANIC AND LIENS POLICY(IES): ANY AND ALL LIENS ARISING BY REASON OF SERVICE DONE OR CLAIMED FOR WORK PERFORMED OR MATERIALS FURNISHED IN CONNECTION WITH IMPROVEMENTS PLACED, OR TO BE PLACED, UPON THE SUBJECT LAND, WHICH, THE COMPANY DOES INSURE THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THIS POLICY IF SUCH LIENS HAVE BEEN FILED WITH THE COUNTY CLERK OF COUNTY, TEXAS, PRIOR TO THE DATE HEREOF. OWNER POLICY(IES) ONLY: LIABILITY HEREUNDER AT THE DATE HEREOF IS LIMITED TO $ 0.00, LIABILITY SHALL INCREASE AS CONTEMPLATED IMPROVEMENTS ARE MADE, BUT FOR LESS MAYBE DETERMINED SHALL BE LIMITED TO SAID SUM PLUS THE AMOUNT ACTUALLY EXPENDED BY THE INSURED IN IMPROVEMENTS AT THE TIME THE LOSS OCCURS, AND EXPENDITURES MADE FOR IMPROVEMENTS, SUBSEQUENT TO THE DATE OF THIS POLICY, WILL BE DEEMED MADE AS OF THE DATE OF THIS POLICY. IN NO EVENT SHALL THE LIABILITY OF THE COMPANY HEREUNDER EXCEED THE FACE AMOUNT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. WTA-80C-48802011190

10k. THE FOLLOWING EXCEPTIONS WILL APPEAR IN ANY POLICY ISSUED UNDER THAN THE T-31 RESIDENTIAL OWNER POLICY OF TITLE INSURANCE (NOT THE T-17B OWNER-FORM RESIDENTIAL MORTGAGE POLICY): IT THE COMPANY IS NOT PROVIDED A SURVEY OF THE LAND, ACCEPTABLE TO THE COMPANY, PRIOR BEFORE AT OR PRIOR TO CLOSING:
ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.

NOTES

1. ALL BEARINGS ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83), TEXAS CENTRAL ZONE (4203).
2. THE SUBJECT TRACT IS LOCATED IN THE CITY OF MIDLAND EXTRA TERRITORIAL JURISDICTION, NO ZONING CLASSIFICATION OR SETBACK REQUIREMENTS.
3. UNDERGROUND UTILITIES MARKINGS WERE LOCATED ON THE PROPERTY (SHOWN ON SURVEY). THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR WAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
4. NO OBSERVED PARKING STRIPES IN THE PROCESS OF CONDUCTING THE FIELDWORK.
5. ACCORDING TO PROJECT TRACKER (http://apps.dot.state.tx.us/apps-cq/project_tracker/), THERE ARE FUTURE HIGHWAY IMPROVEMENTS ON STATE HIGHWAY 140. FOR FURTHER INFORMATION CONTACT ROBERT BRINSLAU, PROFESSIONAL ENGINEER OF TEXAS DEPARTMENT OF TRANSPORTATION, ROBERT.BRINSLAU, PE (432) 498-4723.
6. THERE WAS NO EVIDENCE OF FIELD DELINEATION OF WETLANDS AT DATE OF SURVEY.
7. AS DETERMINED BY THE FLOOD INSURANCE RATE MAPS FOR MIDLAND COUNTY, TEXAS, PER MAP NUMBER 48329C0325F DATED SEPTEMBER 18, 2014 PANEL 325 OF 525, SUBJECT TRACT IS LOCATED IN ZONE X (UNSHADED), AREAS OF 0.2% CHANCE OR LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND ASSAD PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
8. THIS SURVEY WAS PERFORMED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. WTA-80C-48802011190-MR, OF FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 24, 2025. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.
9. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
10. THERE WAS NO EVIDENCE OF SUBJECT TRACT BEING USED AS A SOLID WASTE DUMP, DUMP, OR SANITARY LANDFILL AT DATE OF SURVEY.
11. THERE WAS NO EVIDENCE OF CEMETERIES LOCATED ON OR WITHIN FIVE (5) FEET OF THE SUBJECT TRACT AT THE DATE OF SURVEY.
12. SUBJECT TRACT IS LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE HIGHWAY 140 AND FAIRGROUNDS ROAD.

SURVEYOR'S CERTIFICATE

TO: QT SOUTH LLC, A TEXAS LIMITED LIABILITY COMPANY
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JULY 28, 2021.

DATE OF PLAT OR MAP: JULY 29, 2021

SHAUN MARVIN PEPPORN
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 6432
FIRM NO. 10194283



CENTER TEXAS
CENTER POINT, INC. A
1519 DESIGN GROUP COMPANY
1519
SURVEYING & ENGINEERING
1519LLC.COM
TBPELS# 10194282 TBPELS# F-11756 TBPELS# 10194251 TBPELS# 10194283

PROJECT NO.: 9272

QuikTrip No. 7911
3101 GARDEN CITY HIGHWAY
MIDLAND, TEXAS 79701

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PROTOTYPE: P-79 (05/01/24)
DIVISION: 08
VERSION: 001
DESIGNED BY:
DRAWN BY: J.W.J.
REVIEWED BY: S.M.P.

REV	DATE	DESCRIPTION
1	7-29-2021	REVISIONS PER QT COMMENTS
2	8-14-2021	REVISIONS PER QT COMMENTS
3	8-20-2021	UPDATED SURVEY
4	9-16-2021	REVISED SURVEY PER COMMENTS
5	10-14-2021	REVISED SURVEY PER COMMENTS

ORIGINAL ISSUE DATE:

SHEET TITLE:
ALTA/NSPS LAND TITLE SURVEY

SHEET NUMBER:
4 OF 4

MIDLAND
Planning Division

Annexation/Initial Zoning Application

Project Number: _____

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Erik Eckhart		Phone (913) 905-2045 Email eeckhart@quiktrip.com	
Address 5725 Foxridge Drive	City Mission	State KS	Zip 66202

Property Owner Printed Name: BLACK & DILLARD PROPERTY MANAGEMENT LTD		Phone ( ) Email	
Address PO BOX 60850	City MIDLAND	State TEXAS	Zip 79711

Representative *(if different from Applicant or Property Owner)* Firm: Jacobs Engineering Printed Name: Steven Granado, P.E.		Phone (212) 494-0088 Email Steven.Granado@jacobs.com	
Address 911 Central Parkway N, Suite 425	City San Antonio	State TX	Zip 78232

Street Address: 3101 GARDEN CITY HIGHWAY

Legal Description
Lot: 2010 Block: 006 Subdivision: 03820

Current Zoning: N/A - ETJ	**Proposed Zone:** RR - Retail Regional District *(List by tracts if more than one district is requested)*

Reason for Annexation/Zone Change Request: New use of property

Present Use of Property: Undeveloped

Proposed Use of Property: Auto and diesel fuel service

How would this annexation/zone change affect the public health, safety and welfare?
Improve land use due to commercial development

Describe how this annexation/zone change will affect adjacent properties:

N/A - Proposed zoning is compatible with adjacent 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):	Date: 8/2/2021
Applicant (printed): Erik Eckhart	
Property Owner (signature):	Date: 7/22/2021
Property Owner (printed): Michael E. Black	

The Annexation/Initial Zoning 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 Steven Granado who, being by me duly sworn, upon oath says: That (s)he is authorized by Michael E. Black, 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 9th day of August, 2021, to certify which witness my hand and seal of office.

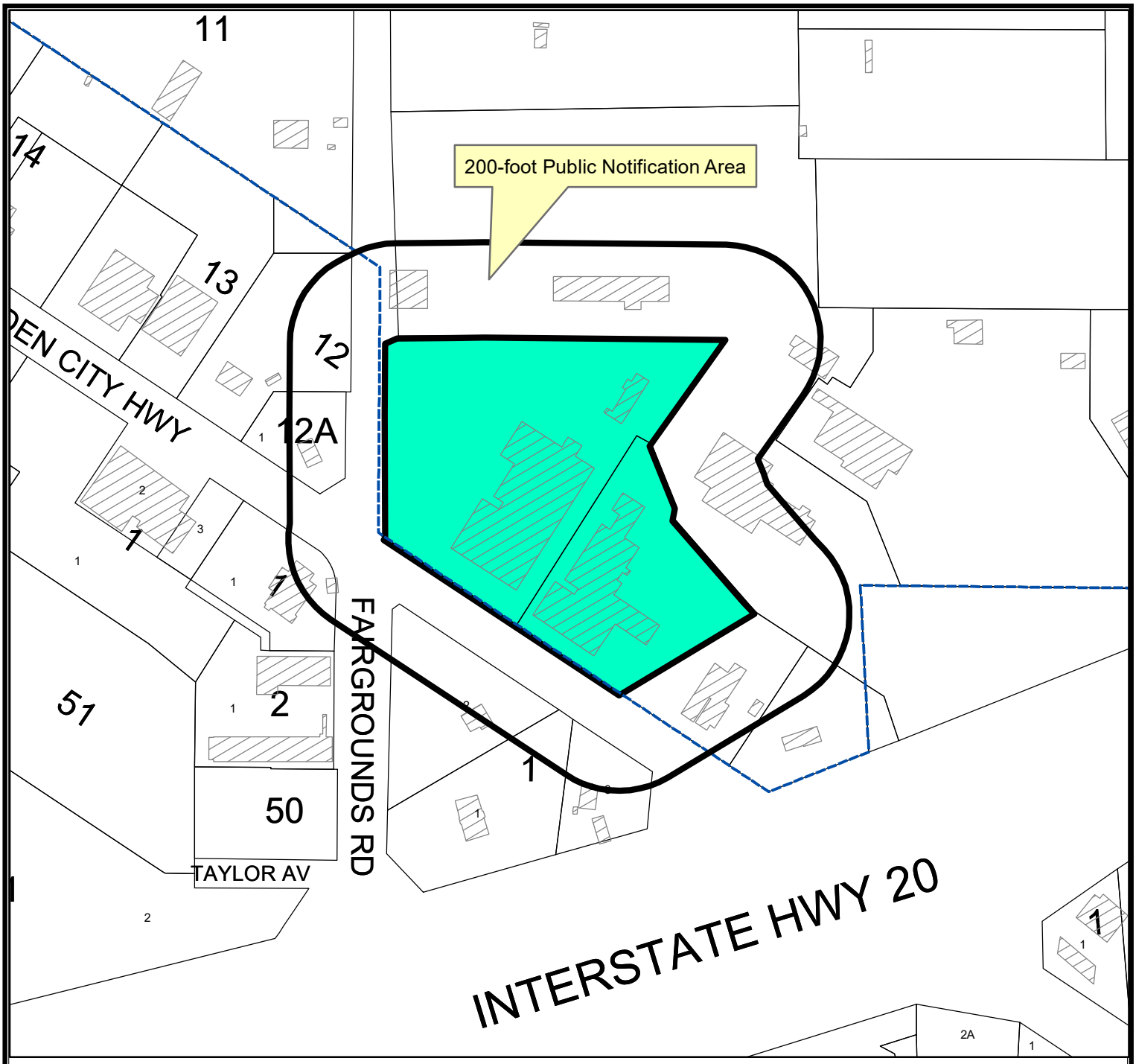
NEYSA CAMILLE CHOATE
Notary Public, State of Texas
My Comm. Exp. 01-02-2025
ID No. 717267-7

Neysa Camille Choate
NOTARY PUBLIC, ~~MIDLAND COUNTY~~ Bexar County, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☐ Dimensioned Site Plan
☐ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check #☐	
Received By:	Date:

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

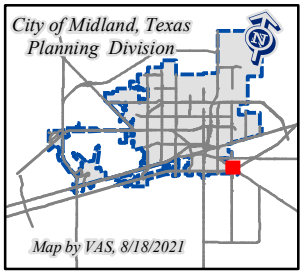
Z-21-0257 **Scale: 1" = 300'**

Consider a request for the initial zoning of a 9.162-acre tract of land out of Section 6, Block 38, T-2-S, T&P RR Co. Survey, Midland County, Texas.

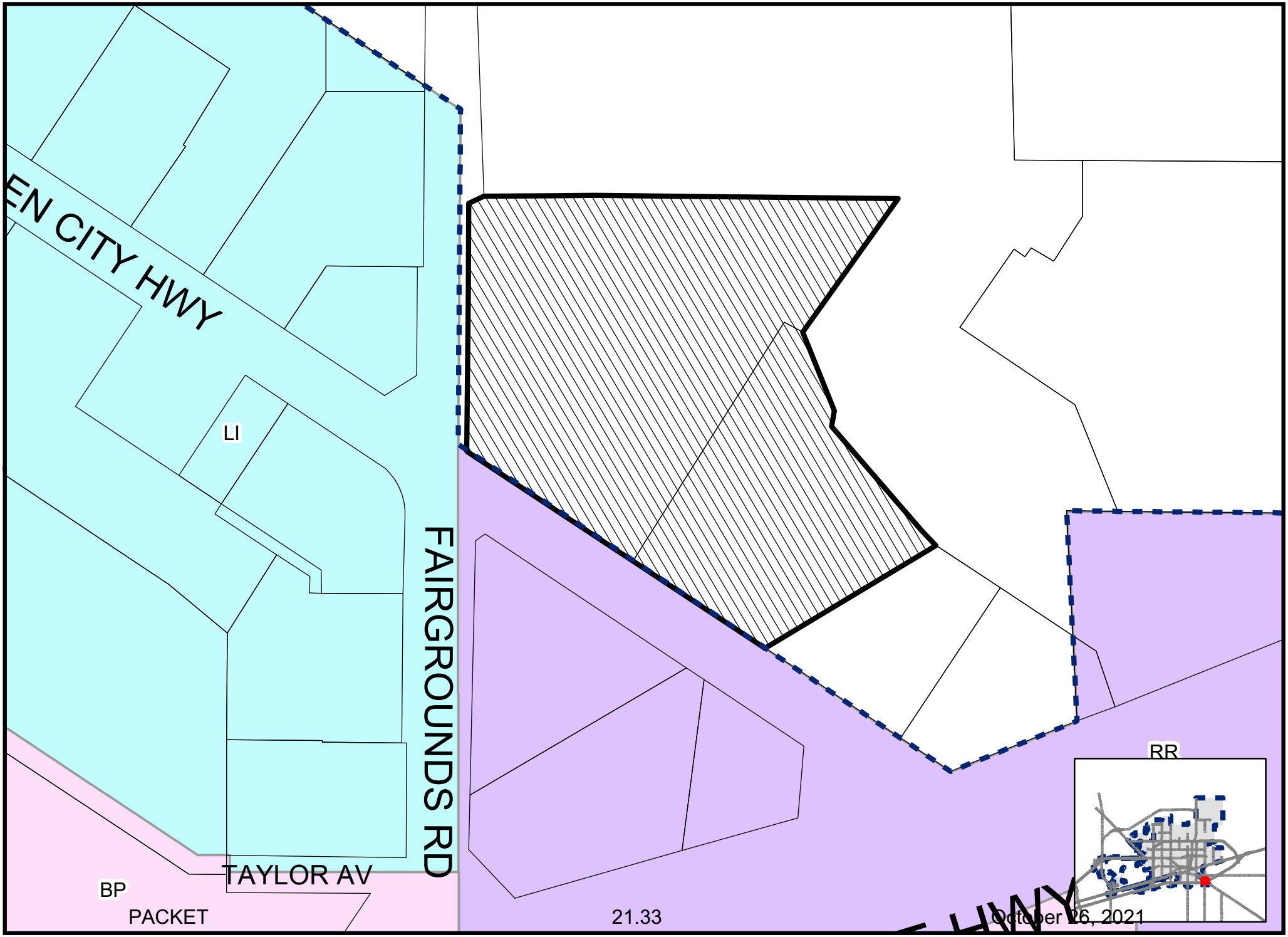
Generally located on the northeast corner of the intersection of Fairgrounds Road and Garden City Highway. (Extraterritorial Jurisdiction)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By VAS, 9/22/2021

Z-21-0257

Scale: 1" = 200'

ZONING MAP

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Pilot


2214




Pilot
Pilot
Pilot
Pilot
travel centers

City Council Meeting

Item Number: 22

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 10, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 140 FEET NORTH OF EAST WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Jamie Bowers is requesting to rezone the property located at 407 S. Stonewall Street to allow for the construction of a single family home.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Current Zoning:

C, Commercial District.

Surrounding Zoning and Land Use:

The properties to the north, east, south, and west are zoned C, Commercial District and the locations of single-family homes and vacant land.

Analysis:

The property is located at 407 S. Stonewall Street and is currently vacant. The applicant is proposing the development of a single family home. Per the previous zoning code, the current zoning district would have allowed for the construction of a residential home, as it allowed for cumulative zoning. Under the new zoning code adopted in 2019, residential uses became more specific to single-family zoning districts. The property meets the minimum lot size requirements in the SF-3, Single-Family Dwelling District.

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.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

This proposed development fits with the Tall City Tomorrow Comprehensive Plan, Chapter 3, An Integrated Land Use Vision, Future Land Use Map as this area calls for urban residential-medium. This designation calls for a mix of housing types, including single-family, townhouse, and two-family dwelling uses. In addition, this zone change fits the surrounding land uses in this area.

This request was approved at the October 4th Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from C, Commercial District to SF-3, Single Family Dwelling District, subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the SF-3, Single-Family Dwelling District.**

Letters of Objection:

Staff has not received any letters of objection as of October 20, 2021.

Attachments:

Property survey (Exhibit A)
Application
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 9, BLOCK 10, GREENWOOD ADDITION, THIRD, FOURTH AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO SF-3, SINGLE-FAMILY DWELLING DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF SOUTH STONEWALL STREET, APPROXIMATELY 140 FEET NORTH OF EAST WASHINGTON AVENUE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 9, Block 10, Greenwood Addition, Third, Fourth and Fifth Sections, City and County of Midland, Texas (the "Property") to SF-3, Single-Family Dwelling District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from C, Commercial District to SF-3, Single-Family Dwelling District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as

that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular meeting of the City Council:

Council members voting “AYE”:

Council members voting “NAY”:

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-21-0264

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Jamie Bowers		Phone (432) 210-4384 Email jbowers479@gmail.com	
Address 940 N Weatherford	City Midland	State TX	Zip 79701

Property Owner Printed Name: Jamie Bowers		Phone (432) 210-4384 Email 432 210-4384	
Address 940 N Weatherford	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name: Jamie Bowers		Phone (432) 210-4384 Email	
Address	City	State	Zip

Street Address: 407 S. Stonewall

Legal Description
Lot: 9 Block: 10 Subdivision: Greenwood Addition

Current Zoning: COMMERICAL

Proposed Zone: SF3
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Originally zoned MF2. Recently zone changed to single family. I would like to put a single family home on the vacant lot.

Present Use of Property: Vacant lot

Proposed Use of Property: Single family home

How would this zone change affect the public health, safety and welfare? Zone change would not affect the public.

Describe how conditions affecting the property have changed since present zoning designation: Conditions has not changed.

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 SEP 09 2021 BY:

RECEIVED SEP 09 2021 BY:

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date: 8/31/2021
Applicant (printed): Jamie Bowers	
Property Owner (signature):	Date: 8/31/2021
Property Owner (printed) : Jamie Bowers	

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 Jamie Bowers who, being by me duly sworn, upon oath says: That (s)he is the owner of 407 S. Stonewall or authorized by Jamie Bowers, 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 31 day of August, 2021, to certify which witness my hand and seal of office.

DULCE SARAI CASTANEDA
Notary Public, State of Texas
Comm. Expires 02-25-2024
Notary ID 132375160

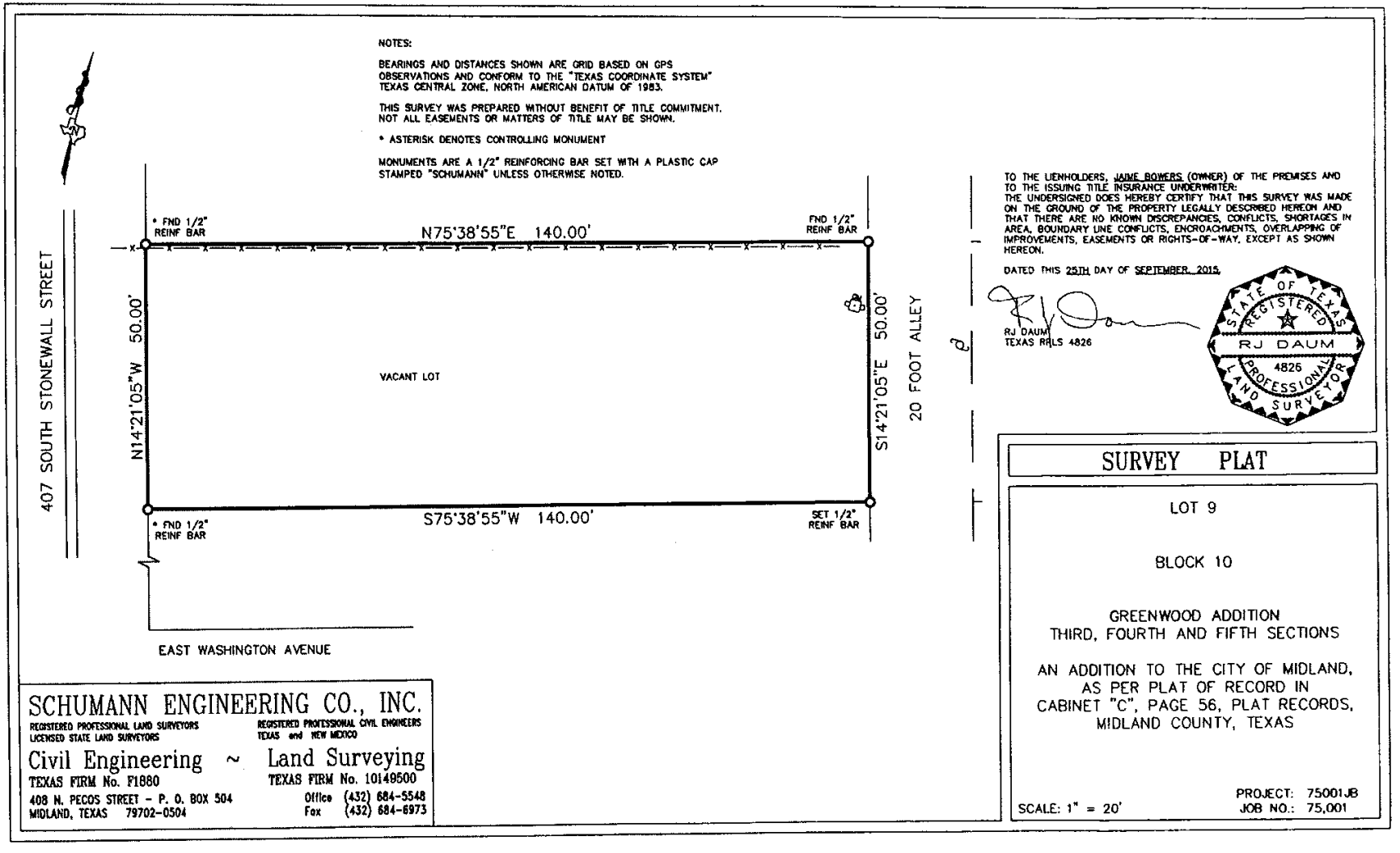
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

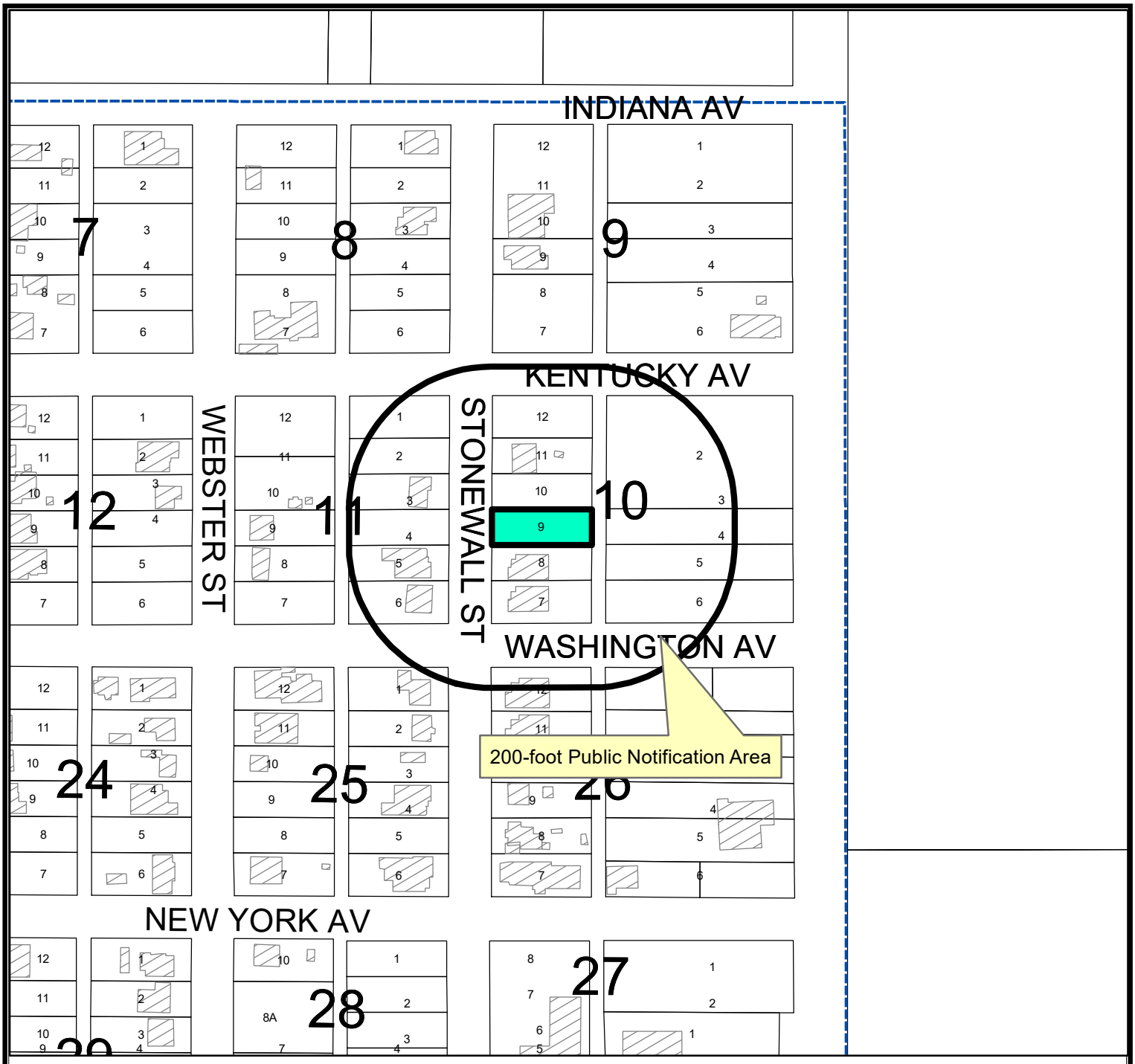
FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # Waived	
Received By: ES	Date: RECEIVED SEP 09 2021

BY: .....

Application will not be considered for scheduling until reviewed by a planner.


NOTES:
BEARINGS AND DISTANCES SHOWN ARE GRID BASED ON GPS OBSERVATIONS AND CONFORM TO THE "TEXAS COORDINATE SYSTEM" TEXAS CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983.
THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE COMMITMENT. NOT ALL EASEMENTS OR MATTERS OF TITLE MAY BE SHOWN.
* ASTERISK DENOTES CONTROLLING MONUMENT
MONUMENTS ARE A 1/2" REINFORCING BAR SET WITH A PLASTIC CAP STAMPED "SCHUMANN" UNLESS OTHERWISE NOTED.
407 SOUTH STONEWALL STREET
* FND 1/2" REINF BAR
N75°38'55"E 140.00'
FND 1/2" REINF BAR
N14°21'05"W 50.00'
VACANT LOT
S14°21'05"E 50.00'
20 FOOT ALLEY
* FND 1/2" REINF BAR
S75°38'55"W 140.00'
SET 1/2" REINF BAR
EAST WASHINGTON AVENUE
TO THE LIENHOLDERS, JAIME BOWERS (OWNER) OF THE PREMISES AND TO THE ISSUING TITLE INSURANCE UNDERWRITER:
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THERE ARE NO KNOWN DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON.
DATED THIS 25TH DAY OF SEPTEMBER, 2015.
RJ DAUM
TEXAS RPLS 4826
STATE OF TEXAS
REGISTERED
RJ DAUM
4826
PROFESSIONAL
LAND SURVEYOR
SURVEY PLAT
LOT 9
BLOCK 10
GREENWOOD ADDITION
THIRD, FOURTH AND FIFTH SECTIONS
AN ADDITION TO THE CITY OF MIDLAND,
AS PER PLAT OF RECORD IN
CABINET "C", PAGE 56, PLAT RECORDS,
MIDLAND COUNTY, TEXAS
SCALE: 1" = 20'
PROJECT: 75001JB
JOB NO.: 75,001
SCHUMANN ENGINEERING CO., INC.
REGISTERED PROFESSIONAL LAND SURVEYORS
LICENSED STATE LAND SURVEYORS
REGISTERED PROFESSIONAL CIVIL ENGINEERS
TEXAS and NEW MEXICO
Civil Engineering ~ Land Surveying
TEXAS FIRM No. F1880
TEXAS FIRM No. 10149500
408 N. PECOS STREET - P. O. BOX 504
MIDLAND, TEXAS 79702-0504
Office (432) 684-5548
Fax (432) 684-6973



LOCATION MAP

Z-21-0264 **Scale: 1" = 200'**

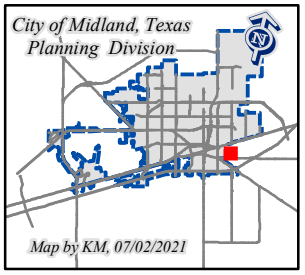
Consider a request by Jamie Bowers for a zone change from C, Commercial District to SF-3, Single-Family Dwelling District on Lot 9, Block 10, Greenwood Addition, 3rd, 4th, 5th Sections, City and County of Midland, Texas.

Generally located on the east side of S. Stonewall Street approximately 140-feet north of E. Washington Avenue. (Council District 2)

PACKET 22.10

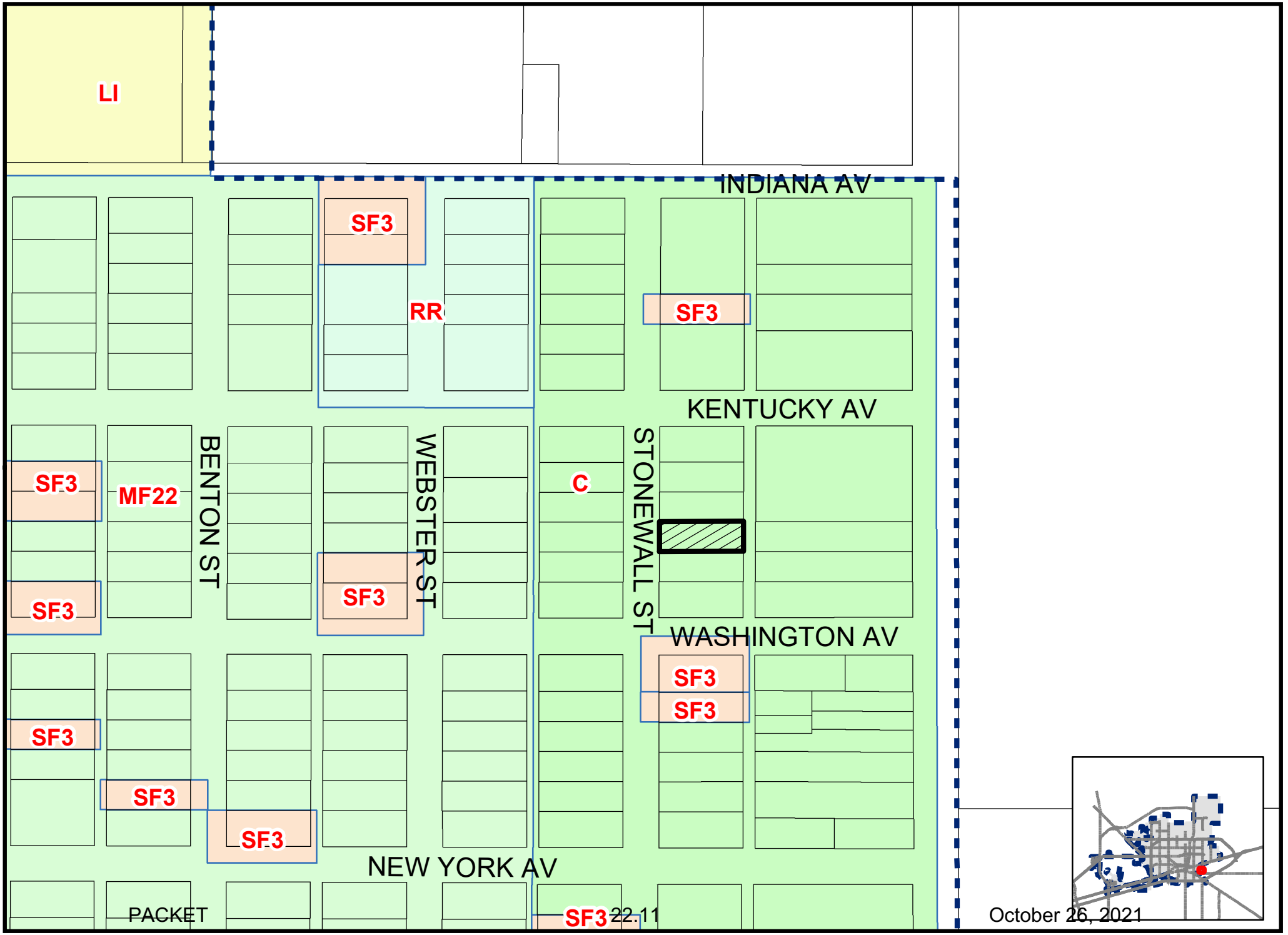
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



October 26, 2021

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Map By KM, 07/12/2021

Z-21-0264

Scale: 1" = 200'

ZONING MAP

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2214



City Council Meeting

Item Number: 23

Meeting Date: October 26, 2021

To: City Council / City Manager

From: Cole Furqueron, Senior Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.72-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, AMARON ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WOLCOTT AVENUE, APPROXIMATELY 465 FEET WEST OF RANKIN HIGHWAY); 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, CG Faudree LLC, is requesting a Zone Change from TP, Technology Park District to RR, Regional Retail District on Lots 2, Block 4, Amaron Addition, Section 5, City and County of Midland, Texas.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

TP, Technology Park District.

Surrounding Zoning and Land Use:

The properties to the north are zoned TP, Technology Park, and PD, Planned Development District, and are the locations of a residence, a radio tower, and a vacant lot. The property to the east is RR, Regional Retail District, and is the location of retail spaces. The properties to the south are zoned PD, Planned Development District, O-2, Office District and RR, Regional Retail, and are the locations of an apartment complex, a hotel, and retail spaces. The property to the west is zoned TP, Technology Park and is the location of a vacant lot.

Analysis:

The applicant is requesting a Zone Change from TP, Technology Park to RR, Regional Retail for a portion of lot 2 to allow for the development of two fast food restaurants along Rankin Highway. Although the development will be on Lot 1, both lots 1 & 2 are in the process of a replat and the property's line will be shifting west, requiring a portion of lot 2 to be rezoned to allow for this development to follow the proper zoning. Currently Lot 2 has no conceptual design of the future development. Any future development will be required to meet the area regulations and performance standards of the TP, Technology Park District.

If approved, the development will need to conform to Section 5.05, Nonresidential Zoning District Dimensional Regulations and Section 6.01 through 6.05, Zoning Development Regulations of the Zoning Ordinance. 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 objection to zone change.

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.

Engineering: (Approved)

No objection to zone change.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

Code: (Approved)

No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. 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)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway.

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations.

No objection to zone change.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, “Encourage the development of places where Midland residents can gather and socialize to build connections” (Tall City Tomorrow page 137). This entertainment complex will fit into the character of the area and provide a new location for Midland residents to gather and socialize.

This request was approved at the October 4, 2021 Planning and Zoning Commission meeting.

Staff recommends approval of this zone change from TP, Technology Park to RR, Regional Retail District, subject to condition A.

Conditions:

A. That the use and development of this property shall conform to the regulations of the RR, Regional Retail District.

Letters of Objection:

Staff has not received any letters of objection as of October 20, 2021.

Attachments:

Metes & Bounds (Exhibit A)
Site Plan (Exhibit B)
Application
Maps



City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE A 0.72-ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 4, AMARON ADDITION, SECTION 5, CITY AND COUNTY OF MIDLAND, TEXAS, FROM TP, TECHNOLOGY PARK DISTRICT TO RR, REGIONAL RETAIL DISTRICT (GENERALLY LOCATED ON THE NORTH SIDE OF WOLCOTT AVENUE, APPROXIMATELY 465 FEET WEST OF RANKIN HIGHWAY); 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 0.72-acre tract of land out of Lot 2, Block 4, Amaron Addition, Section 5, 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 RR, Regional Retail District, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from TP, Technology Park District to RR, Regional Retail District.

SECTION TWO. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION THREE. The provisions of this ordinance are to be cumulative of all

other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2021; 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., 2021, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

PASSED AND APPROVED THIS _____ day of _____, A.D., 2021.

_____
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"

LEGAL DESCRIPTION

Being a 0.72 acre tract of land out of the T&P R.R. CO. SURVEY, ABSTRACT NUMBER 181, situated in the City of Midland, Midland County, Texas, being a portion of Lot 2, Block 4 of Amaron Addition, Section 5, a subdivision of record in Cabinet G, Page 83 of the Plat Records of Midland County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING, at a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the intersection of the West right-of-way line of Rankin Highway (State Highway 349) (120 foot right-of-way) and the North right-of-way line of Wolcott Avenue (60 foot right-of-way), being the Southeast corner of Lot 1 of said Block 4 of Amaron Addition, Section 5;

THENCE, S75°32'47"W, leaving the West right-of-way line of Rankin Highway, along the North right-of-way line of Wolcott Avenue and the common South line of said Lot 1, a distance of 544.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the Southeast corner of said Lot 2, being the Southwest corner of said Lot 1, for the **POINT OF BEGINNING** and Southeast corner hereof;

THENCE, S75°32'47"W, along the North right-of-way line of Wolcott Avenue and the common South line of said Lot 2, a distance of 104.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set for the Southwest corner hereof;

THENCE, N14°27'13"W, leaving the North right-of-way line of Wolcott Avenue, over and across said Lot 2, a distance of 300.00 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set in the South right-of-way line of Stokes Avenue (60' right-of-way, being the South line of a 30 foot wide right-of-way dedication of record in said Amaron Addition, Section 5, being the common North line of said Lot 2, for the Northwest corner hereof;

THENCE, N75°32'47"E, along the South right-of-way line of Stokes Avenue, being the South line of said 30 foot wide right-of-way dedication of record and the common North line of said Lot 2, a distance of 104.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the Northwest corner of said Lot 1, being the Northeast corner of said Lot 2 and hereof;

THENCE, S14°27'13"E, leaving the South right-of-way line of Stokes Avenue, along the West line of said Lot 1, being the common East line of said Lot 2, a distance of 300.00 feet to the **POINT OF BEGINNING** and containing an area of 0.72 Acres, or (31,335 Square Feet) of land, more or less.

The bearings shown are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

I hereby certify that this legal description was based on an on the ground survey under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas.

Matthew Raabe
R.P.L.S. # 6402
09-23-21

STATE OF TEXAS
REGISTERED
MATTHEW JASON RAABE
6402
PROFESSIONAL
LAND SURVEYOR

EAGLE SURVEYING

EAGLE SURVEYING, LLC
210 S. ELM STREET
SUITE: 104
DENTON, TX 76201
(940) 222-3009

TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
2103.031-02	MJR	9/23/2021

LEGAL DESCRIPTION

Being a 0.72 acre tract of land out of the T&P R.R. CO. SURVEY, ABSTRACT NUMBER 181, situated in the City of Midland, Midland County, Texas, being a portion of Lot 2, Block 4 of Amaron Addition, Section 5, a subdivision of record in Cabinet G, Page 83 of the Plat Records of Midland County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING, at a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the intersection of the West right-of-way line of Rankin Highway (State Highway 349) (120 foot right-of-way) and the North right-of-way line of Wolcott Avenue (60 foot right-of-way), being the Southeast corner of Lot 1 of said Block 4 of Amaron Addition, Section 5;

THENCE, S75°32'47"W, leaving the West right-of-way line of Rankin Highway, along the North right-of-way line of Wolcott Avenue and the common South line of said Lot 1, a distance of 544.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the Southeast corner of said Lot 2, being the Southwest corner of said Lot 1, for the **POINT OF BEGINNING** and Southeast corner hereof;

THENCE, S75°32'47"W, along the North right-of-way line of Wolcott Avenue and the common South line of said Lot 2, a distance of 104.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set for the Southwest corner hereof;

THENCE, N14°27'13"W, leaving the North right-of-way line of Wolcott Avenue, over and across said Lot 2, a distance of 300.00 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set in the South right-of-way line of Stokes Avenue (60' right-of-way, being the South line of a 30 foot wide right-of-way dedication of record in said Amaron Addition, Section 5, being the common North line of said Lot 2, for the Northwest corner hereof;

THENCE, N75°32'47"E, along the South right-of-way line of Stokes Avenue, being the South line of said 30 foot wide right-of-way dedication of record and the common North line of said Lot 2, a distance of 104.45 feet to a 1/2 inch iron rod with green plastic cap stamped “EAGLE SURVEYING” set at the Northwest corner of said Lot 1, being the Northeast corner of said Lot 2 and hereof;

THENCE, S14°27'13"E, leaving the South right-of-way line of Stokes Avenue, along the West line of said Lot 1, being the common East line of said Lot 2, a distance of 300.00 feet to the **POINT OF BEGINNING** and containing an area of 0.72 Acres, or (31,335 Square Feet) of land, more or less.

The bearings shown are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

I hereby certify that this legal description was based on an on the ground survey under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas.

Matthew Raabe
R.P.L.S. # 6402
09-23-21

STATE OF TEXAS
REGISTERED
MATTHEW JASON RAABE
6402
PROFESSIONAL
LAND SURVEYOR

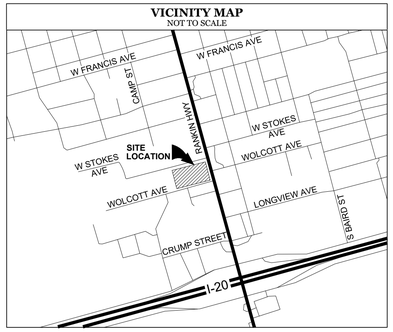
EAGLE SURVEYING

EAGLE SURVEYING, LLC
210 S. ELM STREET
SUITE: 104
DENTON, TX 76201
(940) 222-3009

TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
2103.031-02	MJR	9/23/2021

VICINITY MAP
NOT TO SCALE



GENERAL NOTES

1.) The purpose of this replat is to create three (3) lots from two (2) existing lots of record.

2.) According to Flood Insurance Rate Map (FIRM) Map No. 48329C0202F dated September 16, 2005 prepared by the Federal Emergency Management Agency (FEMA) for Denton County, Texas, this property is within Non-shaded Zone X.

3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

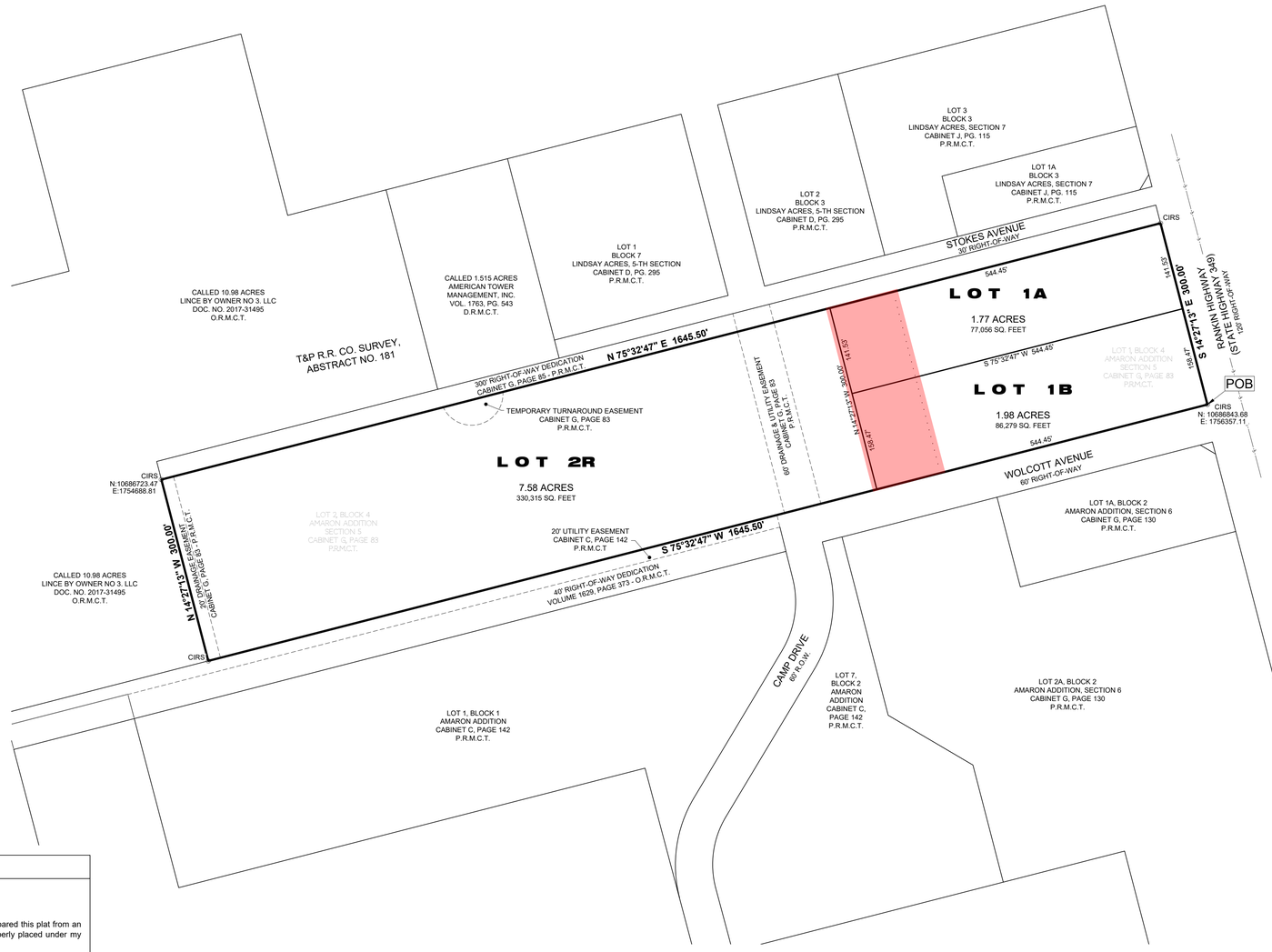
4.) Selling a portion of this addition by metes and bounds may be a violation of City Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.

5.) The bearings shown on this plat are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).

LEGEND

PG	= PAGE
VOL	= VOLUME
POB	= POINT OF BEGINNING
CIRS	= CAPPED IRON ROD SET
DOC. NO.	= DOCUMENT NUMBER
D.R.M.C.T.	= DEED RECORDS, MIDLAND COUNTY, TEXAS
P.R.M.C.T.	= PLAT RECORDS, MIDLAND COUNTY, TEXAS
O.P.R.M.C.T.	= OFFICIAL PUBLIC RECORDS, MIDLAND COUNTY, TEXAS
—— ℄ ——	= CENTERLINE OF ROAD
.....	= OLD LOT LINE

Site Plan (Exhibit B)





OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS §
COUNTY OF MIDLAND §

WHEREAS **SWEPIT, LP** is the record owner of an 11.33 acre tract of land situated in the T&P R.R. CO. SURVEY, ABSTRACT NUMBER 181, City of Midland, Midland County, Texas, being all of Lots 1 and 2, Block 4 of Amaron Addition, Section 5, an addition to the City of Midland, Midland County, Texas, recorded in Cabinet G, Page 83, Plat Records of Midland County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of said Lot 1 and the common Southeast corner hereof, Block 4, being in the Southwest right-of-way line of Rankin Highway (State Highway 349) (120 foot right-of-way), and being in the Northwest right-of-way line of Wolcott Avenue (60 foot right-of-way);

THENCE S 75°32'47" W, departing the Southwest right-of-way line of said Rankin Highway, in part with the Northwest right-of-way line of said Wolcott Avenue, and in part being the North line of a 40' Right-of-Way dedication of record in Volume 1629, Page 373 of the Official Records of Midland County, Texas, and the Common Southeast line of said Lot 1, Block 4 in part, and the common Southeast line of said Lot 2, Block 4, a distance of 1645.50' to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southwest corner hereof;

THENCE N 14°27'13" W, departing the Northwest line of said 40' right-of-way dedication, along the West line of said Lot 2, Block 4, a distance of 300.00 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southwest corner of a 300' right-of-way dedication recorded in Cabinet G, Page 85, Plat Records of Midland County, Texas, at the Northwest corner hereof;

THENCE N 75°32'47" E, with the Southeast line of said 300 foot right-of-way dedication, the common Northwest line of said Lot 2, Block 4 in part, and the common Northwest line of Lot 1, Block 4, a distance of 1645.50 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the West right-of -way line of said Rankin Highway, being the Southeast corner of said 300 foot right-of-way dedication, and being the Northeast corner of said Lot 1, Block 4 and the common Northeast corner hereof;

THENCE S 14°27'13" E, with the Southwest right-of-way line of said Rankin Highway, and the common Northeast line of said Lot 1, Block 4, a distance of 300.00 feet to the **POINT OF BEGINNING** and containing 11.33 acres (493,650 square feet) of land, more or less.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, **SWEPIT LP** does hereby adopt this plat, designating herein described property as **AMARON ADDITION, SECTION 5, BLOCK 4, LOT 1A, 1B & 2R,** an addition to the City of Midland, and does hereby dedicate to the public use forever, the streets and alleys shown thereon.

WITNESS our hands at Midland, Texas, this the _____ day of _____, 2021

OWNER: **SWEPIT LP**

BY: _____

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2021.

_____
Notary Public in and for the State of Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DENTON §

That I, **MATTHEW RAABE**, 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.

PRELIMINARY
this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

_____ _____
Matthew Raabe, R.P.L.S. # 6402 Date

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this _____ day of _____, 2021.

_____
Notary Public in and for the State of Texas

CERTIFICATE OF APPROVAL

This is to certify that the above and foregoing replat of Amaron Addition Section 5 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas on this _____ day of _____, 2021.

_____
Planning & Zoning Commission Chair

_____
Planning & Zoning Commission Secretary

For approval by the Director:

This is to certify that the above and foregoing replat of Amaron Addition Section 5 was approved by proper action of the Director of Engineering and Development of the City of Midland, Texas on this _____ day of _____, 2021.

_____
Director, Engineering & Development

Project	2103.031-02
Date	05/27/2021
Drafter	TMR

EAGLE SURVEYING

EAGLE SURVEYING, LLC
210 S. Elm Street, Suite: 104
Denton, TX 76201
(940) 222-3009
TX Firm #10194177

SURVEYOR
Eagle Surveying, LLC
Contact: Tyler Rank
210 S. Elm Street, Suite: 104
Denton, TX 76201
(940) 222-3009

ENGINEER
Claymoore Engineering, Inc.
Contact: Matt Moore
301 S. Coleman, Suite: 40
Prosper, TX 75078
(817) 281-0572

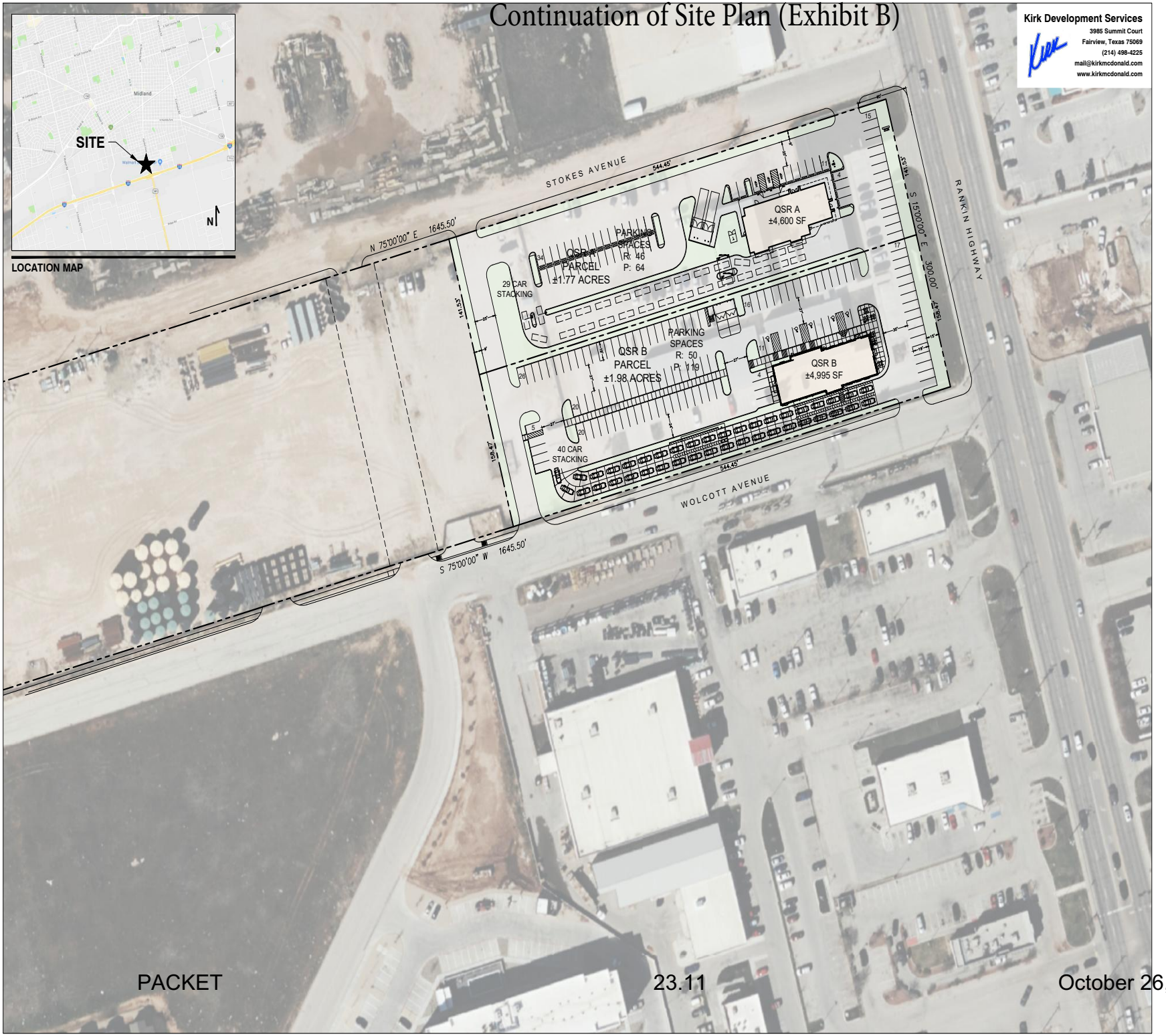
OWNER
Swepi, LP
200 N Dairy Ashford Rd.
Houston, TX 77079-1101
(713) 241-6161

REPLAT
AMARON ADDITION SECTION 5
BLOCK 4, LOT 1A & 1B
11.33 ACRES

A REPLAT OF BLOCK 4, LOT 1 AND 2 OF
AMARON ADDITION, SECTION 5,
RECORDED IN CABINET G, SLIDE 83, P.R.M.C.T.,
T&P R.R. CO. SURVEY, ABSTRACT No. 181,
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

PREPARATION DATE:
MAY 28, 2021

Continuation of Site Plan (Exhibit B)



Kirk Development Services
3985 Summit Court
Fairview, Texas 75069
(214) 498-4225
mail@kirkmcdonald.com
www.kirkmcdonald.com

Haynes Development Company
8214 Westchester, Suite 650
Dallas, Texas 75225
chaynes@haynesdevco.com
(214) 335-4702

PROJECT INFORMATION

SITE AREA

QSR A PARCEL	±1.77 ACRES
QSR B PARCEL	±1.98 ACRES
TOTAL	±3.75 ACRES

BUILDING AREA

QSR A	4,600 SF
QSR B	4,995 SF
TOTAL	9,595 SF

PARKING SUMMARY

USER	RATIO REQUIRED	SPACES REQ'D	SPACES PROV'D
QSR A	1/100 SF	46	64
QSR B	1/100 SF	50	119
TOTAL		96	183

BUILDING COVERAGE RATIO

TOTAL BUILDING AREA = 24,595 SF
TOTAL SITE AREA = 259,500 SF (±5.96 AC)
RATIO = 9.5%

ZONING CLASSIFICATION

JURISDICTION	CITY OF MIDLAND
EXISTING ZONING	TBD
REQUIRED ZONING	TBD

PROJECT NOTES

1. THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY: SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING LANDSCAPE REQUIREMENTS MUST BE VERIFIED.
2. THIS SITE PLAN IS BASED ON AERIAL PHOTO DATA.
3. ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN, EXISTING AND PROPOSED, MUST BE VERIFIED.

DRAWING ISSUE/REVISION RECORD

DATE	NARRATIVE	INITIALS
5/12/21	SCHEME 8	JKM

MIDLAND
TX

2010 RANKIN HIGHWAY

SCALE: 1"=100'-0"
0 50 100 150

SCHEME 8

MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0262

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)*
Printed Name:
Phone ( )
Email chaynes@haynesdevco.com
Address 1901 N Akard St | City Dallas | State TX | Zip 75229

Property Owner
Printed Name: CG Faudree LLC - Coy Haynes
Phone (214) 335-4702
Email chaynes@haynesdevco.com
Address 1901 N Akard St | City Dallas | State TX | Zip 75229

Representative *(if different from Applicant or Property Owner)*
Firm:
Printed Name:
Phone ( )
Email
Address | City | State | Zip

Street Address: a portion of 1106 W Wollcott

Legal Description
Lot: 2 Block: 4 Subdivision: Amaron Addition Section 5

Current Zoning:
a portion of 1106 W Wollcott - TP

Proposed Zone: RR
(List by tracts if more than one district is requested)

Reason for Zone Change Request: We want to change the portinion of land we are adding into the front wto lots per our replat to be the same zoning code as the front lots

Present Use of Property: outside storage

Proposed Use of Property: Restaurants

How would this zone change affect the public health, safety and welfare? This would allow for new restaurants to service the residents are

Describe how conditions affecting the property have changed since present zoning designation: When these buildings and PD was put in place the only retail in the area was Mcdonalds, Sconic and Tractor Supply now there is Walmart and countless other retail uses

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature):	Date:
Applicant (printed):	
Property Owner (signature): Cy Haynes	Date: 8/30/21
Property Owner (printed) : Cy Haynes	

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*)

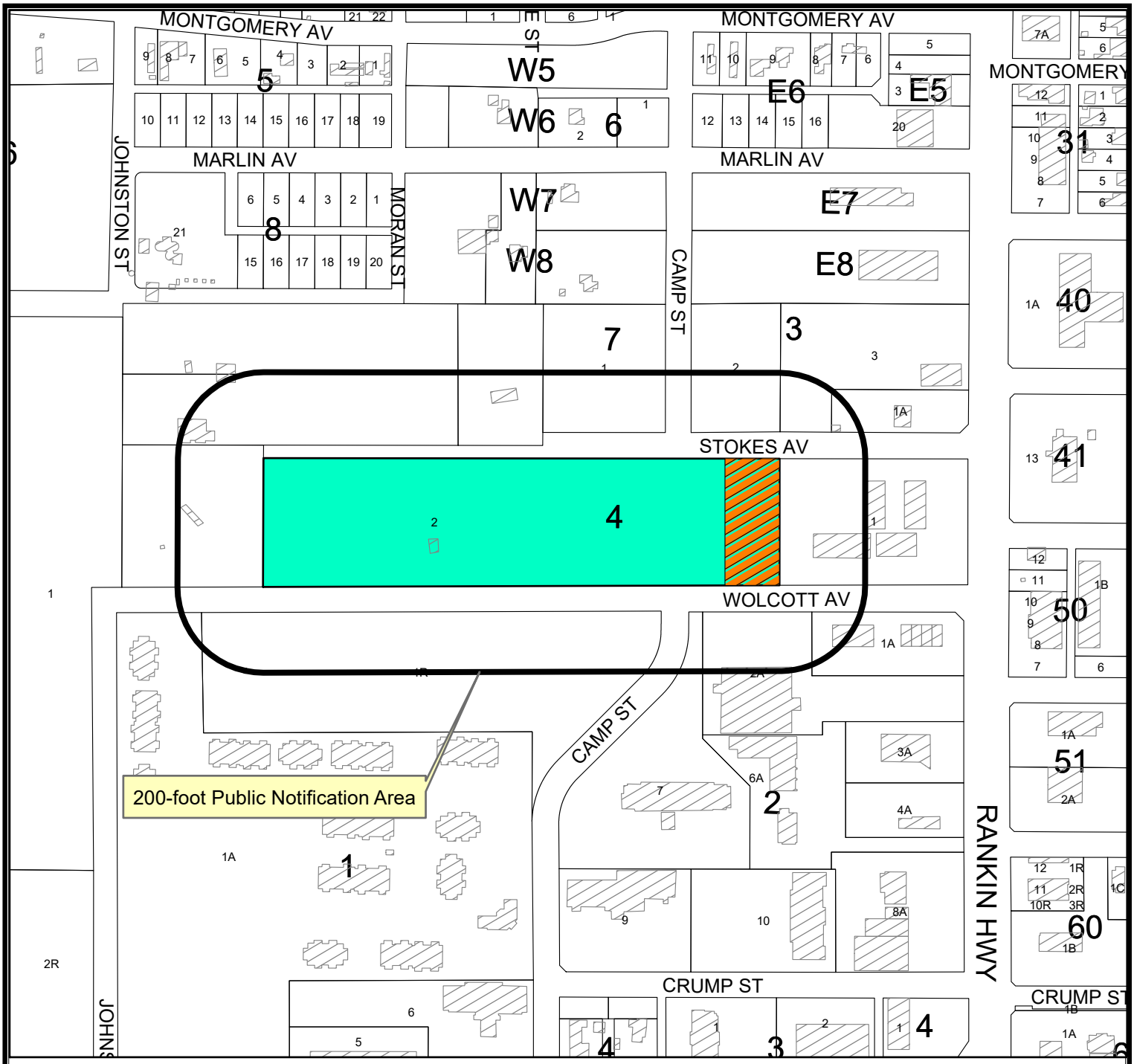
Subscribed and sworn to before me, this_____day of_____, 20____, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☐ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # Credit Card	
Received By: Emailed	Date: 8/30/21

****Application will not be considered for scheduling until reviewed by a planner.****



LOCATION MAP

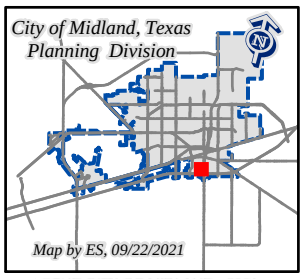
Z-21-0262 **Scale: 1" = 3,600'**

Consider a request by CG Faudree LLC for a zone change from TP, Technology Park District to RR, Regional Retail District on a 0.72-acre tract of land out of Lot 2, Block 4, Amaron Addition, Section 5, City and County of Midland, Texas.
Generally located on the Southwest corner of Rankin Highway and Stokes Avenue. (Council District 2)

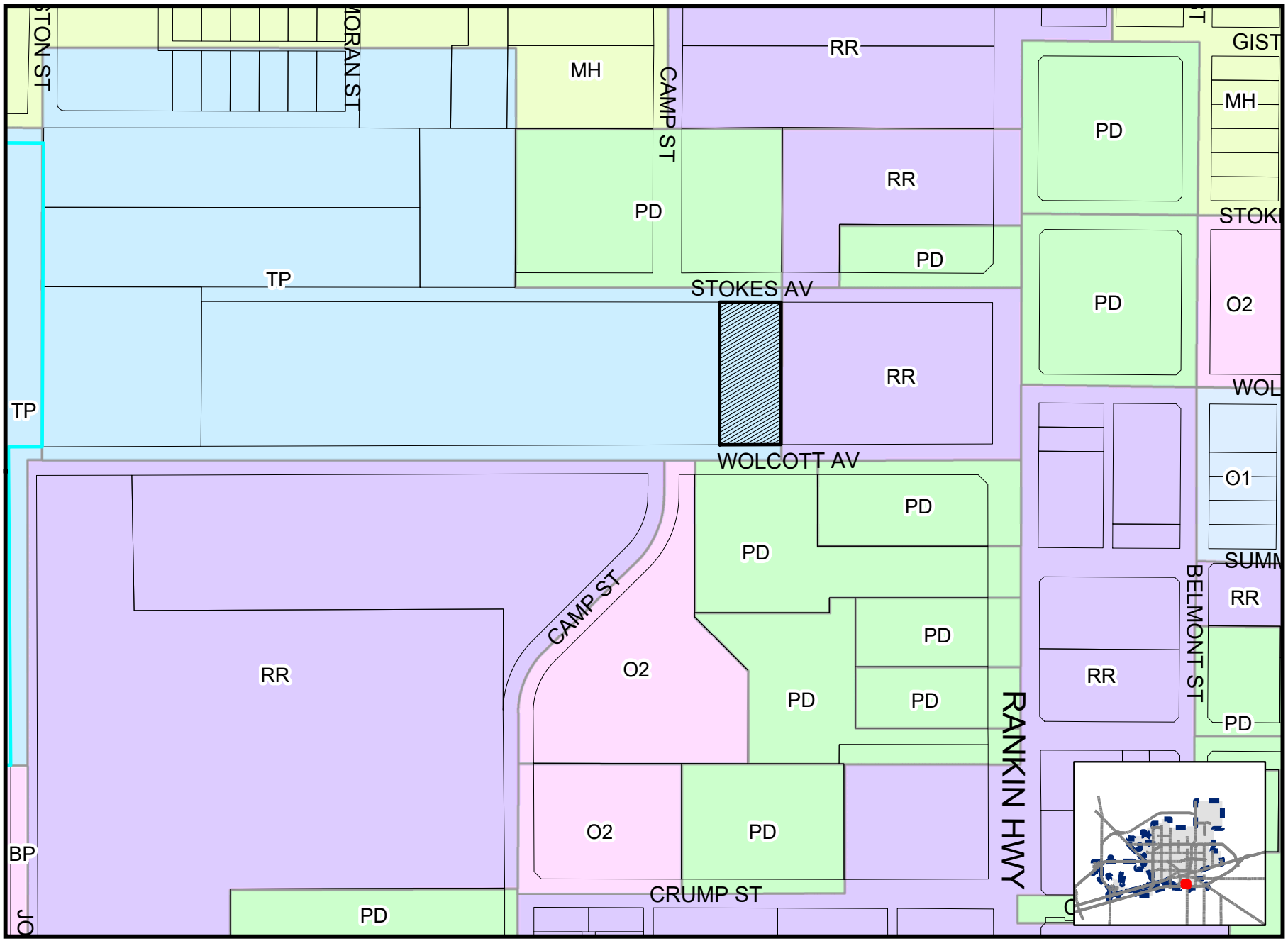
PACKET 23.14

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS
- PROPOSED ZONE CHANGE



October 26, 2021



Map By ES, 9/22/2021

Z-21-0262

Scale: 1" = 200'

ZONING MAP

PACKET
23.15
October 26, 2021









BOARDS AND COMMISSIONS OF THE CITY OF MIDLAND
October 26, 2021

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
Butch Morgan	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

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.

ANIMAL SERVICES ADVISORY COMMISSION
(Advisory)
(Membership - 7; Terms - 4 Years)

	Appt Date	Term Expires	Eligibility Expires
Leah Lewis (daily operations)	09/17	Sept 30 2021	Does not expire??
Robert “Robin” Donnelly (County)	11/13	Sept 30 2021	Sept 30 2021
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

Leah Lewis (Liasion)
Spencer Robnett (Council Liaison)

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
Ron Ainsworth (Plumbing & Mechanical Contractor)	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
David Hickman (Fire Protection)	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
Jeff Pinkstaff (Liaison)	12/18	Sept 30 2024	Sept 30 2030
Spencer Robnett (Council Liaison)			

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
Courtney 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)

4 2020, 3 -2021

	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)			

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	01/19	Jan 14 2022	Jan 14 2025
Wesley Bownds	07/15*	Jan 14 2022	Jan 14 2022
Barry Simpson	01/19	Jan 14 2022	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

Amy Turner (Liaison)
Lori Blong (Council Liaison)

MIDLAND DOWNTOWN PARK CONSERVANCY BOARD

(Membership - 7; City Appoints 3 Seats; Terms -3 Years - Staggered)

	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 2022	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
Sylvestor Cantu	09/18*	Oct 2021
Cheryl Wadley (Resident Commissioner)	11/19	Oct 2021
Wes Gotcher	09/20	Oct 2022
Robert Lehrer	09/20	Oct 2022
Latoya Mayberry	06/21	Oct 2023

Isaac Garnett (Staff Liasion)

MIDLAND MUNICIPAL MANAGEMENT DISTRICT BOARD

(Ad Hoc)

	Appt. Date
Vacancy	
W. L. “Scooter” Brown	09/04
Vacancy	
Richard Hatchett	11/08
Vacancy	
Ted H. Jones	09/04
Mitch Malouf	11/08
Christi Newton	09/04
Dan Rush	09/04

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
Elizabeth Haigler	04/21	Sept 30 2023	Sept 30 2027

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
Bill Lanier (Real Estate)	09/18	Sept 30 2021	Sept 30 2024
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

Ron Jenkins (Liaison)

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
Francis Schammel	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

Cristina Odenburg-Burns (Liaison)
John Norman (Council Liaison)

PERMIAN BASIN COMMUNITY CENTER FOR MH/MR (PermiaCare)

(Decision Making)
(Membership - 2 (City); Terms - 2 Years)

	Appt Date	Term Expires
Ryan Peckham (City)	08/20	June 2022
Derek Cook (City)	06/21	June 2023

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)	

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)			

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**	

* **Indicates appointment to an unexpired term.**

ANIMAL SERVICES ADVISORY COMMISSION

(Decision Making; Membership - 6: Terms - 4 Years Expiring 4 odd and 2 even)

September 2020 - August 2021

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Leah Lewis	Sept 30 2021	100%	7	7	Yes	Still Interested in Serving
Robert "Robin" Donnelly	Sept 30 2021	43%	3	7	No	
Dr. Laura (Erickson) Lee (Vet)	Sept 30 2022	71%	5	7		
Alyson Dial	Sept 30 2022	86%	6	7		
Dr. J. Annette Jensen (Vet)	Sept 30 2024	71%	5	7		
Tasha Sport	Sept 30 2024	100%	7	7		
Sharla Hotchkiss	Sept 30 2024	100%	7	7		

APPLICANTS NAME	Additional Boards Applying to	NOTES
Sierra Strickland (D1)		
Vanessa Medina (D3)		
Amy Barnhill (D1)	MHAC, P&Z, MDC	
Caitlin Egan (D3)		
Kenneth Woods (D4)	P&R	
Monica Perales (D3)		

MIDLAND HOUSING AUTHORITY COMMISSION
(Advisory; Membership - 5: Terms - 2 Years Expiring 2-3)
September 2020 - August 2021

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Sylvester Cantu	Oct 30 2021	100%	4	4		Still Intrested in Serving
Cheryl Wadley (Res. Comm.)	Oct 30 2021	100%	4	4		Still Intrested in Serving
Wes Gotcher	Oct 30 2022	25%	1	4		
Robert Lehrer	Oct 30 2022	100%	4	4		
Latoya Mayberry	Oct 30 2023	0%	0	4		Appointed June 2021

Applicants Name	Additional Boards Applying to	COUNCIL NOTES
Ryan Rampton (D3)	P & R	
Amy Barnhill (D1)	ASAC, P&Z, MDC	
Adrian Urquidi (D1)	P&R	
Brandon Bradley (D2)		
Sheena Green (D3)		
Marjorie McQuerry (D1)		
Matthew Galindo (D2)	P&R	

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
Bill Lanier (Real Estate)	Sept 30 2021	78%	7	9	Yes	Not intrested in serving again
Scott Bowden (Real Estate)	Sept 30 2022	67%	6	9		
Ross Klabon (Petro. Eng.)	Sept 30 2022	78%	7	9		
Court Adkins (Petro. Eng.)	Sept 30 2023	67%	6	9		
Rhett Bullock (Petr En)	Sept 30 2024	0%	0	9		Appointed 9/14/2021

Applicants Name	Additional Boards Applying to	Notes
Layton Hargesheimer (D3)		Petroleum Engineer
Juan Correa (D3)		Engineering Director
Jacob Holloman (D3)	P & R	Consulting Engineer
Cameron Willmann (D3)		Realtor (Recommended by Bill Lanier)

ZONING BOARD OF ADJUSTMENT AND AIRPORT ZONING BOARD OF ADJUSTMENT
(Advisory; Membership - 5: Terms - 2 Years Expiring 3 Odd & 2 Even)
September 2020 - August 2021

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Derek Whiting	Sept 30 2021	100%	1	1		Re-Appointed 9/14/2021
E.J. Baldridge	Sept 30 2021	100%	1	1		Re-Appointed 9/14/2021
Reed Claybrook	Sept 30 2022	100%	1	1		
Robert Gray	Sept 30 2024	0%	0	1		Appointed January 2021
James Gerety	Sept 30 2024	0%	0	1		Appointed April 2021
ALTERNATES: (not applicable to Airport Zoning)						
James Robert Franklin	Sept 30 2021		0	1		
VACANCY	Sept 30 2020					
VACANCY	Sept 30 2020					
VACANCY	Sept 30 2020					
Applicants Name	Additional Boards Applying to	NOTES				
Anson Moreno (D1)	PBA					
Melissa Mosier (D2)	MDC					
James Murphy (D1)						
Sonya Mucino (County)						
		There are 3 Alternate Vacancies that need to be filled				

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: 8-11-21

Name: Amy Barnhill

Phone: 432-262-3473 **(Home)**

Address: 3801 Crestgate Avenue

(Business)

Midland Texas 79707

Email: ABarnhill712@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 24 **years.**

Occupation: Environmental Specialist

Professional and/or Community Activities:

Board Member Ellen Noel Museum

Board Member Cas de Amigos

Volunteer for Meals on Wheels

What is your personal vision for the City?

I want to see our city prosper but not to the detriment of its citizens. I want our community to embrace its strengths and reach out to its citizens who struggle. I envision a community who works together to make our city great.

Please specify any time constraints you may have.

I do work a full time job but have the flexibility to attend meetings and attend community events.

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 Housing Authority Commission

Animal Services Advisory Committee

Please tell us why you are interested in serving on this board or commission.

I have a heart for those who cannot advocate for themselves and often times that is the elderly and animals. I believe these boards are a good place to start in service of the city.

What contribution would you most like to make?

I want to add value in whatever manner I can whether it is a new perspective or a fresh opinion. I want to serve the city of Midland as a valued member of the community and I want to contribute to its continued success.

Additional pertinent information or references:

I believe I have a lot to offer in terms of serving my community. I have lived in Midland for 24 years, had children and grandchildren in various schools and attend a couple of different churches. I have sat back and watched and listened and tried to learn a few things about our community. I believe it is now time to contribute.

(2) Name of Board/Commission:

Planning and Zoning Commission

Midland Development Corporation

What contribution would you most like to make?

These are other boards/commissions that I have interest in. I find it interesting how communities decide what businesses are of value to the community and the processes involved with the development and zoning of such entities.

Additional pertinent information or references:

I am a passionate worker bee. When I get involved with something I try to put a lot of passion behind it. I enjoy volunteering and working along side others to make our community a great place to be.

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

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: 8/5/2021

Name: JUAN CARLOS CORREA

Phone: 432-853-2701 **(Home)**

Address: 3107 N BIG SPRING ST

432-247-8840 **(Business)**

MIDLAND TEXAS 79705

Email: JCCORREA@ENGVENTIONS.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: CEO | ENGINEERING DIRECTOR

Professional and/or Community Activities:

Member of: ASME (American Society of Mechanical Engineers), SPE (Society of Petroleum Engineers), AOPA (Airtcraft Owners, anc

BAM BIZ HUB (Non Profit Community Program) Board member Oil & Gas Industry

What is your personal vision for the City?

Midland is a great place to live, where plenty of opportunities are just around the corner. We are at the heart of the one most vibrant

Energy foci on the planet, Oil & Gas, Wind Energy, and commerce it is the ideal place to create, and test novel endeavors. Plenty of

cultural values and traditions, besides industrial, and health care facilities, Midland is the perfect place to grow, and develop communi

Please specify any time constraints you may have.

I do not have a any constraints that may interfere with the position at the Advisory Committee

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

Please tell us why you are interested in serving on this board or commission.

In my 35 years in the oil industry, I have gained vast experience in Oil & Gas operations, combined with my ability to develop enginee

What contribution would you most like to make?

Ability to revise, and review working permit applications in the city region of competence

Interact with controllers and regulatory officials, to providing technical expertise

Disposition to mediate and recommend non-bias, and fair positions, in the case of disagreements with involved parts

Additional pertinent information or references:

Former UTPB professor Michael Crain. MCrain@BAMConsulting.com. 432-599-4386

Dr. Jose Delgado. Jodelo314@gmail.com. 432-260-9750

Mrs. Janeth Delgado.JanethDelgado63@yahoo.com. 432-770-3089

(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 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: 6/1/2021

Name: Brandon Bradley

Phone: 432-260-1904 **(Home)**

Address: 1300 Lynn Avenue

432-934-2985 **(Business)**

Midland TX 79705

Email: brandonbradley89@yahoo.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 31 **years.**

Occupation:

Professional and/or Community Activities:

Entrepreneur

What is your personal vision for the City?

Growth & Diversity

Please specify any time constraints you may have.

Full time business owner and new father

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 Housing Authority Commission

Please tell us why you are interested in serving on this board or commission.

Housing is a great concern of mine.

What contribution would you most like to make?

To see an African American Chamber of Commerce or Business Collective start and educate, empower and market those of us wanting to be productive.

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

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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

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: 8/30/2021

Name: Matthew Reyes Galindo

Phone: 432-381-4959 **(Home)**

Address: 1118 E. Dormard Ave.

(Business)

Midland Tx 79705

Email: Matt.Galindo@yahoo.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 33 **years.**

Occupation: Maintenenace Scheduler (ProPetro Services)

Professional and/or Community Activities:

Acive in education through out Midland, currently serve on the Education Committee for the Midland Chamber of Commerce.

Bunche Elementary Liason for Partners in Education and a member of the Superintenedent Community Advisory Committee for MISD

What is your personal vision for the City?

My vision for Midland moving forward is one the focuses on family, community, education, economic prosperity,

and the equitable delivery of municipal services for all.

Please specify any time constraints you may have.

I am available Mid morning to afternoon and anytime after 4pm.

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.

As a young father of 4, parks and recreation is a part of my families everyday life.

Looking to work with leaders and community members to impove parks and keep them safe for all to enjoy

What contribution would you most like to make?

I bring a father and life long Midlander perspective. This I believe would help me contribute in making decissions and envoling the community when it comes to getting our parks up to par and safe for all to enjoy.

Additional pertinent information or references:

Ed Mayberry- 432-638-3504

Courtney Rattliff- 214-801-9670

(2) Name of Board/Commission:

Midland Housing Authority Commission:

What contribution would you most like to make?

Assist the needs of the communitys low-income housing and educating the community about resouces available.

Additional pertinent information or references:

Ed Mayberry- 432-638-3504

Courtney Ratliff- 2174-801-9670

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

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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

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: June 2, 2021

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'

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

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PLEASE TYPE OR PRINT CLEARLY:

Date: 8/31/2021

Name: Caitlin Egan

Phone: 432-638-8309 **(Home)**

N/A **(Business)**

Address: 1601 W Pine Ave

Midland Texas 79705

(City) (State) (Zip)

Email: caitlineganpierce@gmail.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 14 **years.**

Occupation: Landman

Professional and/or Community Activities:

I am a former veterinary technician and currently serve on the Board of Fix West Texas. I am also a volunteer and foster for Permian Basin Animal Advocates.

What is your personal vision for the City?

I would love to create an understanding for the need for animal welfare in this city. Push low cost spay/neuter and educate our community of the importance of spay/neuter and vaccinations. We need to educate our community on the options for surrendering an animal as well. MAS should be last resort! We must encourage owners to work with rescues to safely place their pet.

Please specify any time constraints you may have.

I work from home and generally have no issue with child care. Time constraints are of little issue.

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 Advisory Commission

Please tell us why you are interested in serving on this board or commission.

As a former vet tech, Board Member of Fix West Texas and a volunteer/foster at Permian Basin Animal Advocates, animals are my passion. I am also very able to put aside emotion when necessary to view things in a clear and matter of fact manner.

What contribution would you most like to make?

I would love to help educate our community about animal welfare in hopes to relieve the burden that our employees at MAS have been forced to bear. We can reduce the number of animals coming into MAS with the proper resources and education for our community.

Additional pertinent information or references:

References: Kelsey Kuhrt: 432-661-2859

Karen Patterson: 254-715-2815

Jaime Alexander: 469-964-6473

(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

Caitlin Egan

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: 7/19/2021

Name: Layton Hargesheimer

Phone: 432-413-7920 **(Home)**

Address: 2802 Lockheed Dr

432-687-3700 **(Business)**

Midland (City) Texas (State) 79701 (Zip)

Email: LaytonH@hannathon.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 24 **years.**

Occupation: Petroleum Engineering

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 comunity 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 experiance and knowledge as an Petroleum Engineer. 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 fromt the University of Oklahoma

Additional pertinent information or references:

Dan Hord III , 432-253-7805 , danhord@hedlocinv.com

Randy Prude , 432-685-1980 , rprude@mcounty.com

Justin Kuethe , 432-238-1456 , justink@hannathon.com

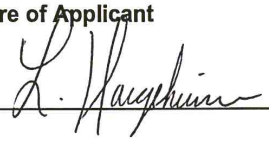
(2) Name of Board/Commission:

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: 8/24/2021

Name: Jacob Holloman

Phone: 7138051306 **(Home)**

Address: 1608 N J St

4326834391 **(Business)**

Midland TX 79701

Email: jacob.holloman@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 7 **years.**

Occupation: Consulting Engineer

Professional and/or Community Activities:

Society of Pretorluem Engineers

Professional Engineer

What is your personal vision for the City?

A city that grows to become a place people move to other than got a job here.

There is a lot of potential here, but most people don't realize it.

I want a city that people know what there is to do and become engaged with the city.

Please specify any time constraints you may have.

Most evenings doing work due to me having small children. Otherwise my schedule is 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:

Oil and Gas Commission

Please tell us why you are interested in serving on this board or commission.

OIl and Gas is an area i am very familar with.

What contribution would you most like to make?

Additional pertinent information or references:

(2) Name of Board/Commission:

Parks and Recreation Commission

What contribution would you most like to make?

To help midland become more of a permanent place for people to be and not just a stop in their old and gas careers

Additional pertinent information or references:

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Signature of Applicant

Jacob Holloman

Digitally signed by Jacob Holloman
DN: cn=Jacob Holloman, o, ou, email=jacob.holloman@gmail.com, c=US
Date: 2021.08.24 10:28:49 -05'00'

Applications may be submitted online via email or print in order to send by mail or fax:

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City Secretary's Office

PO Box 1152

Midland, TX 79702

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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 5/24/2021

Name: Marjorie McQuerry

Phone: 432-528-4374 **(Home)**

Address: 3320 Haynes Ave

(Business)

Midland Tx 79707

Email: marjimcq@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 62 **years.**

Occupation: Staff Land Coordinator

Professional and/or Community Activities:

What is your personal vision for the City?

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:

City of Midland Housing Authority

Please tell us why you are interested in serving on this board or commission.

Have been on this board for a few years. Was unaware that I had been removed. No meetings were held in person during 2020 but attended remotely when meetings were held. I am familiar with the agency and have attended training.

_____

What contribution would you most like to make?

_____

_____

_____

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

Marjorie McQuerry

Digitally signed by Marjorie McQuerry
DN: CN=Marjorie McQuerry, E=marjimcq@gmail.com
Reason: I am the author of this document
Location: your signing location here
Date: 2021-05-24 15:37:31
Foxit PhantomPDF Version: 10.0.0

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City Secretary's Office

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APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 7/25/2021

Name: Vanessa Medina

Phone: 575-649-4788 (Home)
432-557-3405 (Business)

Address: 1908 Ward St.

Email: Vanessa@midlandhumane.org

Midland (City) TX (State) 79705 (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: Executive Director of Midland Humane Coalition

Professional and/or Community Activities:

Animal Rescue/Adoptions with Midland Humane Coalition

What is your personal vision for the City?

A city that is a no-kill community for its dogs & cats.

Please specify any time constraints you may have.

No constraints

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 currenty work to help the public and its animals. Serving on this commission would allow me to do more for this city.

What contribution would you most like to make?

Advocating for the animals in our community.

Additional pertinent information or references:

Luann Morgan - luannmorgan@gmail.com

(2) Name of Board/Commission:

N/A

What contribution would you most like to make?

N/A

Additional pertinent information or references:

N/A

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Signature of Applicant

Ken C. Medlin

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City of Midland

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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: 8/19/2021

Name: Anson (Andy) Moreno

Phone: 432-230-3092 **(Home)**

Address: 5117 Ashdown Place

(Business)

Midland TX 79705

Email: anson_moreno@yahoo.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 23 **years.**

Occupation: Human Resources

Professional and/or Community Activities:

Board of Directors - Camp Fire West Texas since 2014. Former President and Secretary (each 2 year terms)

Board of Directors - Permian Basin Society for Human Resource Management (PBSHRM) since 2017

Member, Mid-Cities Community Church since 1999

What is your personal vision for the City?

I want our city to be clean, safe, and to have great public schools. I also want our city to be financially responsible with a diverse economy.

Please specify any time constraints you may have.

N/A

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:

Zoning Board of Adjustment and Airport Zoning Board of Adjustment

Planning and Zoning Commission

Please tell us why you are interested in serving on this board or commission.

I have a sincere interest in understanding Building codes and Zoning. I want to play an active role in how our city government can best serve our businesses and citizens.

What contribution would you most like to make?

As a citizen and member of the business community, I bring perspectives that will be value added to the Board. Our citizens, businesses, and the city have mutual interests in how properties are developed. Property owners want to increase the utility and value of properties. The city wants planning that is consistent, safe, and increases the taxable value of properties.

Additional pertinent information or references:

Master of Business Administration - Concentration in Finance

Bachelor degree - Organizational Management

(2) Name of Board/Commission:

Personnel Board of Appeals

What contribution would you most like to make?

I have 15 years of Human Resources experience. I have conducted countless investigations and disciplinary actions. These matters require special consideration of the individual's past conduct, the particulars of the situation, policies, law, and precedence. I have experiences that would be directly beneficial to employees and the city.

Additional pertinent information or references:

Society for Human Resource Management - Senior Certified Professional (SHRM-SCP certification)

Master of Business Administration - Concentration in Finance

Bachelor degree - Organizational Management

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Signature of Applicant

Anson Moreno

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PLEASE TYPE OR PRINT CLEARLY:

Date: 4/13/2021

Name: Melissa Mosier

Phone: 4326409278 **(Home)**

Address: 708 Beckley Dr

4325619990 x 111 **(Business)**

Midland TX 79703

Email: mmosier@ez-rider.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 4 **years.**

Occupation:

Professional and/or Community Activities:

Member of Lifehouse Fellowship

What is your personal vision for the City?

I hope to see Midland continue to grow through the changes with economic downturn that we are facing. Providing affordabiilty in transportaton, housing, community out reach and growth. Being a transplant to this city, I want to learn and be apart of this city, I am looking for to this next chapter.

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:

MIDLAND DEVELOPMENT CORPORATION

Please tell us why you are interested in serving on this board or commission.

I have worked here in Midland for the last four years, and I know this is home now with my children and I. So I want to step up and be there for the community. Learn and grow for my interpersonal goals, and then assist with anything I can.

What contribution would you most like to make?

With my background in HR and working for the Transit District I can bring my knowledge and skills to the discussions. Help with strategic planning, and law regulations.

Additional pertinent information or references:

Doug Provance- dprovance@ez-rider.org

Jack Ladd jackladdjr@gmail.com

EJ Baldridge ejbaldridge@gmail.com

(2) Name of Board/Commission:

ZONING BOARD OF ADJUSTMENTS AND AIRPORT ZONING BOARD OF ADJUSTMENTS (

What contribution would you most like to make?

Stepping up for my community, learning my city and where different projects are happening and how to assist in those. Learning the infrastructure of the airport, all that comes with it. I am new, but I am ready to help.

Additional pertinent information or references:

Director of Support Services- EZ Rider

Khamilton@ez-rider.org

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Signature of Applicant

M Mosa

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City of Midland

City Secretary's Office

PO Box 1152

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:

Name: James "Jim" Murphy

Address: 6300 Chickasaw

Midland TX 79705

(City) (State) (Zip)

Date: 1/31/2021

Phone: 432-557-1833 **(Home)**

432-631-2745 **(Business)**

Email: jimm.murf@gmail.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

I have lived in Midland 30 **years.**

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

Occupation: Assistant District Manager

Professional and/or Community Activities:

Servant leader at Stonegate Fellowship

What is your personal vision for the City?

My vision for the city of Midland is for it to be a place that is known not only for the work we do in the Basin, but to be a place for those workers to bring their families willingly to grow our community.

Please specify any time constraints you may have.

I am able to adjust my schedule with advance 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:

Zoning Board of Adjustment and Airport Zoning Board of Adjustment

Please tell us why you are interested in serving on this board or commission.

I believe that city codes are designed to address the most common issues that may arise. Sometimes there are special cosiderations that may need to be addressed. I believe that I can be a fair participant in the appeal process.

What contribution would you most like to make?

I would like to offer my experience in working with contractors to complete projects while representing the citizens 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: July 2021

Name: Ryan Rampton

Phone: 501-626-9777 **(Home)**

Address: 3213 N. I St.

432-262-0802 **(Business)**

Midland TX 79705

Email: ryan.rampton@gcrcc.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 7 **years.**

Occupation: Connections Minister

Professional and/or Community Activities:

I am currently the connections minister at the Golf Course Road Church of Christ. I have previously served as the campus minister at Midland Christian School and as a youth minister at GCR Church of Christ.

I consistently volunteer with Mission Agape to help provide food for the Permian Basin community as well as with Opportunity Tribe, previously Unlock Ministeries, as a mentor/group leader for a group of junior high students. I am always looking for more opportunities for volunteerism in Midland.

In the fall, I will begin my second year of the Leadership Midland program.

What is your personal vision for the City?

I love Midland. I hope for Midland to be a place where people can love living because of the entrepreneurial spirit in the city, its top-notch parks, engaging activities and entertainment, and a strong community feeling. I want Midland to be a place that draws people in for more than oil.

Midland has been and continues to be an excellent place for my family, and I want others to see Midland as a community to raise a strong family.

Please specify any time constraints you may have.

I have a pretty flexible schedule as a minister. So, it is easy to get away during the day for meetings.

I am an organized person that works hard to fit all my commitments into my schedule.

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.

As a father of two young children (Lucy-5 & Lincoln-2), we frequently visit many parks in our community. I believe that parks and a vital part of the quality of place in Midland. I would love to be a part of servicing, improving, and developing parks in our community.

What contribution would you most like to make?

I can bring a perspective of a father of young children who uses the parks regularly. As a minister, I also have a pulse on a diverse group in the community so I think I can bring a variety of perspectives to the table. I also have a deep love for this city. I want to impact Midland positively, and I think parks and recreation are a great way to do that.

I am a hard-working, creative, and critical thinker that loves working in groups. I think I would be a valuable addition to this committee.

Additional pertinent information or references:

(2) Name of Board/Commission:

Midland Housing Authority Commission

What contribution would you most like to make?

I have a heart for those struggling in our city. A big part of my job is mobilizing our church to serve the community. So, a committee that seeks to provide housing for the vulnerable in our community is something that I think I could really excel in. The compassion I have for people shows through my decision-making and creative and critical problem-solving.

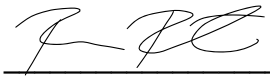
In my job, I am frequently looking at leases and fielding requests from community members for rental assistance, so I have a good pulse on the housing issues in our community.

Additional pertinent information or references:

Trisha Wall - Opportunity Tribe - she can speak to my compassion for the vulnerable in our community - trishawall@me.com

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Signature of Applicant



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City of Midland

City Secretary's Office

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Midland, TX 79702

FAX: (432) 685-7433

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Name: Monica Perales

Address: 2600 McClintic Street

Midland TX 79705

(City) (State) (Zip)

Date: 9/3/2021

Phone: 956-235-3417 **(Home)**

432-687-1777 **(Business)**

Email: monicap@forl.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

I have lived in Midland 4.5 **years.**

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

Occupation: Attorney at Fasken Oil and Ranch, Ltd.

Professional and/or Community Activities:

I served on the Denver, CO mayor's Focus Neighborhoods initiative - addressing blighted and underprivileged neighborhoods, worke

in Denver's office of economic development and served on numerous charitable boards in CO and TX: Keep Denver Beautiful, Keep

Laredo Beautiful, Laredo Animal Protective Society (pres.), LULAC, LaRasa, Midland Humane Coalition, Denver Dumb Friends Leagı

What is your personal vision for the City?

To improve quality of life codes including their enforcement: litter, illegal dumping, enforcement of zoning codes, health and safety

code (unwanted pet population). Ideally, I'd like to enhance the public/private partnership between animal rescue groups and

the City of Midland so as to be more proactive regarding the overwhelming amount of unwanted pets in the area.

Please specify any time constraints you may have.

My work allows me to leave the office for meetings. My office hours are 8:30am to 5pm.

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 have firsthand experience in addressing pet overpopulation and in forming public/private partnerships between a city and

animal rescue groups.

What contribution would you most like to make?

I'd like to share my experience in order to provide counsel to the group in how to best address the problem of unwanted pets. I'd like to share my perspective as a member of an ethnic minority group regarding pet ownership, spaying/neutering. I'd like to encourage a collaboration among other entities such as Crimestoppers for reporting animal abuse. There are many ideas to share.

Additional pertinent information or references:

I have a background in public relations which I used to our advantage as president of Laredo Animal Protective Society. There, I studied under the ASPCA in order to enhance our shelter regulations. I completely revamped our shelter guidelines, protocol, and led our team in the construction of a new city shelter.

(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 *Monica Perales*

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

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 19, 2018

Mr. Jay Cartwright
Radiation Safety Officer
Waste Control Specialists LLC
17101 Preston Road
Dallas, TX 75248

SUBJECT: RESPONSE TO THE AUGUST 30, 2018, WASTE CONTROL SPECIALISTS LLC REQUEST TO EXTEND THE POSSESSION TIME IN THE U.S. NUCLEAR REGULATORY COMMISSION SPECIAL NUCLEAR MATERIAL EXEMPTION ORDER CONDITION 8.B.4 TO WASTE CONTROL SPECIALISTS LLC (CAC NO. 001542/DOCKET NO. 070-7005/EPID NO. L-2018-LLO-0000)

Dear Mr. Cartwright:

On August 30, 2018, Waste Control Specialists LLC (WCS) sent a letter to the U.S. Nuclear Regulatory Commission (NRC) requesting relaxation of Condition 8.B.4 of the currently effective NRC Special Nuclear Material (SNM) Exemption Order to WCS. In the letter, WCS requested permission to possess U.S. Department of Energy (DOE) Los Alamos National Laboratory (LANL) Waste at the WCS Low-Level Waste Site (WCS Site) near Andrews, Texas, until December 23, 2020. The August 30, 2018, WCS letter is available in the NRC's Agencywide Documents Access and Management System (ADAMS) as Accession No. ML18250A289.

Since 2001, the NRC has issued one initial Order (see ADAMS Accession No. ML030130085 (2001 Order)) and three superseding Orders (see ADAMS Accession Nos. ML042650361 (2004 Order), ML092810374 (2009 Order), and ML14238A268 (2014 Order)) granting WCS exemptions from the requirements of 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess Special Nuclear Material (SNM). Each Order has allowed WCS to possess greater than a critical mass of SNM, as defined in 10 CFR 150.11, "Critical Mass," without obtaining a Part 70 license from the NRC. The currently effective NRC Order (2014 Order) to WCS is dated December 3, 2014, and is available in ADAMS as Accession No. ML14238A268. The 2014 Order contains conditions that allow WCS to possess and store the LANL Waste at two locations at the WCS Site without obtaining an NRC Part 70 license. The LANL Waste is transuranic waste with SNM that originated from LANL and is destined for disposal at the DOE Waste Isolation Pilot Plant (WIPP) Facility in New Mexico. Currently, DOE transuranic waste may only be disposed at the WIPP Facility. The DOE closed the WIPP Facility after a radiation release event in February 2014 and then re-opened it in 2017. Subsequently, much of the LANL Waste was shipped to the WIPP Facility; however, some of the LANL Waste cannot be shipped from the WCS Site because it does not meet U.S. Department of Transportation (DOT) shipping requirements.

Order Condition 8.B.4. of the 2014 Order to WCS states that, "WCS is allowed to possess the LANL Waste for a maximum of 2 years." Order Condition 11 of the 2014 Order to WCS states that, "The Director of the Office of Nuclear Material Safety and Safeguards [NMSS] (or designee), may, in writing, relax or rescind any of the above conditions upon demonstration by

WCS of good cause." By letter dated March 28, 2016, (ADAMS Accession No. ML16095A361), WCS requested that the NRC extend the storage timeframe for the LANL Waste at the WCS Site until December 23, 2018. By letter dated September 23, 2016, (ADAMS Accession No. ML16097A265), the NMSS Director approved the 2016 WCS request.

In its August 30, 2018 letter, WCS requested that it be allowed to continue to store LANL Waste at the WCS Site until December 23, 2020 because the final disposition plan for the LANL Waste will not be implemented (i.e., all LANL Waste shipped from the WCS Site) before the current deadline of December 23, 2018. The DOE-led Integrated Project Team (which includes the DOE, the Texas Commission on Environmental Quality (TCEQ), the NRC, the U.S. Environmental Protection Agency, and WCS) is still determining a recommended path forward for the safe disposition of the LANL Waste. The Integrated Project Team was formed in response to separate orders to DOE and WCS from TCEQ in late 2015 directing those entities to provide a Joint Plan to TCEQ with options for disposition of the LANL Waste in storage at the WCS Site. The NRC joined the Integrated Project Team in May 2017. As part of its participation on the Integrated Project Team, the NRC is aware that developments in 2019 could allow all of the remaining LANL Waste in storage at the WCS Site to be safely shipped from the WCS Site under the DOT shipping requirements to WIPP, LANL, or elsewhere over time.

Consistent with both the 2014 Order to WCS and the September 2016, NRC letter to WCS modifying the 2014 Order Condition 8.B.4, the NRC has determined that an additional two-year extension of the timeframe for the storage of LANL Waste at the WCS Site is appropriate because: (1) it is consistent with the timeframe for storage of waste at the WCS Site previously approved by the NRC and permitted by TCEQ, while (2) the NRC maintains a definitive possession time specified in the Order.

As noted in both the 2014 Order to WCS and the September 2016 letter to WCS:

- the 2014 Order contains conditions that enable the LANL Waste to be safely and securely possessed and stored at the WCS Site;

- under the 2014 Order, WCS is responsible for the safe and secure possession of radioactive material at the WCS Site; and

- the 2014 Order contains conditions that require WCS to: (1) notify the NRC if any of the Order conditions are violated, and (2) obtain the NRC's approval prior to changing any activities associated with the Order conditions.

The NRC finds that the waste continues to be safely and securely stored at the WCS Site consistent with the requirements of the 2014 Order because there has been no change in the LANL Waste in storage at the WCS Treatment, Storage, and Disposal Facility (TSDF), with the exception of the LANL Waste that has already been shipped to the WIPP Facility. The NRC also finds that the LANL Waste in storage at the WCS Federal Waste Facility disposal cell continues to be safely and securely stored consistent with the requirements of the 2014 Order, as stated by WCS in its August 30, 2018 letter and confirmed via the NRC's participation on the Integrated Project Team.

Based on the above, the NRC has determined that WCS demonstrated good cause in satisfying the Condition 11 requirements of the 2014 Order to WCS, such that the NMSS Director is relaxing Condition 8.B.4 of that Order to allow WCS to possess the LANL Waste until December 23, 2020. Consequently, the possession time limit specified in Condition 8.B.4 of the NRC's 2014 Order to WCS is extended to December 23, 2020.

The NRC staff prepared an environmental assessment (EA) in support of its review of WCS' exemption request from NRC licensing requirements under 10 CFR Part 70. The EA (ADAMS Accession No. ML18333A025) can also be found at 83 FR 64902.

If you have any questions or need additional information, please contact Harry Felsher of my staff at Harry.Felsher@nrc.gov or at (301) 415-6559.

Sincerely,

/RA/

Marc L. Dapas, Director
Office of Nuclear Material Safety
and Safeguards

Docket No. 070-7005

cc: A. Forbes
Texas Commission on
Environmental Quality

SUBJECT: RESPONSE TO THE AUGUST 30, 2018, WASTE CONTROL SPECIALISTS LLC REQUEST TO EXTEND THE POSSESSION TIME IN THE U.S. NUCLEAR REGULATORY COMMISSION SPECIAL NUCLEAR MATERIAL EXEMPTION ORDER CONDITION 8.B.4 TO WASTE CONTROL SPECIALISTS LLC (CAC NO. 001542/DOCKET NO. 070-7005/EPID NO. L-2018-LLO-0000)
DATE December 19, 2018

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ADAMS ACCESSION NO. ML18269A318 ***via email**

OFFICE	DUWP	DUWP	DUWP	OGC	DUWP
NAME	HFelsher	CHolston	RChang*	AGendelman*	JTappert
DATE	09/27/18	09/27/18	09/27/18	12/10/18	12/18/18
OFFICE	NMSS				
NAME	MDapas				
DATE	12/19/18				

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Differing Views on Path Forward and Recommendations for Certain Low-Level Radioactive Waste Disposal Rulemakings

There are differing views among some of the U.S. Nuclear Regulatory Commission (NRC) staff on assertions made in the Commission paper, "Path Forward and Recommendations for Certain Low-Level Radioactive Waste (LLRW) Disposal Rulemakings" (henceforth referred to as "the Commission Paper"). The major point of disagreement is whether the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA) and the Atomic Energy Act of 1954, as amended (AEA) would allow greater than-Class C (GTCC) waste disposal to be regulated by Agreement States.[1] In addition, there are differing views on whether the NRC relinquished its GTCC regulatory authority to pre-1981 Agreement States.

LLRWPAA and AEA: Supports NRC's Exclusive Authority Over GTCC Waste

For more than 30-years, it was settled law and policy that GTCC waste disposal is a Federal responsibility requiring NRC-regulation under the LLRWPAA. The NRC worked closely with Congress to craft this legislation to include, among other things, the insertion and application of the phrase "NRC-regulated" to GTCC waste disposal. In testimony before Senate and House committees, Mr. Wayne Kerr, then-Director of the Office of State Programs, clearly articulated the Commission's position that GTCC waste disposal should be a Federal responsibility and should be "NRC-regulated."[2] Commissioner Baran noted this history in his vote on SECY-15-0094, "Historical and Current Issues Related to Disposal of Greater-Than-Class C Low-Level Radioactive Waste," in which the NRC staff recommended that the State of Texas be allowed to license the disposal of GTCC waste at the Waste Control Specialists (WCS) LLRW facility in Andrews, Texas. By citing numerous examples from the LLRWPAA's legislative history, the Commissioner's vote sheet clearly documents that Congress, States, and the NRC, all agreed, that the NRC is to be the exclusive licensing authority for all GTCC waste disposal. (See the NRC's Agencywide Documents Access and Management System [ADAMS] Accession No. ML15356A678). Commissioner Baran noted that:

> The staff paper and TCEQ [Texas Commission on Environmental Quality] letter pose the threshold question of how to interpret the GTCC-related provisions of the [Low-Level Radioactive Waste Policy] Amendments Act. Although it is a complex question, I believe the soundest reading of the Amendments Act is that it provides for exclusive NRC licensing of all GTCC waste disposal… Section 3(b)(1) of the Amendments Act states: 'The Federal Government shall be

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[1] This differing view does not address the NRC guidance," Concentration Averaging and Encapsulation Branch Technical Position," (80 FR 10165) that provided acceptable methods that can be used to perform concentration averaging of LLRW for the purpose of determining its waste class for disposal. However, it is notable that the Technical Position provides, "extreme measures to lower the waste classification should be avoided."

[2] The NRC testified on the proposed LLRWPAA before three Senate Committees, and to two House Committees. All of the NRC testimony indicated that GTCC disposal was to be NRC-regulated: (1) June 4, 1985 letter from NRC Chairman Nunzio J. Palladino to the Honorable Strom Thurmond, Chairman of the Committee on the Judiciary, (ADAMS Accession No. ML051720671); and (2) July 26, 1985 letter from Carlton Kammerer, Director of OCA, to the Honorable Morris Udall, Chairman of the Subcommittee on Energy and the Environment Committee on Interior and Insular Affairs, United States House of Representatives (ADAMS Accession No. ML051720672).

> responsible for the disposal of ... low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of Title 10 of the *Code of Federal Regulations*, as in effect on January 26,1983]. This provision clearly establishes that disposal of GTCC waste is solely a federal responsibility. Section 3(b)(2) directly addresses the question of who licenses a GTCC waste facility. ... The plain language of the statute clearly indicates that NRC is the licensing authority for disposal of GTCC waste. There is nothing in the text of the provision that suggests that Congress contemplated or provided for Agreement State licensing of GTCC waste disposal facilities. ….
>
> Th[e] legislative history reinforces the plain language of the Amendments Act. … The statements of these key members of the Senate and House also show that Congress meant what it said in the statute: GTCC must be disposed of in an NRC-licensed facility. Conspicuously absent from all of these Congressional descriptions of the licensing responsibility for GTCC waste disposal is any mention of Agreement States or suggestion that Agreement States could license such a facility. ... It is difficult to believe that Congress intended to allow Agreement States to license GTCC waste disposal facilities without any legislators even hinting that this was the case.

The analysis in the Commissioner Baran's vote sheet is consistent with numerous NRC official statements, correspondence, and publications on GTCC waste disposal. They include, but are not limited to: (1) SECY-86-085," Low-Level Radioactive Waste Policy Amendments Act of 1985," dated March 11, 1986 (ADAMS Accession No. ML051730665); (2) Letter dated April 30, 1987 to the Honorable Quentin N. Burdick, Chairman, Committee on Environment and Public Works, United States Senate, from William C. Parler, NRC General Counsel, (ADAMS Accession No. ML051720675); (3) Transcript from the August 4, 1987, "Commission Briefing on the Management of Greater Than Class C (GTCC) Level Waste and the Low-Level Waste Program," (ADAMS Accession No. ML051720639); (4) NUREG/CP-0085, "Meeting With States on the Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985," June 24-25, 1986; (5) NUREG/BR –021, "Regulating the Disposal of Low-Level Waste, (ADAMS Accession No. ML120720225) published August 1989; (6) NUREG-1213, Rev. 1, "Plans and Schedules for Implementation of U.S. Nuclear Regulatory Commission Responsibilities Under the Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240)," published August 1987; and (7) SECY-07-0180, "Strategic Assessment of Low-Level Radioactive Waste Regulatory Program," dated October 17, 2007 (ADAMS Accession No. ML071350299). This Assessment states, "NRC is responsible for reviewing a license application for a GTCC disposal facility."

In addition, Section 4(b)(3)(A) of the LLRWPAA states:

> Nothing contained in this Act or any compact may be construed to confer any new authority on any compact commission or State … to regulate the packaging, generation, treatment, storage, disposal, or transportation of low-level radioactive waste in a manner incompatible with the regulations of the Nuclear Regulatory Commission...

By the language in Section 4(b)(3)(A) and referencing the NRC's regulations at Section 61.55 of Title 10 of the *Code of Federal Regulations* (10 CFR) throughout the LLRWPAA, Congress

made it abundantly clear that the NRC is the exclusive regulatory authority for establishing requirements for disposal of all LLRW in the Nation, including GTCC waste disposal. The law also declares that the NRC's authority is not to be usurped by any compact or State.

NRC's Regulations: Supports NRC's Exclusive Authority Over GTCC Waste

In accordance with the LLRWPAA and the AEA, the NRC demonstrated its authority in the area of GTCC waste disposal by the promulgation of its final rule, "Disposal of Radioactive Wastes," (54 FR 22583, dated May 25, 1989). Throughout the Statement of Considerations (SOC) for the final rule, it is stated that GTCC wastes must be disposed of in a facility licensed by the NRC and that it is a Federal responsibility similar to high-level waste. Paragraph (e) of the SOC stated, "…GTCC wastes must be disposed of in a facility licensed by the NRC--a constraint imposed by the [LLRWPAA] LLWPAA." Moreover, the SOC for the final rule provided:

> First, by amending 10 CFR 61.55, it would henceforth require all greater-than-Class-C waste to be disposed of in a geologic repository unless an alternative proposal is approved by the Commission. Second, the jurisdictional reach of 10 CFR Part 61 would be extended to cover all activities of the Department of Energy that may be subject to the licensing and regulatory authority of the Commission. This is intended to reflect the policy of the Low-Level Radioactive Waste Policy Amendments Act, which provides that all commercially-generated waste with concentrations exceeding Class C limits shall be disposed of in a facility licensed by the Commission that the Commission determines is adequate to protect the public health and safety…

The language of the final rule implemented the NRC's authority over GTCC waste disposal in 10 CFR 61.55(a)(iv), which, among other things, provided:

> Waste that is not generally acceptable for near-surface disposal is waste for which form, and disposal methods must be different, and in general more stringent, than those specified for Class C waste. In the absence of specific requirements in this part, such waste must be disposed of in a geologic repository as defined in part 60 or 63 of this chapter unless proposals for disposal of such waste in a disposal site licensed pursuant to this part are approved by the Commission.

NRC's Compatibility Determinations: Supports NRC's Exclusive Authority Over GTCC Waste

As required by all Agreement States, the State of Texas acknowledged NRC's authority for GTCC waste disposal in its regulatory program by adopting regulations compatible with those of the NRC in 10 CFR 61.55 (a)(iv). The Texas Administrative Code 336.362(a)(2)(D), states:

> Waste that is not generally acceptable for near-surface disposal is waste for which form, and disposal methods must be different, and in general more stringent, than those specified for Class C waste. Disposal of this waste is regulated by the United States Nuclear Regulatory Commission.

The adoption of this regulatory language by the State of Texas was required by the NRC as a matter of compatibility in an October 2, 2003, letter from Mr. Paul H. Lohaus, Director of the

Office of State and Tribal Programs, to Ms. Susan Jablonski, Technical Advisor, TCEQ. (ADAMS Accession No. ML032760041). Mr. Lohaus specifically noted that:

> Texas is providing that Texas will regulate the disposal of GTCC waste. … Texas cannot regulate the disposal of such GTCC waste. The State needs to alter its definition [of Federal Facility Waste] to exclude GTCC that results from activities of NRC licensees to meet compatibility.

The October 2, 2003, letter was approved by the NRC Office of General Counsel (No Legal Objection) and the Office of Nuclear Material Safety and Safeguards through the NRC's concurrence process. The letter made it absolutely clear that the NRC did not relinquish its authority for the regulation of GTCC disposal to the State when the Texas Agreement was signed in 1963; otherwise the State would not have been directed to revise its proposed rule language to "meet compatibility." Thus, the letter was used as an enforcement vehicle for implementation of various provisions of Section 274 of the AEA that require Agreement State programs to be compatible with the NRC's regulatory program and require the NRC to periodically review Agreement State programs to ensure continued compliance.

Limits on Special Nuclear Material: Supports NRC's Exclusive Authority Over GTCC Waste

Another reason for the prohibition of Agreement State regulation of GTCC waste is that most of these waste streams contain special nuclear material (SNM), including strategic SNM (SSNM). Accordingly, Section 274(b)(3) of the AEA prohibits the NRC from relinquishing its authority for the regulation of SNM in critical mass quantities to an Agreement State. In addition, Section 274(m) of the AEA provides:

> No agreement entered into under subsection (b), and no exemption granted pursuant to subsection (f), shall affect the authority of the Commission under section 2201(b) or (i) of this title to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Prevention of Criticality Accidents: Supports NRC's Exclusive Authority Over GTCC Waste

In addition, the high concentrations of SNM in GTCC waste streams raise concerns relative to potential criticality accidents at LLRW facilities. The NRC requirements that address these concerns are contained in 10 CFR 61.16 (b), *Safety information concerning criticality*. The adoption and enforcement of these regulations are reserved to the NRC and cannot be adopted by an Agreement State.

Protection of Common Defense and Security: Supports NRC's Exclusive Authority Over GTCC Waste

The authority for the protection of SSNM and SNM in critical mass quantities is related to the protection of the Nation's common defense and security and is reserved to the Federal government in accordance with the preamble of the Constitution of the United States of America. However, in spite of this reserved Federal authority, the NRC staff stated in the Commission paper:

> Additionally, for GTCC waste streams containing SSNM, the staff recommends exploring regulatory approaches that would allow for a single regulator for an Agreement State licensee disposing of GTCC waste in a land disposal facility, including potential amendment to 10 CFR 150.14 and 150.15.

As such, with these statements, the staff is indicating that they are considering relinquishing the NRC's reserved authority for the protection of the common defense and security to an "Agreement State" regarding SSNM and SNM through these "regulatory approaches." It is notable that an example of an "regulatory approach" of relinquishing NRC reserved authority is currently in place at WCS. Specifically, an NRC Order exempts WCS from a license for 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material; thereby allowing the LLRW facility to possess SNM in quantities equal to or greater than critical mass quantities without NRC inspection or enforcement. It is very likely that the NRC staff will consider a similar "regulatory approach" to relinquish the regulation of GTCC waste disposal at the facility. In that, the Federal Register notice, "Waste Control Specialists, LLC (WCS); Order to Exempt Waste Control Specialists, LLC From Requirements Relative to the Possession of Special Nuclear Material (SNM)," 66 FR 57489, provides:

> Pursuant to 10 CFR 70.14,'the Commission may * * * grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and common defense and security and are otherwise in the public interest'….WCS requested the exemption because it expects that **the current limits set forth in 10 CFR part 150 will severely impact its ability to compete in the mixed waste treatment market. (Emphasis added)**

The NRC Order indicates that the exemption was a measure to increase WCS's competitive edge in the waste market. Whereas, other operating LLRW facilities who are WCS's competitors, Hanford, WA and Barnwell, SC, were required to have an NRC license for SNM in critical mass quantities from 1970 to 1997. In 1997, Hanford and Barnwell decided to lower their SNM possession limits below critical mass quantities so they would no longer need an NRC license (64 FR 50779 dated September 20, 1999). However, it is questionable that WCS that is owned by the Lehman Brothers Holdings Inc. that is worth over $600.00 billion in assets requested and received an exemption from an NRC license to possess SNM in critical mass quantities solely to increase their profit margins.

In addition, the NRC Order created a potential "gap" in the regulation of SNM at the WCS facility -- a virtual regulatory "free zone." In that, the provisions in the Texas Agreement and the Texas regulations, in 336.1(b) prohibit the State from regulating the possession of SNM in critical mass quantities. The Texas regulations provide that the NRC has authority for SNM in critical mass quantities in the State in accordance with 10 CFR Part 150, "*Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274*." While, the State of Texas Agreement provides that the State can only regulate SNM "in quantities not sufficient to form a critical mass." Thus, the Texas Agreement and regulations indicate that NRC has the responsibility for SNM in quantities equal to or greater than critical mass quantities. However, the NRC has exempted WCS from its critical mass quantities regulations in 10 CFR Part 70. As a result, a potential regulatory gap has been created for non-regulation of SNM in in quantities equal to or greater than critical mass quantities at WCS. This type of regulatory arrangement is not consistent with the intents and purposes of Section 274 of the AEA and its legislative history. Specifically, the legislative history for Section 274 (g) of the AEA states:

> Subsection g. provides that the Commission is authorized and directed to cooperate with the States in the formulation of standards for the protection of public health and safety from radiation hazards and to assure that State and Commission programs for protection against radiation hazards will be coordinated and compatible. ... **in order to avoid conflict, duplication, or gaps**. JCAE Report to accompany H.R. 8755 (H.R. Report No. 1125, September 2, 1959, 86th Congress, 1s Session) at p. 9. **(Emphasis added)**

Avoidance of Dual Regulation: Supports NRC's Exclusive Authority Over GTCC Waste

In spite of the plain statutory language, clear legislative intent, longstanding administrative record, overwhelming evidence supporting GTCC as a Federal responsibility that is to be exclusively NRC-regulated, the Commission paper states:

> The staff recognizes that there are two possible interpretations …(1) a strict or "plain language" interpretation that would allow for NRC licensing of a GTCC waste disposal facility only, and (2) **a broad interpretation**, based upon the Amendments Act's legislative history and construing the Amendments Act together with AEA Section 274, that would allow for a willing Agreement State to license such a facility. **Both interpretations are legally valid**. **(Emphasis added)** The staff, however, continues to support the recommendation it made in SECY-15-0094, namely, that the Commission should adopt the broad interpretation allowing for Agreement State licensing…
>
> * * * * * * * * * * *
>
> The draft regulatory basis recommended certain regulatory changes to NRC's requirements in 10 CFR Part 150, "Exemptions and continued regulatory authority in agreement states and in offshore waters under Section 274," to accommodate Agreement State regulatory oversight of most GTCC waste disposal without any **dual regulation.** However, under the Commission's 1979 final rule on the security of Category III **quantities of SSNM, the agency stated such SSNM was subject to the Commission's interest in protecting the common defense and security. Under Section 274(m) of the AEA, such activities are reserved to the NRC and thus require dual regulation of this material (i.e., safety by the Agreement State and security by the NRC)**. **Accordingly, certain GTCC waste streams containing Category III quantities of SSNM would require NRC oversight of security activities, absent an explicit Commission reconsideration of the basis for the 1979 final rule. (Emphasis Added)**

The NRC staff's "broad interpretation" with its "construing" of laws would create a dual regulation framework that would allow Agreement State regulation of GTCC waste disposal. Thus, the staff is proposing to create a regulatory construct in direct conflict with the intents and purposes of Section 274 of the AEA and the provisions of 10 CFR 8.4*, "Interpretation by the General Counsel: AEC jurisdiction over nuclear facilities and materials under the Atomic Energy Act*." Specifically, Section 274 of the AEA, in the purpose section, paragraph (a)(3) provides that the law is, "to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials." In order to ensure this orderly regulatory pattern, the legislative

history indicates that “dual regulation” should be avoided. The creators of the legislation expressed concerns that dual regulation could cause ambiguous lines of authority between the State and the Federal government that could lead to adverse impacts on public health and safety. The avoidance of dual regulation was expressed by the Commission’s General Counsel, at the time, Mr. Robert Lowenstein, during the May 1959, Section 274 hearings as follows:

> We think it [concurrent jurisdiction] leads to divided responsibility and may lead to bad safety controls because you have too many cooks in the broth, so to speak, without any one level of government having a primary responsibility for it to assure that uses of materials are appropriately regulated.” (May 1959 hearings at page 315)

In addition, strong opposition to dual regulation was expressed in the Joint Committee on Atomic Energy (JCAE) Report that accompanied the final Section 274 bill as follows:

> It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by States to control radiation hazards by regulating byproduct, source or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both. (Federal-State Relations in the Atomic Energy Field, Hearings before the JCAE, September 2, 1959, 86th Congress, 1st Session, Report No. 1125, pp. 10-12.)

Federal Preemption: Supports NRC’s Exclusive Authority Over GTCC Waste

In the Commission paper, at footnote 6, it provides that the NRC’s authority for GTCC waste disposal was relinquished to pre-1981 Agreement States (i.e., those signed before the publication of the “Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement” published on January 23, 1981, 46 FR 7540). The term “GTCC waste” was not defined until after the publication of 10 CFR Part 61 on December 27, 1982 (47 FR 57446). Nevertheless, by these statements, the staff is declaring that an NRC policy statement and a State Agreement document has more authority than the LLRWPAA that was passed by Congress and signed into law by the President of the United States of America on January 15, 1986. Thus, the staff’s “broad interpretation” with its “construing” of laws conflicts with the Commission’s Federal preemptive authority as described in 10 CFR 8.4 (c) that states:

> The Atomic Energy Act of 1954 had the effect of preempting to the Federal Government the field of regulation of nuclear facilities and byproduct, source, and special nuclear material. Whatever doubts may have existed as to that preemption were settled by the passage of the Federal-State amendment to the Atomic Energy Act of 1954 in 1959.

In addition, the NRC’s staff’s “broad interpretation” granting GTCC waste regulatory authority to pre-1981 Agreement States is contrary to preemption case law. In that, footnote 2, SECY-05-0170, “Proposed Agreement Between the State of Minnesota and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended,” (ADAMS Accession No: ML0525704), provides:

> Case law establishes that Congress has preempted the field of nuclear safety. In Pacific Gas & Electric Co. V. State Energy Resources Conservation and

> Development Commission, 461 U.S. 190 (1983), the Court concluded that "State safety regulation is not pre- emptied only when it conflicts with Federal law. Rather, the Federal Government has occupied the entire field of nuclear safety concerns,…, When the Federal Government completely occupies a given field or an identifiable portion of it, … the test of pre-emption is whether 'the matter on which the State asserts the right to act is in any way regulated by the Federal Act.' Rice v. Santa Fe Elevator Corp. decided June 4, 1990, Slip Opinion No. 89-152, scrutinized the pre-emption theory of the field of nuclear safety concerns, and reaffirmed the holding in Pacific that the field of nuclear safety is pre-empted.

Moreover, *The Preemption under the Atomic Energy Act of 1954*, provides, "if Congress has declared 'unequivocally and expressly' that the authority it grants shall be exclusive, then concurrent or complementary state regulation within the occupied field is barred." This document also indicates that dual regulation cannot exist in an occupied field, i.e., GTCC waste regulation. https://digitalcommons.law.utulsa.edu/cgi/viewcontent.cgi?article=1336&context=tlr. Therefore, by the passage of Section 274 of the AEA and the LLRWPAA, Congress closed the door to Agreement State regulation of GTCC waste disposal. Congress declared that GTCC waste disposal: (1) is a preempted Federal responsibility; (2) must be disposed of in a facility licensed by the NRC; and (3) must be disposed of in a facility the NRC has determined is adequate to protect the public health and safety. In conclusion, in analyzing the dual regulation and preemption issues associated with the NRC staff's "broad interpretation," the Honorable Edward McGaffigan, Jr., who was the longest serving NRC Commissioner and who passed away in 2007 while in service to the Nation, provided insightful guidance on these issues. Commissioner McGaffigan wrote:

> … I too am a strong believer in preserving our [NRC] authority. NRC has spent significant resources over the last few years ensuring that other agencies do not encroach into our jurisdiction and attempt to apply inappropriate security requirements on our licensees. In the decommissioning area, we have expended a great deal of time and effort working with EPA to reduce dual regulation. This case should not be any different. [The case of GTCC waste disposal should not be any different] (SRM-SECY-0170 Vote Sheet).

Maxey Flats: The Case Against Pre-1981 Agreement State Authority for GTCC Waste

The case against pre-1981 Agreement State authority for GTCC waste disposal regulation is further bolstered by the Maxey Flats LLRW site. The history of the operation and performance concerns at Maxey Flats LLRW facility that was licensed by the State of Kentucky in 1963 provides overwhelming evidence demonstrating that NRC's policy of providing LLRW authority, including GTCC disposal, to all pre-1981 Agreement States is an outdated, arbitrary and capricious policy that is not commensurate with the protection of public health and safety and the environment. Like all other pre-1981 LLRW disposal sites, at the time the Maxey Flats facility was licensed, the term "GTCC" waste had not been defined, and performance standards for the land disposal of LLRW had not been established. As a result, the facility closed in the late 1970's because of significant performance problems, including offsite contamination in air, water and soil that continues to this day. Maxey Flats is on the U.S. Environmental Protection Agency's National Priorities List, which is comprised of hazardous waste sites to be remediated under the Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund. The presence of GTCC waste at the site has contributed to it being considered non-reclaimable and it will have to be monitored and maintained in perpetuity.

Agreement State Program Revisions: The Case Against Pre-1981 Agreement State Authority for GTCC Waste

Another barrier to pre-1981 Agreement State authority for regulation of GTCC waste is that the NRC has made numerous revisions to the requirements for an adequate and compatible Agreement State regulatory program since 1981. These revisions include, but are not limited to:

1. The publication of 10 CFR Part 61 on December 27, 1982 (47 FR 57446) that provided licensing procedures, performance objectives, technical requirements and financial assurance requirements for the issuance of licenses for the land disposal of LLRW.
2. The publication of the Criteria Policy Statement on July 21, 1983, to establish requirements for an adequate and compatible Agreement State LLRW regulatory program in Criterion 9.
3. The completion of SECY-97-054, "Final Recommendations on Policy Statements and Implementing Procedures for the Agreement State Program and Policy Statement on the Adequacy and Compatibility of Agreement State Programs;'" on March 3, 1997.
4. The implementation of the Integrated Materials Performance Evaluation Program (IMPEP) in 2005 that established the integrated efforts of the NRC and the Agreement States to ensure the nationwide protection of public health, safety, security, and the environment from the hazards associated with radioactive material.

In spite of the numerous revisions to the programmatic elements needed for an adequate and compatible Agreement State Program, the NRC has continued to reference the outdated and superseded 1981 policy statement. Moreover, most, if not all, of these States that have pre-1981 LLRW authority will probably never use it. For example, the State of Florida with its high-water tables and coastal geography will probably never use its LLRW disposal authority. Nonetheless, the State continues to have this authority as documented in the Florida October 9, 2019 IMPEP Review Report that states:

> In 1981, the NRC amended its Policy Statement, “Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement,” to allow a State to seek an amendment for the regulation of Low-Level Radioactive Waste as a separate category. Although Florida has authority to regulate a LLRW disposal, the NRC has not required States to have a program for licensing a disposal facility until such time as the State has been designated as a host State for a LLRW disposal facility. When an Agreement State has been notified or becomes aware of the need to regulate a LLRW disposal facility, it is expected to put in place a regulatory program that will meet the criteria for an adequate and compatible LLRW disposal program. There are no plans for a LLRW disposal facility in Florida. Accordingly, the review team did not review this indicator.

DOE and the EPAct: The Case Against Pre-1981 Agreement State Authority for GTCC Waste

The Energy Policy Act of 2005 (EPAct) eliminated any doubt that GTCC is a Federal responsibility. It further refutes the staff’s assertion that NRC relinquished GTCC disposal authority to pre-1981 Agreement States and “nailed the door shut” to Agreement State regulation of GTCC waste disposal. The Act directed the Department of Energy (DOE) to complete all activities necessary to provide a facility for the safe disposal of all GTCC waste. In

addition, Section 636 of the EPAct encouraged the DOE and the NRC to coordinate on regulatory matters relative to DOE's facilities, including those operated on the Department's behalf (i.e., a GTCC waste disposal facility). Thus, the NRC and the DOE have pivotal roles in implementing the Federal responsibilities for the management and regulation of GTCC waste disposal.

Comments on the GTCC Draft Regulatory Basis: The Case Against Agreement State Authority for GTCC Waste

The draft regulatory basis for GTCC waste disposal was noticed in the Federal Register on July 22, 2019 (84 FR 35037) for public review and comment. Over 7,000 comments were received that challenged NRC's conclusions in the document. The Commission paper states, "After an analysis of the public comments received, staff has determined that this preliminary conclusion remains valid." However, these statements are not factual because the NRC staff has not completed its analysis of the public comments. Rather, the NRC staff was directed to forge ahead with the completion of the Commission paper before analysis of the public comments. Many of the public comments provided technical challenges to the NRC staff's analysis and conclusions relative to GTCC disposal and Agreement State regulation. As such, the conclusions in the Commission paper were pre-established without the consideration and resolution of public comments. In that, the DOE comments raised numerous technical concerns with the draft regulatory basis especially their concerns that NRC staff's analysis did not include the full GTCC inventory information maintained by DOE. In addition, the Agreement State of Oregon and others challenged the NRC's conclusion that GTCC waste can be regulated by Agreement States with the following comments:

> We observed that even in the NRC's own technical support document for the GTCC Regulatory Basis, there was a significant difference between intruder modeling conducted by a contractor versus NRC staff. A single reduction factor in one of the models was implicated for the significant variation in dose to a future onsite receptor. The discovery of this factor was a result of in-depth analysis by NRC staff. **This difference between the NRC staff and contractor modeling results for the intruder illustrates the need for high technical rigor in the model development for this unique site- specific analysis. Consequently, we perceive a risk in allowing an Agreement State to have authority over the adequacy of such complex models without direct NRC technical oversight given their greater resources and experience in this highly specialized arena. (Emphasis added)**

Moreover, the NRC staff's conclusions in the Commission paper have not addressed the concerns in the September 30, 2020 letter from the Governor of Texas, Greg Abbott, to the Honorable Donald J. Trump, President of the United States, that stated:

> In an April 2019 letter to the Department of Energy and NRC regarding this issue, I expressed my opposition to forcing states with low-level radioactive waste to accept more highly radioactive waste and its accompanying hazards without the consent of the state. I reiterate this concern and my opposition to increasing the

amount or concentration of radioactive waste permitted to be disposed of in Texas without state approval.

Federal Responsibility for GTCC Waste: Many Splendid Benefits

Based upon the preceding discussions, the best course of action for the Nation would be for the NRC and the DOE to work together to implement the "plain" or "clear" statutory mandates in the LLRWPAA and the EPAct that designated GTCC as a Federal responsibility. Some of the many benefits of this course of action are:

1. It is consistent with Section 3(b)(2) of the LLWPAA that provides that disposal of GTCC is to be disposed licensed by the NRC.
2. It is consistent with Section 3(b)(2) of LLRWPAA that provides that DOE's GTCC-like waste is required to be disposed of in a facility licensed by the NRC.
3. It is the most cost-effective, resource saving, and technically sound path forward because of the NRC resources that have already been used to develop and implement the LLRWPAA since NRC's participation in its conception in 1985, revisions to 10 CFR Part 61 and the development of the regulatory basis for GTCC disposal.
4. It ensures the protection of the Nation's common defense and security commensurate with the federally reserved authority in the Constitution of the United States of America.
5. It ensures that NRC's Federal authority and responsibilities are not eroded and encroached upon.
6. It ensures no regulatory gaps or dual regulation of GTCC waste disposal.
7. It establishes a clear-cut, exclusive Federal licensing pathway for GTCC waste disposal consistent with the LLRWPAA and EPAct.
8. It provides the mechanism under LLRWPAA and EPAct for DOE and NRC to move forward with a site-specific solution to GTCC waste disposal with or without a rulemaking action.

Additional benefits of the "plain" or "clear" interpretation of the laws were presented in the Commission Baran's vote sheet and are briefly expounded upon below:

Commissioner Baran's Supporting Statement 1:

There is no question that the potential hazards posed by GTCC waste would support a Commission decision to retain authority to license GTCC waste disposal facilities. In 1989, the Commission finalized a rule requiring disposal of all GTCC waste in a deep geologic repository unless a non-repository alternative is explicitly approved by the Commission. This rule reflected the view that GTCC waste is "not generally acceptable" for near-surface disposal and warranted "more stringent" disposal methods. In fact, at the recent Commission meeting on GTCC waste, the NRC staff explained that, for all isotopes, the average radionuclide concentrations of the GTCC waste inventory are at least 50 times higher than those of the transuranic waste currently being disposed of at the WIPP [Waste Isolation Pilot Plant] deep geologic repository. Some GTCC concentrations are 12,000 times higher than the transuranic waste bound for WIPP.

Comment: The DOE, *Final Environmental Impact Statement for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste*, supports the Commissioner's statements, https://www.energy.gov/nepa/downloads/eis-0375-final-environmental-impact-statement.

Commissioner Baran's Supporting Statement 2:

There are strong reasons for the Commission to exercise its authority to license GTCC waste disposal. First, there is no meaningful litigation risk associated with this approach because NRC has clear legal authority under the Atomic Energy Act to retain the licensing responsibility. Although the Commission would be on solid legal footing if it were to interpret the [Low-Level Radioactive Waste Policy] Amendments Act to provide for exclusive NRC licensing authority for GTCC waste disposal, this interpretation potentially would be challenged in court. Alternatively, if the Commission were to interpret the Amendments Act to allow TCEQ to license a GTCC disposal facility, there would be significantly more litigation risk. The result could be TCEQ licensing slowed down by years of litigation with a significant chance that the federal courts would ultimately decide that NRC was required to conduct the licensing anyway.

Comment: The litigative risks from a "broad interpretation" providing for Agreement State licensing of GTCC waste disposal remain a valid and realistic concern.

Commissioner Baran's Supporting Statement 3:

Although I understand that TCEQ officials are familiar with the WCS site and already regulating WCS's Federal Waste Disposal Facility, the potential efficiencies of TCEQ conducting the GTCC waste disposal licensing would also be substantially diminished by the significant role NRC would need to play in approving any non-repository option pursuant to existing NRC regulations. Since NRC staff would be actively involved in assisting TCEQ with its review of a WCS application, it may well be more efficient for NRC to simply serve as the licensing agency. This is especially true if, in its final environmental impact statement, DOE presents multiple preferred alternatives, one or more of which NRC may have responsibility for licensing.

Comment:

As a result of developing the 10 CFR Part 61 regulation and all of its associated implementing guidance and developing the draft regulatory basis for GTCC waste disposal, NRC staff is best suited to conduct a review of a GTCC waste disposal license application.

Commissioner Baran's Supporting Statement 4:

WCS has expressed concerns about whether NRC licensing would require the company to have a separate NRC-licensed GTCC disposal cell instead of being able to dispose of GTCC waste in its existing TCEQ-licensed Federal Waste Disposal Facility [FWF] cell. However, there is no clear relationship between which agency conducts the GTCC waste disposal licensing and whether WCS will need a separate GTCC cell. NRC could decide that the existing cell could hold GTCC waste or TCEQ could decide that a separate cell is required, that the existing cell would need to be modified before it could accept GTCC waste, or that near-surface disposal of GTCC waste is not appropriate at the WCS site.

Comment: These statements are listed as a "con'" under Option 1 in SECY-15-0094 that provides for NRC regulation of GTCC waste disposal. The basis of the "con" is that NRC's review may result in a conclusion that the technical parameters at WCS are not be suitable for GTCC waste disposal and retrofitting the facility for acceptable standards may not be possible. As opposed to a "con," this should have been listed as a "pro." It is NRC's responsibility to ensure the safe disposal of GTCC waste without question or reservation.

RECOMMENDATIONS: Based upon the preceding discussions, the following recommendations are provided:

Recommendation 1: The NRC staff should provide the risk-informed basis for the proposed regulatory action of giving GTCC waste disposal to Agreement States, especially since no State has requested this authority.

Recommendation 2: The NRC staff should provide all supporting information for their "broad interpretation" allowing Agreement State licensing of GTCC waste. The "broad interpretation" should answer the following risk questions: (1) What are the risks from the "broad interpretation;" (2) What can go wrong from this interpretation; (3) How likely is something wrong to happen; and (4) What are the consequences of the "broad interpretation?"

Recommendation 3: The NRC staff should provide the criterion used to determine that Agreement States can license GTCC waste, especially since some Agreement States have returned basic Agreement authority back to the NRC, such as the regulation of sealed source and device reviews and approvals.

Recommendation 4: The NRC staff should explain how they determined that no legislation would be needed to authorize Agreement State licensing of GTCC waste including what are the risks associated with not changing the law. In that, DOE informed Congress in 2017 that legislation would be needed to allow Agreement State licensing of GTCC in "*Report to Congress: Alternatives for the Disposal of GTCC LLRW and GTCC-Like Waste*," https://www.energy.gov/sites/prod/files/2018/09/f55/GTCC-2017-Report-to-Congress-on-Disposal-Alternatives.pdf.

Recommendation 5: After analyzing the "broad interpretation," the NRC should proceed without reservation to align behind the "clear interpretation" of its responsibilities under the LLRWPAA for the regulation of GTCC disposal that is unambiguous and defensible, that eliminates dual regulation, that protects the Nation's common defense and security, and protects the public health and safety and the environment.

Recommendation 6: The NRC should ensure that no policy statements, agreements, arrangements, orders, regulations, licenses or other legal instruments are established that would erode or encroach upon its preemptive authority or render Federal laws without effect.

Recommendation 7: The NRC should no longer reference the outdated and superseded 1981 Criteria Policy Statement to convey LLRW authority, including GTCC waste disposal, upon Agreement States. It should implement and reflect in its IMPEP procedures and reports up-to-date policies and procedures to ensure that all Agreement State programs are adequate and compatible and to ensure that Agreement Programs are administered in a manner commensurate with the AEA, the LLRWPAA and the EPAct.

Recommendation 8: The NRC should work closely with the DOE in accordance with the provisions to LLRWPAA and EPAct to ensure the safe and secure disposal of all GTCC waste.

Recommendation 9: The NRC should carefully examine its practice of exempting LLRW operating sites that possess critical mass quantities of SNM and strategic SNM from an NRC Part 70 license.

Recommendation 10: The NRC should adhere to its Principles of Good Regulation in all its regulatory actions including but not limited to ensuring that public comments are thoroughly analyzed and considered as opposed to adhering to pre-established conclusions. Thus, the NRC should not use "alternative facts," "alternative technical conclusions," or "alternative legal interpretations" designed to benefit business interests at the expense of the protection of the common defense and security, public health and safety, and the environment.

Curriculum Vitae of Ms. Cardelia Maupin, Sr. Project Manager/Health Physicist, NMSS/ DUWP *– Substantiating Expert Level on Agreement State Issues and Credentials Relevant to Issues Discussed in Differing View*:

- Led development of GTCC LLRW regulatory basis effort
- Bachelors of Science in Biology, Clark Atlanta University, Atlanta, Ga.
- Master of Science in Radiological Science, Emory University, Atlanta, Ga.
- Residency in Health Physics at Argonne National Laboratory, Argonne, Ill.
- Began career at NRC in June 1984 (36 - faithful years)
- Over 21 years in NRC's Agreement State Program
- Developed first two comprehensive Policy Statements on Agreement State Programs
- Developed and implemented the NRC's first-ever Agreement State Allegation program
- Authored or co- authored over 28 NRC major papers on complex technical, regulatory, and policy issues relative to the Agreement States, LLRW, and nuclear regulation
- Publications relevant to Differing View, include but are not limited to:
    - NUREG/CP-0085, "Meeting With States on the Low-Level Radioactive Waste Policy Amendments Act (LLRWPAA) of 1985; June 24-25, 1986;"
    - SECY-06-0233, "State Laws that Appear to Regulate In Areas Reserved to the NRC," dated November 26, 2006;
    - SECY-91-039, "Evaluation of Agreement State Compatibility Issues;" dated February 12, 1991;
    - SECY-91-047, "Draft Proposal from Pennsylvania for a Limited Agreement to Regulate Low Level Waste Disposal;"
    - SECY-91-341,"Initial Response to Staff Requirements Memorandum M910611A on Compatibility dated June 25, 1991," dated October 24, 1991;
    - SECY-92-243, "Analysis of Comments on the Compatibility of Agreement State Programs and a Proposed Policy on the Compatibility of Agreement State Regulations for Low Level Waste Disposal;" dated July 14, 1992;
    - SECY-93-080, "Re-Evaluation of the Compatibility Divisions Assigned to the Performance Objectives in 10 CFR 61.41 through 61.44 and Evaluation of the Illinois 1 millirem Provision;" dated March 3, 1993;
    - SEC- 93-290, "Draft Policy Options on Compatibility," October 20, 1993;
    - SECY-93-349, "Draft Policy Statement for Agreement State Adequacy and Compatibility with NRC Regulatory Programs Necessary To Protect Public Health And Safety;" dated December 21, 1993;
    - SECY-94-025, "Additional Information On Issues Raised At January 24, 1994 Briefing on Draft Policy Statement For Agreement State Adequacy and Compatibility," dated February 4, 1994;

- SECY- 95-112, "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs;" dated May 5, 1995;
- SECY-96-213, "Implementation Procedures for the Policy Statements: 'Statement of Principles and Policy for Agreement State Program' and 'Policy Statement on Adequacy and Compatibility of Agreement State Programs;'" dated October 3, 1996;
- SECY-97-054, "Final Recommendations on Policy Statements and Implementing Procedures for the Agreement State Program and Policy Statement on the Adequacy and Compatibility of Agreement State Programs;'" dated March 3, 1997;
- SECY-97-087, "Oklahoma Agreement State Negotiations: State Requests that Major Facilities Undergoing Site Decommissioning not be Relinquished to the State;"
- SECY-97-145, "The Evaluation of Current State Agreements," dated July 11, 1997;
- SECY-98-263, "Request by New Mexico to Relinquish Authority for Sealed Source and Device Evaluation and Approval;"
- SECY-05-0170, "Proposed Agreement Between the State of Minnesota and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended," dated September 20, 2005;
- *Federal Register* notice, "Greater-Than-Class C and Transuranic Waste," 83 FR 6475, February 14, 2018; and
- *Federal Register* notice, "Greater-Than-Class C and Transuranic Waste. "84 FR 35037 – 35040, dated July 22, 2019,

- **Ms. Maupin's 2003 NRC Meritorious Service Award provided**:

  The Nuclear Regulatory Commission's Meritorious Service Award is presented to Cardelia Harvey-Maupin in recognition her extraordinary initiative and diligence in enriching the quality, efficiency, and effectiveness of the agency's Agreement State Program. Ms. Maupin measurably enhanced the program through her astute development of sound policy and procedures to support the agency's statutory responsibility to determine the adequacy and compatibility of Agreement State implementations of agency regulations. This was a challenging task, which involved integrating hundreds of regulatory requirements and supporting program elements. Nonetheless, Ms. Maupin successfully balanced State interests for flexibility in adopting equivalent requirements with the agency's need for national coherence and consistency. In addition, she regularly leads State review teams and is instrumental in developing programs for handling Agreement State allegations.

Supporting Statement for Differing View on
"Path Forward and Recommendations for Certain Low-Level Radioactive Waste Disposal Rulemakings"

The Differing View to which this supporting statement is attached sets forth an impressively-researched, extensively-documented case, building on excerpts from Commissioner Baran's voting record on SECY-15-0094, that the staff should re-examine the legal defensibility and state-federal relations impacts of relinquishing NRC regulatory authority for GTCC waste disposal without requiring an amendment to any State Agreement for this purpose. These arguments alone provide ample grounds to give the staff pause about asking the Commission to embark on this uncharted course. But assuming away for the moment all the litigative risk of a novel legal theory and the programmatic risks of dual regulation and an unwelcome change in Agreement State policy, there is also the question of whether the reputational risk to the agency would be prudent.

The very survival of the many industrial uses of nuclear materials, and the sustainability of this agency as we know it, depend on the public's confidence that the safety and security of these materials are assured by an impartial, arm's length regulator. The NRC has long appreciated the importance of this reputational capital and has maintained credible efforts over decades to preserve and enhance it. One of those efforts is the agency's unswerving commitment to transparency. This alone has helped preserve our good standing by keeping us honest, and it has enabled most of us to be proud to work here. But even one decision that only appears to have been made preferentially and without a clear safety or security rationale can do serious and lasting damage to NRC's standing with its most important constituency. And in this instance, the most salient developments do not furnish convincing evidence of a safety-based rationale:

- A technically well-grounded, stakeholder-vetted, but unproven set of planned new NRC requirements that, according to Commissioner Baran, would permit the commercial near-surface disposal of a GTCC waste inventory in average radionuclide concentrations at least 50 times higher than those of the transuranic (TRU) wastes currently shipped for deep geologic repository disposed at the Waste Isolation Pilot Plant. Some GTCC waste concentrations, he noted, are 12,000 times higher than those of the TRU wastes bound for WIPP.

- A distant, comprehensively addressed, but memorable history of environmental failures that resulted from the application of unproven disposal requirements that turned out to be non-conservative.

- A creative but unadjudicated legal strategy expressly devised for the sole purpose of circumventing the plain language of the LLRWPAA mandate that NRC exercise exclusive, preemptive regulatory authority over the disposal of GTCC wastes. This strategy is also expected to obviate the need to amend any State Agreements to authorize state GTCC regulation, thereby facilitating the removal of NRC as the most technically-qualified regulator to oversee the implementation of its own rule on GTCC waste disposal.

CONTACT: Robert MacDougall, NMSS/REFS
301-415-5175

- A sitting Governor of the host state for the candidate GTCC disposal facility personally writing the Chair of the Commission to object to being forced to accept wastes with higher concentrations of radioactive material.

- The resounding silence of all other Agreement State Governors in the nation at the prospect of amending their State Agreements to obtain regulatory authority for GTCC waste disposal.

- An apparent constituency of one – WCS -- for Agreement State regulation of GTCC waste disposal. This constituent was also the beneficiary of a 2001 NRC Order exempting it from, among other things, Part 150 SNM possession requirements. In its *Federal Register* notice on the Order, NRC noted that WCS had requested the exemption "because it expects that the current limits set forth in 10 CFR part 150 will severely impact its ability to compete in the mixed waste treatment market." The FRN offered no other justification for the exemption.

All of which begs a fundamental question: who benefits from this set of circumstances? In the absence of a compelling safety case, the answer is all too apparent.

Undeniably, these circumstances add up to what is only an appearance of regulatory capture, and no doubt there are credible explanations for NRC's positions. But in the realm of reputational risk management, appearances matter, and the staff's currently-proposed path forward does not appear to have been the product of a safety- or security-conscious work environment.

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: 7/13/2021

Name: Sierra Strickland

Phone: 4325572132 **(Home)**

Address: 4408 St Andrews Drive

4322471425 **(Business)**

Midland TX 79705

Email: carteblanche247@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 13 **years.**

Occupation: Owner/Manager of Legacy Emer Hospital

Professional and/or Community Activities:

I have worked in the veterinary field for 13 years, working closely with several local hospitals and their employees. I also worked inside the animal shelter as a contract employee of the Midland Humane Coalition for eight years. Along with shelter and rescue work, I took part in several community outreach programs, as community involvement is a huge passion of mine.

What is your personal vision for the City?

I believe the city has made giant strides in the right direction over the past years, but change is always around the corner and new ideas breathe new life into what should be considered "normal".

Please specify any time constraints you may have.

I make my own schedule so as long as I'm able to properly plan ahead, time restraints are few and far between. I have an amazing support team at work as well as at home.

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 Advisory Committee

Please tell us why you are interested in serving on this board or commission.

I believe my knowledge in the field as well as my time in Midland throughout the many changes, will be beneficial in tracking progress and coming up with new ideas.

What contribution would you most like to make?

I would like to see more changes surrounding the amount of strays and unwanted pets in our community.

Additional pertinent information or references:

Tasha Sport - 432)528-5919

(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

Sierra Strickland Digitally signed by Sierra Strickland
Date: 2021.07.13 18:36:42 -05'00'

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

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PLEASE TYPE OR PRINT CLEARLY:

Date: 06/15/2021

Name: Adrian Urquiola

Phone: (432)530-9517 (Home)

Address: 1210 Cerrillos Ave (Business)

Email: adrianu_81@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 33 years.

Occupation: HSE Consultant

Professional and/or Community Activities:

Part of "Communidad in Action", "John Norman City Council Advisory Committee", "Board Member of Midland Chamber of Commerce"

What is your personal vision for the City?

To have a healthy and balance lifestyle in this city for all families of Midland, TX

Please specify any time constraints you may have.

None just need a proper notice to plan accordingly

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 Housing Authority

Please tell us why you are interested in serving on this board or commission.

Coming from my background and living in poverty is something I know too ~~many~~ well. I want an opportunity to help come up w/ solutions to affordable housing.

What contribution would you most like to make?

My Time

Additional pertinent information or references:

References: Jack Ladd, Adrian Carrasco, John Norman, Morris Williams

(2) Name of Board/Commission:

Parks and Recreation

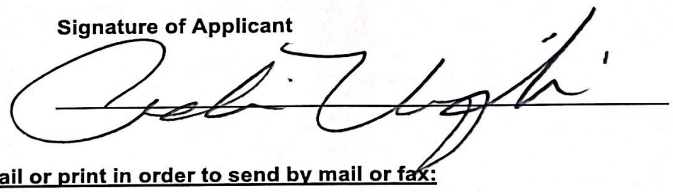
What contribution would you most like to make?

Help w/ communication from the citizens to city involving issues or lack of maintenance at our older parks in Midland

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



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City of Midland
City Secretary's Office
PO Box 1152
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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/7/2021

Name: Cameron Willmann

Phone: 432-978-4298 **(Home)**

Address: 1205 W Kansas Ave

432-704-5400 **(Business)**

Midland TX 79701

Email: cameron@hauspg.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 14 **years.**

Occupation: Realtor

Professional and/or Community Activities:

Midland Community Theater volunteer and past production board member, Permian Basin Board of Realtors 2015 President, Leadership Midland speaker for Real Estate day for 2 years, Auction Planning Committee Volunteer for Museam of the Southwest, Texas Realtors Executive Board Appointee, National Association of Realtors Land Use and Environmental Committee Member

What is your personal vision for the City?

Smart Growth and maintenance while maintaning transparency and cooperation

Please specify any time constraints you may have.

My volunteer work with the Texas Association of Realtors and the National Association of Realtors requires time away from Midland for meetings and conferences, but if Zoom or a conference call is available for meetings, I can almost always step away

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 & Gas Advisory Board

Please tell us why you are interested in serving on this board or commission.

I am a partner with a builder and developer and sell almost 200 homes a year. I am intersted in the develoment of our community and the responsible oversight of the affect that Oil and gas may have on the real estate industry.

What contribution would you most like to make?

Thoughtful input on the impact drilling in the city has on neighborhoods and the people that live in them.

Additional pertinent information or references:

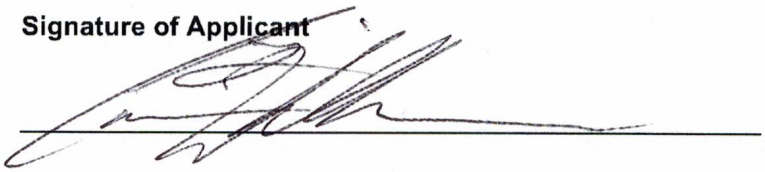
(2) Name of Board/Commission:

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



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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/2/2021

Name: Kenneth Woods

Phone: (618)980-4323 **(Home)**

Address: 6000 Briarwood Q303

(432)520-4000 **(Business)**

Midland Tx 79707

Email: knnwoods@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 11 **years.**

Occupation: Director of Operations

Professional and/or Community Activities:

I have worked and helped Midland in both my professional job and the gym I own. THe Kent compaines has help accross the board in all areas, but specifically I have worked with Mrs. Yarbourgh and South Elementry. The gym has also help quarterly Blood Drives as well, that greatly helped them during Covid last year

What is your personal vision for the City?

I want the people of midland to be proud of their city. I have moved many times in my younger years and I feel strongly that this is one of the greatest cities i have known. I want to help continue to improve Midland so all our residents have that same sense of pride that I do! Midland is great and we need to contnue to honor what we are to build for the future

Please specify any time constraints you may have.

I have control of my schedule so I am open

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 have always had a passion for animals. Since moving here I have teamed up with several organzations to help stray and abandonec animals. For midland to be great we need to ensure we are doing everything to curb stray animals and regulate what is acceptable

within city limits.

What contribution would you most like to make?

I want to serve to ensure we continue to take steps to curb stray animals. We need to provide resources our information to the citizen here in Midland on what they can do to become more responsible in keeping Midland great

Additional pertinent information or references:

I feel like my passion for helping, my passion for animals, and my overal background will do well serving this board. I am very proactive and forward thinking to make sure I become an asset on this commission

(2) Name of Board/Commission:

Park and Recreation Commission

What contribution would you most like to make?

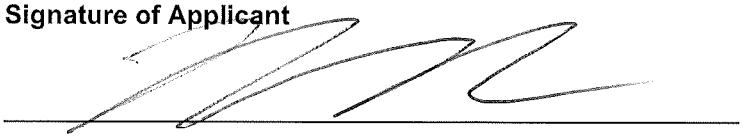
I want to see the continued growth for our city in this area. I love the outdoors and having great parks create avenues for new activities and attractions for our citizens to partake in. The more oppertunities we create for creation the better the city becomes

Additional pertinent information or references:

I think this is a huge step to support and grow Midland. Some of the greatest cities in the world are known for thier parks, this is a hug staple of any community. We have been blessed to get to this point and i wnat to see it contiue to grow!

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

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: October 18, 2021

Name: Sonya Luna Muciño

Phone: 4329348358 (Home)

Address: 1400 N. CR 1136

Midland, TX 79706

(City) (State) (Zip)

(Business)

Email: All lowercase
sonya.lunamucino@exprealty.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 39 years.

Occupation: Realtor

Professional and/or Community Activities:

I serve on Govt. Affairs Com., TREPAC Com., & Commercial Real Estate Com. at the Permian Basin Board of Realtors here in Midland. State level I serve on the Risk Reduction & Commercial Real Estate Committees.

What is your personal vision for the City?

To improve it as change becomes a constant factor.

Please specify any time constraints you may have.

picking my daughter up from school at 4:00

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(1) Name of Board/Commission:

Zoning Board of Adjustment and Airport Zoning Board of Adjustment

Please tell us why you are interested in serving on this board or commission.

I've been a Realtor for 11 years and I have my experience and passion for the real estate industry to bring to the table and also to learn!

What contribution would you most like to make?

My time, Knowledge, and participation

Additional pertinent information or references:

My Broker w/ EXP Rick Tankersley ph: 1.888.519.7431
or my AE at the Board of Realtors here in Midland
Rhonda Lesley 432.689.0086

(2) Name of Board/Commission:

This would be my first one.

What contribution would you most like to make?

The willingness to serve by participating.

Additional pertinent information or references:

My Boss/Broker - Rick Tankersley 1.888.519.7431
Permian Basin Board of Realtors AE - Rhonda Lesley
432.689.0086

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Signature of Applicant

Sonya Luna Mucino

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