CITY OF MIDLAND, TEXAS
AGENDA FOR CITY COUNCIL MEETING
April 26, 2022 - 10:00 AM
300 North Loraine
Midland, Texas
Council Chamber - City Hall

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

OPENING ITEMS

1. Invocation – Edward Mayberry, Community Worship Center

2. Pledge of Allegiance

CONSENT AGENDA

3. MOTION APPROVING THE FOLLOWING MINUTES:

   3a. REGULAR SESSION OF APRIL 12, 2022

4. 2022-051 – RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN REAL PROPERTY DESCRIBED AS LOTS 3A AND 4, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID PROPERTY AND HOLD THE CLOSING; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID PURCHASE (DISTRICT 4) (GENERAL SERVICES)

5. 043-2022 – MOTION APPROVING AN AMENDMENT TO THAT CERTAIN INCUBATOR AND MAKERSPACE GRANT AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN (DISTRICT: NONE) (CITY MANAGER)

6. 044-2022 – MOTION APPROVING AN AMENDMENT TO THAT CERTAIN PURCHASE AND SALE AGREEMENT BETWEEN THE MIDLAND DEVELOPMENT CORPORATION AND THE ESTATE OF J.L. DAVIS FOR THE PURCHASE OF CERTAIN REAL PROPERTY DESCRIBED AS LOTS 1A AND 9-12, BLOCK 35, ORIGINAL TOWN OF MIDLAND, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (DISTRICT 2) (CITY MANAGER)

7. 2022-052 – RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN

DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL 11 OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 231 FEET AND 2,422 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 150 FEET AND 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

8. 045-2022 – MOTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACCEPT, ON BEHALF OF THE CITY OF MIDLAND, A RIGHT-OF-WAY DEDICATION OUT OF SECTION 1, BLOCK 39, T-1-S, T&P RR CO. SURVEY, AND SECTION 6, BLOCK 38, T-1-S, W. M. BRECKON SURVEY, MARTIN COUNTY, TEXAS, FROM JONES BROS. DIRT & PAVING CONTRACTORS, INC. ("JONES BROS.") FOR THE USE AND BENEFIT OF THE PUBLIC FOR STREET, ROAD, DRAINAGE AND PUBLIC UTILITY PURPOSES, OR FOR ANY OTHER ANCILLARY PUBLIC USE AS USUAL AND CUSTOMARY IN CONNECTION THEREWITH, WHICH SHALL SUPERSEDE THE RIGHT-OF-WAY DEDICATION GRANTED BY JONES BROS. TO THE CITY IN THAT CERTAIN INSTRUMENT DATED OCTOBER 22, 2015; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THE RIGHT-OF-WAY DEDICATION (DISTRICT 1) (ENGINEERING SERVICES)

9. 046-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-019) WITH ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN, LLC., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 19, BLOCK 36 AND SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

SECOND READINGS

10. 10297 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 12, 2022) (FIRST READING HELD MARCH 22, 2022)

11. 10299 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT

DISTRICT FOR A SHOPPING CENTER, 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) (FIRST READING HELD APRIL 12, 2022)

12. 10300 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS INTERSTATE 20); 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022)

13. 10301 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, 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 CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS 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 APRIL 12, 2022)

14. 10302 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022)

15. 10303 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2,

SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022)

16. 10304 – AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, LOTS 30 AND 31, BLOCK 2, 349 RANCH ESTATES, SECTION 2, AND LOT 28A, BLOCK 2, 349 RANCH ESTATES, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,399.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD APRIL 12, 2022)

PUBLIC HEARINGS

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

17. HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER) (DISTRICT: ALL) (CITY MANAGER)

18. 10305 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 4 THROUGH 7, BLOCK 42, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH WEBSTER STREET AND CLOVERDALE 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 2) (DEVELOPMENT SERVICES)

19. 10306 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF THE NORTH 65 FEET OF LOTS 10, 11, AND 12, BLOCK 15, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON WEST SIDE OF A STREET, APPROXIMATELY 75 FEET NORTH OF MISSOURI AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS

DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

20. 10307 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,372-SQUARE FOOT PORTION OF LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MAIN STREET AND WALL STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

MISCELLANEOUS

21. 2022-048 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC (“OPERATOR”) TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 12, 2022)

22. 2022-049 – RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 320 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT: 1) (DEVELOPMENT SERVICES) (DEFERRED FROM APRIL 12, 2022)

23. 047-2022 – MOTION GRANTING PRINCE SIGNS, LLC’S APPEAL AND REVERSING THE BUILDING OFFICIAL’S DENIAL OF A SIGN PERMIT FOR LOT 9, BLOCK 2, LONESTAR BUSINESS PARK, SECTION 3, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF OCCIDENTAL PARKWAY AND NORTH STATE HIGHWAY 349) (DISTRICT 1)

(DEVELOPMENT SERVICES)

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

25. RECESS AND RECONVENE AT 6:00 P.M. TO HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR THE FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER)

PUBLIC COMMENT

26. 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

27. 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 551.074, Personnel Matters

b.1. Deliberate the duties of the City Manager

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.

MIDLAND CITY COUNCIL
MINUTES
April 12, 2022

DRAFT

The City Council convened in regular session in the Council Chamber, City Hall, Midland, Texas, at 10:00 a.m., April 12, 2022.

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

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

OPENING ITEMS

1. Invocation – Pastor Bob Pase, Grace Lutheran Church

2. Pledge of Allegiance

PRESENTATIONS

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

   3a. Presentation of a Proclamation for Christmas in Action Day

   3b. Presentation of a Proclamation for Fair Housing Month

CONSENT AGENDA

Lori Blong moved moved to approve consent agenda items 4-19, excluding item(s) 5, 8, 10, 11 and 12; seconded by Jack Ladd.

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

ABSTAIN: None
ABSENT: None

4. MOTION APPROVING THE FOLLOWING MINUTES:

   4a. BRIEFING SESSION OF MARCH 22, 2022

   4b. REGULAR SESSION OF MARCH 22, 2022

   4c. SPECIAL SESSION OF MARCH 24, 2022

6. 2022-041 – RESOLUTION AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE MIDLAND UTILITIES SERVICE CENTER PROJECT TO MW BUILDERS OF TEXAS, INC., IN THE AMOUNT OF $11,472,440.00; APPROVING $1,977,488.00 FOR CONTINGENCIES; APPROVING $317,000.00 FOR PROJECT RELATED COSTS; AND APPROPRIATING FUNDS FOR SAID PROJECT (DISTRICT 2) (GENERAL SERVICES)

7. 2022-042 – RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PARKHILL, SMITH & COOPER, INC., D/B/A PARKHILL FOR DESIGN, SURVEY AND CONSTRUCTION ADMINISTRATION SERVICES FOR FIVE (5) NEW POTABLE WELLS AND ONE (1) NEW TEST BORING AT THE PAUL DAVIS WELL FIELD FOR THE UTILITIES DEPARTMENT FOR A COST OF $316,500.00; APPROVING $47,475.00 FOR CONTINGENCIES; AND APPROPRIATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

9. 2022-044 – RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH WEAVER AND TIDWELL, L.L.P. FOR PROFESSIONAL SERVICES IN CONNECTION WITH A FORENSIC AUDIT; AND AUTHORIZING PAYMENT (DISTRICT: NONE) (GENERAL SERVICES)

13. 035-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-008) WITH ENDEAVOR ENERGY RESOURCES, L.P., REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 13 AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

14. 036-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (22-329-015) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

15. 037-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE AMENDMENT (22-329-016) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

16. 038-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-0011) REGARDING CITY-

DRAFT

OWNED PROPERTY DESCRIBED AS SECTIONS 22 AND 27, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)

17. 039-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-012) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 23, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)

18. 040-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE WITH RATTLER MIDSTREAM OPERATING LLC (22-329-013) REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTION 24, BLOCK 40, T-1-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT 4) (UTILITIES)

19. 041-2022 – MOTION AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY LICENSE (22-329-010) WITH ENVIRONMENTAL DISPOSAL SYSTEMS, LLC, REGARDING CITY-OWNED PROPERTY DESCRIBED AS SECTIONS 12, 13 AND 24, BLOCK 37, T-3-S, T&P RR CO. SURVEY, MIDLAND COUNTY, TEXAS (DISTRICT: NONE) (UTILITIES)

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

5. 032-2022 – MOTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED NOVEMBER 20, 2019, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED JULY 28, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND LUCK DESIGN TEAM, LLC; SAID AMENDMENTS PROVIDING FOR THE DESIGNATION OF THE PERMIAN BASIN QUALITY OF PLACE CONSERVANCY AS AGENT FOR THE CITY OF MIDLAND, TEXAS, REGARDING CERTAIN MATTERS OF DESIGN RELATING TO PHASE 1 AND PHASE 2 OF THE HOGAN PARK MASTER PLAN PROJECT (DISTRICT 2) (GENERAL SERVICES)

   Council Member Corrales noted that the Hogan Park project will be a good quality of place opportunity park for the special needs children of our community. Mayor Payton also echoed the value in Chris Davidson Park seeing kids who didn't have a space, now have a space to enjoy.

   Dan Corrales moved to approve Motion No. 032-2022; seconded by Jack Ladd.

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

8. 2022-043 – RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ENPROTEC/HIBBS & TODD, INC., PROVIDING FOR DESIGN, ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE NORTHEAST WATER SYSTEM IMPROVEMENTS PROJECT;

DRAFT

SAID AMENDMENT PROVIDING FOR A FEE INCREASE OF $260,000.00 OVER AND ABOVE THE ORIGINAL TOTAL COST OF $1,915,000.00 (DISTRICT: NONE) (GENERAL SERVICES)

Utilities Director Carl Craigo reported on how the City has worked with Enprotec/Hibbs & Todd, Inc., for the past five years. This project started with the design of the new pump station water main and tower on the northeast side of town. The contract consisted of construction management and inspection services. Five years ago they thought the project would take a year so a budget was done for that amount of time. In order to keep construction management and inspection services for the remainder of the project, we will need increased funding.

Scott Dufford moved to approve Resolution No. 2022-043; seconded by Lori Blong.

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

10. 2022-045 – RESOLUTION APPROVING A CONTRACT WITH MID-TEX OF MIDLAND, INC., THROUGH THE PURCHASING ASSOCIATION OF COOPERATIVE ENTITIES, FOR THE ENVIRONMENTAL COMPLIANCE LABORATORY REMODEL FOR A TOTAL COST OF $154,527.54; APPROVING $23,179.13 FOR CONTINGENCIES; APPROVING $185,902.51 FOR PROJECT RELATED ITEMS; AND ALLOCATING FUNDS (DISTRICT: NONE) (GENERAL SERVICES)

Council Member Corrales noted his appreciation for the Water Reclamation Facility and water conservancy efforts while improving the working conditions of City staff. Utilities Director Carl Craigo noted that the funds saved from the Pioneer project allowed them to make the necessary upgrades needed, which will also help with retention of staff.

Dan Corrales moved to approve Resolution No. 2022-045; seconded by Robin Poole.

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

11. 033-2022 – MOTION AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT DATED MARCH 23, 2021, BETWEEN THE CITY OF MIDLAND, TEXAS, AND PARKHILL, SMITH & COOPER, INC., DBA PARKHILL; SAID AMENDMENT PROVIDING FOR (I) THE AIRLINE RATES & CHARGES FINANCIAL ANALYSIS PROJECT, AND (II) THE AIRPARK ENTRANCE WAY ENHANCEMENT PROJECT; APPROPRIATING $210,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE AIRLINE RATES & CHARGES FINANCIAL ANALYSIS PROJECT; AND APPROPRIATING $370,000.00 FROM THE AIRPORT FUND UNAPPROPRIATED FUND BALANCE TO THE AIRPARK ENTRANCE

DRAFT

WAY ENHANCEMENT PROJECT (DISTRICT 4) (AIRPORTS)

Airports Director Justine Ruff reported that CARES Act money is for rates; charges are for the financial analysis project. The Airpark entrance-way enhancement project will be paid for with airport funds.

Council Member Poole noted Airpark is a gem in our community and this will bring it up to a quality of excellence.

Dan Corrales moved to approve Motion No. 033-2022; seconded by Robin Poole.

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

12. 034-2022 – MOTION AUTHORIZING THE EXECUTION OF A FOURTH ADDENDUM TO THAT CERTAIN BASEBALL PARK AND OFFICE SPACE AGREEMENT BETWEEN THE CITY OF MIDLAND, TEXAS, AND MIDLAND SPORTS, INCORPORATED (DISTRICT 4) (COMMUNITY SERVICES)

Community Services Director Cristina Burns reported we are in the process of getting the construction plans completed and reviewed. The contract was initially implemented in May 2000 and was renewed late last month. The agreement is until 2032. These are amendments to that agreement. We will be adding auxiliary fields with advertising money. We are only amending what's in the contract.

City Manager Robert Patrick reported that for the improvements, the money will come from the sports complex fund that has about $25 million left from the 4B funds.

Jack Ladd moved to approve Motion No. 034-2022; seconded by Lori Blong.

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

SECOND READINGS

20. 10296 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 6,924-SQUARE FOOT PORTION OF LOT 23B, BLOCK 40, FAIRMONT PARK ADDITION, SECTION 39, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TREMONT AVENUE AND NORTH LOOP 250 WEST), 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;

DRAFT

MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 1) (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 22, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10296.

John Norman moved to approve the second and final reading of Ordinance No. 10296; seconded by Dan Corrales.

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

21. 10297 – AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES) (FIRST READING HELD MARCH 22, 2022)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10297.

Council asked for an update from the applicant. There was no one present to speak.

Jack Ladd moved to defer the second and final reading of Ordinance No. 10297; seconded by Scott Dufford.

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

PUBLIC HEARINGS

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

22. 2022-046 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR AN EASTER BRUNCH EVENT ON A 0.19-ACRE PORTION OF NORTH COLORADO STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 55, ORIGINAL

DRAFT

TOWN ADDITION, SECTION 14, AND LOTS 7 THROUGH 12, BLOCK 56, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTH SIDE OF THE INTERSECTION OF WEST TEXAS AVENUE AND NORTH COLORADO STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:25 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Lori Blong moved to approve Resolution No. 2022-046; seconded by Jack Ladd.

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

23. 10299 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10299.

Mayor Payton opened the public hearing at 10:27 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Dan Corrales moved to approve the first of two readings of Ordinance No. 10299; seconded by Jack Ladd.

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

24. 10300 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL

DRAFT

ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS INTERSTATE 20); 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10300.

Mayor Payton opened the public hearing at 10:29 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. 10300; seconded by Dan Corrales.

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

25. 10301 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, 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 CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS 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 Jan Hamilton read the caption of Ordinance No. 10301.

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

Lori Blong moved to approve the first of two readings of Ordinance No. 10301; seconded by Robin Poole.

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

26. 042-2022 – THE PROPOSED GRANTING OF OIL AND GAS WELL PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC FOR THE DRILLING OF THE FOLLOWING OIL AND GAS WELLS: REBEL #H120WB AND REBEL #H125WA; SAID WELLS BEING GENERALLY LOCATED BETWEEN 320 FEET AND 350 FEET EAST OF SOUTH

DRAFT

LAMESA ROAD AND 183 FEET SOUTH OF I-20 (DISTRICT 2) (DEVELOPMENT SERVICES)

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

27. 10302 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10302.

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

Dan Corrales moved to approve the first of two readings of Ordinance No. 10302; seconded by Scott Dufford.

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

28. 10303 – AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10303.

DRAFT

Mayor Payton opened the public hearing at 10:36 a.m.

Development Services Director Chuck Harrington reported that this request is by Briana Garcia who is proposing to open a hair salon at this corner. The problem is that we do not allow access to Midland Drive. The only option would be to pave the alley or seek access on Gulf Avenue which intrudes into the residential neighborhood. There has been nearly 40% opposition causing a supermajority.

John Newton, Newton Engineering, 4501A Santa Rosa Drive, reported that he doesn't believe TxDot is allowing access to Midland Drive which is why they need access off of Gulf.

Mayor Payton reported that the entrance is technically off Midland Drive because you will either turn down Gulf or the alley. The challenge is the 40% challenge from the neighborhood. Maybe there is a way to flip the property direction so as not to have problems between the neighbors and the vendor. Maybe access can be made via the alley.

Questions were asked regarding the layout of the property to avoid clients turning in off Gulf, which according to Mr. Newton, is the primary choice for access. Mr. Newton reported that the direction could be flipped but it would not meet all of the City standards.

City Manager Robert Patrick reported that Engineering's choice would be access off the alley.

Development Services Director Chuck Harrington reported that the property will require an eight-foot masonry wall. The majority of complaints are centered around excess traffic. It was reported that this is a three-chair salon.

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

Scott Dufford moved to approve the first of two readings of Ordinance No. 10303; seconded by Jack Ladd.

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

29. 10304 – AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, LOTS 30 AND 31, BLOCK 2, 349 RANCH ESTATES, SECTION 2, AND LOT 28A, BLOCK 2, 349 RANCH ESTATES, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,399.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES)

Deputy City Secretary Jan Hamilton read the caption of Ordinance No. 10304.

DRAFT

Mayor Payton opened the public hearing at 10:48 a.m. There being no one present wishing to speak, the public hearing was immediately closed.

Jack Ladd moved to approve the first of two readings of Ordinance No. 10304; seconded by Lori Blong.

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

30. 2022-047 – RESOLUTION AUTHORIZING THE TEMPORARY USE OF LAND FOR A VENDOR MARKET AND CONCERT ON A 0.86-ACRE PORTION OF WEST WALL STREET RIGHT-OF-WAY LOCATED ADJACENT TO LOT 1A, BLOCK 54, ORIGINAL TOWN ADDITION, SECTION 14, AND LOTS 1-12, BLOCK 65, ORIGINAL TOWN ADDITION, AND AN APPROXIMATE 80-SQUARE FOOT PORTION OF SIDEWALK ALONG THE WEST WALL STREET RIGHT-OF-WAY AND AN APPROXIMATE 500-SQUARE FOOT PORTION OF SIDEWALK ALONG THE LORAINE STREET RIGHT-OF-WAY, BOTH LOCATED ADJACENT TO LOT 1, BLOCK 65, ORIGINAL TOWN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF WEST WALL STREET AND LORAINE STREET) SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS (DISTRICT 2) (DEVELOPMENT SERVICES)

Mayor Payton opened the public hearing at 10:49 a.m.

Midland Downtown Park Conservancy Board Member Sharla Hotchkiss gave a brief overview of their upcoming event on August 6th, 2022 which will overlap the LoStreet event. As the date gets closer they will ask that the streets on both sides be closed for the event. There should not be much of a conflict as the two events start at different times.

Council Member Dufford asked about reaching out to businesses that had issues the last time a big event took place downtown so not to have the same problems and Mayor Payton inquired about unloading of the trucks.

Midland Downtown Park Conservancy Director Stephanie Martin explained where the trucks would be able to unload for this event. She also explained where the food trucks will be.

Mrs. Hotchkiss reported these large events are what the City Council envisioned, the abundance of revitalization downtown.

Questions were asked and answered regarding trash pickup and bathrooms.

Lauren Johnson, 3406 Sinclar Avenue, thanked everyone involved. They are grateful to have the opportunity to have events.

DRAFT

Council Member Lori Blong inquired about issues regarding port-a-potties. Mr. Harrington reported in the resolution, twelve port-a-potties need to be available.

Ms. Johnson reported on the issues regarding port-a-potties and what they are doing to help with it.

Mr. Harrington reported that security is required when alcohol is involved.

City Attorney John Ohnemiller reported that according to the resolution, two peace officers are required in addition to one extra for every 100 people expected to attend.

There being no one else wishing to speak, the public hearing was closed at 10:59 a.m.

Lori Blong moved to approve Resolution No. 2022-047 with the amendment to approve dates through 2022 only; seconded by Dan Corrales.

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

MISCELLANEOUS

31. 2022-048 – RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)

Peter Gregg, Austin, speaking on items 31 and 32, reported he represents the Evans Family interest who own the property adjacent to the south of this proposal. The recommendation is based on a noise study that is incorrect. We had a study conducted by SLR who has identified an 11.1 decibel impact; meaning you will have almost a doubling of sound and the compressor at the location of the property will be the dominant sound.

Council Member Dufford inquired if the compressor station can be moved and the short answer is yes according to Mr. Gregg. However, the question that continues to be asked by the Evans Family is why can't the compressor be moved to the tank battery which is about 2,000 feet away.

Mayor Payton inquired how far apart the locations in item 31 and 32 are from each other. It was reported they are about half a mile apart. Mayor Payton then inquired what's the volume for 11 decibels and it was reported that 20 decibels is the equivalent to leaves rustling and 10 decibels is a leaf falling.

DRAFT

Oil & Gas Compliance Officer Ron Jenkins explained about compressor systems, sound, pumps and sound walls.

Travis Langdon, Senior Council for DiamondBack, submitted to the City the first time November 2, 2021 and believes their application speaks for itself. They are working with the Evans representative and are building a permanent brick structure around the compressor.

Scott Dufford moved to defer Resolution No. 2022-048; seconded by John Norman.

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

32. 2022-049 – RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 250 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT: 1) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting four homes need a variance of 250 feet.

Travis Langdon, Senior manager/partner DiamondBack, has worked closely with Council for over five years. He objects, read reasons for the objection and asked Council to deny the Evans Family request.

Lori Blong moved to defer Resolution No. 2022-049; seconded by Dan Corrales.

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

33. 2022-050 – RESOLUTION GRANTING A VARIANCE FOR A 50.239-ACRE TRACT OF LAND OUT OF SECTION 1, BLOCK X, H.P. HILLIARD SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF NORTH LAMESA ROAD AND EAST LOOP 250 NORTH), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 214 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT 1) (DEVELOPMENT SERVICES)

Oil & Gas Compliance Officer Ron Jenkins gave a brief overview of the item noting this is

DRAFT

similar situation to the last item, however, all parties know what's going on and are in agreement.

Dan Corrales moved to approve Resolution No. 2022-050; seconded by Scott Dufford.

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

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

Robin Poole moved to appoint Kenneth Whiting (Fire Protection) and Dean Kelly (Plumbing and Mechanical contractor) to the Building and Fire Code Review Committee; seconded by Dan Corrales.

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

PUBLIC COMMENT

35. 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.)

Jessie Martinez 4113 N. County Road 1140 reported he missed item number nine but just wanted to say thank you.

Community Services Manager Isaac Garnett reported that Ms. Shirley Howard is doing well and thanked everyone for their prayers. She would like to invite everyone to an Easter Eggstravaganza April 14 at 4:00 p.m. at the MLK Center.

EXECUTIVE SESSION

Mayor Payton recessed the meeting to go to Executive Session at 11:42 a.m.

36. 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

DRAFT

All the business at hand having been completed, the meeting adjourned at 12:33 p.m.

PASSED AND APPROVED April 26, 2022.

Patrick Payton, Mayor

ATTEST:

Amy M. Turner, City Secretary

DRAFT

City Council Meeting

Item Number: 4

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Regina Stephenson, Director

Subject: **RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN REAL PROPERTY DESCRIBED AS LOTS 3A AND 4, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID PROPERTY AND HOLD THE CLOSING; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID PURCHASE (DISTRICT 4) (GENERAL SERVICES)**

Purpose:

Resolution authorizing the City Manager to purchase an approximate 6.215 acre tract of land described as Lot 3A & Lot 4, Block 6, Westridge Park, Section 44, being a replat of all of Lot 3, Block 6, Westridge Park Addition, Section 31, City and County of Midland, Texas (generally located at Champions Drive and Loop 250); authorizing the City Manager to negotiate, execute and file all documents necessary to purchase said tract, purchase a title insurance policy and hold the closing; and ordering the City Secretary to record, or ensure that the title company records the instrument of conveyance.

Recommended City Council Action:

Approve

Fiscal Impact:

$4,602,931.00 will be appropriated from the Sports Complex Unappropriated Fund Balance.

Discussion:

Staff is requesting approval to purchase an approximate 6.215 acre tract of land described as Lot 3A & Lot 4, Block 6, Westridge Park, Section 44, being a replat of all of Lot 3, Block 6, Westridge Park Addition, Section 31, City and County of Midland, Texas (generally located at Champions Drive and Loop 250) for $4,602,931.00; and to authorize the City Manager to negotiate, execute and file all documents necessary to purchase said tract, purchase a title insurance policy and hold the closing; and order the City Secretary to record, or ensure that the title company records the instrument of conveyance.

Tina Gaug

City Manager's Office

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN REAL PROPERTY DESCRIBED AS LOTS 3A AND 4, BLOCK 6, WESTRIDGE PARK ADDITION, SECTION 44, CITY AND COUNTY OF MIDLAND, TEXAS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND FILE ALL DOCUMENTS NECESSARY TO PURCHASE SAID PROPERTY AND HOLD THE CLOSING; ORDERING THE CITY SECRETARY TO RECORD, OR ENSURE THAT THE TITLE COMPANY RECORDS, THE INSTRUMENT OF CONVEYANCE; AND APPROPRIATING FUNDS FOR SAID PURCHASE

WHEREAS, the City Council finds it to be in the public interest to authorize the City Manager to purchase, on behalf of the City of Midland, certain real property described as Lots 3A and 4, Block 6, Westridge Park Addition, Section 44, City and County of Midland, Texas (the "*Property*"); and

WHEREAS, the City Council finds it to be in the public interest to authorize the City Manager to negotiate, execute and file all documents necessary to purchase the Property and hold the closing;

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

SECTION ONE. That the City Manager is hereby authorized and directed to purchase the Property on behalf of the City of Midland.

SECTION TWO. That the City Manager is hereby authorized and directed to negotiate, execute and file all documents necessary to purchase the Property and hold the closing.

SECTION THREE. That the sum of $4,602,931.00 is hereby appropriated in the Sports Complex Unappropriated Fund Balance for the purchase of the Property.

SECTION FOUR. That the City Comptroller is hereby authorized and directed to pay for the purchase of the Property from funds appropriated herein.

SECTION FIVE. That the City Secretary is hereby authorized and directed to file, or ensure that the title company files, the instrument of conveyance acquired in accordance with this Resolution in the Deed Records of Midland County, Texas. A copy of said

instrument of conveyance shall be maintained on file in the City Secretary's Office.

On motion of Council member _____, seconded by Council member _____, the above and foregoing Resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2022, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Regina Stephenson, General Services Director

APPROVED AS TO FORM ONLY:

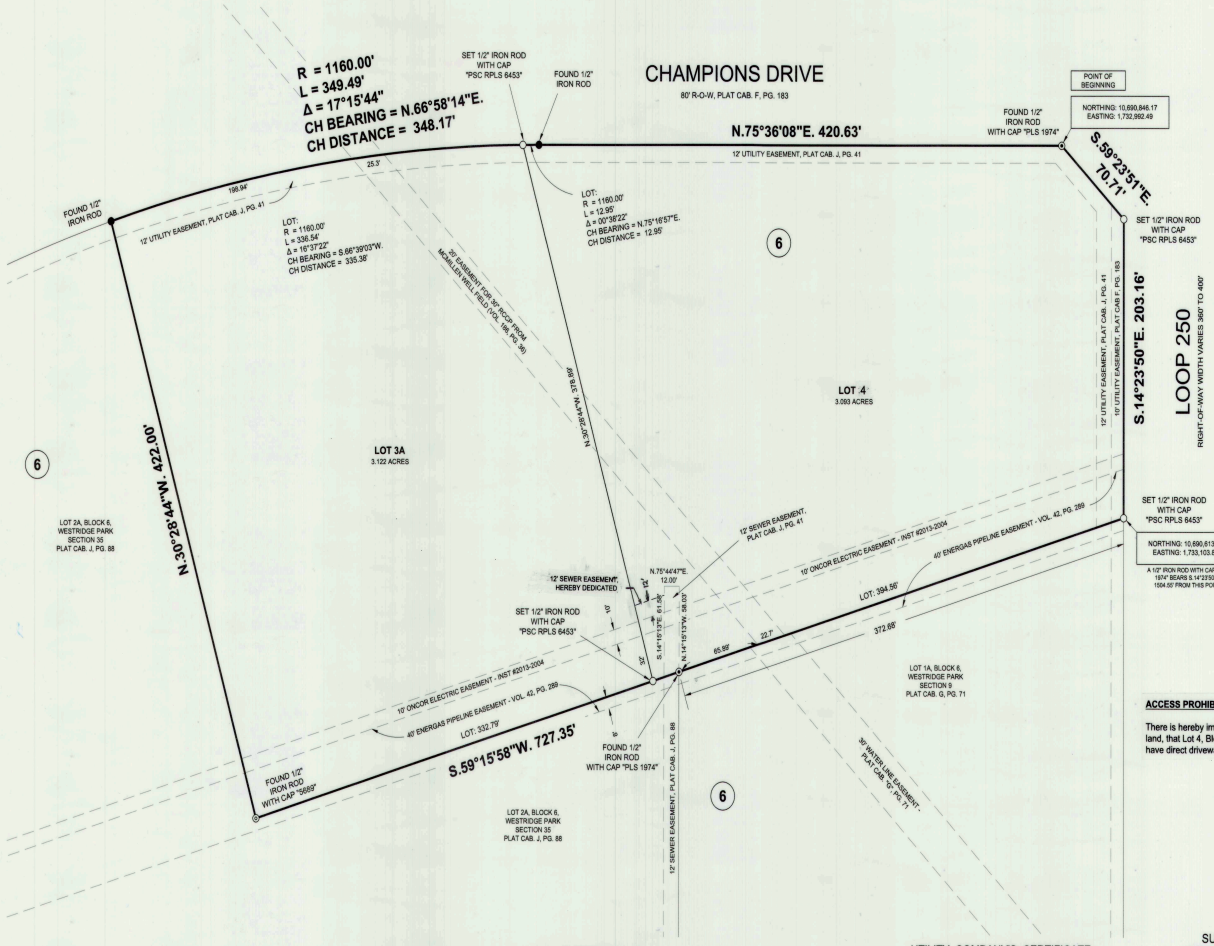
_____
John Ohnemiller, City Attorney

WEST RIDGE PARK SECTION 44

Being a re-plat of all of Lot 3, Block 6, Westridge Park Addition Section 31 City and County of Midland, Texas

SCHARBAUER SPORTS COMPLEX

Lot 4, Block 5
Westridge Park Addition
Section 6,
Cabinet "F", Page 183,
P.R.M.C.



STATE OF TEXAS
COUNTY OF HARRIS

WHEREAS, FP WESTRIDGE ENERGY PLAZA, LP. is the record owner of Lot 3, Block 6, Westridge Addition, Section 31, City and County of Midland, and more particularly described, shown on the plat hereon.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS :

That we, FP WESTRIDGE ENERGY PLAZA, LP. do hereby adopt this plat designating the herein above described property as **WESTRIDGE PARK ADDITION, SECTION 44** and County of Midland, Texas, and we do hereby dedicate to the public use forever the streets, and easements shown thereon.

WITNESS our hands at Houston, Texas, this the 18 day of August 2021.

By: _____
JESS ARNOLD Vice President

STATE OF TEXAS :
COUNTY OF TARRANT :

This instrument was acknowledged before me on 8-18 2021 by JESS ARNOLD on behalf of FP WESTRIDGE ENERGY PLAZA, LP.

_____
Notary Public Signature

Dena Sorrells
My Commission Expires
08/14/2023
ID No. 130591755

- Proposed Plat Limits
- Easement (See plat for details)
- Proposed Lot Line

WLE = Water Line Easement
DRE = Drainage Easement
UEE = Underground Electric Easement

OWNER & DEVELOPER:

FP WESTRIDGE ENERGY PLAZA, LP
1885 St. James Place, Suite 1100
Houston, Texas 77056

ENGINEER:

Parkhill, Smith & Cooper, Inc.
1700 W Wall St., #100
Midland, Texas 79701
432-697-1447

ACCESS PROHIBITED NOTE:

There is hereby imposed a restriction, which shall run with the land, that Lot 4, Block 6 on Loop 250 Right-of-Way shall not have direct driveway access to said Right-of-Way.

FLOOD ZONE INFORMATION

Based on the U.S. Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map, Community Number 480477, Map Number 48329C0182F, Panel 182 of 525, revised September 16, 2005, the surveyed property is not located in a Special Flood Hazard Area. According to the map, the current flood zone classification for the surveyed property is Zone X.

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. A blanket easement of ingress and egress is hereby granted for Westridge Section 44 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. Said easement is conditioned such that no construction shall commence on said lot until exact location of said containers and the easements in connection therewith have been selected and approved by the director of utilities.
3. Approval of a site plan by the City of Midland may be required before these lots may be developed or before a building permit may be obtained.
4. 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.

UTILITY COMPANY'S CERTIFICATE

This plat has been checked for accessibility of utilities.

Jeffrey R Henderson — Digitally signed by Jeffrey R Henderson Date: 2021.08.24 12:26:58 -05'00'
Oncor Electric Delivery Service (PLEASE PRINT)

AT&T Texas (PLEASE PRINT)

Mark Lieb
Atmos Energy (PLEASE PRINT)

Luis.Montez — Digitally signed by Luis.Montez Date: 2021.08.23 16:08:41 -05'00'
SuddenLink Communications (PLEASE PRINT)

Grande Communications (PLEASE PRINT)

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS

That I, Samuel Wyatt, 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.

STATE OF TEXAS REGISTERED SAMUEL WYATT 6453 PROFESSIONAL LAND SURVEYOR

Samuel Wyatt, R.P.L.S. #6453

SPECIAL STATE PLANE COORDINATE NOTE

Bearings, distances and coordinates are relative to the Texas State Plane Coordinate System (Central Zone1983 NAD) , with a combined grid factor of 0.9998958 for mean project datum. The theta angle is equal to -00°54'48.39" at USC&GS station "Midland", with published values of N=10,690,154.70 and E=1,746,696.78 in U.S. Survey Feet.

This is to certify that the above and foregoing plat of WESTRIDGE PARK, SECTION 44 was approved by proper action of the City Planning and Zoning Commission of the City of Midland, Texas, on this the 7th day of September 2021.

Chairman - PRINT NAME — Secretary - PRINT NAME Elizabeth Shaughnessy

PLAT FILED FOR RECORD
MIDLAND COUNTY, TEXAS
NO. 28132 CABINET M
DATE 9/9/2021 PAGE 186

WEST RIDGE PARK SECTION 44

Parkhill
Parkhill.com
TBPELS FIRM REGISTRATION NO. 10194091

City Council Meeting

Item Number: 5

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Tina Jauz, Assistant City Manager

Subject: Motion approving an amendment to that certain Incubator and Makerspace Grant Agreement between the Midland Development Corporation and the University of Texas of the Permian Basin (DISTRICT: NONE) (CITY MANAGER)

Purpose:

The Board of Directors of the Midland Development Corporation approved at a regular meeting on April 4, 2022, the execution of an amendment to that certain Incubator and Makerspace Grant Agreement between the Midland Development Corporation and the University of Texas of the Permian Basin.

Recommended City Council Action:

Approve

Fiscal Impact:

None.

Discussion:

This amendment includes a requirement for quarterly updates from UTPB on the progress and activities of the Incubator and Makerspace Program, as well as the annual report to be presented to the MDC board of directors.

Morris Williams Jr.

City Manager's Office

AMENDMENT TO THE INCUBATOR AND MAKERSPACE GRANT AGREEMENT
BETWEEN
THE MIDLAND DEVELOPMENT CORPORATION
AND
THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

THIS AMENDMENT is made and effective April 26, 2022, by and between the **MIDLAND DEVELOPMENT CORPORATION**, a Type A corporation existing under the authority of Chapter 504 of the Texas Local Government Code ("*MDC*"), and **THE UNIVERSITY OF TEXAS OF THE PERMAIN BASIN** ("*UTPB*").

WHEREAS, MDC and UTPB entered into that certain Incubator and Makerspace Grant Agreement dated October 11, 2017, providing for UTPB's management and operation of an Incubator and Makerspace (as defined therein) on behalf of MDC to serve the community and promote new and expanded business enterprises in the City of Midland, Texas (the "*Agreement*"), which was approved by the Midland Development Corporation Board of Directors, the Midland City Council, and the Board of Regents of The University of Texas System; and

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

WHEREAS, MDC and UTPB desire to make certain amendments to the Agreement as set forth below;

W I T N E S S E T H:

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

A. Section 4(e) of the Agreement is hereby deleted in its entirety and replaced with the following:

4. Location of and Responsibilities to Manage and Operate the MDC Incubator and Makerspace.

(e) On or before April 30, July 31, October 31, and January 31 of each year during the Term, UTPB shall provide MDC with a written report of its progress, accomplishments, and any ongoing projects or programs regarding the Incubator and Makerspace for the previous calendar quarter. At least once (1) per year during the Term and at the request of MDC, UTPB shall provide an annual report at an MDC Board of Directors meeting consisting of the above information for the previous twelve (12) month period. Upon the request of MDC, UTPB shall certify the total costs incurred by UTPB for salaries and benefits paid by UTPB for staff hired to

Exhibit A

manage and direct the operations of the Incubator and Makerspace program.

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

C. MDC and UTPB acknowledge and agree that this Amendment shall not become effective until approved by the Midland Development Corporation Board of Directors, the Midland City Council, and the Board of Regents of The University of Texas System.

[Signature Pages Follow]

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

MIDLAND
DEVELOPMENT CORPORATION

Stephen Lowery, Chairman

ATTEST:

Jill Pennington, Secretary

THE UNIVERSITY OF TEXAS
OF THE PERMIAN BASIN

By: Cesario Valenzuela
Name: Cesario Valenzuela
Title: VP - Business Affairs

STATE OF Texas §
§
COUNTY OF Ector §

This instrument was acknowledged before me on this 30 day of March, 2022, by Cesario Valenzuela, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

TRICIA GARZA
My Notary ID # 129560857
Expires September 13, 2025

Notary Public, State of Texas

City Council Meeting

Item Number: 6

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Tina Jauz, Assistant City Manager

Subject: Motion approving an amendment to that certain Purchase and Sale Agreement between the Midland Development Corporation and the Estate of J.L. Davis for the purchase of certain real property described as Lots 1A and 9-12, Block 35, Original Town of Midland, City of Midland, Midland County, Texas (DISTRICT 2) (CITY MANAGER)

Purpose:

The Board of Directors of the Midland Development Corporation approved at a regular meeting on April 4, 2022, a resolution ratifying the Chairman of the Midland Development Corporation's execution of an amendment to that certain purchase and sale agreement between the Midland Development Corporation and the Estate of J.L. Davis for the purchase of certain real property described as Lots 1A and 9-12, Block 35, Original Town of Midland, City of Midland, Midland County, Texas.

Recommended City Council Action:

Approve

Fiscal Impact:

None.

Discussion:

This amendment extends the Inspection Period for the property through April 30, 2022, with additional one-week extensions available as needed. Closing shall occur within 30 days of the expiration of the Inspection Period.

Morris Williams Jr.

City Manager's Office

AMENDMENT TO THE PURCHASE AND SALE AGREEMENT
BETWEEN
THE MIDLAND DEVELOPMENT CORPORATION
AND
THE ESTATE OF J.L. DAVIS

THIS AMENDMENT is made and effective March 9, 2022, by and between the **ESTATE OF J.L. DAVIS** ("*Seller*"), and the **MIDLAND DEVELOPMENT CORPORATION**, a Type A corporation existing under the authority of Chapter 504 of the Texas Local Government Code ("*Purchaser*").

WHEREAS, Seller and Purchaser entered into that certain Purchase and Sale Agreement dated January 25, 2022, regarding certain real property described as Lots 1A and 9-12, Block 35, Original Town of Midland, City of Midland, Midland County, Texas (the "*Agreement*"), which was approved by the Midland Development Corporation Board of Directors and the Midland City Council; and

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

WHEREAS, Seller and Purchaser desire to make certain amendments to the Agreement as set forth below;

W I T N E S S E T H:

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

A. Section 3(a) and Section 3(d) of the Agreement are hereby deleted in their entirety and replaced with the following:

3. Inspection Period.

(a) Purchaser shall have until April 30, 2022, to conduct, at its expense, its due diligence with respect to the Property (the "*Inspection Period*").

...

(d) Upon obtaining Seller's written consent, Purchaser shall have the option to extend the Inspection Period in increments of six (6) business days by requesting such in writing on or before the end of the Inspection Period. For every extension requested by Purchaser and consented by Seller, an amount equal to One Hundred and No/100 Dollars ($100.00) of the Earnest Money shall not be refundable.

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

[Signature Pages Follow]

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

MIDLAND
DEVELOPMENT CORPORATION

Stephen Lowery, Chairman

ATTEST:

Jill Pennington, Secretary

THE ESTATE OF J.L. DAVIS

By: David L. Davis
Name: David L. Davis
Title: Co-Executor of the Estate of J.L. Davis

STATE OF Texas §
§
COUNTY OF Midland §

This instrument was acknowledged before me on this 31st day of March, 2022, by David L. Davis, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

ROBERT V. RENDALL
Notary Public, State of Texas
Comm. Expires 12-30-2025
Notary ID 2156954

Notary Public, State of

City Council Meeting

Item Number: 7

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL 11 OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 231 FEET AND 2,422 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 150 FEET AND 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The proposed granting of oil and gas well permits to Permian Deep Rock Oil Co., LLC for the drilling of the following oil and gas wells: Rebel #H130LS; Rebel #H130WB; Rebel #H135WA; Rebel #H140WB; Rebel #H145LS; Rebel #H145UH; Rebel #H145WA; Rebel #H150WB; Rebel #H155WA; Rebel #H160LS; and Rebel #H160WB; said wells being generally located between 231 feet and 2,422 feet west of South Lamesa Road and between 150 feet and 170 feet south of I-20. The required 30-day public comment has passed, and the Council may consider this request. No notices of objection received.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

The Oil and Gas Advisory Committee has reviewed the well site in detail and recommends approval with updated exhibits. A 16 ft. tall and 160 ft. long sound wall will be used during

drilling and completion operations being located on the North perimeter of location. The tank battery will be in the county. The operator has a surface agreement with the surface owner. Receiving support of the Oil & Gas Advisory Committee, Permian Deep Rock Oil is requesting the following variances:

(1) Permian Deep Rock Oil Company requests to allow for twenty-four-hour fracing operations.
(2) Permian Deep Rock Oil Company requests variance for fence of the drill pad instead of individual well.
(3) Permian Deep Rock Oil Company requests a variance to the requirement of landscaping and irrigation due to no city water is available.
(4) Permian Deep Rock Oil Company requests variance to the Road Repair Agreement due to no city streets will be used.

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

Morris William Jr.

City Manager's Office

RESOLUTION NO. _____

RESOLUTION APPROVING THE ISSUANCE OF PERMITS TO PERMIAN DEEP ROCK OIL CO., LLC ("OPERATOR") TO DRILL 11 OIL AND GAS WELLS LOCATED IN SECTION 2, BLOCK 39, T-2-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 231 FEET AND 2,422 FEET WEST OF SOUTH LAMESA ROAD AND BETWEEN 150 FEET AND 170 FEET SOUTH OF INTERSTATE 20); AND WAIVING THE REQUIREMENT OF A ROAD REPAIR AGREEMENT

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

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

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

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

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

with Section 6-1-23(H)(1) and a public hearing was held on March 22, 2022; and

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

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

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

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

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

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

> Rebel #H130LS; Rebel #H130WB; Rebel #H135WA; Rebel #H140WB; Rebel #H145LS; Rebel #H145UH; Rebel #H145WA; Rebel #H150WB; Rebel #H155WA; Rebel #H160LS; and Rebel #H160WB;

located in Section 2, 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 "K" and incorporated herein for all legal purposes.

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

On motion of Council member _____, seconded by Council member

_____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2022, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H130LS oil and gas well shall be 231 feet from the east line and 90 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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

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

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H130WB oil and gas well shall be 251 feet from the east line and 90 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H135WA oil and gas well shall be 1,082 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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

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

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H140WB oil and gas well shall be 1,112 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H145LS oil and gas well shall be 1,492 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H145UH oil and gas well shall be 1,522 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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CITY OF MIDLAND, TEXAS

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The location of Operator's Rebel #H145WA oil and gas well shall be 1,462 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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3. No landscaping or irrigation is required because City water is not available.

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CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H150WB oil and gas well shall be 1,972 feet from the east line and 106 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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The location of Operator's Rebel #H155WA oil and gas well shall be 2,002 feet from the east line and 106 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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The location of Operator's Rebel #H160LS oil and gas well shall be 2,422 feet from the east line and 109 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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By: _____

Kyle M. Hammond

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
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

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

Option B:

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

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #H130LS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 90' FSL & 231' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

ATTACHED AS EXHIBIT M: No city roads will be used

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

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

(1) **Drilling: None**

(2) **Operations: Oncor**

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

V. Additional Required Exhibits

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

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

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

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

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

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

Estella Pena
Notary Public, State of Texas

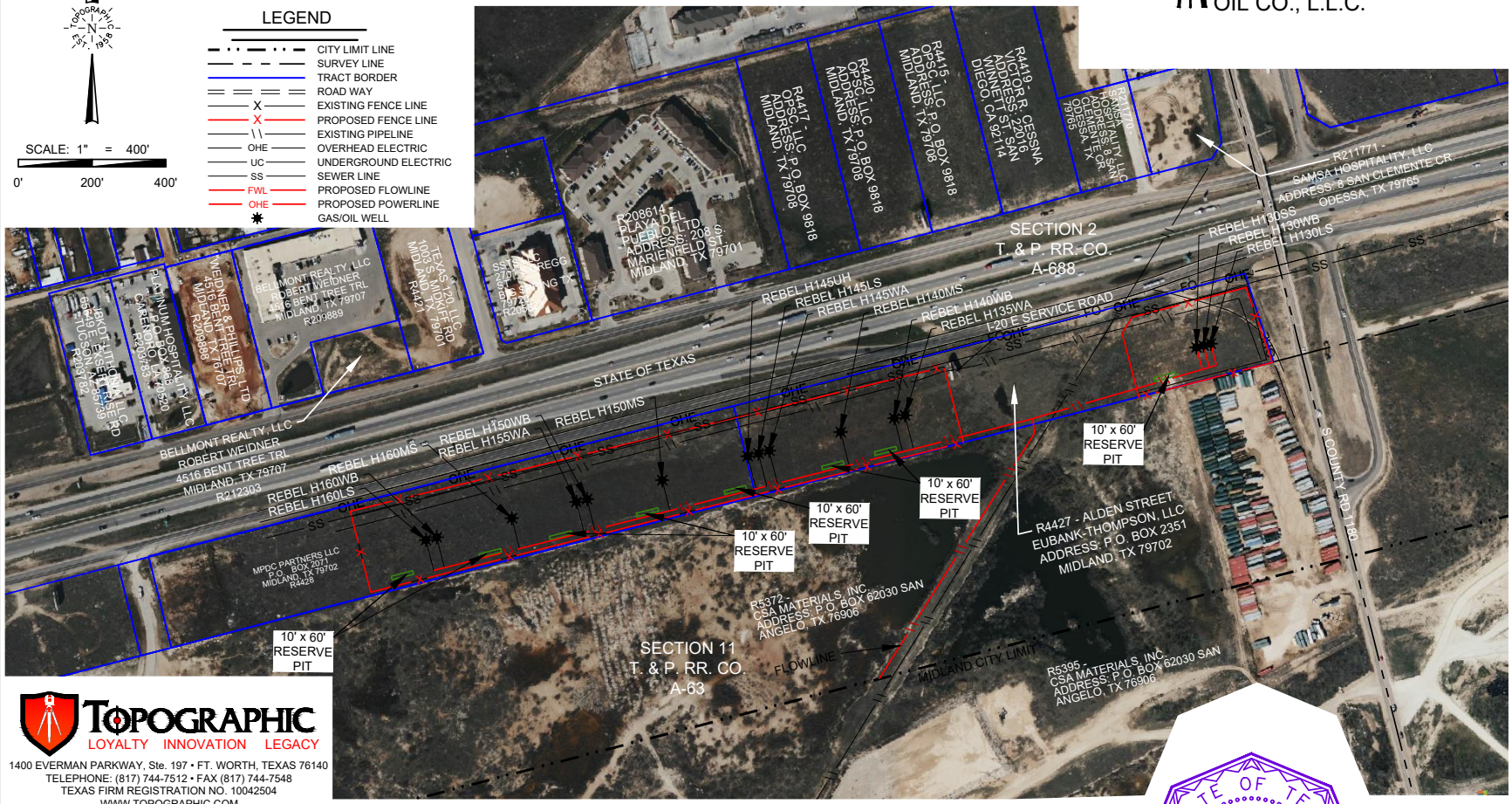
[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8

EXHIBIT "G"

SECTION 1, BLOCK 39, T2S, T. & P. RR. CO. SURVEY, A-180
MIDLAND COUNTY, TEXAS

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



TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 197 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7548
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

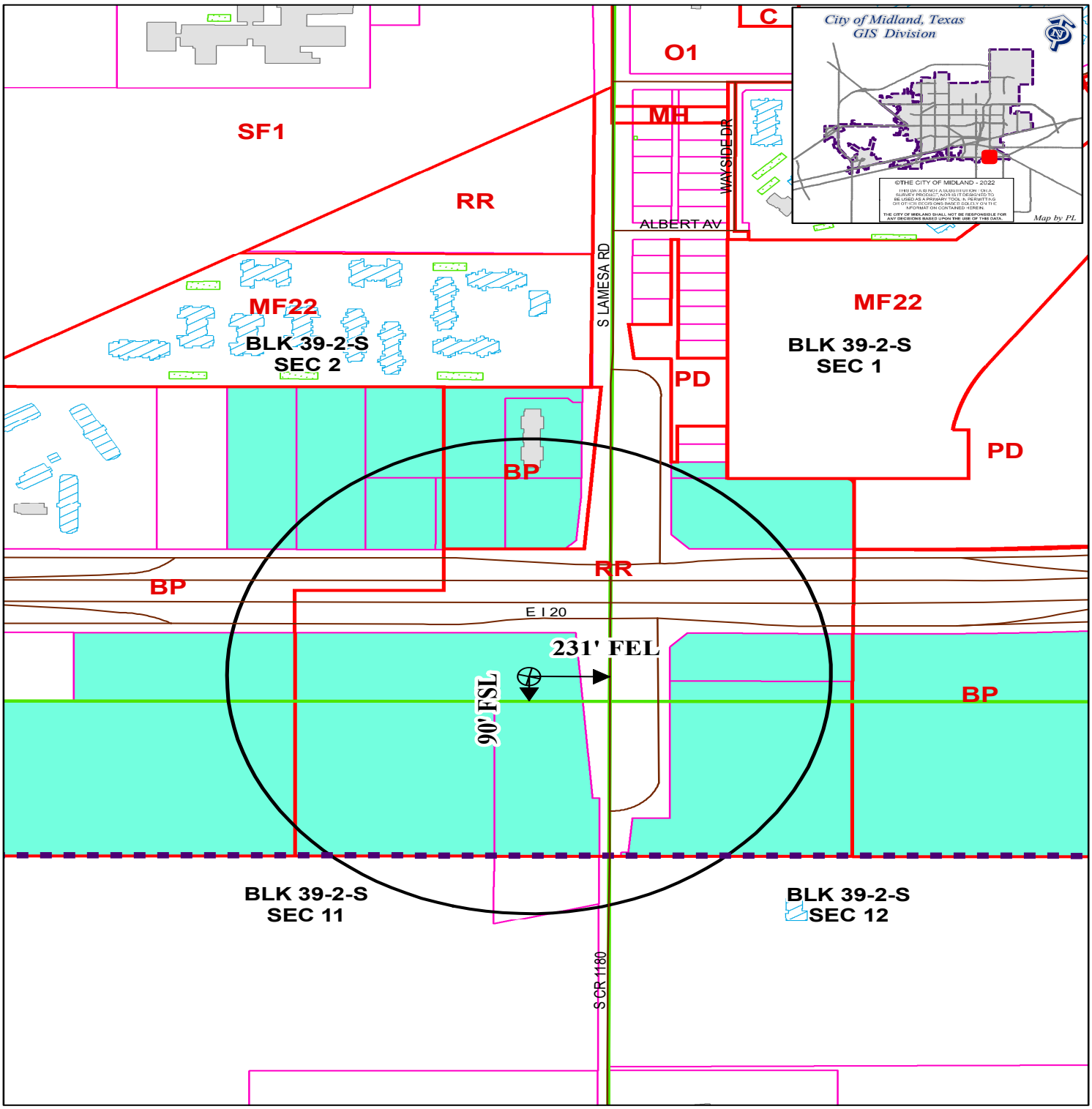
REBEL UNIT CITY PERMIT	REVISION: INT	REVISION: DATE
	DRH	12/17/2021
	DRH	01/14/2022
DATE: 12/07/2021		
FILE: SK_REBEL_UNIT_PERMIT_REV2		
DRAWN BY: DRH		
SHEET : 3 OF 8		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 11" X 8.5"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. CERTIFICATION IS MADE ONLY FOR PROPOSED UTILITIES AND SITES, IN RELATION TO THE EVIDENCE FOUND DURING A FIELD SURVEY, MADE ON THE GROUND, UNDER MY SUPERVISION, AND USING DOCUMENTATION PROVIDED BY PERMIAN DEEP ROCK OIL CO., L.L.C. ONLY UTILITIES/EASEMENTS THAT WERE VISIBLE ON THE DATE OF THIS SURVEY, WITHIN/ADJOINING THIS EASEMENT, HAVE BEEN LOCATED AS SHOWN HEREON OF WHICH I HAVE KNOWLEDGE. THIS CERTIFICATION IS LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE, AND MADE FOR THIS TRANSACTION ONLY.
4. ALL PROPOSED INFRASTRUCTURE SHOWN HEREON IS SOLELY FOR THE PURPOSE OF APPLYING FOR A PERMIT WITH THE CITY OF MIDLAND, TEXAS. THIS IS EXHIBIT IS NOT TO BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH THE T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THESE ARE FOR PLANNING PURPOSES ONLY.
5. ADJOINER INFORMATION SHOWN FOR INFORMATIONAL PURPOSES ONLY.

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

JEFFREY N LUEDERS, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: November 23, 2021

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\SKETCH\SK_REBEL_UNIT_PERMIT_REV2.DWG 1/14/2022 11:15:23 AM dharris



LOCATION AND ZONING MAP

Oil - 040645 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 90' FSL and 231' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 231 feet west of South Lamesa Road and 150 feet south of I-20.

Rebel #H130LS

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	LR, GR, LRA	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

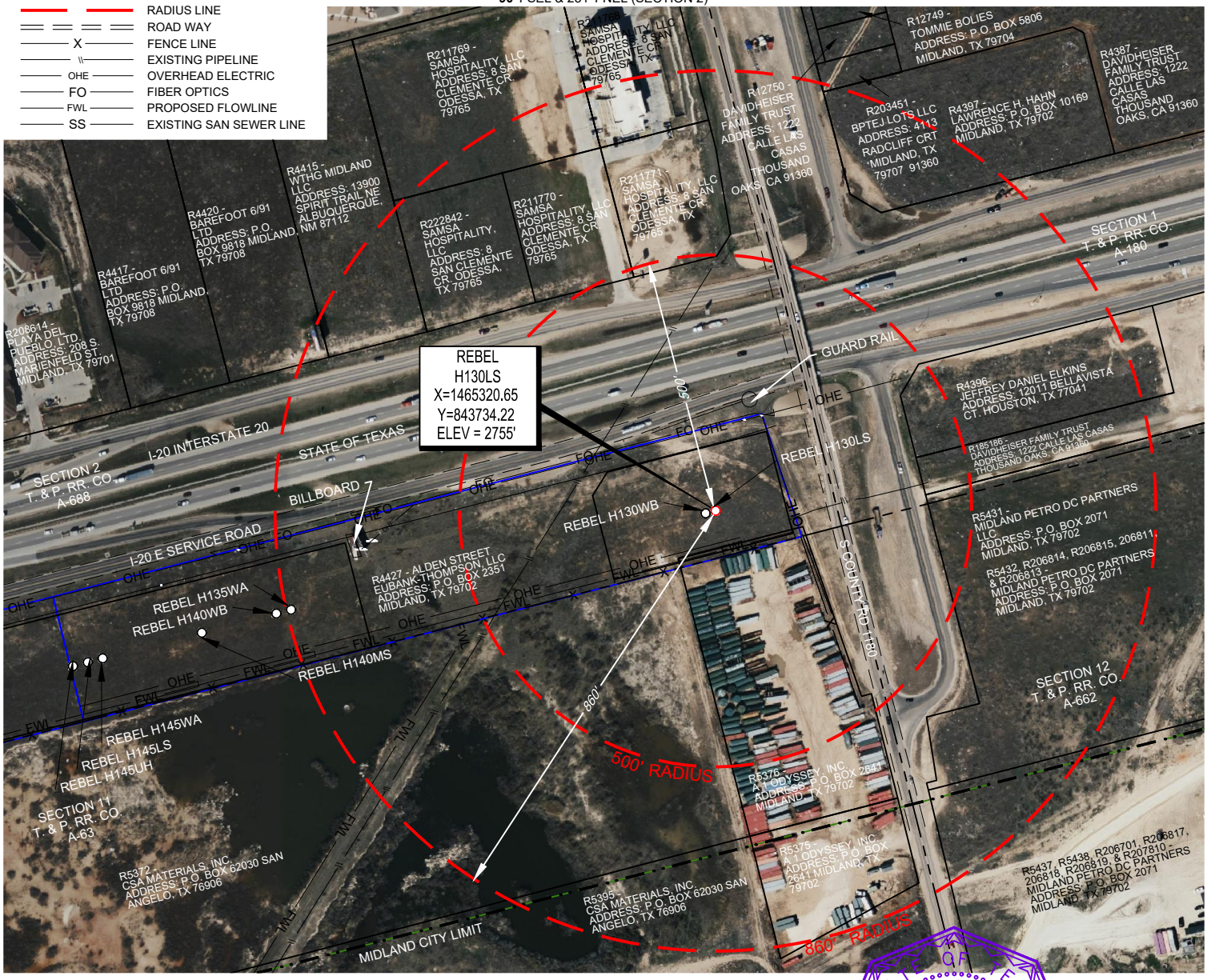
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H130LS**
90' FSEL & 231' FNEL (SECTION 2)

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



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: OCTOBER 15, 2021

REBEL H130LS	REVISION: INT	DATE
	MJM	11/24/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H130LS_REV5	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 7.56 April 26, 2022

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
01/03/2022	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
Kyle M. Hammond	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"

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II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
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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: Rebel #H130WB

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 90' FSL & 251' FEL, Section 2
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ATTACHED AS EXHIBIT G is the Location Site Plan [See § J(9)].

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

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(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

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ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

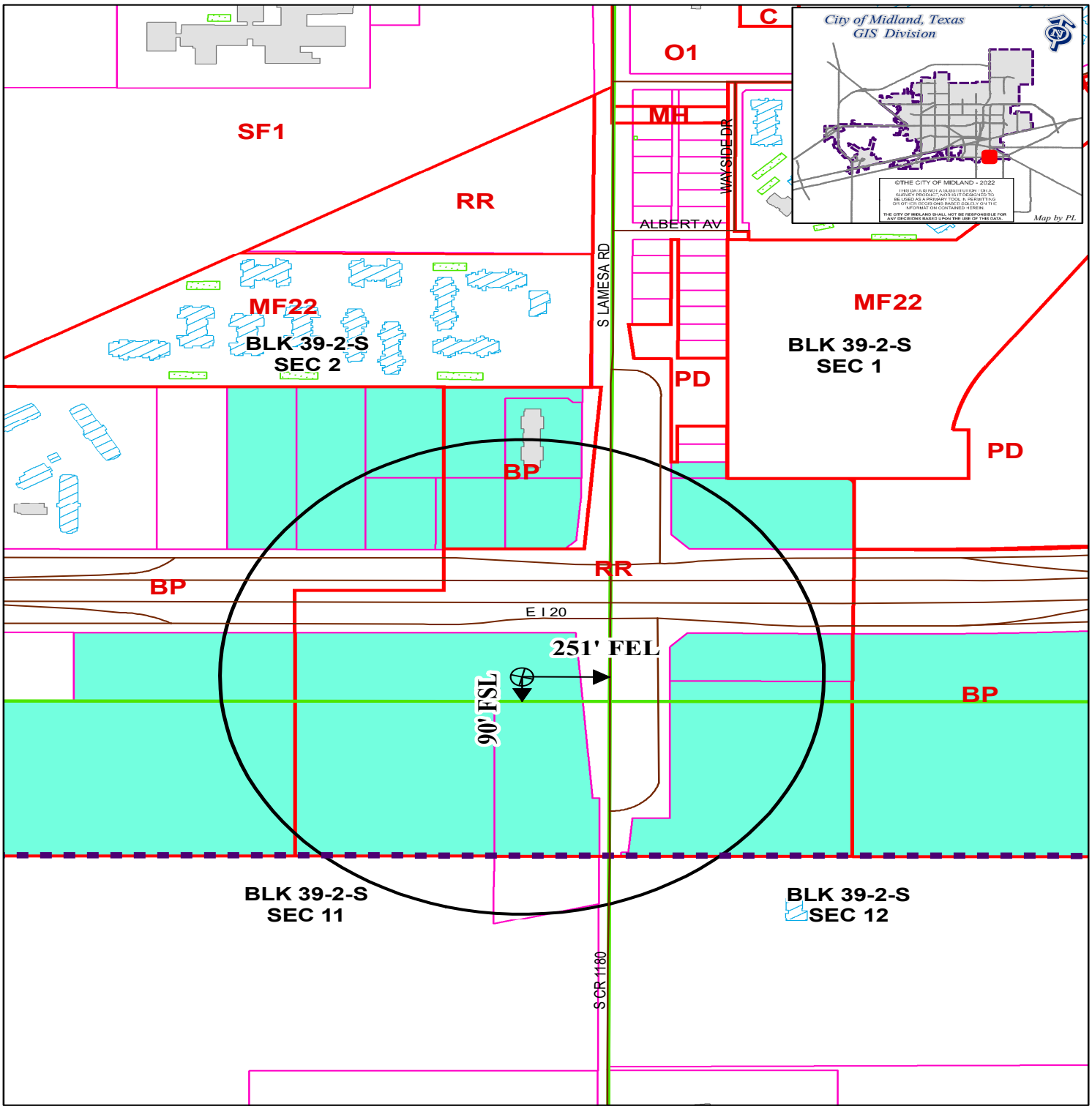
County of Midland)

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

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040647 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 90' FSL and 251' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 251 feet west of South Lamesa Road and 150 feet south of I-20.

Rebel #H130WB

LEGEND

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

ZONING DISTRICTS:

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PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	O1, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR, GR, LC, RC	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

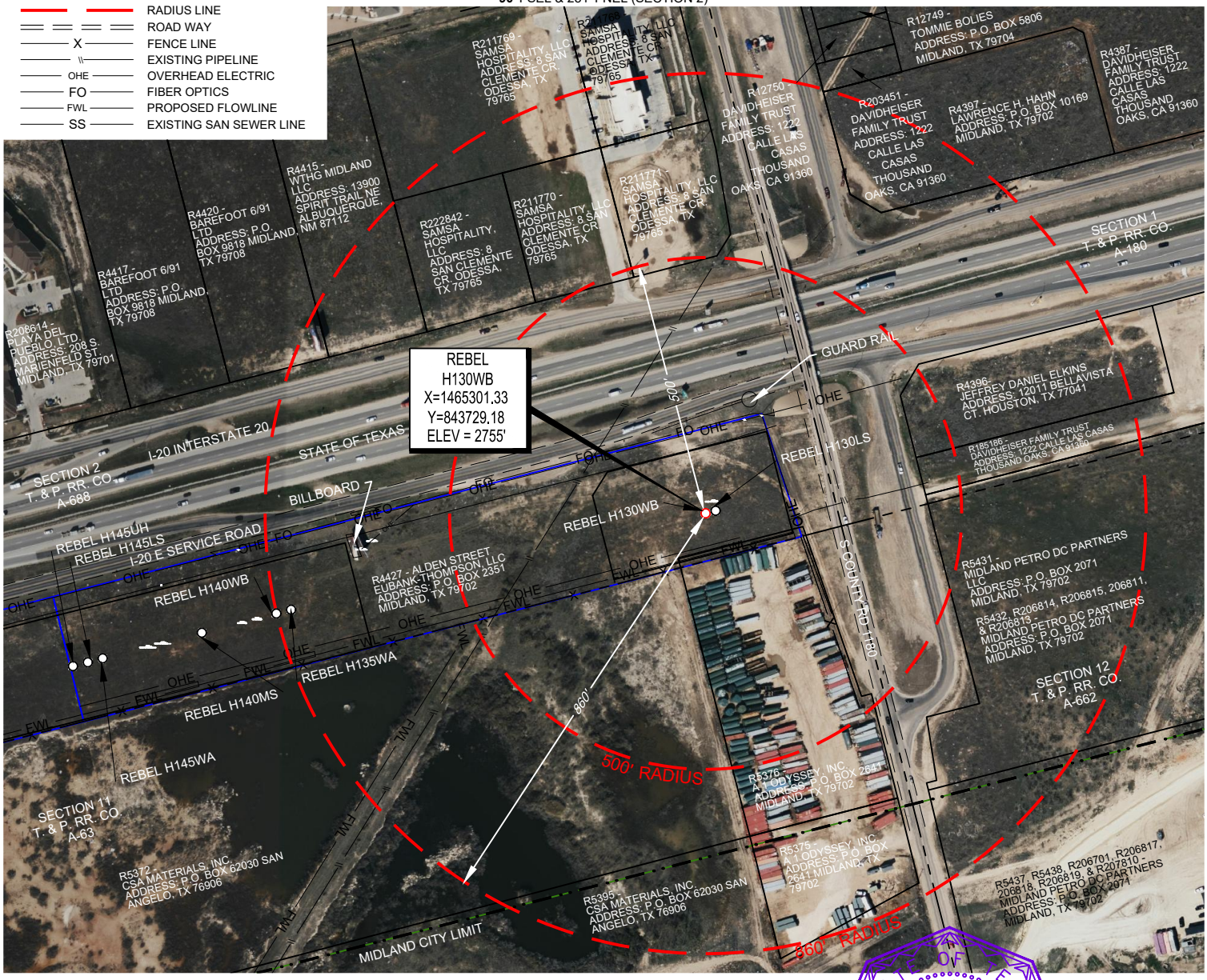
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
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- FO — FIBER OPTICS
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SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
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FOR PROPOSED **REBEL H130WB**
90' FSEL & 251' FNEL (SECTION 2)

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



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LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
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STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: OCTOBER 15, 2021

REBEL H130WB	REVISION: INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H130WB_REV5	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
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5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 7.62 April 26, 2022

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H130WB_REV5.DWG 1/17/2022 1:09:39 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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IV. Well & Operations Information

Proposed Well Name: Rebel #H135WA

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1082' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

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

ATTACHED AS EXHIBIT M: **No city roads will be used**

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

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

(1) Drilling: None

(2) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

V. Additional Required Exhibits

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

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

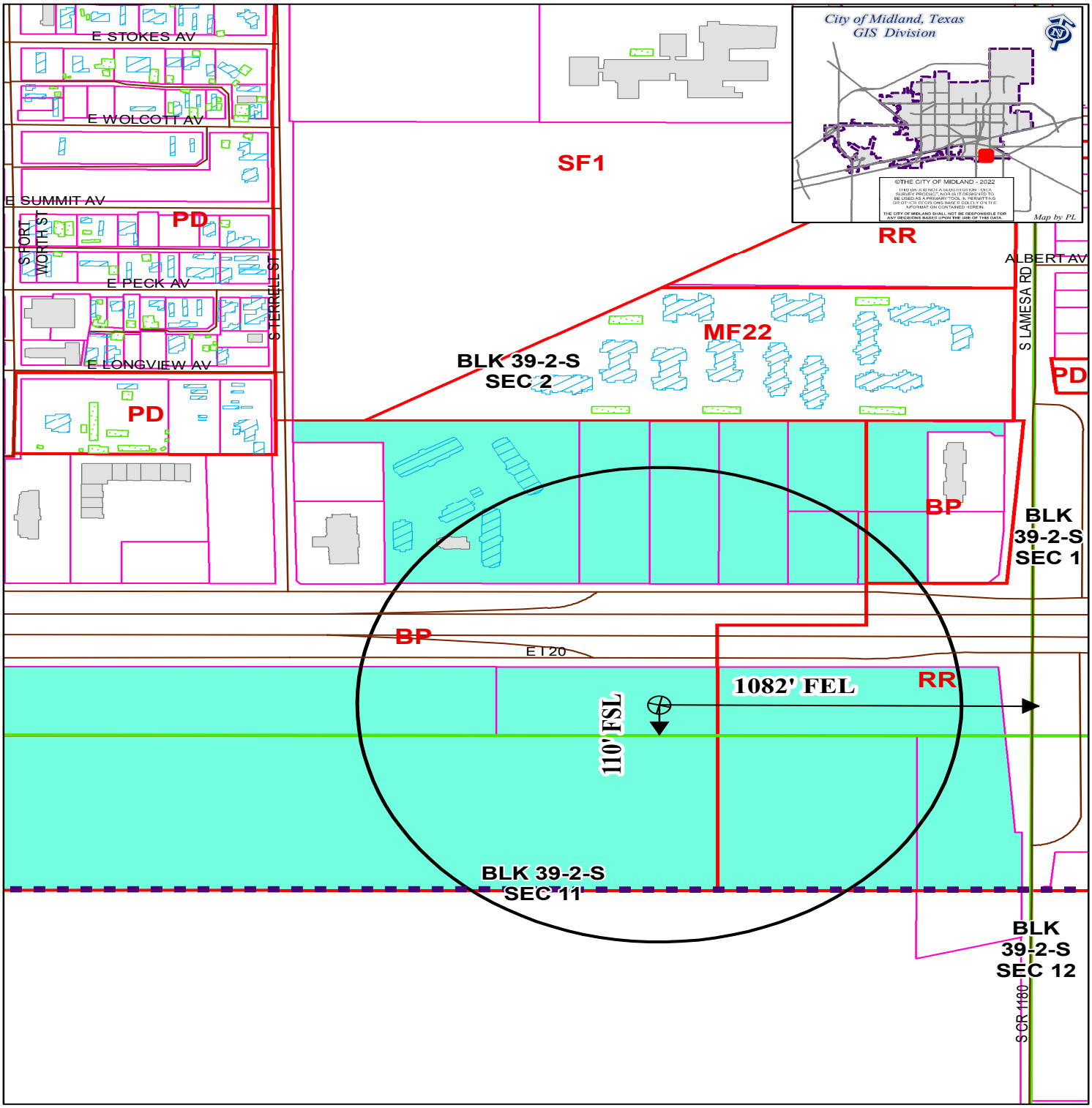
County of Midland)

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

Estella Peña
Notary Public, State of Texas

[SEAL]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040650 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,082' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,082 feet west of South Lamesa Road and 170 feet south of I-20.

Rebel #H135WA

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	LR, GR, LRM	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

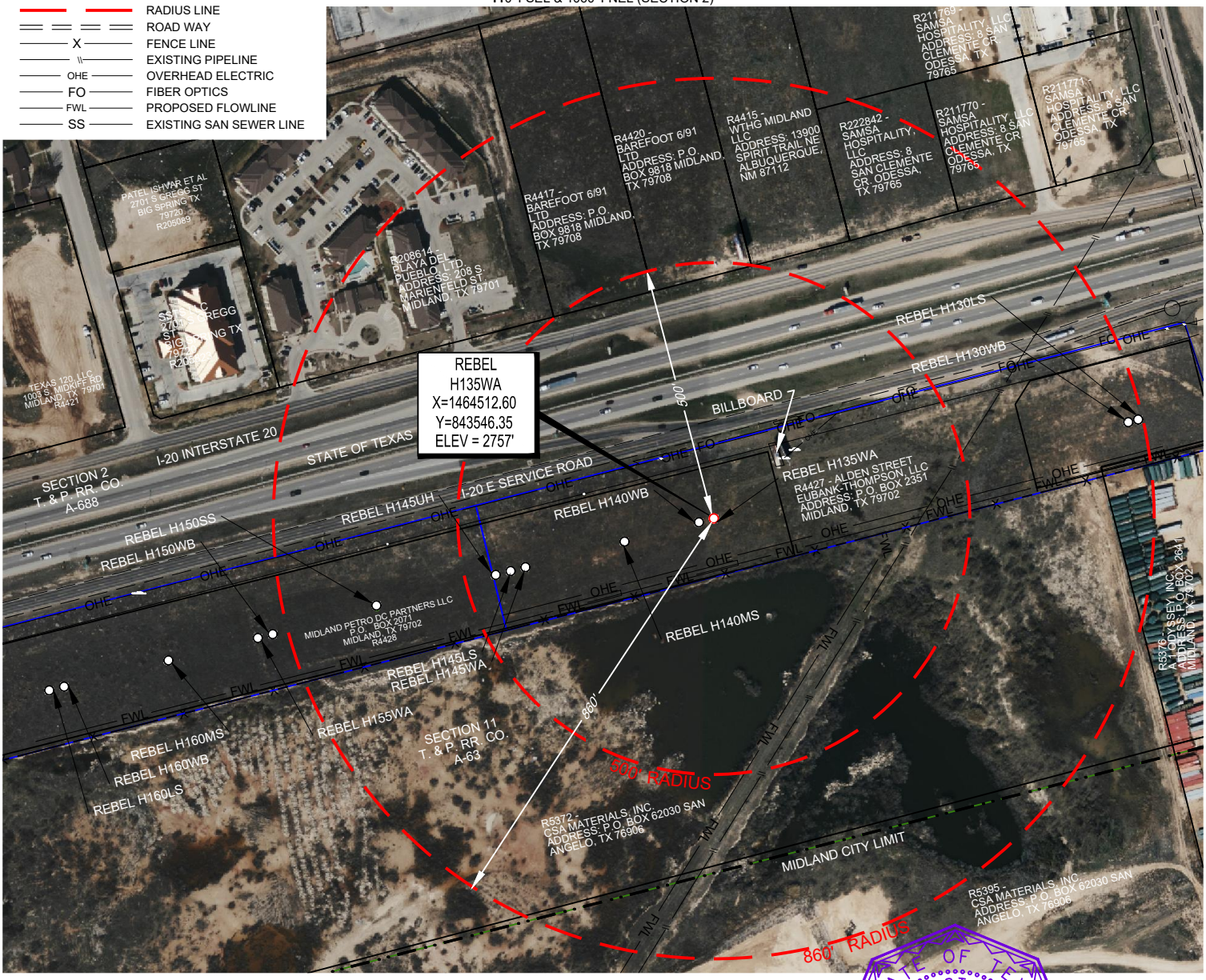
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OVERHEAD ELECTRIC
- FIBER OPTICS
- PROPOSED FLOWLINE
- EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H135WA**
110' FSEL & 1060' FNEL (SECTION 2)

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) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM



Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 11, 2021

REBEL H135WA	REVISION:	
	INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H135WA_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 7.68 April 26, 2022

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H135WA_REV4.DWG 1/17/2022 1:08:16 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

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

Option B:

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

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #H140WB

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1112' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

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

ATTACHED AS EXHIBIT M: No city roads will be used

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

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

(1) **Drilling: None**

(2) **Operations: Oncor**

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

V. Additional Required Exhibits

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

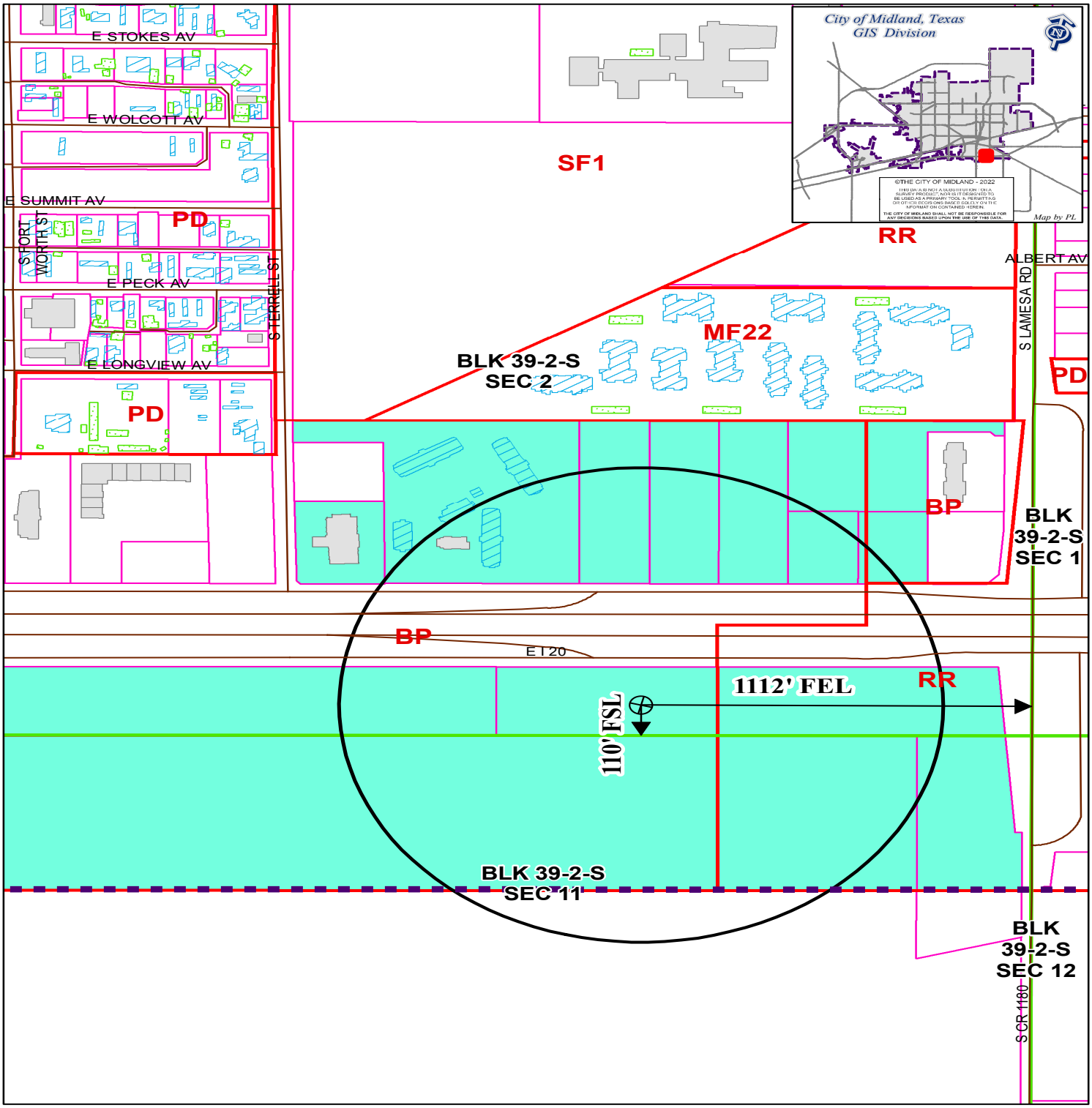
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040651 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,112' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,112 feet west of South Lamesa Road and 170 feet south of I-20.

Rebel #H140WB

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	LR, RR, LRM	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

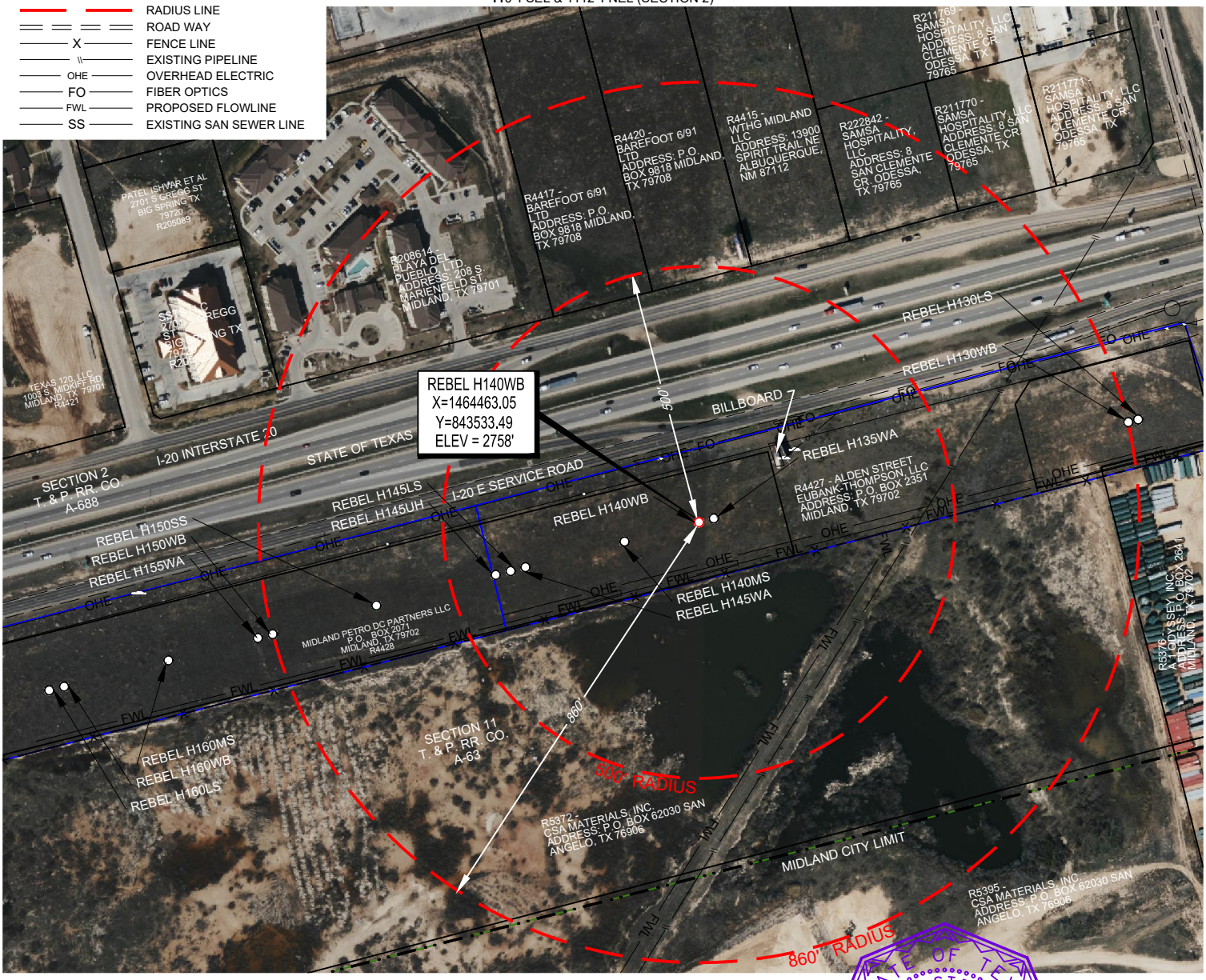
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H140WB**
110' FSEL & 1112' FNEL (SECTION 2)

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



N

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LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 11, 2021

REBEL H140WB	REVISION: INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H140WB_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
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S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H140WB_REV4.DWG 1/17/2022 1:07:03 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	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
Kyle M. Hammond	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.):

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

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2.

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See Exhibit "C"

III. Surface Ownership & Use

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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
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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: Rebel #H145LS

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1492' FEL, Section 2
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See Exhibit "O"

V. Additional Required Exhibits

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ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

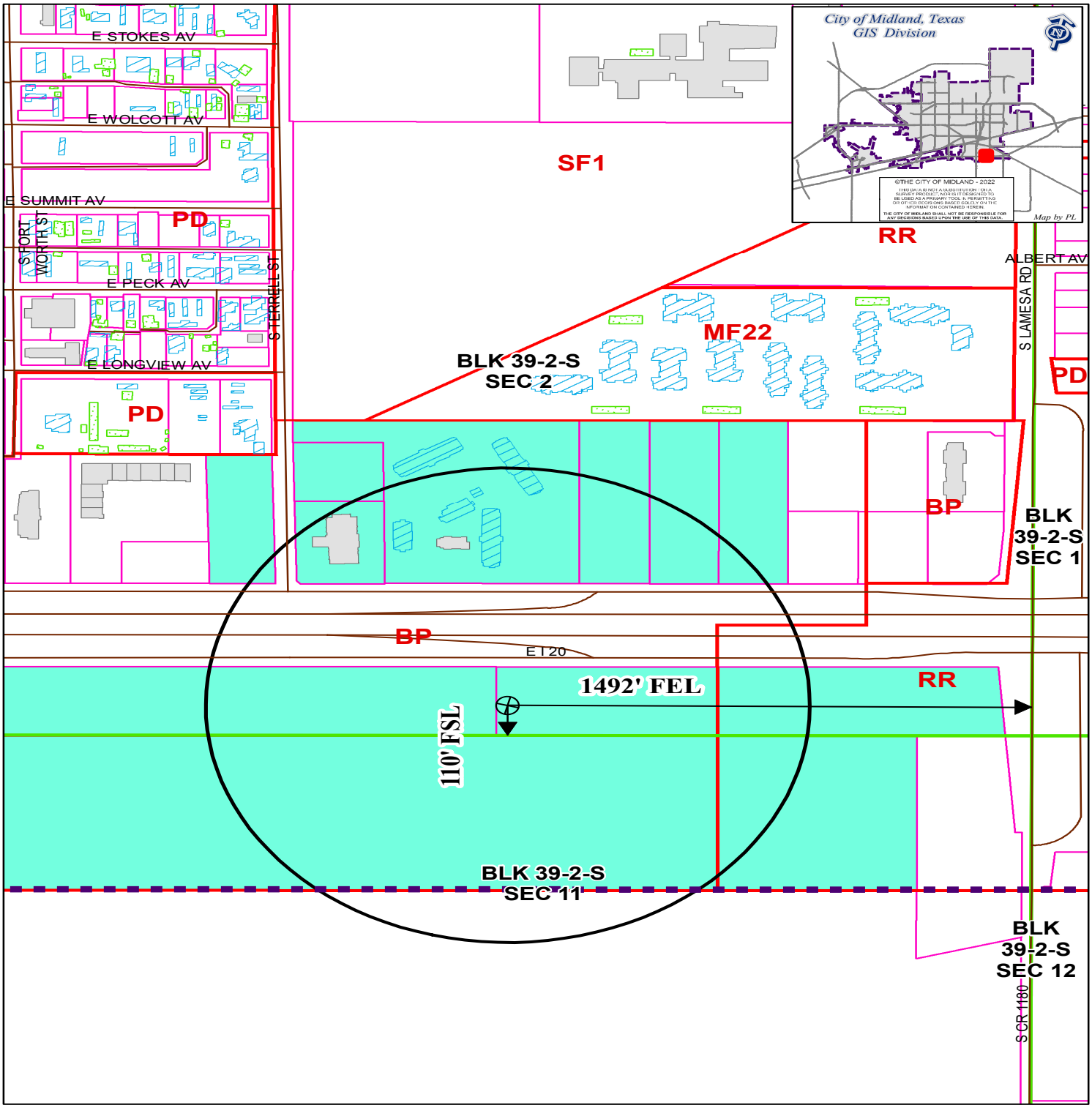
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[SEAL]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040655 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,492' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,492 feet west of South Lamesa Road and 170 feet south of I-20.

Rebel #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	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR, GR, LRM, GRM	LOW/GEN RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

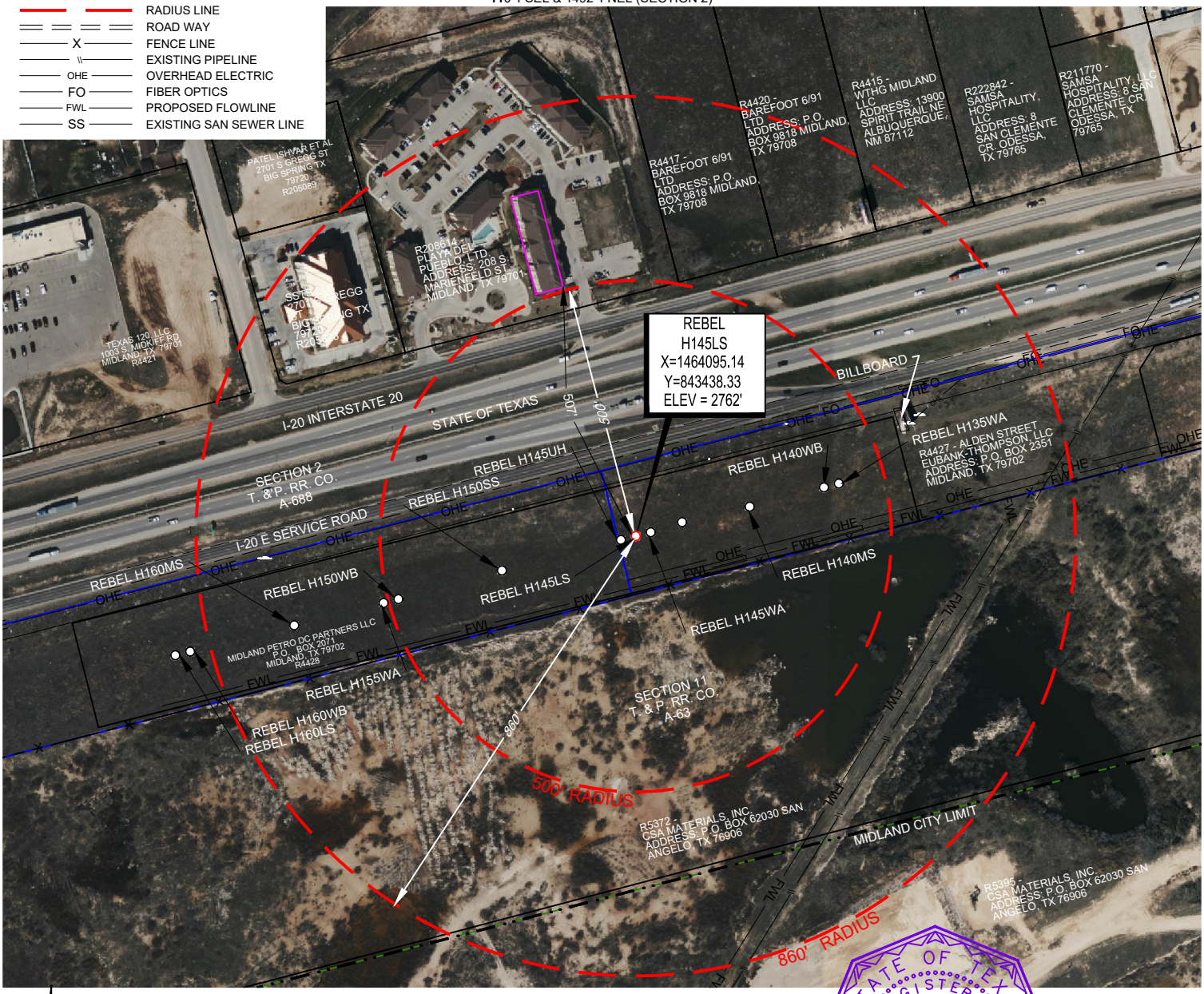
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H145LS**
110' FSEL & 1492' FNEL (SECTION 2)

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



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY
1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 11, 2021

REBEL H145LS	REVISION: INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H145LS_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
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3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H145LS_REV4.DWG 1/17/2022 1:05:31 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	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
Kyle M. Hammond	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 within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #H145UH

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1522' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

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

ATTACHED AS EXHIBIT M: **No city roads will be used**

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

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

(1) Drilling: None

(2) Operations: Oncor

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

V. Additional Required Exhibits

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

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

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

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

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8

SCALE: 1" = 300'

0' 150' 300'

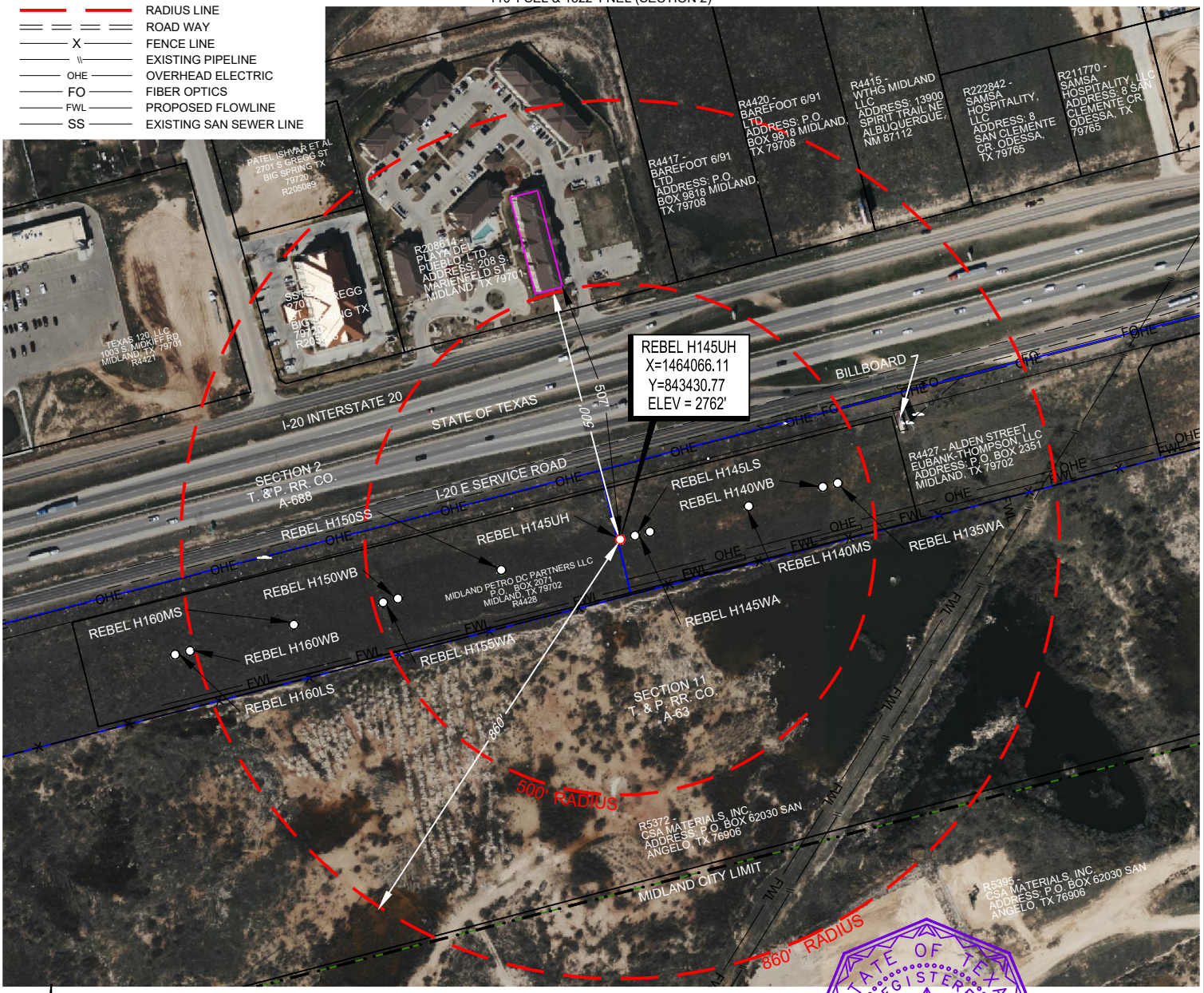
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110' FSEL & 1522' FNEL (SECTION 2)

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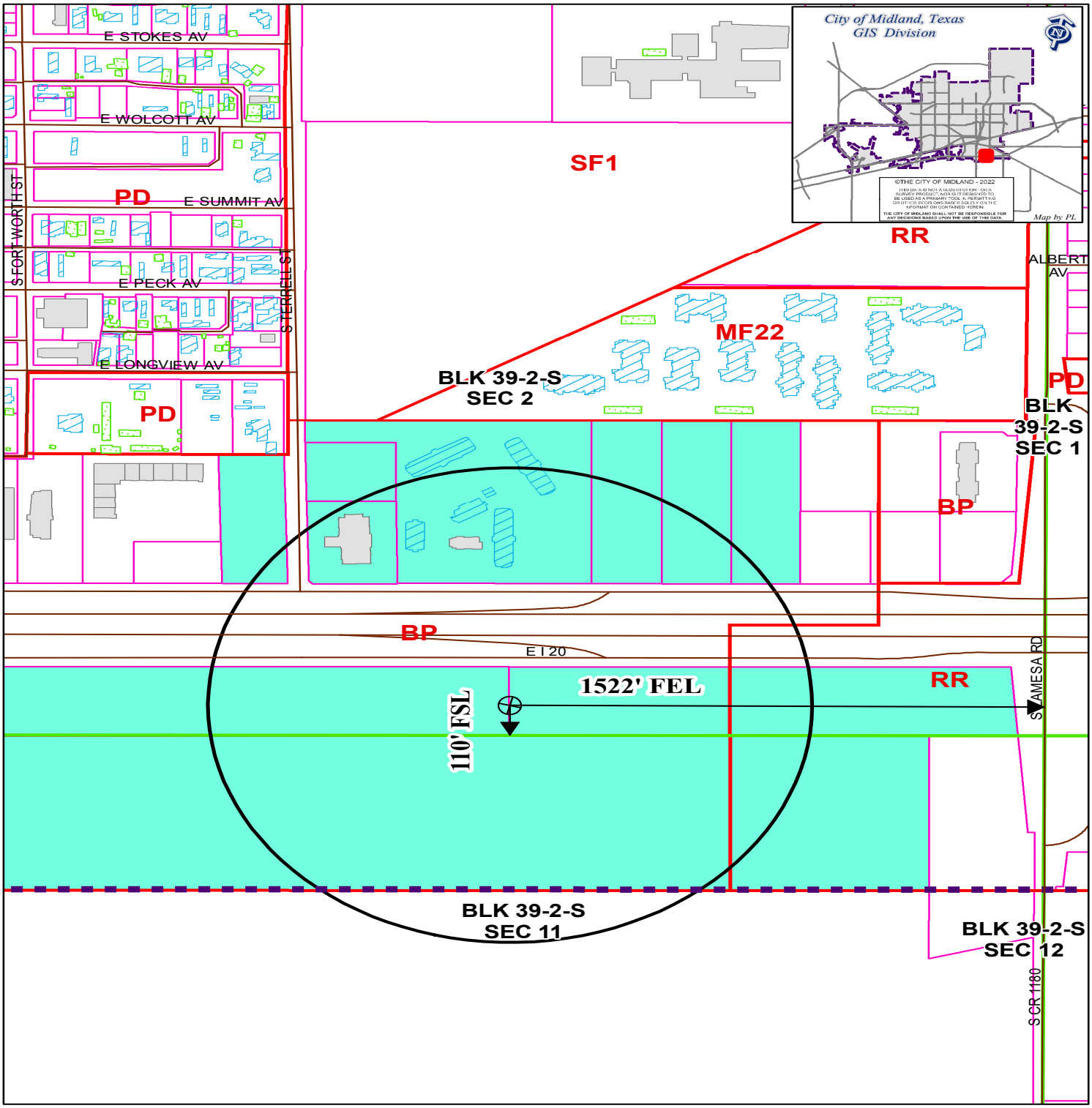
STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 11, 2021

REBEL H145UH	REVISION:	
	INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H145UH_REV3	SDH	01/17/22
DRAWN BY: RAC		
SHEET : 1 OF 2		

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S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H145UH_REV3.DWG 1/17/2022 1:00:55 PM dharris



LOCATION AND ZONING MAP

Oil - 040661 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,522' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,522 feet west of South Lamesa Road and 170 feet south of I-20.

Rebel #H145UH

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	LR, GR, LR2	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702
Representative Name	**Representative Address (within Midland City Limits)**	**Rep. Tele.** 432-682-6685
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	**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.):

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See Exhibit "C"

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General Description of Current Surface Use (within 860 feet of proposed surface location):
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Surface ownership: Two residences, apartment complex and service company yards:

See Exhibit "D"

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

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

IV. Well & Operations Information

Proposed Well Name: Rebel #H145WA

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

See Exhibit "G"

Legal Description of Proposed Well Site: SHL: 110' FSL & 1462' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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(2) Operations: Oncor

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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

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

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

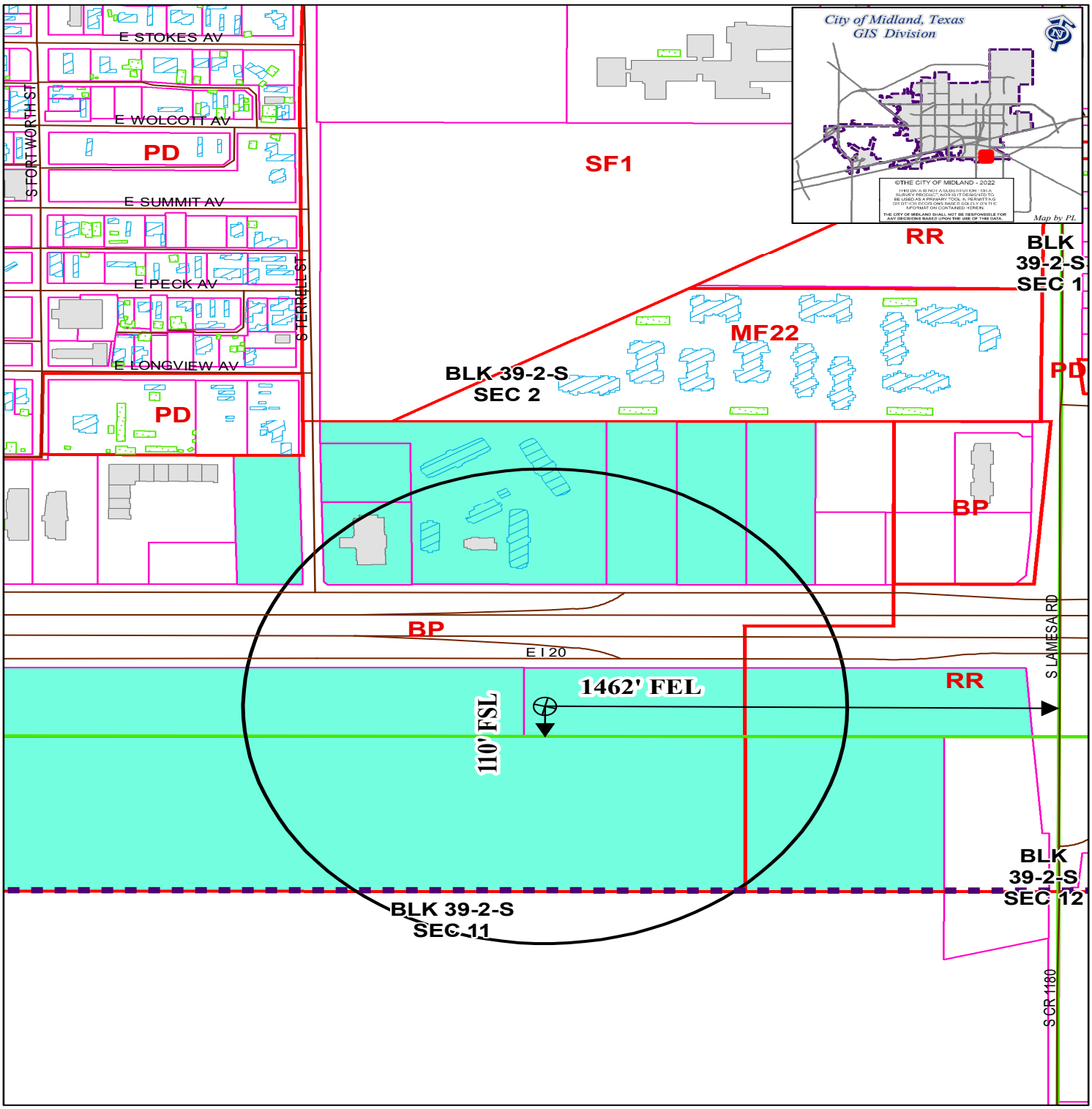
County of Midland)

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

Estella Peña
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040662 - 2022 **Scale: 1" = 400'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 110' FSL and 1,462' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,462 feet west of South Lamesa Road and 170 feet south of I-20.

Rebel #H145WA

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	LR1, LR2, LR3	LOW RETAIL
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TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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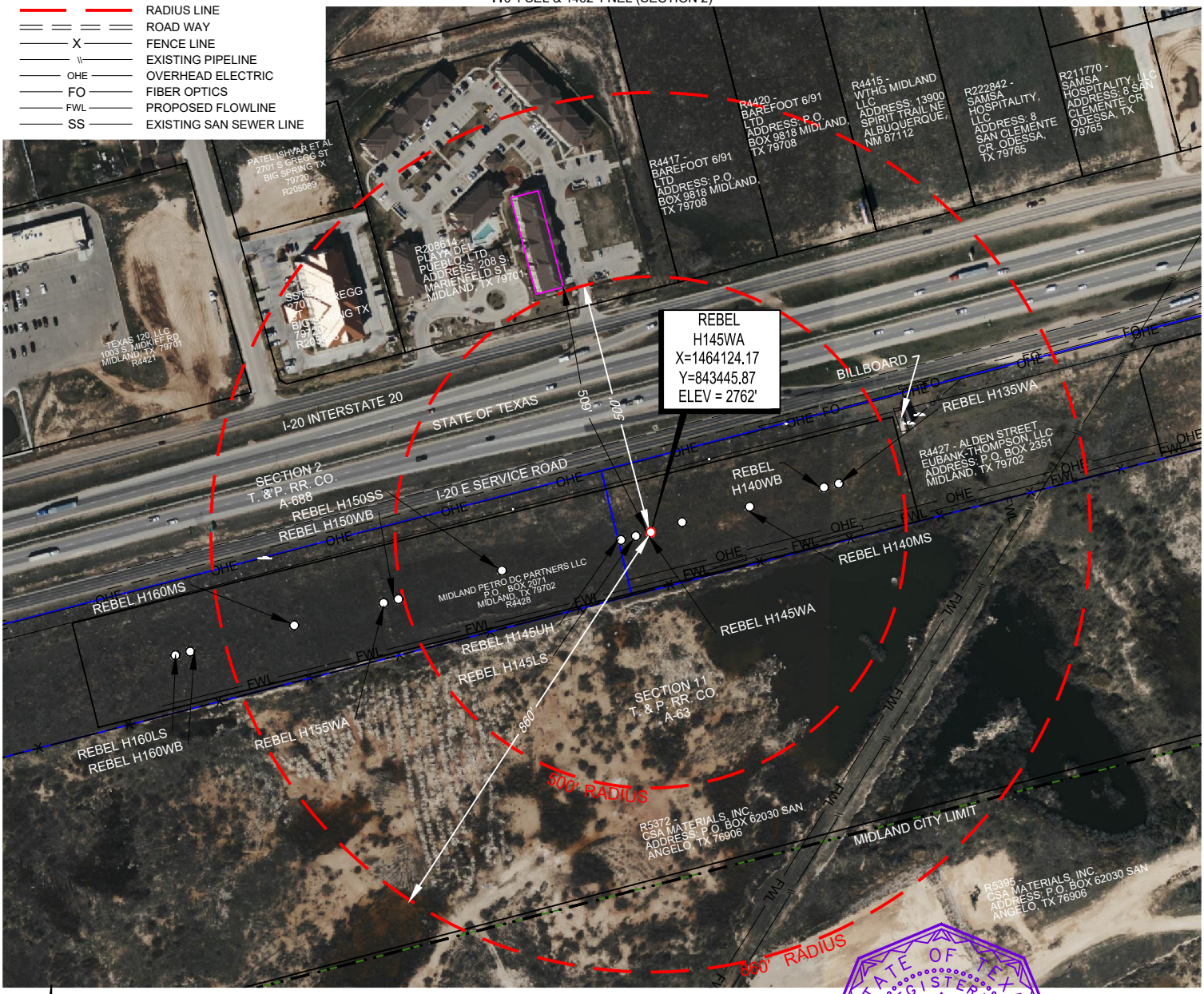
LEGEND

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- TRACT BORDER
- RADIUS LINE
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- EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H145WA**
110' FSEL & 1462' FNEL (SECTION 2)

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



N

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TEXAS FIRM REGISTRATION NO. 10042504
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STATE OF TEXAS
REGISTERED
JEFFREY N. LUEDERS
6512
PROFESSIONAL
LAND SURVEYOR

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 11, 2021

REBEL H145WA	REVISION: INT	DATE
	DRH	11/30/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H145WA_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

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MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

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Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
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Emergency Contact Representative (Name, Address, 24-Hour Tele. No.):

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #H150WB

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: 106' FSL & 1972' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

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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)]:

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Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

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ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

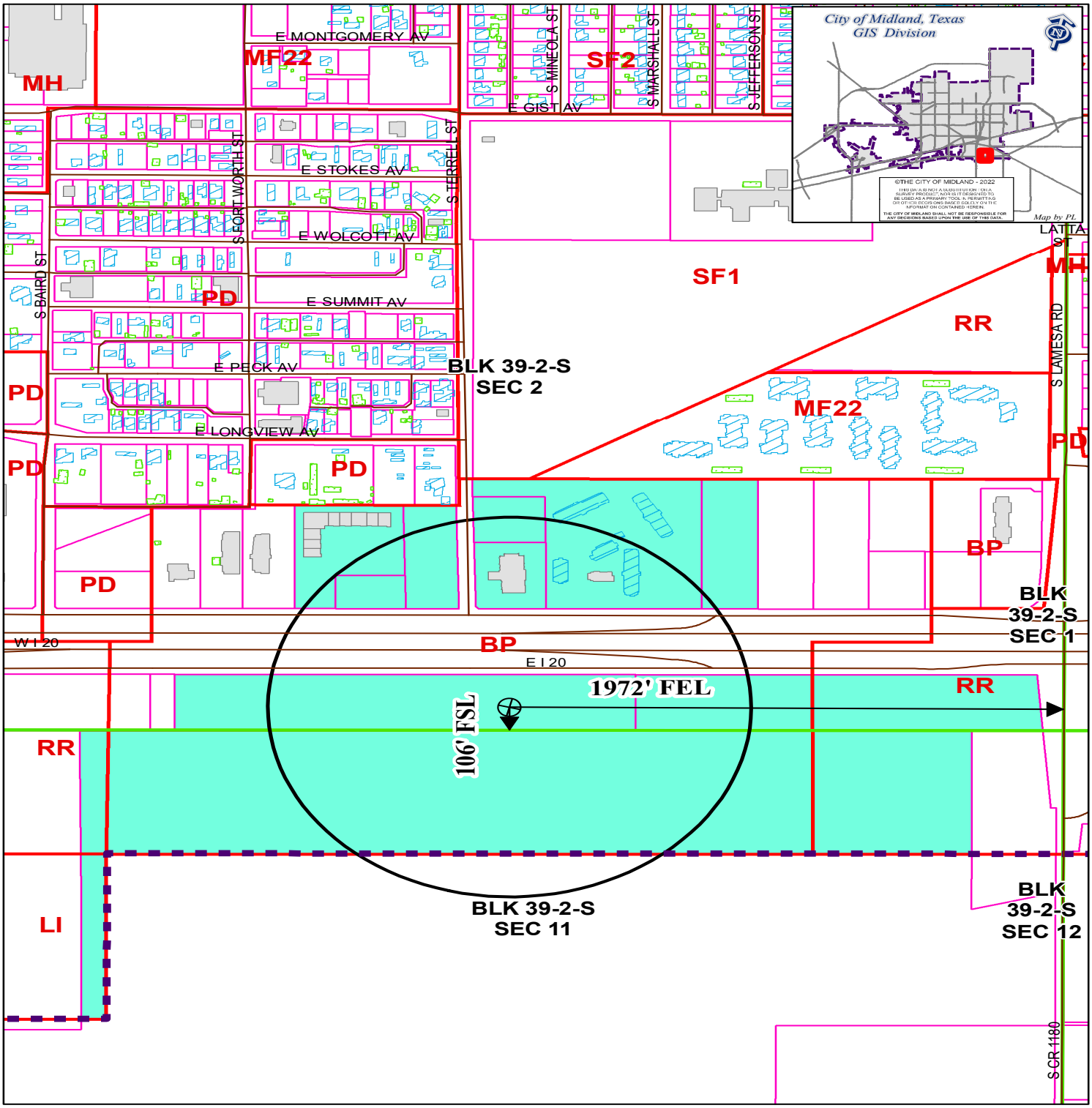
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040663 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 106' FSL and 1,972' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 1,972 feet west of South Lamesa Road and 166 feet south of I-20.

Rebel #H150WB

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	LR, GR, CR	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

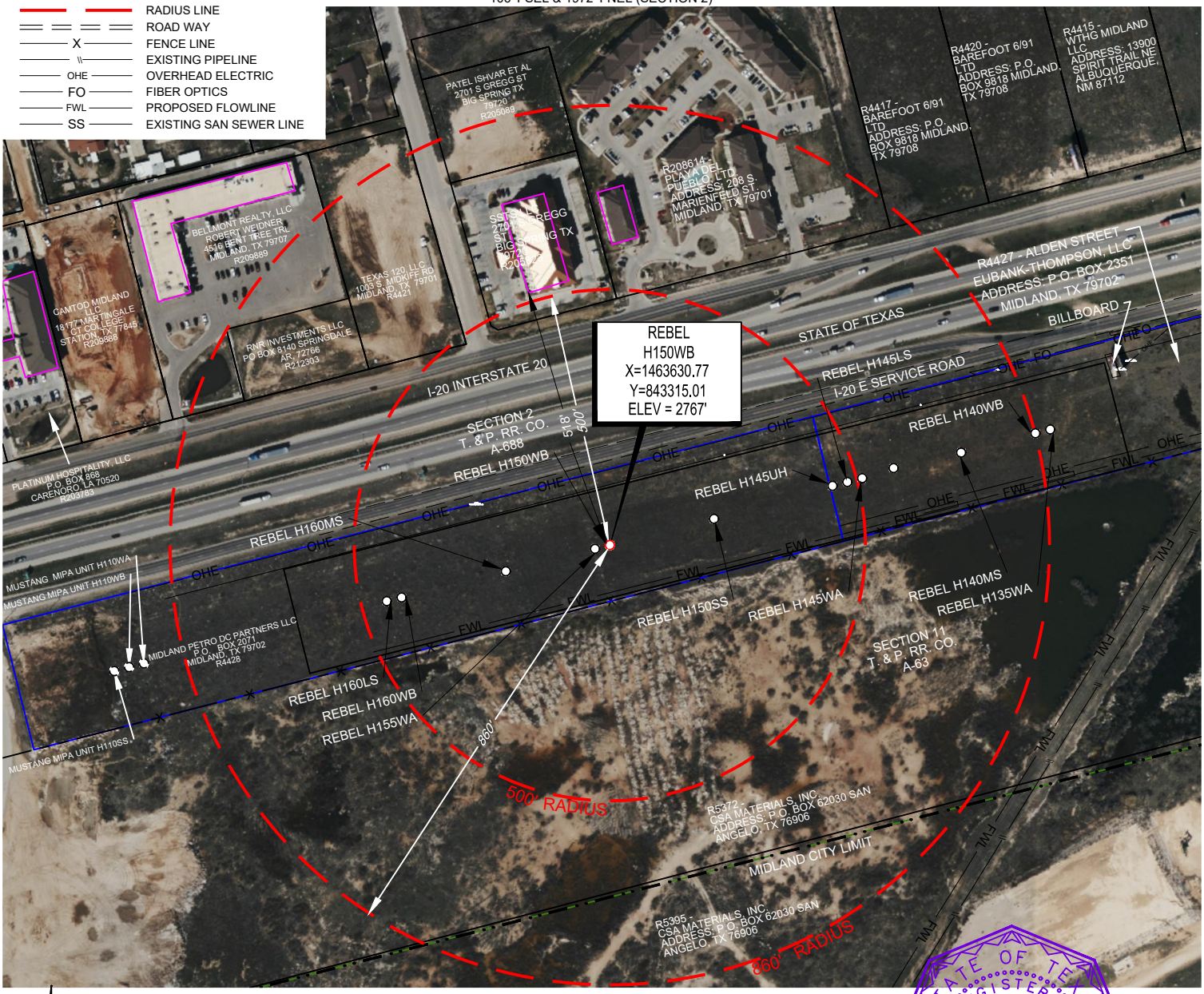
LEGEND

- SURVEY/SECTION LINE
- TRACT BORDER
- RADIUS LINE
- ROAD WAY
- X — FENCE LINE
- \\ — EXISTING PIPELINE
- OHE — OVERHEAD ELECTRIC
- FO — FIBER OPTICS
- FWL — PROPOSED FLOWLINE
- SS — EXISTING SAN SEWER LINE

SECTION 2, T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H150WB**
106' FSEL & 1972' FNEL (SECTION 2)

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



N

TOPOGRAPHIC
LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 23, 2021

REBEL H150WB	REVISION: INT	DATE
	DRH	12/01/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H150WB_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

NOTES:
1. ORIGINAL DOCUMENT SIZE: 8.5" X 11"
2. ALL BEARINGS, DISTANCES, AND COORDINATE VALUES CONTAINED HEREIN ARE GRID BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, U.S. SURVEY FEET, NORTH AMERICAN DATUM 1927.
3. THIS PROPOSED LOCATION HAS BEEN CAREFULLY SURVEYED ON THE GROUND UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE ACCORDING TO THE EVIDENCE, OFFICIAL SURVEY RECORDS, MAPS, AND OTHER DATA PROVIDED PERMIAN DEEP ROCK OIL CO., LLC. THIS PLAT WAS CREATED FOR THE SOLE PURPOSE OF FILING A PERMIT WITH THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS AND SHOULD NOT BE CONSTRUED AS A "BOUNDARY SURVEY" IN COMPLIANCE WITH T.B.P.L.S. MINIMUM STANDARDS OF PROCEDURES FOR BOUNDARY SURVEYS. THIS CERTIFICATION IS MADE AND LIMITED TO THOSE PERSONS OR ENTITIES SHOWN ON THE FACE OF THIS PLAT AND IS NON-TRANSFERABLE.
4. OWNERSHIP INFORMATION SHOWN HEREON WAS TAKEN FROM THE CITY OF MIDLAND, TEXAS GIS SITE.
5. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET 7.98 April 26, 2022

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H150WB_REV4.DWG 1/17/2022 1:02:38 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

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

Option B:

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

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

See Exhibit "A"

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

II. Mineral Ownership

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

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2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #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: 106' FSL & 2002' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

(1) **Drilling: None**

(2) **Operations: Oncor**

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

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V. Additional Required Exhibits

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Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

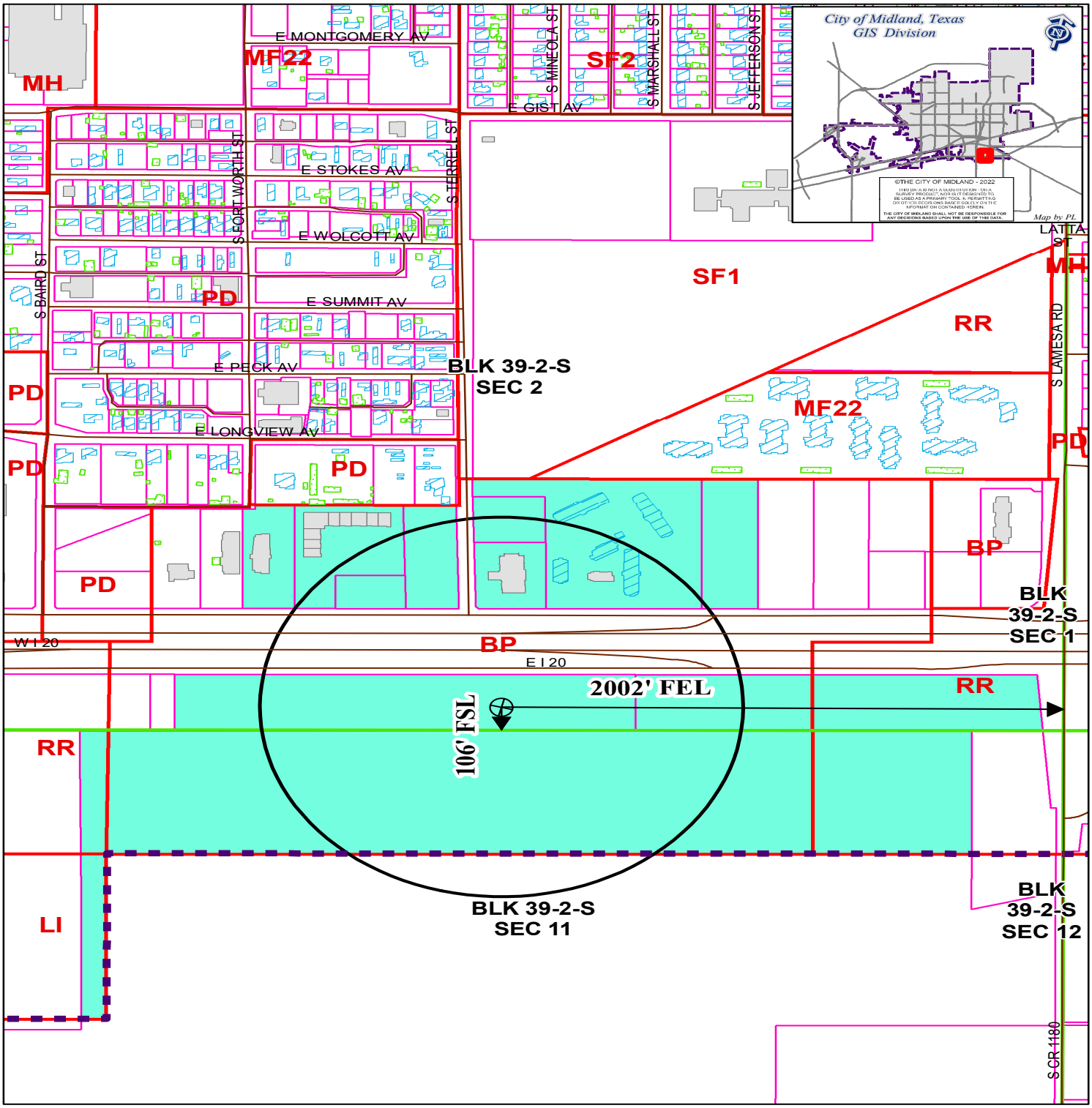
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040664 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 106' FSL and 2,002' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 2,002 feet west of South Lamesa Road and 166 feet south of I-20.

Rebel #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
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR, GR, CR	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

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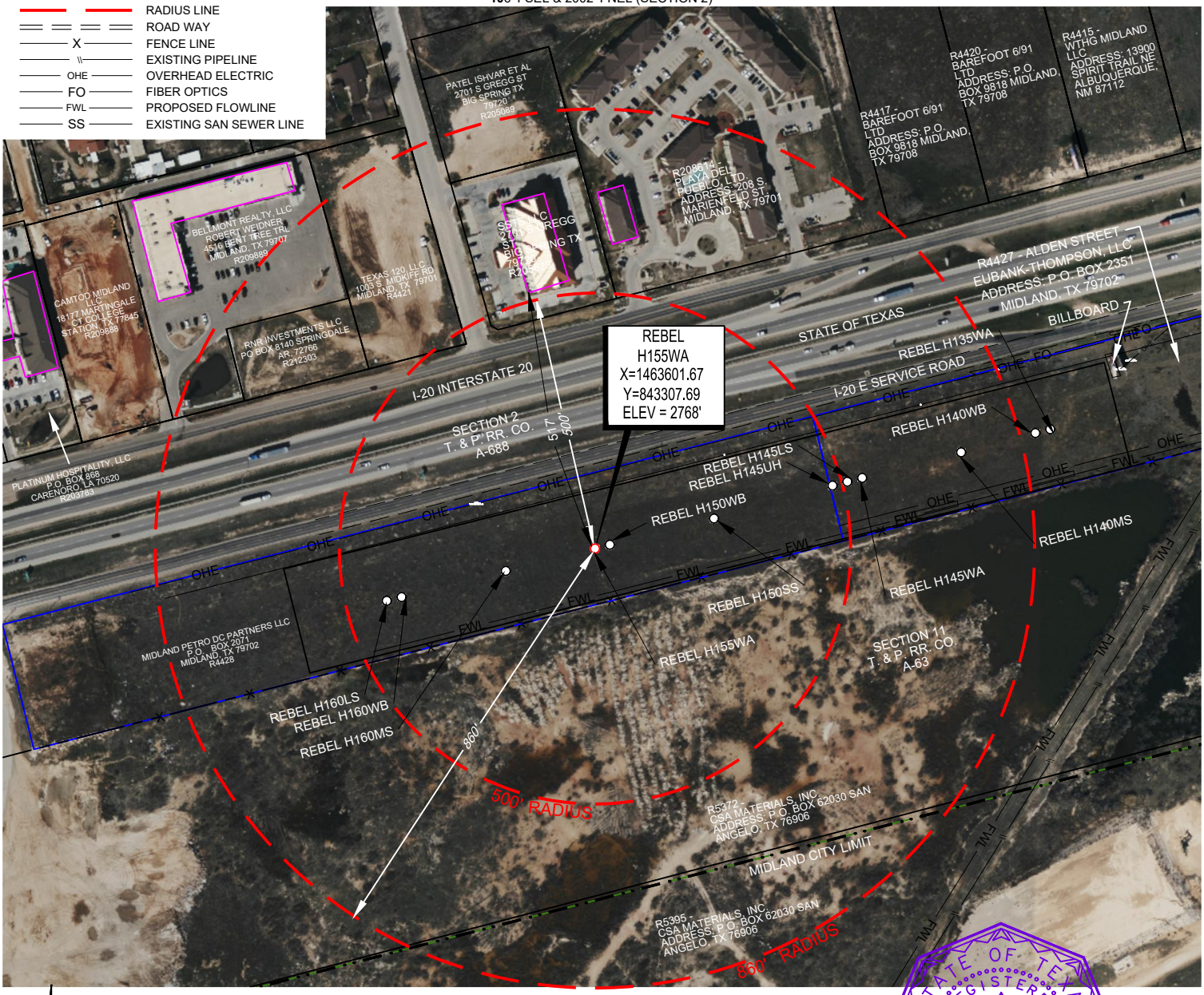
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CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

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AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H155WA**
106' FSEL & 2002' FNEL (SECTION 2)

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



N

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LOYALTY INNOVATION LEGACY

1400 EVERMAN PARKWAY, Ste. 146 • FT. WORTH, TEXAS 76140
TELEPHONE: (817) 744-7512 • FAX (817) 744-7554
TEXAS FIRM REGISTRATION NO. 10042504
WWW.TOPOGRAPHIC.COM

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NOVEMBER 23, 2021

REBEL H155WA	REVISION: INT	DATE
	DRH	12/01/21
DATE: 08/27/2018	DRH	12/09/21
FILE: CD_REBEL_H155WA_REV4	DRH	01/14/22
DRAWN BY: RAC	SDH	01/17/22
SHEET : 1 OF 2		

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S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H155WA_REV4.DWG 1/17/2022 2:03:56 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ No___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

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

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

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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: Rebel #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: 109' FSL & 2422' FEL, Section 2
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ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

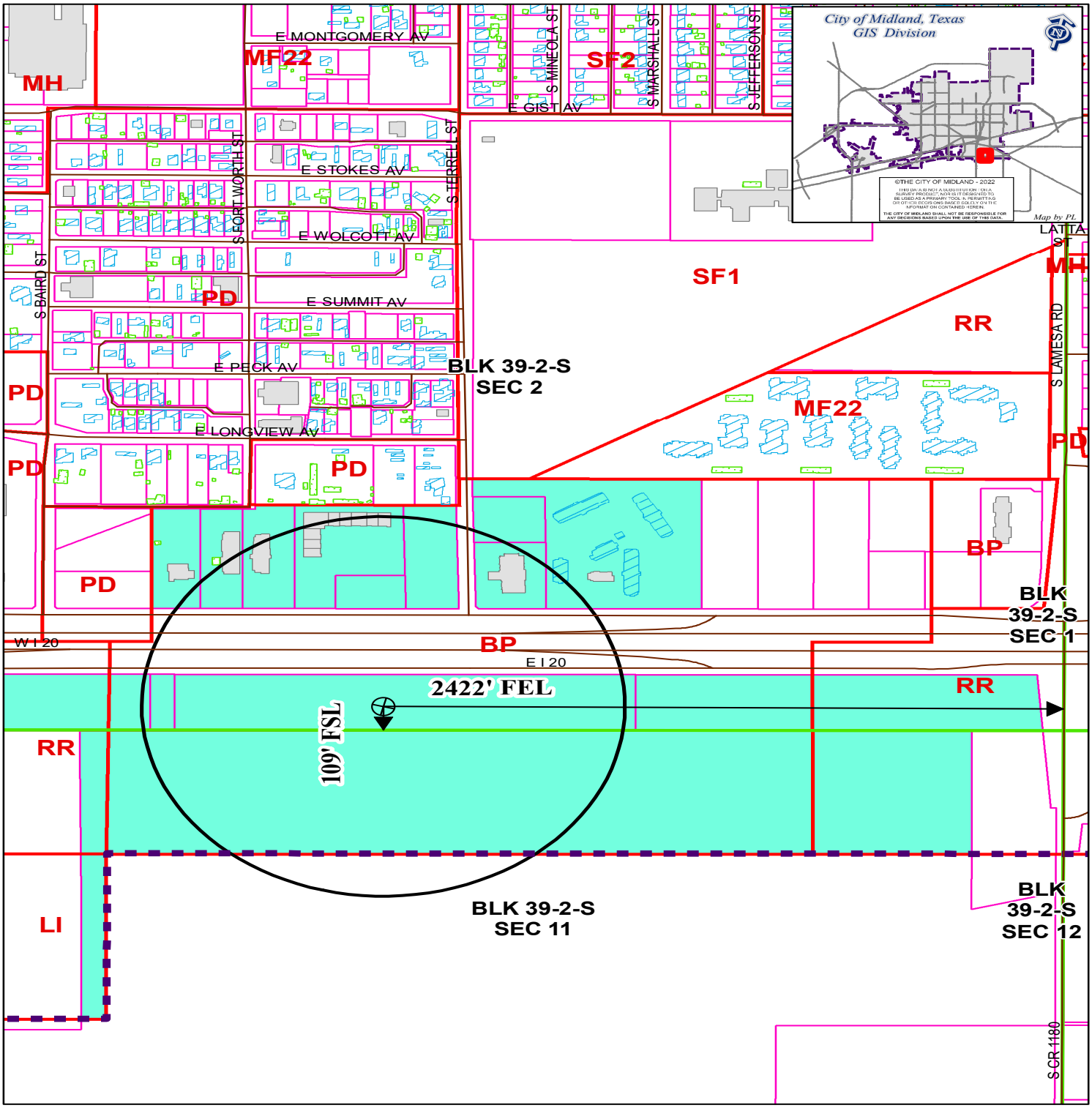
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040666 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 109' FSL and 2,422' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 2,422 feet west of South Lamesa Road and 169 feet south of I-20.

Rebel #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	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR, GR, CR	LOW RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

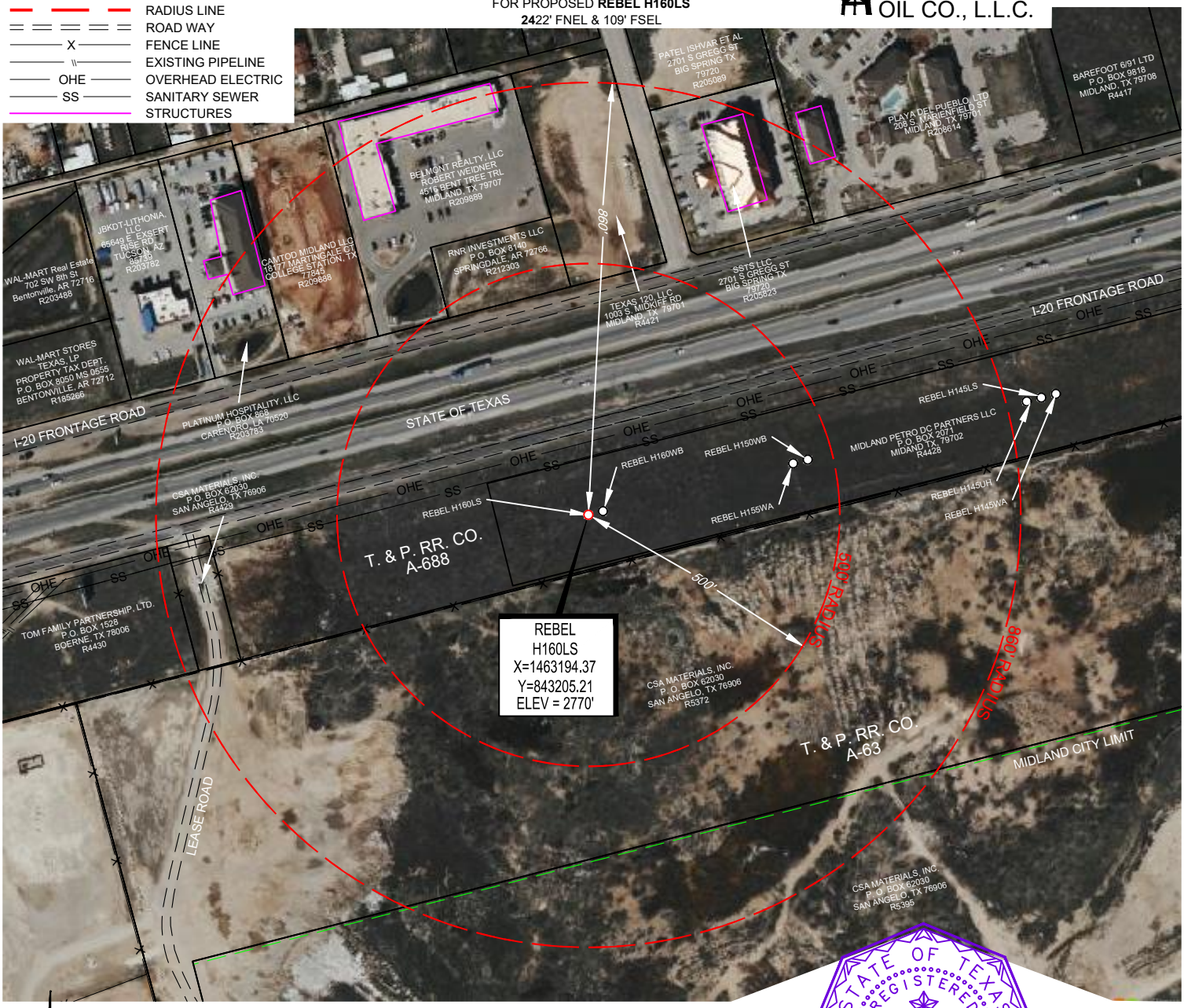
LEGEND

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

T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H160LS**
2422' FNEL & 109' FSEL

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



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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: OCTOBER 15, 2021

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

REBEL H160LS	REVISION: INT	DATE
	MJM	11/24/21
DATE: 10/10/18	DRH	12/09/21
FILE: CD_REBEL_H160LS_REV4	DRH	01/14/22
DRAWN BY: PA	SDH	01/17/22
SHEET : 1 OF 4		

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 SOUTH CENTRAL ZONE, 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.
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6. DISTANCES SHOWN HEREON TO EXISTING STRUCTURES ARE SCALED PER AERIAL MAP.

PACKET

S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H160LS_REV4.DWG 1/17/2022 2:01:59 PM dharris

MIDLAND
Planning Division

APPLICATION FOR OIL AND GAS PERMIT

(Pursuant to Midland City Ordinance No. 8769)

I. General Information

Date	Operator Name (must match W-1)	Operator Address
01/03/2022	Permian Deep Rock Oil Co., LLC	P.O. Box 11405 Midland, TX 79702

Representative Name	Representative Address (within Midland City Limits)	Rep. Tele.
Kyle M. Hammond	500 W. Wall St. Ste 300 Midland, TX 79701	432-682-6685 Rep. Fax 432-684-4519
Fee: $4,000.00 Rec'd Yes ✓ No ___	NOTE: All attachments need to bound and put in a binder before submitting.	Pages 1-4

Permit Compliance Contact (Choose 1):

Option A:

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

Option B:

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

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

See Exhibit "A"

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

II. Mineral Ownership

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

1.

2.

3.

ATTACHED AS EXHIBIT C **is** List of subdivisions within Rebel Unit

See Exhibit "C"

III. Surface Ownership & Use

General Description of Current Surface Use (within 860 feet of proposed surface location):
Surface use: Undeveloped 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: Rebel #H160WB

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: 109' FSL & 2392' FEL, Section 2
Block 39, T-2-S, T&PRR Co. Survey, Midland County, Texas

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

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

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

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

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

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

ATTACHED AS EXHIBIT M: No city roads will be used

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

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

(1) **Drilling: None**

(2) **Operations: Oncor**

Description of water source to be used during Drilling: Water is to be piped in from our water wells, drill additional water wells or truck fresh water in. All brine water will be trucked in.

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

See Exhibit "N"

Plan detailing construction, location, and closure of pits used for Drilling and Completion operations (attach exhibit if necessary) [See § J(35)]: Trench and encapsulate per TXRRC Rule 27(c)(10)(v)

See Exhibit "O"

V. Additional Required Exhibits

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

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

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

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

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

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

ATTACHED AS EXHIBIT V: Applicants variances

Permian Deep Rock Oil Company
[NAME OF COMPANY]

By _____
Its General Manager

State of Texas)

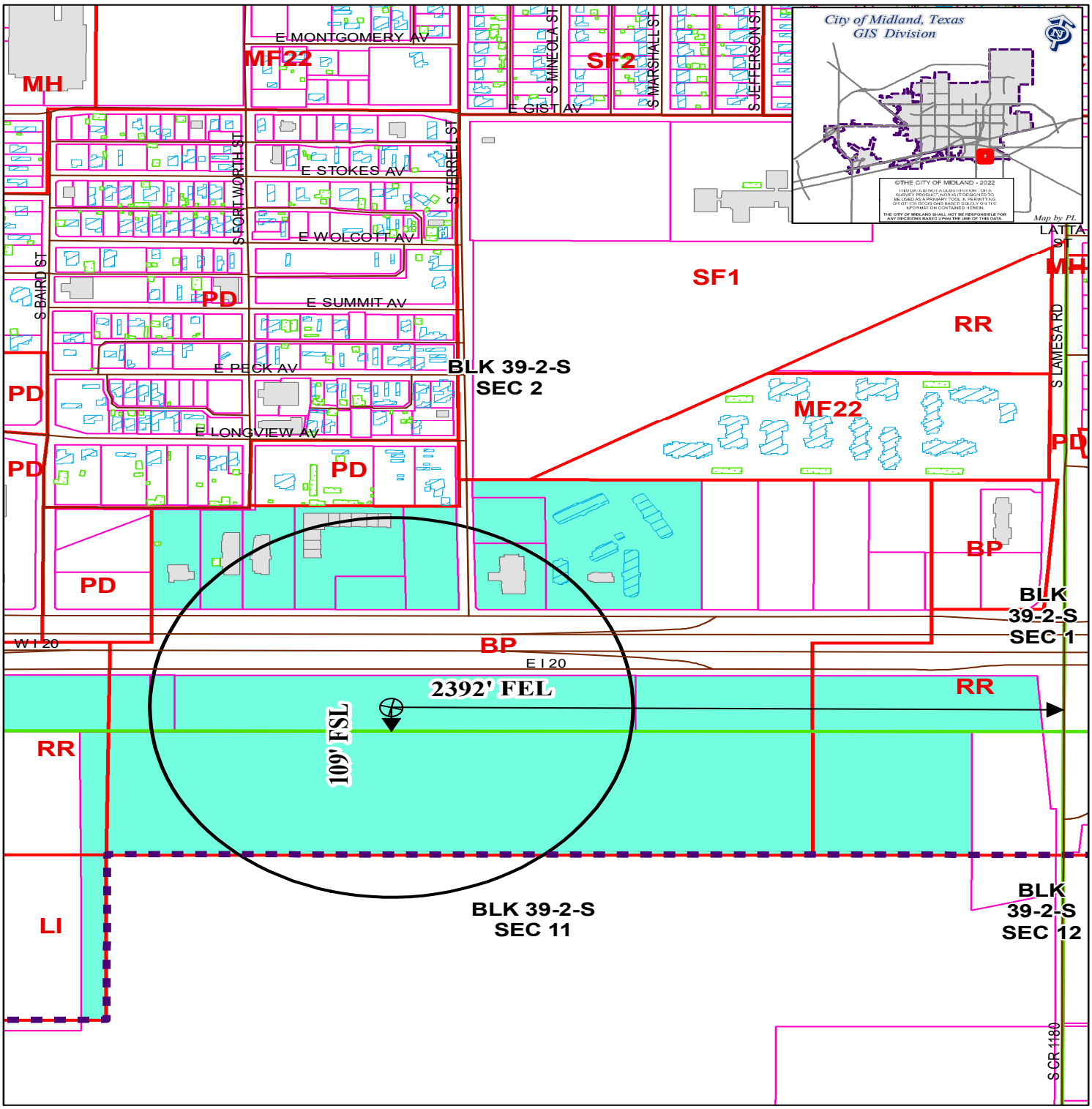
County of Midland)

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

Estella Pena
Notary Public, State of Texas

[S E A L]

ESTELLA PENA
Notary Public, State of Texas
My Commission Expires
August 03, 2025
NOTARY ID 13123361-8



LOCATION AND ZONING MAP

Oil - 040667 - 2022 **Scale: 1" = 500'**

Consider a request for a Permit to drill an Oil and Gas Well within the City Limits located 109' FSL and 2,392' FEL, Section 2, Block 39, T-2-S, T&P RR CO Survey, Midland County, Texas.

Generally located 2,392 feet west of South Lamesa Road and 169 feet south of I-20.

Rebel #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
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CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
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MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

SCALE: 1" = 300'

0' 150' 300'

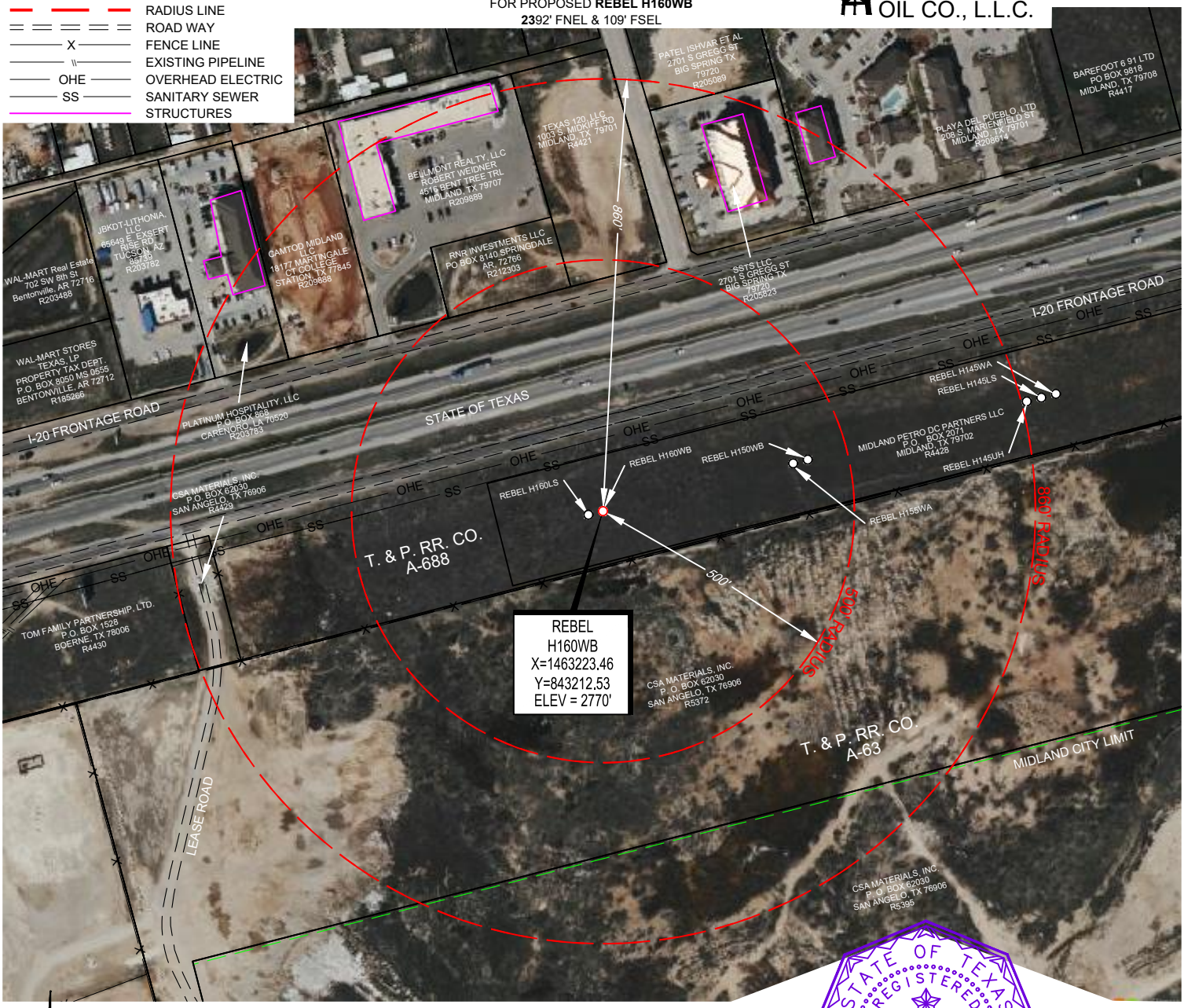
LEGEND

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

T. & P. RR. CO. SURVEY, A-688
CITY OF MIDLAND, MIDLAND COUNTY, TEXAS

SHOWING STRUCTURES WITHIN 500' RADIUS
AND PROPERTY OWNERS WITHIN 860' RADIUS
FOR PROPOSED **REBEL H160WB**
2392' FNEL & 109' FSEL

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



N

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

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

Jeffrey N. Lueders, R.P.L.S. No. 6512
SURVEYED ON THE GROUND: NEVEMBER 23, 2021

REBEL H160WB	REVISION: INT	DATE
	DRH	12/01/21
DATE: 10/10/18	DRH	12/09/21
FILE: CD_REBEL_H160WB_REV4	DRH	01/14/22
DRAWN BY: PA	SDH	01/17/22
SHEET : 1 OF 4		

NOTES:
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3. SYSTEM OF 1927 SOUTH CENTRAL ZONE, U.S. SURVEY FEET.
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S:\SURVEY\ARRINGTON\DP_7B_UNIT\FINAL_PRODUCTS\CITY_PERMITS\CD_REBEL_H160WB_REV4.DWG 1/17/2022 1:59:15 PM dharris

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H130LS oil and gas well shall be 231 feet from the east line and 90 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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

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

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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The location of Operator's Rebel #H130WB oil and gas well shall be 251 feet from the east line and 90 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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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 April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H135WA oil and gas well shall be 1,082 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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

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

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

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CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

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The location of Operator's Rebel #H140WB oil and gas well shall be 1,112 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H145LS oil and gas well shall be 1,492 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H145UH oil and gas well shall be 1,522 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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The location of Operator's Rebel #H145WA oil and gas well shall be 1,462 feet from the east line and 110 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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

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

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

If the well that is the subject of this permit is not located within the County of Midland, Texas, Operator shall notify the Midland Central Appraisal District of the following: (1) the well's location within the territorial limits of the City of Midland; and (2) that the City of

Midland is to be included as a taxing entity. Operator shall make said notification no later than 60 days after completion of the well.

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

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

2. In lieu of constructing a perimeter fence around this permitted well, a perimeter fence around the well pad site may be constructed. Said perimeter fence around the well pad site shall, at a minimum, meet the requirements of Ordinance No. 8769.

3. No landscaping or irrigation is required because City water is not available.

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

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

The City Council of the City of Midland, Texas, at its regular meeting on April 26, 2022, considered the application of Permian Deep Rock Oil Co., LLC ("Operator") dated January 3, 2022, to drill an oil and gas well inside the territorial limits of the City of Midland, Texas. The City Council of the City of Midland, Texas, by appropriate action approved the application and authorized the issuance of this permit.

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

The location of Operator's Rebel #H150WB oil and gas well shall be 1,972 feet from the east line and 106 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

This permit shall be effective from April 26, 2022 through April 26, 2023, and so long thereafter as oil or gas is produced, or until such time as Operator has permanently abandoned the operations of the well or facility for which this permit is issued.

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

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H155WA oil and gas well shall be 2,002 feet from the east line and 106 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ day of April 2022.

CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

OIL AND GAS WELL PERMIT

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The location of Operator's Rebel #H160LS oil and gas well shall be 2,422 feet from the east line and 109 feet from the south line, Section 2, Block 39, T-2-S, T&P RR Co. Survey, Midland County, Texas. The hole size, casing program, cement program and total depth of that well shall be in strict compliance with the proposed hole size, casing program, cementing program and proposed total depth found in Operator's application. Further, all operations done under this permit shall be done and accomplished in strict accordance with Midland City Code § 6-1-23, "Oil and Gas Well Permits Issued On or After January 1, 2010" (Ordinance 8769), which is hereby incorporated into this permit by reference and made applicable hereto with the same force and effect as if the same were copied fully in this permit, including, but not limited to, Subsections (K) through (Z).

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CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

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Kyle M. Hammond

General Manager

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CITY OF MIDLAND, TEXAS

BY: _____

Patrick N. Payton, Mayor

UNDERSTOOD AND AGREE THIS _____day of April 2022.

Permian Deep Rock Oil Co., LLC

By: _____

Kyle M. Hammond

General Manager

City Council Meeting

Item Number: 8

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Jose Ortiz, Director

Subject: **Motion authorizing the City Manager to negotiate and accept, on behalf of the City of Midland, a right-of-way dedication out of Section 1, Block 39, T-1-S, T&P RR Co. Survey, and Section 6, Block 38, T-1-S, W. M. Breckon Survey, Martin County, Texas, from Jones Bros. Dirt & Paving Contractors, Inc. ("Jones Bros.") for the use and benefit of the public for street, road, drainage and public utility purposes, or for any other ancillary public use as usual and customary in connection therewith, which shall supersede the right-of-way dedication granted by Jones Bros. to the City in that certain instrument dated October 22, 2015; and authorizing the City Manager to execute all documents necessary to accept the right-of-way dedication (DISTRICT 1) (ENGINEERING SERVICES)**

Purpose:

Consider a motion authorizing the City Manager to renegotiate the Right-of-Way or Easement necessary for public use in Section 1, Block 39, Township 1 and Section 6, Block 38, Township 1 for the future extensions of Fairgrounds Road and the Craddick Highway, and upon final acceptance of the agreement by City Council to execute any documents, paperwork, titles, deeds, etc. necessary to complete the Right-of-Way acquisition; and ordering recordation by the City Secretary.

Recommended City Council Action:

Approve

Fiscal Impact:

N/A

Discussion:

The right-of-way is for the future extensions of Fairgrounds Road and the Craddick Highway in Section 1, Block 39, Township 1 and Section 6, Block 38, Township 1.

Morris William Jr.

City Manager's Office

City Council Meeting

Item Number: 9

Meeting Date: April 26, 2022

To: City Council / City Manager

From: John Simmons, Manager, Right-of-Way

Subject: Motion authorizing the execution of a Right-of-Way License (22-329-019) with Enterprise Navitas Midstream Midland Basin, LLC., regarding City-owned property described as Section 19, Block 36 and Section 24, Block 37, Township 3 South, T&P RR Co. Survey, Midland County, Texas (DISTRICT: NONE) (UTILITIES)

Purpose:

This motion will provide applicant a 30’ wide right of way to place a Twenty-Four inch (24) privately owned, poly construction, natural gas pipeline on City of Midland owned real property. Applicant will need an additional 20’ wide temporary workspace for construction.

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

Recommended City Council Action:

Approve

Fiscal Impact:

Application fee (one time): $1,000

Annual Lease Rate,

Annual Lease Rate 24” pipeline(361.56 rods x $220.00/rod): $79,543.20 per year / first 5 years paid in advance: $397,716.00

Surface Damages: included in new annual rate

Total Collected: $398,716.00

Discussion:

This is a private, poly construction gas line that will be twenty-four inches (24) in diameter and will be buried a minimum of thirty-six inches (36) deep.

Certificates of Insurance are on file

City Secretary to record all documents

Morris Williams Jr.

City Manager's Office

RIGHT OF WAY LICENSE

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

Date:	April 27, 2022
Licensor:	CITY OF MIDLAND, TEXAS, a home-rule municipal corporation
Licensor's Representative:	Robert Patrick, City Manager
Licensor's Mailing Address:	P.O. Box 1152 Midland, Texas 79702
Licensee:	Enterprise Navitas Midstream Midland Basin LLC
Licensee's Representative:	**Gloria L. Keeter**
Licensee's Mailing Address:	1100 Louisiana Street Houston, Texas 77002-5227
Property:	See **Exhibit A** attached hereto and incorporated herein for all purposes.
License Number:	22-329-019

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

W I T N E S S E T H:

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

I. Term

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

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

C. Termination. Licensor may terminate this License if Licensee fails to pay, when due, any amount owing under this License and that failure continues for sixty (60) days or, if Licensee commits any material breach or material default in performance of any obligation, prohibition, restriction, provision or covenant contained in this License, and the breach or default continues for a period of thirty (30) days after Licensor delivers notice to Licensee reasonably detailing the breach or default.

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

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

II. Financial Consideration

A. License Fee. The license fee in the amount of THREE HUNDRED NINETY-SEVEN THOUSAND SEVEN HUNDRED SIXTEEN and No/100 Dollars ($397,716.00) shall be due and payable on or prior to the Commencement Date of this License ("License Fee"). Licensee's failure to make the License Fee payment within thirty (30) days after the License Fee is due shall constitute a late payment and Licensee shall pay Licensor a late charge of five percent (5%).

In the event Licensor terminates this License pursuant to the provisions of Section I.C., Licensor agrees to refund to Licensee a pro rata share of the License Fee actually paid by Licensee to Licensor for that portion of the remaining term that is being terminated. For the avoidance of doubt, the amount of any refund payable to Licensee pursuant to this Section shall be determined net of any costs or expenses incurred by Licensor in connection with Licensee's unfulfilled obligations under this License (if any).

B. Surface Damage Fee. Purposefully omitted.

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

D. Fee Adjustment. Prior to commencement of any renewal term, Licensor and Licensee shall negotiate in good faith to agree to an adjustment of the License Fee. If Licensor and Licensee are

unable to reach an agreement regarding an adjustment to the License Fee, then the License Fee shall be determined by Licensor in its sole discretion, provided the new License Fee shall not exceed twenty-five percent (25%) of the License Fee paid for the Initial Term.

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

III. Use

A. Permitted Use. Licensor does hereby grant unto Licensee, the right to enter upon the Property, being fifty (50) feet in width of the pipeline location as shown on **Exhibit A** attached hereto and incorporated herein for the purpose of placing, constructing, operating, repairing, maintaining, replacing and removing, thereon, along the herein described pipeline locations, a poly construction pipeline, not to exceed twenty-four (24) inches in diameter, for the transportation of natural gas and to have the right of ingress and egress at convenient points for such purpose, and said construction width shall revert to thirty (30) feet after the pipeline is laid. **Licensee shall provide Licensor with a complete as-built survey within sixty (60) days of completion of the pipeline(s) and facilities described herein. The parties agree Licensee's failure to provide Licensor with a complete as-built survey within sixty (60) days of completion of the pipeline(s) and facilities described herein may result in the termination of this License. The decision to accept a complete as-built survey after the sixty-day deadline prescribed herein, or, conversely, to terminate this License shall be in the sole and absolute discretion of Licensor.**

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

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

D. Depth. Licensee covenants and agrees that it will bury the pipeline(s) to be constructed hereunder no less than thirty-six (36) inches in depth. All backfill used in burying such line shall be compacted to a density of ninety percent (90%), except where such pipeline(s) crosses under a paved or traveled portion of City of Midland right of way where such backfill shall be compacted to a density of ninety-five percent (95%). Licensor shall be afforded the opportunity to test the density on all backfill. Notwithstanding any provision to the contrary contained herein, Licensee covenants and agrees that, at any point that Licensee's pipeline(s) intersects with a City of Midland utility line location, the pipeline(s) shall be bored at a depth of a least (i) nine (9) feet under all City of Midland water utility lines and (ii) two (2) feet under all City of Midland sewer utility lines. Licensee agrees that it shall comply with 30 Tex. Admin. Code § 290.44(e), as amended, to the extent applicable to this License.

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

F. Reservation of Rights. Licensor expressly reserves the right to install, repair, or reconstruct streets or roads and all ancillary public uses usual and customary in connection with streets and roads, expressly including but not limited to drainage facilities and related structures in the rights of way used and occupied by Licensee.

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

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

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

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

J. Gates and Fences. Licensee agrees to use existing gates and roadways where available, to enter, leave and cross the Property; provided that Licensee shall not use any road marked "Closed."

Licensee and all persons entering or leaving the Property in connection with Licensee's operations hereunder shall keep all outside and interior gates securely closed except during operations related to this License. Licensee shall keep all outside gates, and all other gates designated by Licensor, securely locked except during operations related to this License. At any gate that is to be locked, Licensor may install its own lock in addition to Licensee's lock.

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

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

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

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

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

federal or state laws with respect to relocation payments.

IV. Standard General Conditions

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

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

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

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

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

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

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

Licensee shall contractually require all contractors, subcontractors, and sub-subcontractors that work on any portion of the work that is the subject of this License to obtain insurance coverage

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

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

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

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

LICENSE INCLUDING SUCH NEGLIGENT ACTS ARISING FROM OR IN ANY WAY CONNECTED WITH THE PLACEMENT, CONSTRUCTION, OPERATION, REPAIR, MAINTENANCE, REPLACEMENT OR REMOVAL OF ANY PART OF LICENSEE'S PIPELINE IN LICENSOR'S RIGHT OF WAY. LICENSEE WILL BE REQUIRED TO PAY ANY JUDGMENT WITH COSTS WHICH MAY BE OBTAINED AGAINST LICENSOR OR ANY OF ITS OFFICERS, AGENTS OR EMPLOYEES, INCLUDING ATTORNEY'S FEES.

LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS AND DEFEND LICENSOR, AND ALL OF LICENSOR'S OFFICERS, AGENTS AND EMPLOYEES FROM ALL CLAIMS, LOSSES, DAMAGES, LIABILITIES, LIENS, FINES, PENALTIES, CAUSES OF ACTION, SUITS, CHARGES, JUDGMENTS, ADMINISTRATIVE ORDERS, REMEDIATION REQUIREMENTS, ENFORCEMENT ACTIONS OF ANY KIND, AND ALL COSTS AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF FAILURE OF LICENSEE, ANY CONTRACTOR, SUBCONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY THEM, OR ANYONE THAT THEY CONTROL OR EXERCISE CONTROL OVER TO COMPLY WITH ALL APPLICABLE LOCAL, FEDERAL AND/OR STATE ENVIRONMENTAL LAWS, INCLUDING BUT NOT LIMITED TO THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) (AS THEY MAY BE REAUTHORIZED AND/OR AMENDED) AND ALL OTHER LOCAL, FEDERAL AND STATE LAWS, IN CONNECTION WITH OR RELATED TO ANY OF LICENSEE'S OPERATIONS OR ACTIVITIES ON THE PROPERTY, OR ANY OF LICENSEE'S HANDLING, STORING, RELEASING, TRANSPORTING OR DISPOSING OF ALL SUBSTANCES, INCLUDING, BUT NOT LIMITED TO HAZARDOUS SUBSTANCES AND HAZARDOUS WASTES, ON OR FROM THE PROPERTY OR ANY OTHER LANDS OF LICENSOR.

C. Assignment. The rights granted by this License inure to the benefit of Licensee. The rights and privileges shall not be assignable by Licensee without the express written consent of Licensor's City Manager. Any required consent is to be evidenced by a letter written by Licensor's City Manager that fully recites the terms and conditions, if any, upon which consent is given. The granting of consent is in the sole discretion of Licensor's City Manager.

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

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

E. Waiver of Attorney Fees. BY EXECUTING THIS LICENSE, LICENSEE AGREES TO WAIVE, AND DOES HEREBY KNOWINGLY, CONCLUSIVELY, VOLUNTARILY AND INTENTIONALLY WAIVE, ANY CLAIM IT HAS OR MAY HAVE IN THE FUTURE AGAINST LICENSOR REGARDING THE AWARD OF ATTORNEY'S FEES, WHICH ARE IN ANY WAY RELATED TO THE LICENSE, THE CONSTRUCTION, OR INTERPRETATION, VALIDITY OR BREACH OF THE LICENSE. LICENSEE SPECIFICALLY AGREES THAT IF LICENSEE BRINGS OR COMMENCES ANY LEGAL ACTION OR PROCEEDING RELATED TO THIS LICENSE, THE CONSTRUCTION, INTERPRETATION, VALIDITY OR BREACH OF THIS LICENSE, INCLUDING BUT NOT LIMITED TO ANY ACTION PURSUANT TO THE PROVISIONS OF THE TEXAS UNIFORM DECLARATORY JUDGMENTS ACT (TEXAS CIVIL PRACTICE AND REMEDIES CODE SECTION 37.001, ET SEQ., AS AMENDED), OR CHAPTER 271 OF THE TEXAS LOCAL GOVERNMENT CODE, LICENSEE AGREES TO ABANDON, WAIVE AND RELINQUISH ANY AND ALL RIGHTS TO THE RECOVERY OF ATTORNEY'S FEES TO WHICH LICENSEE MIGHT OTHERWISE BE ENTITLED.

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

LICENSEE AND LICENSOR ARE RELYING ON THEIR OWN JUDGMENT. EACH PARTY HAD THE OPPORTUNITY TO DISCUSS THIS LICENSE WITH LEGAL COUNSEL PRIOR TO ITS EXECUTION.

F. Governing Law & Venue. All performance and payment made pursuant to this License shall be deemed to have occurred in Midland County, Texas. Exclusive venue for any claims, suits or any other action arising from or connected in any way to this License or the performance of this License shall be in Midland County, Texas. The obligations and undertakings of each of the parties to this License shall be deemed to have been performed in Midland County, Texas. This License shall be construed, interpreted and enforced under the laws of the State of Texas. The laws of the State of Texas shall govern, construe and enforce all the rights and duties of the parties, including but not limited to tort claims and any and all other claims or disputes, arising from or relating in any way to the subject matter of this License, without regard to conflict of laws and rules that would direct application of the laws of another jurisdiction.

G. Release. NOTWITHSTANDING ANY OTHER PROVISIONS, LICENSEE HEREBY RELEASES, ACQUITS, RELINQUISHES AND FOREVER DISCHARGES LICENSOR,

LICENSOR'S EMPLOYEES AND OFFICERS FROM ANY AND ALL DEMANDS, CLAIMS, DAMAGES OR CAUSES OF ACTION OF ANY KIND WHATSOEVER WHICH LICENSEE HAS OR MIGHT HAVE IN THE FUTURE, INCLUDING BUT NOT LIMITED TO BREACH OF CONTRACT, QUANTUM MERUIT, CLAIMS UNDER THE DUE PROCESS AND TAKINGS CLAUSES OF THE TEXAS AND UNITED STATES CONSTITUTIONS, TORT CLAIMS, OR LICENSOR'S NEGLIGENCE.

H. Governmental Immunity. By executing this License, Licensor is not waiving its right of governmental immunity. Licensor is retaining its immunity from suit. Licensor is not granting consent to be sued by legislative resolution or action. **THERE IS NO WAIVER OF GOVERNMENTAL IMMUNITY**.

I. Third Party Beneficiary. Licensor's approval of this License does not create a third party beneficiary. There is no third party beneficiary to this License. No person or entity who is not a party to this License shall have any third party beneficiary or other rights hereunder.

J. Notices. Any notice or communication required in the administration of this License shall be sent by certified mail, return receipt requested, to the parties' respective mailing addresses as set forth hereinabove.

K. Notice of Alleged Breach; Statutory Prerequisite. As a condition precedent to filing suit for alleged damages incurred by an alleged breach of an express or implied provision of this License, Licensee or its legal representative, shall give the City Manager, or any other reasonable official of Licensor, notice in writing (consisting of one (1) original and seven (7) copies of notice attached to a copy of this License) of such damages, duly verified, within one hundred eighty (180) days after the same has been sustained. The discovery rule does not apply to the giving of this notice. The notice shall include when, where and how the damages occurred, the apparent extent thereof, the amount of damages sustained, the amount for which Licensee will settle, the physical and mailing addresses of Licensee at the time and date the claim was presented and the physical and mailing addresses of Licensee for the six (6) months immediately preceding the occurrence of such damages, and the names and addresses of the witnesses upon whom Licensee relies to establish its claim; and a failure to so notify the City Manager within the time and manner provided herein shall exonerate, excuse and except Licensor from any liability whatsoever. Licensor is under no obligation to provide notice to Licensee that Licensee's notice is insufficient. Licensor reserves the right to request reasonable additional information regarding the claim. Said additional information shall be supplied within thirty (30) days after receipt of notice.

The statutory prerequisites outlined herein constitute jurisdictional requirements pursuant to Section 271.154 of the Texas Local Government Code and Section 311.034 of the Texas Government Code. Notwithstanding any other provision, Licensee's failure to comply with the requirements herein shall perpetually bar Licensee's claim for damages under Chapter 271 of the Texas Local Government Code, and Section 311.034 of the Texas Government Code, regardless if Licensor has actual or constructive notice or knowledge of said claim or alleged damages. Licensee agrees that the requirements of this entire License are reasonable.

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

M. Waiver of Governmental Immunity; Chapter 271, TEX. LOC. GOV'T CODE. The parties agree that this License does not constitute a License or Contract for providing goods and/or services to Licensor as discussed in Subchapter I of Chapter 271 of the Texas Local Government Code, and Licensor does not waive, to the maximum extent allowed by law, any constitutional, statutory or common law right to sovereign immunity or governmental immunity from liability or suit. Licensor expressly does not consent to be sued or be liable. To the greatest extent allowed by law, nothing in this License constitutes a waiver of Licensor's governmental immunity and the parties expressly agree that this License shall not constitute, nor be interpreted as a waiver of Licensor's governmental immunity under Subchapter I of Chapter 271 of the Texas Local Government Code, nor shall it constitute nor be interpreted as a waiver of Licensor's governmental immunity for the benefit of any third party lacking privity to the License.

This License does not obligate Licensee to use the Property to construct, repair, operate, replace, and maintain Licensor's facilities or structures described herein, it merely prohibits Licensee from using the Property for any other purpose. This License restricts the use of the Property to a specific purpose, but does not require the use of the Property for a specific purpose. This License does not require Licensee to construct, operate, repair, maintain, replace or remove any of Licensee's facilities or structures described herein. Licensee is not providing a service to Licensor but is providing a service to Licensee's customers. Licensee is paying Licensor for a temporary interest in real property not for a service. Any such provision shall be deemed to be a covenant against noncomplying use, not a covenant to use. Licensee's use of the Property in compliance with a restriction shall not constitute a service, and such complying use shall not operate to waive Licensor's governmental immunity.

N. Compliance. Licensee agrees that it shall comply with Texas Government Code Section 2252.908, as amended, to the extent that this statute applies to this License. Licensee agrees that it shall comply with Texas Local Government Code Section 176.006, as amended, to the extent that this statute applies to this License.

O. Texas Historical Commission Survey. Licensee agrees that it shall comply with Chapter 191 of the Texas Natural Resources Code. By executing this License, Licensee represents that it has contacted the Texas Historical Commission (the "Commission") for the purpose of determining whether the Commission will request that an archaeological survey be completed before Licensee commences operations on the Property, as contemplated herein. Licensee agrees that it shall complete or cause to be completed an archaeological survey before commencing any operations on the Property if the Commission so requests and deliver the same to Licensor. Notwithstanding any provision contained herein, in the event that any site, object, artifact, or other feature of archaeological, scientific, educational, cultural, or historical interest is encountered during the operations authorized by this License, Licensee will immediately notify Licensor and the Commission so that adequate measures may be undertaken to protect or recover such discoveries or findings, as deemed appropriate by Licensor or the Commission.

[Signature Pages Follow]

LICENSOR:
CITY OF MIDLAND, TEXAS

By:_____
Robert Patrick, City Manager

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT AND COMPLETENESS:

_____
Carl Craigo, Director of Utilities

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

LICENSEE:
ENTERPRISE NAVITAS MIDSTREAM MIDLAND BASIN LLC

By: _____
Printed Name: Gloria L. Keeter
Title: Agent and Attorney-in-Fact

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this 19th day of April, 2022 personally appeared Gloria L. Keeter an officer of Enterprise Navitas Midstream Midland Basin LLC known to me to be the person and official whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of said entity, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 19th day of April, 2022.

Carla Linhares Seal
Notary Public, State of Texas

CARLA LINHARES SEAL
Notary Public, State of Texas
Comm. Expires 04-30-2025
Notary ID 133089977

CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
04/12/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

Holder Identifier :

PRODUCER	CONTACT NAME:	
Aon Risk Services Southwest, Inc. Houston TX Office 5555 San Felipe Suite 1500 Houston TX 77056 USA	PHONE (A/C. No. Ext): (866) 283-7122	FAX (A/C. No.): 800-363-0105
	E-MAIL ADDRESS:	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
Enterprise Navitas Midstream Midland Basin LLC 1100 Louisiana Street 10th Floor Houston TX 77002 USA	INSURER A: Old Republic Insurance Company	24147
	INSURER B: Lexington Insurance Company	19437
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 570092646067 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X **COMMERCIAL GENERAL LIABILITY** CLAIMS-MADE X OCCUR *Each Occurrence GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC OTHER:			MWZY31308822	04/18/2022	04/18/2023	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $1,000,000 Excluded $1,000,000 $6,000,000 $2,000,000
A	**AUTOMOBILE LIABILITY** X ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY			MWTB 313086 22	04/18/2022	04/18/2023	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$1,000,000
A	X **UMBRELLA LIAB** OCCUR **EXCESS LIAB** X CLAIMS-MADE DED RETENTION			MWZU31362822	04/18/2022	04/18/2023	EACH OCCURRENCE AGGREGATE Each Claim	 $9,000,000 $9,000,000
A	**WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N: N **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		MWC31308522	04/18/2022	04/18/2023	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE-EA EMPLOYEE E.L. DISEASE-POLICY LIMIT	 $1,000,000 $1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is included as Additional Insured excluding Workers' Compensation and Employers' Liability as required by written contract but limited to the operations of the Insured under said contract, and always subject to the policy terms, conditions and exclusions. Waiver of Subrogation is granted in favor of Certificate Holder as required by written contract but limited to the operations of the Insured under said contract, and always subject to the policy terms, conditions and exclusions.

Certificate No : 570092646067

CERTIFICATE HOLDER

City of Midland
City Hall, Room 520
300 N Loraine
Midland TX 79701 USA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Aon Risk Services Southwest, Inc.

ACORD 25 (2016/03) **The ACORD name and logo are registered marks of ACORD** **©1988-2015 ACORD CORPORATION. All rights reserved.**

AGENCY CUSTOMER ID: 10638949
LOC #:

ADDITIONAL REMARKS SCHEDULE

AGENCY	NAMED INSURED
Aon Risk Services Southwest, Inc.	Enterprise Navitas Midstream
POLICY NUMBER: See Certificate Number: 570092646067	
CARRIER: See Certificate Number: 570092646067 / NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

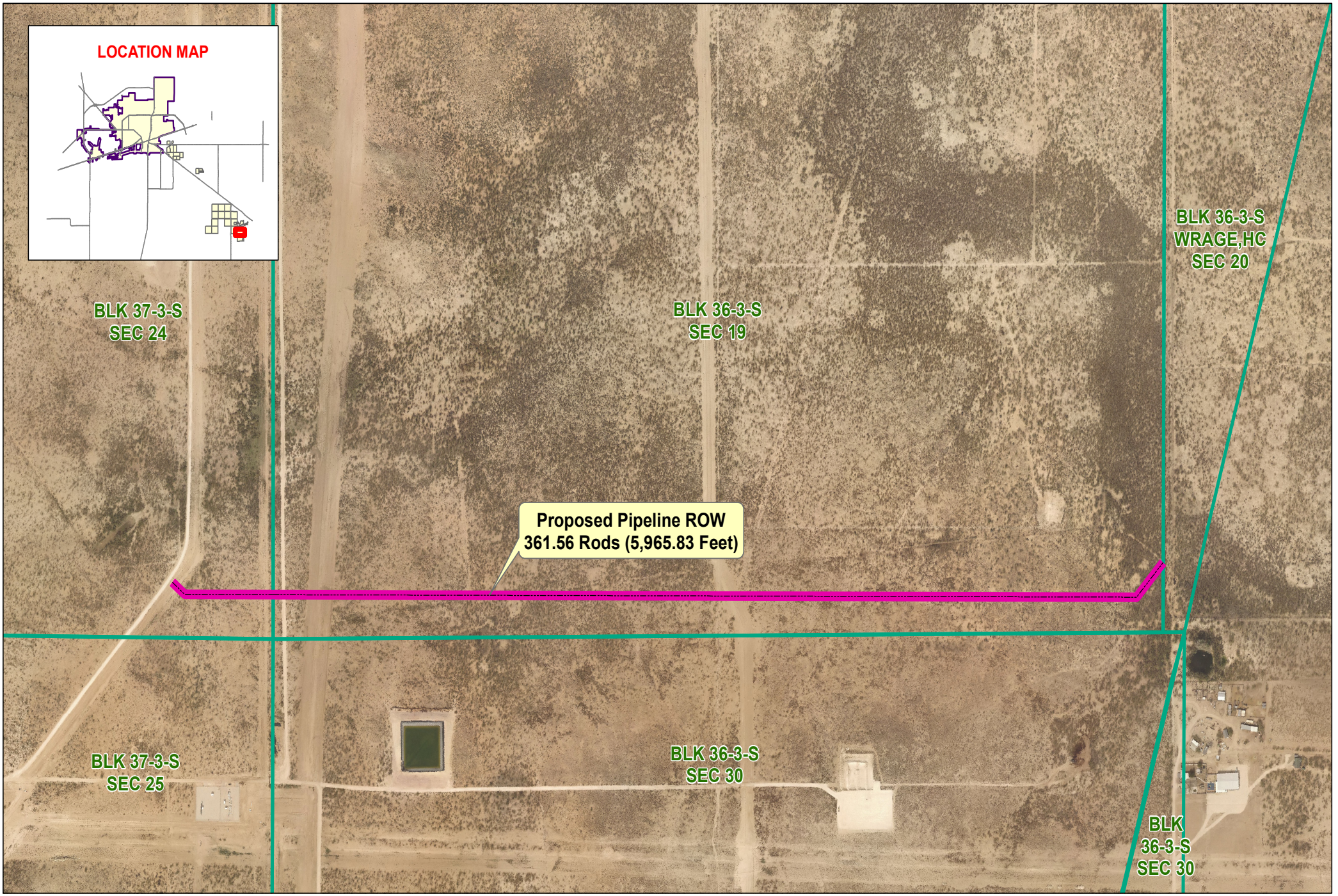
THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: ACORD 25 **FORM TITLE:** Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

ADDITIONAL POLICIES If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
	EXCESS LIABILITY							
B				34064058 Claims Made	04/18/2022	04/18/2023	Aggregate	$10,000,000
							Each Occurrence	$10,000,000

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Date: 3/31/2022

PACKET

9.18

Navitas Proposed Pipeline ROW

April 26, 2022

Proposed ROW

Survey Section

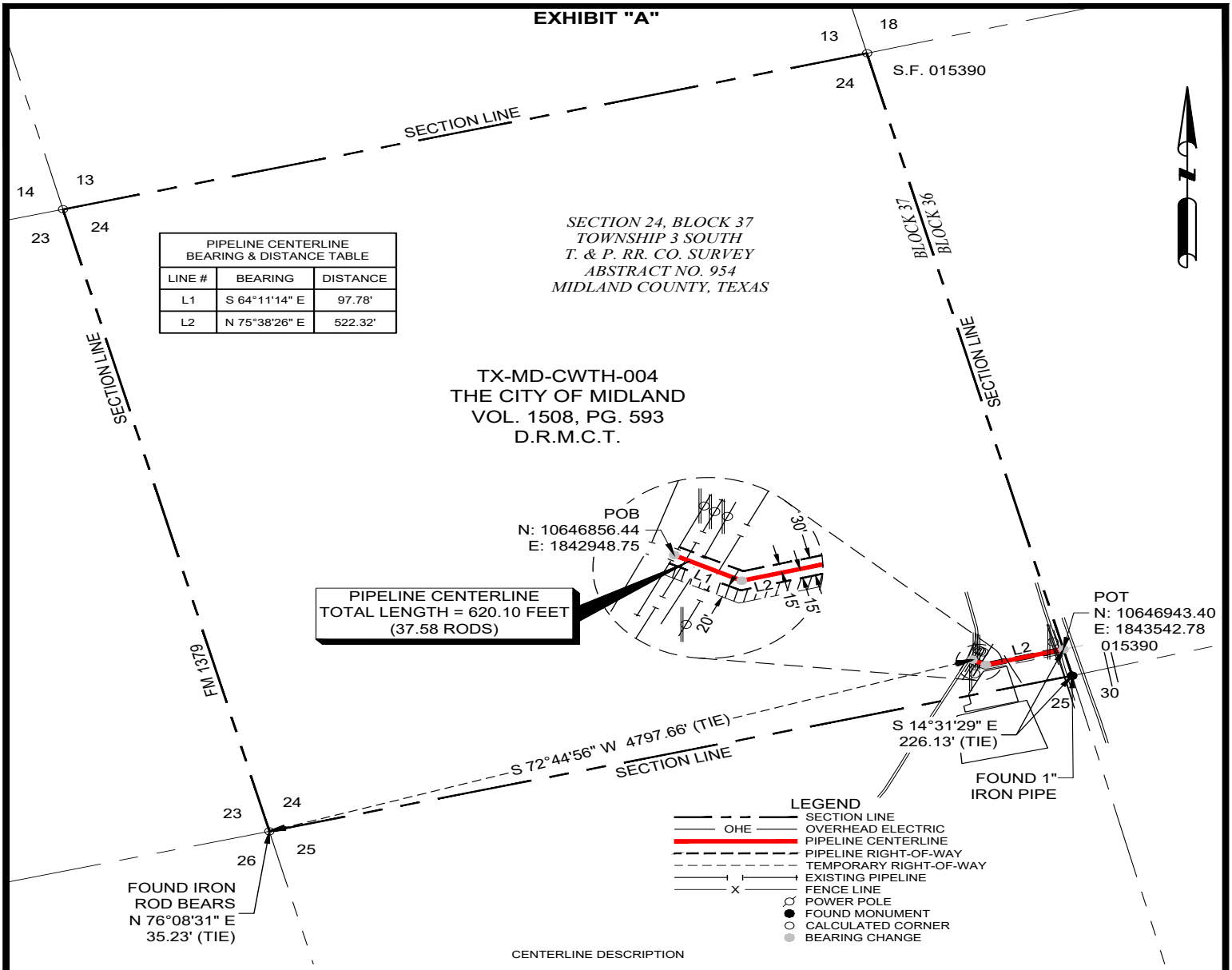
0 250 500 Feet

©THE CITY OF MIDLAND - 2022

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.

EXHIBIT "A"



PIPELINE CENTERLINE BEARING & DISTANCE TABLE		
LINE #	BEARING	DISTANCE
L1	S 64°11'14" E	97.78'
L2	N 75°38'26" E	522.32'

CENTERLINE DESCRIPTION

BEING THE CENTERLINE OF A PROPOSED PIPELINE SITUATED IN SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH, T. & P. RR. CO. SURVEY, ABSTRACT NO. 954, MIDLAND COUNTY, TEXAS. SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (N: 10646856.44, E: 1842948.75) IN SAID SECTION 24, FROM WHICH THE CALCULATED SOUTHWEST CORNER OF SAID SECTION 24 BEARS S 72°44'56" W, A DISTANCE OF 4797.66 FEET (TIE), FROM WHICH A FOUND IRON ROD BEARS N 76°08'31" E, A DISTANCE OF 35.23 FEET (TIE);

THENCE S 64°11'14" E, A DISTANCE OF 97.78' FEET TO A POINT;

THENCE N 75°38'26" E, A DISTANCE OF 522.32 FEET TO THE POINT OF TERMINATION (N: 10646943.40, E: 1843542.78) OF SAID CENTERLINE, AT A POINT IN THE EAST BOUNDARY LINE OF SAID SECTION 24, FROM WHICH A 1" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID SECTION 24 BEARS S 14°31'29" E, A DISTANCE OF 226.13 FEET (TIE).

SAID CENTERLINE CONTAINING A TOTAL OF 620.10 FEET OR 37.58 RODS IN SAID SECTION 24.

THE POINT OF BEGINNING IS LOCATED APPROXIMATELY
18 MILES NORTHWEST OF GARDEN CITY, TEXAS

1000' 0' 1000'

Scale: 1" = 1000'

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.

DEMPSEY D. HANNAH TEXAS R.P.L.S. NO. 5637 DATE

NOTES:

1. BEARINGS, DISTANCES, AREA AND COORDINATES SHOWN HEREON ARE CORRELATED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE (4203). ALL BEARINGS AND DISTANCES SHOWN ARE GRID.
2. LATITUDE & LONGITUDE ARE NAD 83 DECIMAL GEOGRAPHIC.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THE REVIEW OF THE ABSTRACT OF TITLE. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON. LOCATION OF ALL IMPROVEMENTS WAS BEYOND COMMISSIONED SCOPE OF THIS PROJECT AND HAS BEEN SPECIFICALLY OMITTED. VESTING DOCUMENTS NOT FURNISHED FOR THIS SURVEY.

#	DATE	BY:	DESCRIPTION	CHK
1	03/22	JH	REVISED PER COMMENTS	DDH

PROJECT NO. 9462

PACKET 9.19

TRANSGLOBAL SERVICES LLC
TBPELS FIRM# 10193740 / 19148
2129 S Great Southwest Parkway Suite 313
Grand Prairie, TX 75051
(817) 529-1180 ~ Fax (817) 529-118

NAVITAS MIDSTREAM PARTNERS

COLOSSUS CS SUCTION PIPELINE

THE CITY OF MIDLAND

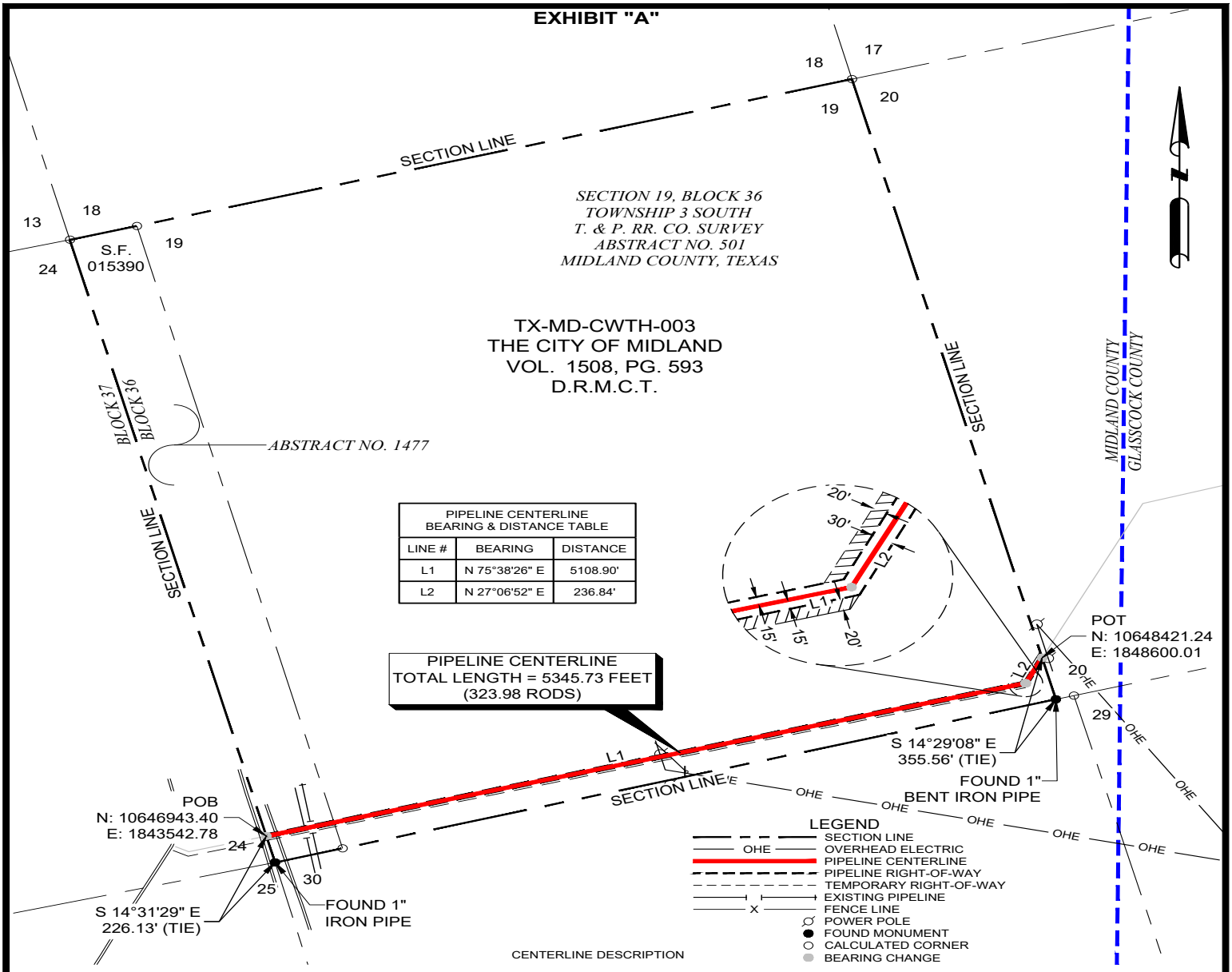
PROPOSED PIPELINE CENTERLINE

ONE (1) 24" POLY PIPELINE CARRYING NATURAL GAS
SITUATED IN
SECTION 24, BLOCK 37, TOWNSHIP 3 SOUTH
T. & P. RR. CO. SURVEY
ABSTRACT NO. 954
MIDLAND COUNTY, TEXAS

April 26, 2022

DRAWN BY: WAS	DATE: 03/17/2022	DWG. NO. 9462_TX-MD-CWTH-004_REV 1	REV. 1
CHECKED BY: DDH	DATE: 03/17/2022		
SCALE: 1"=1000'	PAGE 1 OF 1		

EXHIBIT "A"



PIPELINE CENTERLINE BEARING & DISTANCE TABLE		
LINE #	BEARING	DISTANCE
L1	N 75°38'26" E	5108.90'
L2	N 27°06'52" E	236.84'

CENTERLINE DESCRIPTION

BEING THE CENTERLINE OF A PROPOSED PIPELINE SITUATED IN S.F. 015390, ABSTRACT NO. 1477 & SECTION 19, BLOCK 36, TOWNSHIP 3 SOUTH, T. & P. RR. CO. SURVEY, ABSTRACT NO. 501, MIDLAND COUNTY, TEXAS. SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT (N: 10646943.40, E: 1843542.78) IN THE WEST BOUNDARY LINE OF SAID S.F. 015390, FROM WHICH A 1" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID S.F. 015390 BEARS S 14°31'29" E, A DISTANCE OF 226.13 FEET (TIE);

THENCE N 75°38'26" E, A DISTANCE OF 5108.90 FEET TO A POINT;

THENCE N 27°06'52" E, A DISTANCE OF 236.84 FEET TO THE POINT OF TERMINATION (N: 10648421.24, E: 1848600.01) OF SAID CENTERLINE, AT A POINT IN THE EAST BOUNDARY LINE OF SAID SECTION 19, FROM WHICH A 1" BENT IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID SECTION 19 BEARS S 14°29'08" E, A DISTANCE OF 355.56 FEET (TIE).

SAID CENTERLINE CONTAINING A TOTAL OF 5345.73 FEET OR 323.98 RODS IN SAID S.F. 015390 & SECTION 19.

THE POINT OF BEGINNING IS LOCATED APPROXIMATELY
18 MILES NORTHWEST OF GARDEN CITY, TEXAS

1000' 0' 1000'

Scale: 1" = 1000'

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.

DEMPSEY D. HANNAH TEXAS R.P.L.S. NO. 5637 DATE

NOTES:

1. BEARINGS, DISTANCES, AREA AND COORDINATES SHOWN HEREON ARE CORRELATED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE (4203). ALL BEARINGS AND DISTANCES SHOWN ARE GRID.
2. LATITUDE & LONGITUDE ARE NAD 83 DECIMAL GEOGRAPHIC.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND THE REVIEW OF THE ABSTRACT OF TITLE. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON. LOCATION OF ALL IMPROVEMENTS WAS BEYOND COMMISSIONED SCOPE OF THIS PROJECT AND HAS BEEN SPECIFICALLY OMITTED. VESTING DOCUMENTS NOT FURNISHED FOR THIS SURVEY.

#	DATE	BY:	DESCRIPTION	CHK
1	03/22	JH	REVISED PER COMMENTS	DDH

PROJECT NO. 9462

PACKET 9.20 April 26, 2022

TRANSGLOBAL SERVICES LLC
TBPELS FIRM# 10193740 / 19148
2129 S Great Southwest Parkway Suite 313
Grand Prairie, TX 75051
(817) 529-1180 ~ Fax (817) 529-1181

NAVITAS MIDSTREAM PARTNERS

COLOSSUS CS SUCTION PIPELINE

THE CITY OF MIDLAND

PROPOSED PIPELINE CENTERLINE

ONE (1) 24" POLY PIPELINE CARRYING NATURAL GAS
SITUATED IN
S.F. 015390, ABSTRACT NO. 1477 &
SECTION 19, BLOCK 36, TOWNSHIP 3 SOUTH
T. & P. RR. CO. SURVEY
ABSTRACT NO. 501
MIDLAND COUNTY, TEXAS

DRAWN BY: WAS	DATE: 03/17/2022	DWG. NO. 9462_TX-MD-CWTH-003_REV 1	REV. 1
CHECKED BY: DDH	DATE: 03/17/2022		
SCALE: 1"=1000'	PAGE 1 OF 1		

City Council Meeting

Item Number: 10

Meeting Date: April 26, 2022 (March 22, 2022)

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Garner Gonzales, is requesting a Special Exception from the City of Midland Zoning Ordinance, *Section 4.09 C. Accessory Dwelling Units and Use Limitations,* for an increase to the maximum square footage of an Accessory Dwelling Unit and *Section 5.04 Residential Zoning District Dimensional Regulations Chart*, for a reduction to the minimum rear yard setback for the property located at 2 Live Oak Drive.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

The applicant's property is located at 2 Live Oak Drive and the location of a single-family residence. The applicant is requesting a special exception to the maximum square footage of an accessory dwelling unit and the minimum rear yard setback.

Per our City of Midland Zoning Ordinance, *Section 4.09 – Accessory Buildings and Uses*
C. Accessory Dwelling Units and Use Limitations
1b. The living area of an Accessory Dwelling Unit shall not exceed 1,000 sq feet or 30 percent of the area of the principal residence, whichever is less.

Also, per *Section 5.04 – Residential Zoning District Dimensional Regulations Chart:*
SF-1, Single Family Dwelling District
Yard Setback Dimensions
Minimum Rear Yard Setback: Where an alley adjoins the rear lot line:
10 Feet = 2 story structure

The main structure is currently overlapping Lot 2 and Lot 3. This is considered a legal nonconforming structure. The property currently has two accessory structures including a pool house and a pool. This property is allowed to have 3 (three) accessory structures. The applicant is proposing to build a two-story accessory dwelling unit that will be used as a guesthouse and gym. The floor plan as shown in Exhibit C indicates that the accessory dwelling unit has 1,137 square feet of livable space. This exceeds the maximum square footage allowed by 137 square feet. Additionally, the applicant is proposing to build the accessory dwelling unit with a zero-rear setback. Per our zoning ordinance, an accessory dwelling unit cannot encroach in the setbacks for the property. Furthermore, there is no hardship indicating that the dwelling unit cannot maintain the 10-foot setback. There is enough distance between the primary residence and the rear property line to build the detached dwelling unit 10-feet from the property line.

This request has been circulated to all pertinent City departments for review. Below are the departments' comments.

Engineering: (Approved with Conditions)

No objections.

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.

Our staff has examined the FEMA flood map and it appears that this property lies entirely within Zone AE, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood. An elevation certificate based off of construction drawings will be required to get a building permit to show compliance to the free board requirements and special floodproofing depending on the structure's designation. An elevation certificate based off of finish construction will be required for the Certificate of Occupancy.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

Fire: (Approved)

No objections.

Code Compliance: (Approved)

No Oil or Gas issues.

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

GIS: (Approved)

N/A

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, *4.09 C. Accessory Dwelling Units and Use Limitations, and Section 5.04 – Residential Zoning District Dimensional Regulations Chart.*

Should the City Council approve this request, the property shall be subject to conditions A through C:

Conditions:

A. That the minimum rear yard setback for the accessory dwelling unit shall be zero feet.

B. That Property shall significantly conform to the conditions shown in Exhibit "B", which is attached hereto and incorporated herein; provided,

however, that the accessory dwelling unit, which is identified as "NEW ADDITION" in Exhibit "B", shall not be located on the Property unless the Property has been granted a Specific Use Designation that allows the accessory dwelling unit to be located thereon.

C. That the living area of the accessory dwelling unit shall not exceed 1,137 square feet as shown in exhibit "C", which is attached hereto and incorporated herein.

Letters of Objection:

As of March 9, 2022, staff has not received any letters of objection

Attachments:

Application
Property Survey (Exhibit A)
Site Plan (Exhibit B)
Floor Plan (Exhibit C)
Elevations
Maps

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR A 0.41-ACRE TRACT OF LAND OUT OF LOT 3, ASHLIN PLACE, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE SOUTHEAST SIDE OF LIVE OAK DRIVE, APPROXIMATELY 233 FEET SOUTH OF WEST SCHARBAUER DRIVE), BY PERMITTING (1) AN INCREASED MAXIMUM LIVING AREA OF AN ACCESSORY DWELLING UNIT AND (2) A REDUCED MINIMUM REAR YARD SETBACK; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); ORDERING RECORDATION BY THE CITY SECRETARY IN THE DEED RECORDS OF MIDLAND COUNTY, TEXAS; AND ORDERING PUBLICATION

WHEREAS, the City Council modified the authority of the Board of Adjustment in Title XI, Chapter 1, Section 7 ("Section 11-1-7") of the Midland City Code; and

WHEREAS, Section 11-1-7 provides for the consideration of requests for special exceptions to the Midland Zoning Ordinance; and

WHEREAS, the Council finds that satisfactory evidence has been presented that the use to be authorized by the granting of the special exception will not be detrimental to the health, safety, comfort and welfare of the occupants of the land area near the tract on which the use to be allowed by special exception will be located; and

WHEREAS, the Council finds that it is clearly and specifically authorized by the terms of Section 11-1-7 to grant such a special exception, and said exception will be in harmony with the general purposes and intent of the zoning provisions of the Midland City Code; and

WHEREAS, after a full and fair public hearing at which all parties in interest were offered an opportunity to be heard, all pursuant to law, the Council finds it to be in the public interest to grant a special exception to the Zoning 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 a 0.41-acre tract of land out of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas, said tract being more fully described in Exhibit "A", which is attached hereto and incorporated herein (the "Property"). Said special exception shall allow (1) an increased maximum living area of an accessory dwelling unit and (2) a reduced minimum rear yard setback.

SECTION TWO. Said special exception is subject to the following special conditions:

A. That the minimum rear yard setback shall be zero feet (0').

B. That the Property shall significantly conform to the conditions shown in Exhibit "B", which is attached hereto and incorporated herein; provided, however, that the accessory dwelling unit, which is identified as "NEW ADDITION" in Exhibit "B", shall not be located on the Property unless the Property has been granted a Specific Use Designation that allows the accessory dwelling unit to be located thereon.

C. That the living area of the accessory dwelling unit shall not exceed 1,137 square feet as shown in Exhibit "C", which is attached hereto and incorporated 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 file this ordinance with the Office of the County Clerk for purposes of recordation.

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

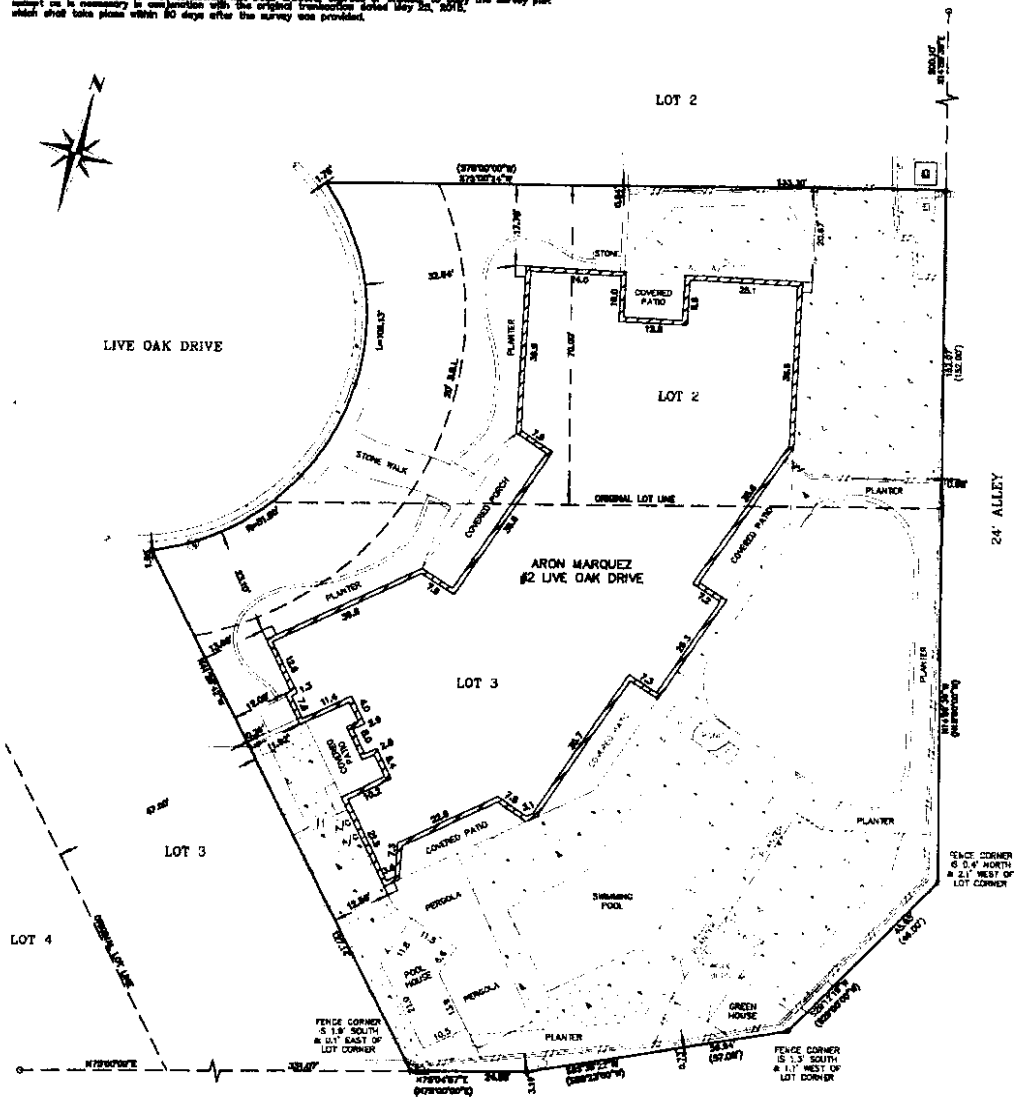
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

COPYRIGHT 2015
This survey plat is being provided solely for the use of: Aron Marquez, Complex Community FCU & Lone Star Abstract & Title Co., and that no liability has been accepted, expressed or implied, to any other party except as is necessary in conjunction with the original transaction dated May 22, 2015, which shall take place within 90 days after the survey was provided.



PLAT OF THAT PORTION OF
LOT TWO (2) LYING SOUTH OF A LINE BEGINNING AT
A POINT IN THE EAST BOUNDARY LINE OF SAID LOT 2 WHICH
IS 50' SOUTH OF THE NORTHEAST CORNER OF SAID
LOT 2 AND DRAWN WESTERLY AND PERPENDICULAR
TO THE EASTERN BOUNDARY LINE OF SAID LOT 2;
AND ALL OF LOT THREE (3), SAVE AND EXCEPT
THAT PORTION OF SAID LOT 3 LYING TO THE WEST OF
A LINE EXTENDING FROM THE NORTH BOUNDARY LINE TO
THE SOUTH BOUNDARY LINE AND PARALLEL TO AND 47'
FROM THE WESTERLY BOUNDARY LINE OF SAID LOT 3,
ASHLIN PLACE, (2ND SECTION),
AN ADDITION TO THE CITY OF MIDLAND
MIDLAND COUNTY, TEXAS
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET A, PAGE 167, PLAT RECORDS, MIDLAND COUNTY, TEXAS

The following Easements, Rights-of-way, and Restrictive covenants as listed on this title commitment furnished by:
Lone Star Abstract and Title Co., Inc.,
G.F. No.: 204920

Restrictive Covenants:
Vol. 303, Pg. 181 & 183,
Deed Records,
Midland Co., Texas

Census Tract: 6

This tract is in Flood Zone "AE" as shown on the Flood Insurance Rate Map, Dated September 18, 2009 provided by the Federal Emergency Management Agency Flood Map Number: 48329C0089 F

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way, except as shown hereon, and that said property has access to and from a dedicated roadway.

Dated this the 25th day of May 2015.

Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 05/25/15

(IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT)

PENNELL LAND SURVEYING
PROFESSIONAL LAND SURVEYING
P.O. BOX 51682, MIDLAND, TEXAS 79710
VOICE:(432)570-0256 FAX: (432)682-3292 MOBILE: (432)528-1027

ABSTRACT OFFICE: LONE STAR | G.F. # 204920 | COMMITMENT EFFECTIVE DATE: 04/23/15
CAD FILE: BRF18054 | DATA FILE: ZLIVEOAK | DRAWN BY: MARCY M. | BOOK/PAGE: 1/

STATE OF TEXAS REGISTERED BRUCE R. PENNELL 4170 PROFESSIONAL LAND SURVEYOR

Basis of Bearings:
SOUTH Line of this Block

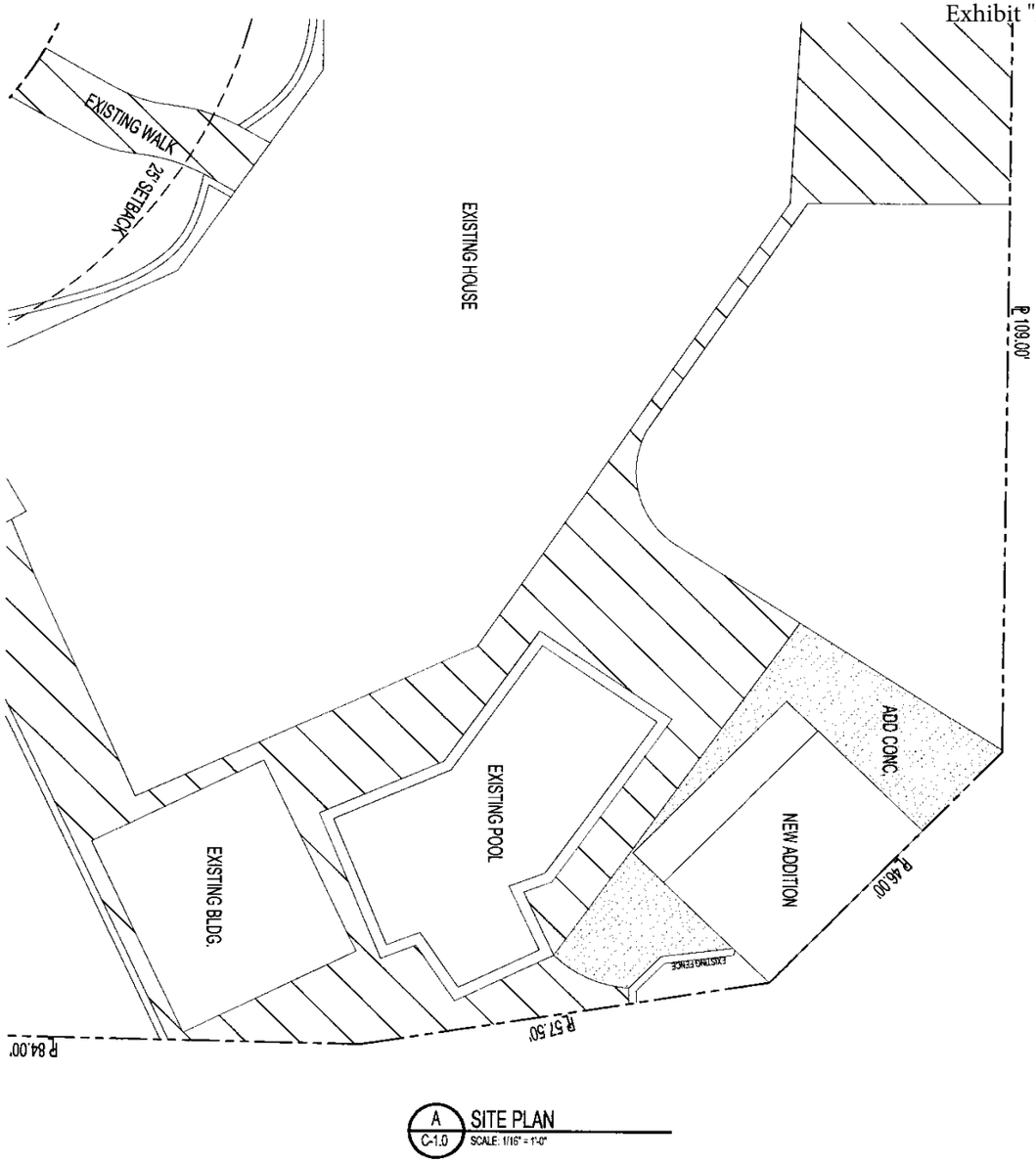
Bearings and Distances Shown Inside ( ) Indicate Record Information

20 10 0 20

SCALE: 1" = 20'

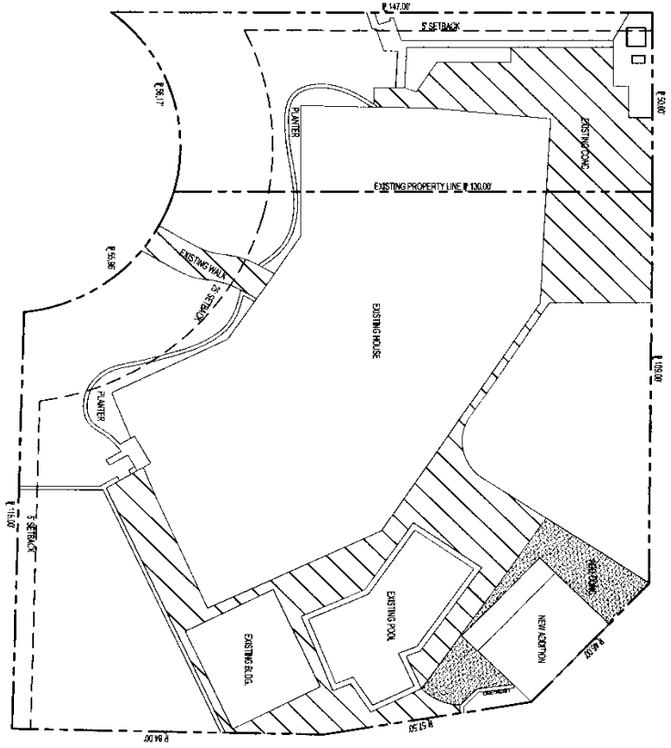
LEGEND
- Set 1/2" I.R. W/Cap "RPLS 4170"
- Fnd. 1/2" I.R.
- Gas Meter
- Water Meter
- Light Pole
- Power Pole
- Fire Hydrant
- OVERHEAD ELECTRIC
- Guy Wire
- Telephone Junct. Box
- Cable TV Junct. Box
- Buried Pipeline Marker
- Sewer Cleanout
- Underground Electric Box
- Utility Box
- Misc. Sign
- Sanitary Sewer Manhole
- Water Valve
- Gas Valve
- Satellite Dish
- Propane Tank
- Water Well

Exhibit "B"



A C-1.0 SITE PLAN
SCALE: 1/16" = 1'-0"

1. DRIVEWAY DETAILS ON SHEET D-1.0



B C-1.0 SITE PLAN
SCALE: 1/32" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

THESE DOCUMENTS ARE INTERIM REVIEW AND ARE NOT INTENDED FOR CONSTRUCTION AND/OR PERMIT PURPOSES.

2 LIVE OAK DR.
MIDLAND, TEXAS
LOT 0021, BLOCK 000
ASHLIN PLACE ADDN.

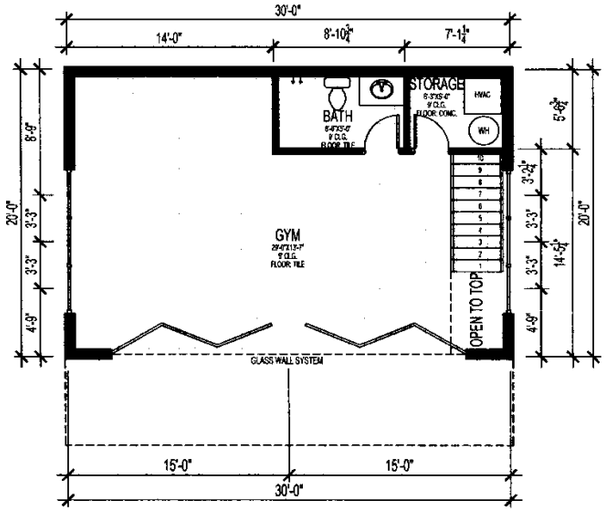
1	PRELIMINARY PLANS	01/20/22	

Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 202209
DRAWN BY: CW
CHECKED BY: CW

C-1.0

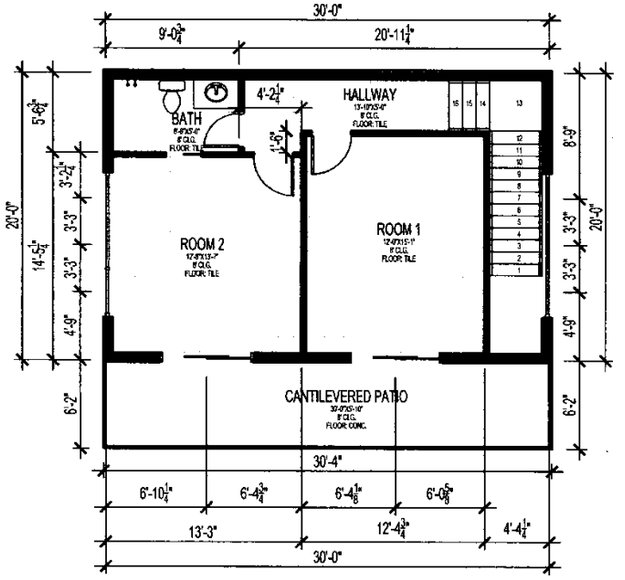
Exhibit "C"



A A-2.0 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE'S OVER BRICK
SQUARE FOOTAGE'S ARE CALCULATED WITH 5.5" BRICK POCKET AND MAY VARY DEPENDING ON EXTERIOR MATERIAL

1ST FLOOR LIVABLE	617	SQ. FT.
2ND FLOOR LIVABLE	520	SQ. FT.
TOTAL LIVABLE	1,137	SQ. FT.
CANTILEVERED PATIO	182	SQ. FT.
TOTAL	1,319	SQ. FT.



B B-2.0 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

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2 LIVE OAK DR.
MIDLAND, TEXAS
LOT 0021, BLOCK 000
ASHLIN PLACE ADDN.

1 PRELIMINARY PLANS (01/20/22)

DCI
Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 202009
DRAWN BY: CDW
CHECKED BY: CDW

2 8
A-2.0

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MIDLAND
Planning Division

Special Exception Application

Project Number: E-22-0071

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: GARNER Gonzales		Phone ( ) Email 432 967 0699	
Address PO Box 125	City MIDLAND	State TX	Zip 79702

Property Owner Printed Name: Aron MARquez		Phone ( ) Email 432 770 8624	
Address 2 Live OAK DR.	City MIDLAND	State TX	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: GONZALES CONTRACTORS, LLC Printed Name: HENRY GONZALES		Phone ( ) Email 432 967 0059	
Address PO Box 125	City MIDLAND	State TX	Zip 79702

Street Address: 2 Live OAK DR. MIDLAND TX 79705

Legal Description
Lot: Block: Subdivision:

Current Zoning:

This property qualifies as an exception to the City Code because:

- ☐ It is an expansion of a nonconforming use.
- ☑ There are existing nonconforming structures in the area.
- ☑ The addition of architectural or other projections of a minor extent.

Reason for Request: Pool House Project. Request for Special Exception ADD Accessory Building

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing:
  - Parking
  - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

Signatures		
Applicant (signature):		Date: 02/02/22
Applicant (printed):	GARNER GONZALES	
Property Owner (signature):		Date: 2/4/2022
Property Owner (printed):	ARAN MARQUEZ	

The Special Exception shall be considered officially received by 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 Garner Daniel Gonzales who, being by me duly sworn, upon oath says: That (s)he is authorized by Aran Marquez, 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 8 day of Feb, 2022, to certify which witness my hand and seal of office.

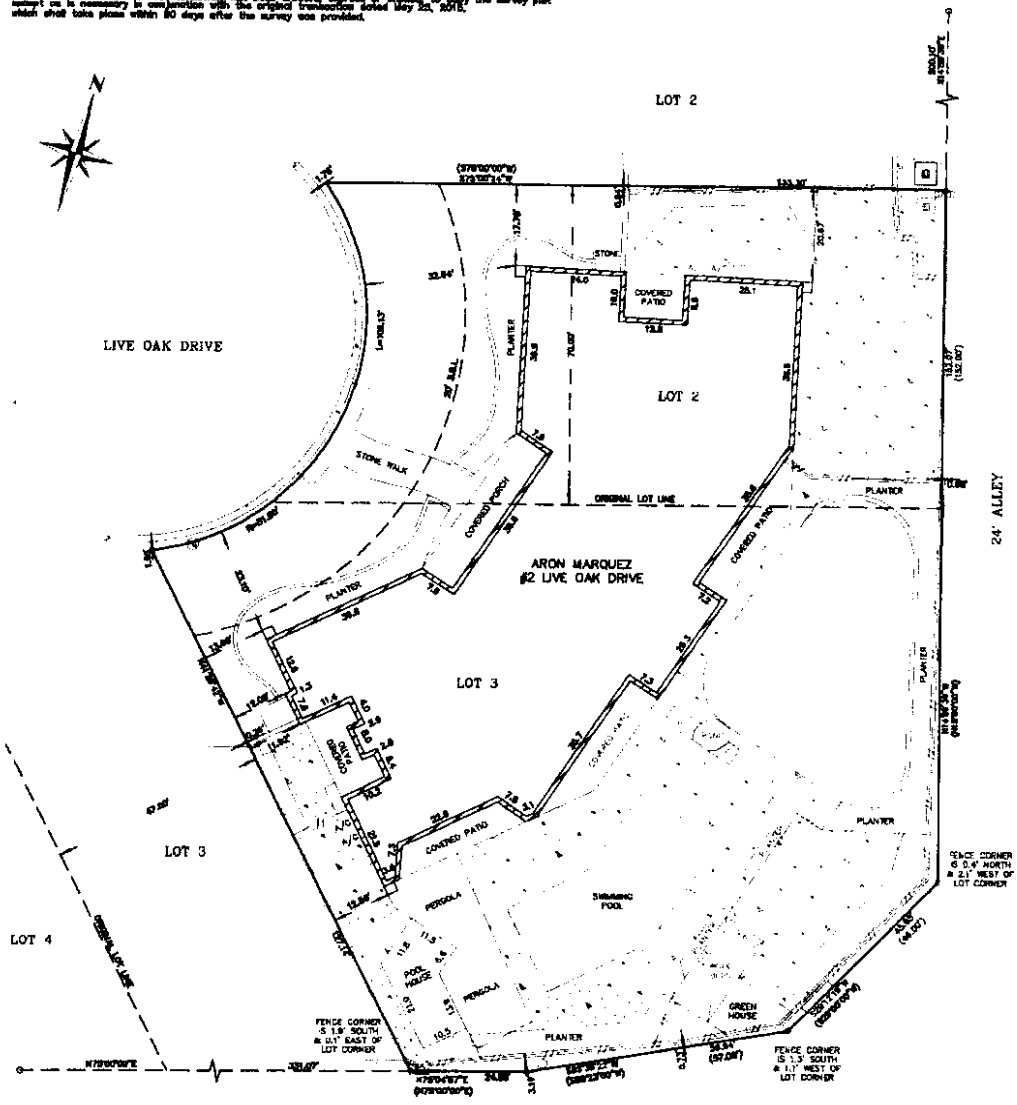
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

NOTARY PUBLIC STATE OF TEXAS Comm. Exp. Oct. 25, 2022

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.

COPYRIGHT 2015
This survey plat is being provided solely for the use of: Aron Marquez, Complex Community FCU & Lone Star Abstract & Title Co., and that no liability has been created, express or implied, to any the survey plat except as is necessary in conjunction with the original transaction dated May 22, 2015, which shall take place within 90 days after the survey was provided.



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A POINT IN THE EAST BOUNDARY LINE OF SAID LOT 2 WHICH
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LOT 2 AND DRAWN WESTERLY AND PERPENDICULAR
TO THE EASTERN BOUNDARY LINE OF SAID LOT 2;
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THAT PORTION OF SAID LOT 3 LYING TO THE WEST OF
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G.F. No.: 204920

Restrictive Covenants:
Vol. 303, Pg. 187 & 189,
Deed Records,
Midland Co., Texas

Census Tract: 6

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Dated this the 25th day of May 2015.

Bruce R. Pennell
Registered Professional Land Surveyor No. 4170
Date: 05/25/15

(IF SURVEYORS SIGNATURE IS NOT SIGNED IN RED INK, THIS IS NOT AN ORIGINAL DOCUMENT)

PENNELL LAND SURVEYING
PROFESSIONAL LAND SURVEYING
P.O. BOX 51682, MIDLAND, TEXAS 79710
VOICE:(432)570-0256 FAX: (432)682-3292 MOBILE: (432)528-1027

ABSTRACT OFFICE: LONE STAR | G.F. # 204920 | COMMITMENT EFFECTIVE DATE: 04/23/15
CAD FILE: BRF18054 | DATA FILE: ZLIVEOAK | DRAWN BY: MARCY M. | BOOK/PAGE: 1/

STATE OF TEXAS REGISTERED BRUCE R. PENNELL 4170 PROFESSIONAL LAND SURVEYOR

Basis of Bearings:
SOUTH Line of this Block

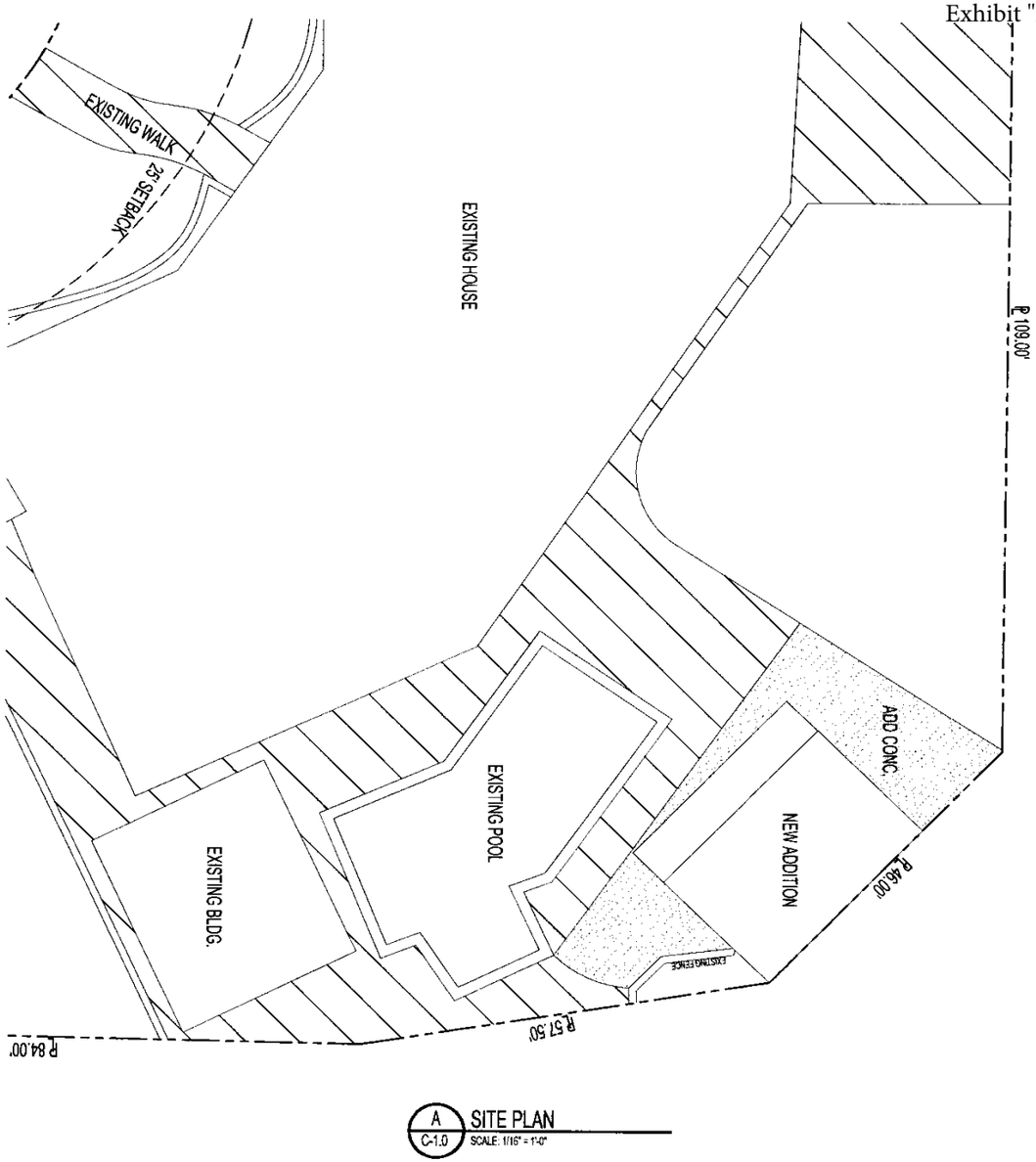
Bearings and Distances Shown Inside ( ) Indicate Record Information

20 10 0 20

SCALE: 1" = 20'

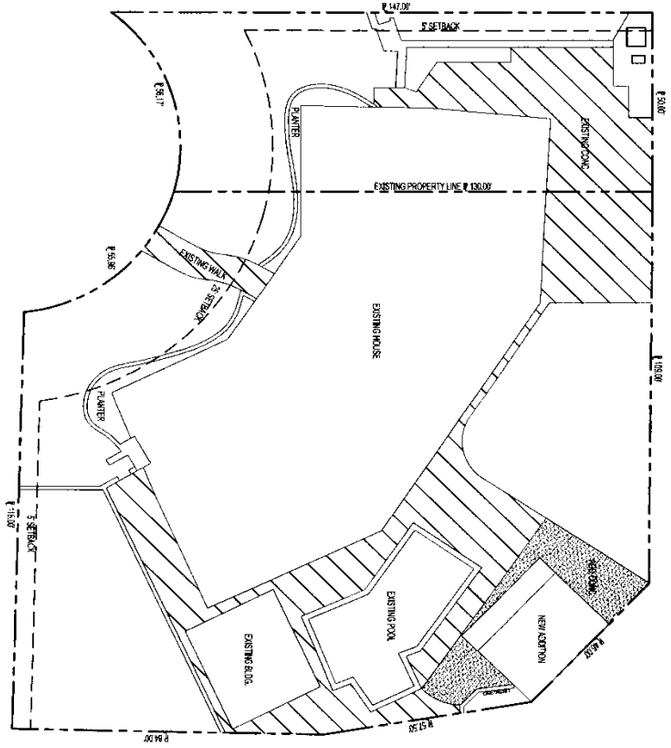
LEGEND
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- Fnd. 1/2" I.R.
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- Water Meter
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- Power Pole
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- Sewer Cleanout
- Underground Electric Box
- Utility Box
- Misc. Sign
- Sanitary Sewer Manhole
- Water Valve
- Gas Valve
- Satellite Dish
- Propane Tank
- Water Well

Exhibit "B"



A C-1.0 SITE PLAN
SCALE: 1/16" = 1'-0"

1. DRIVEWAY DETAILS ON SHEET D-1.0



B C-1.0 SITE PLAN
SCALE: 1/32" = 1'-0"

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MIDLAND, TEXAS
LOT 0021, BLOCK 000
ASHLIN PLACE ADDN.

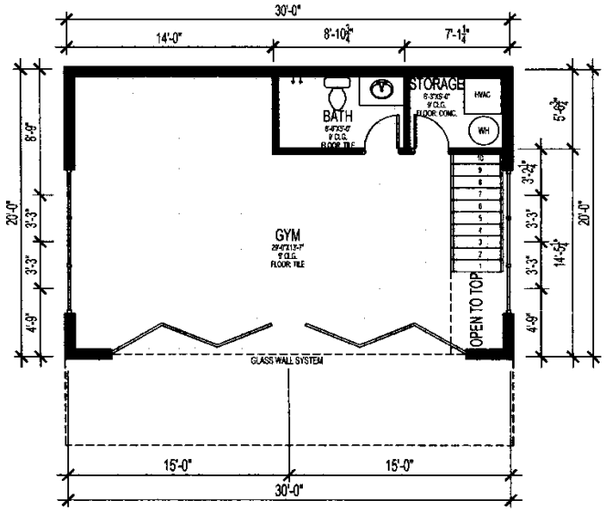
1	PRELIMINARY PLANS	01/20/22	

Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 202209
DRAWN BY: CW
CHECKED BY: CW

C-1.0

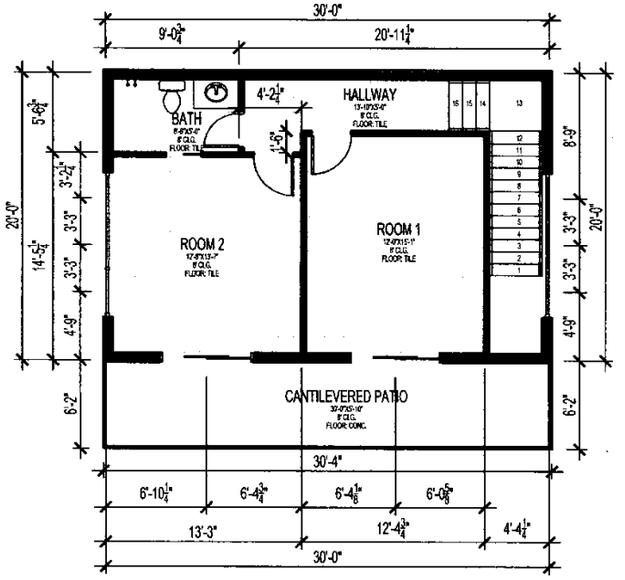
Exhibit "C"



A / A-2.0 1ST FLOOR PLAN
SCALE: 1/8" = 1'-0"

SQUARE FOOTAGE'S OVER BRICK
SQUARE FOOTAGE'S ARE CALCULATED WITH 5.5" BRICK POCKET AND MAY VARY DEPENDING ON EXTERIOR MATERIAL

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2ND FLOOR LIVABLE	520	SQ. FT.
TOTAL LIVABLE	1,137	SQ. FT.
CANTILEVERED PATIO	182	SQ. FT.
TOTAL	1,319	SQ. FT.



B / B-2.0 2ND FLOOR PLAN
SCALE: 1/8" = 1'-0"

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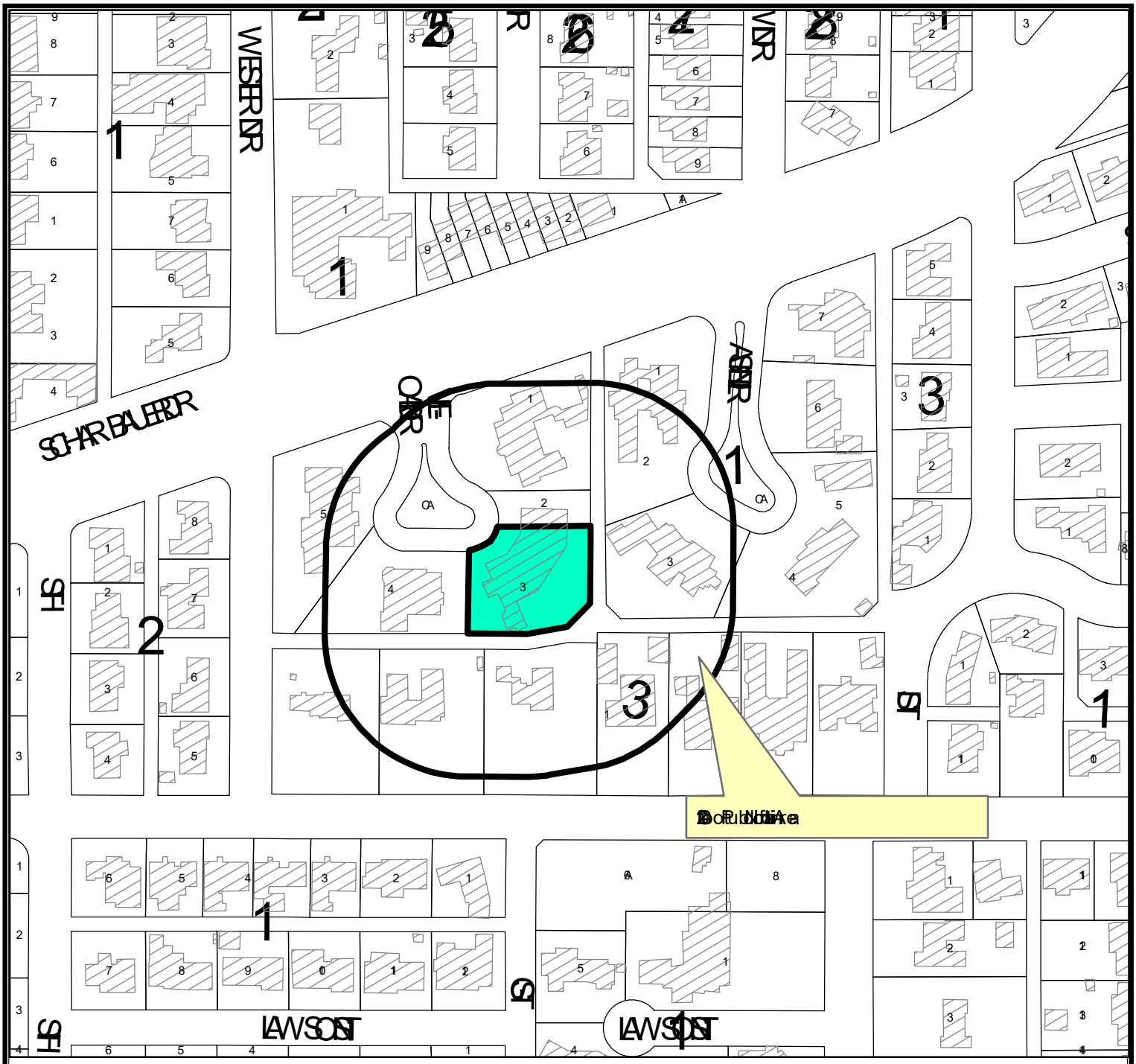
1	PRELIMINARY PLANS	(01/20/22)

DCI
Designers—Consultants—Inspectors
Chad Walters
432-352-0788
chad@midland-dci.com
www.midland-dci.com

PROJECT NUMBER: 202009	
DRAWN BY	CDW
CHECKED BY	CDW

A-2.0

© 2022 MIDLAND DCI, INC.



LOCATION MAP

E-22-0071 **Scale: 1" = 200'**

Consider a request by Garner Gonzales for a Special Exception from the City of Midland Zoning Ordinance, Section 4.09 C. Accessory Dwelling Units and Use Limitations, for an increase to the maximum square footage of an Accessory Dwelling Unit and Section 5.04 Residential Zoning District Dimensional Regulations Chart, for a reduction to the minimum rear yard setback on a 0.41-acre portion of Lot 3, Ashlin Place, Section 2, City and County of Midland, Texas.

(Generally located at the south side of Live Oak Drive, approximately 233 feet south of W. Scharbauer Drive. Council District 3)

LEGEND

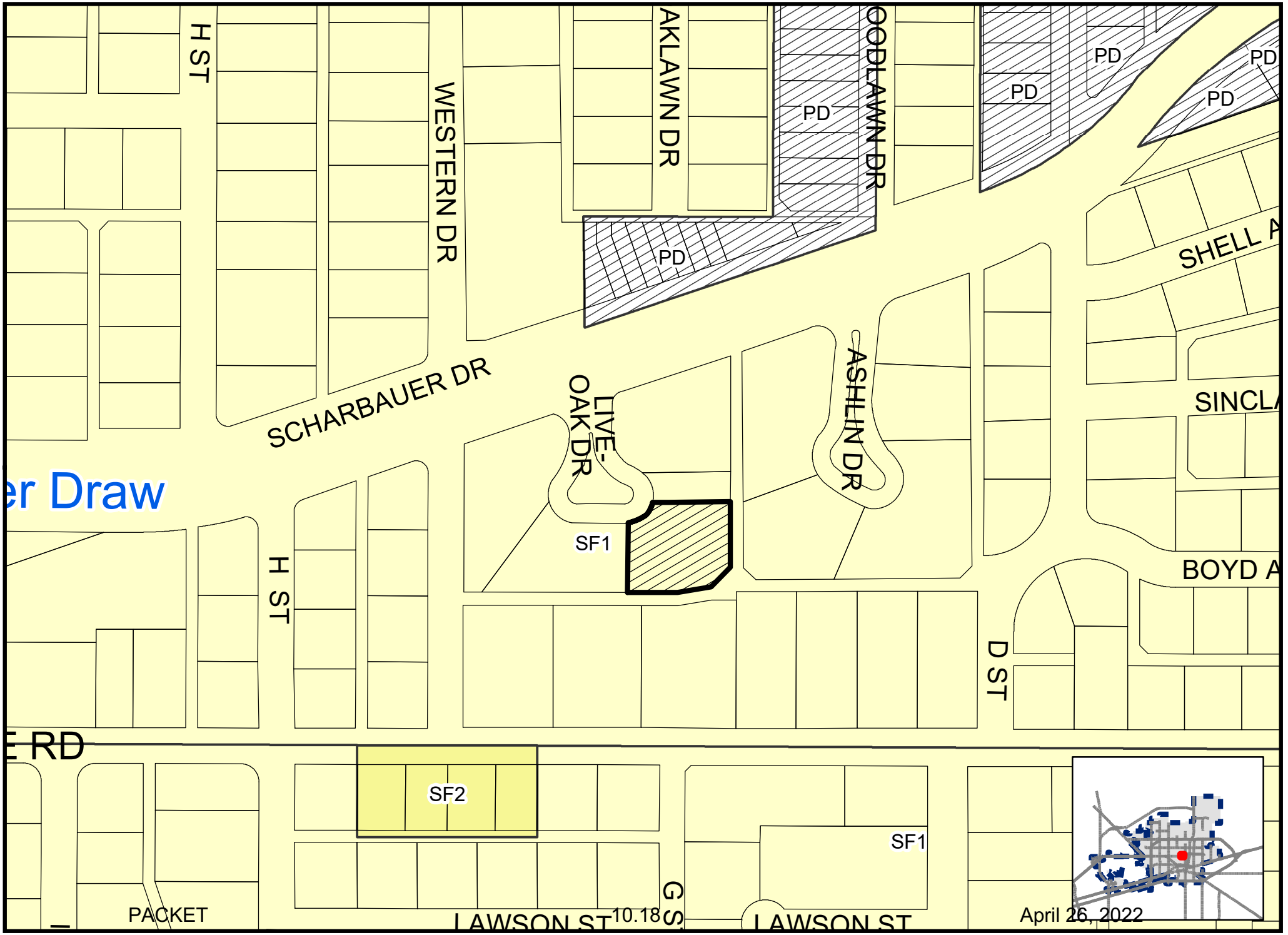
- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



©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.



Map By KM, 2/16/2022

E-22-0071

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: 11

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: James Reber,

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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, Deborah Shannon, d/b/a Chuy's Opco, Inc., is requesting an Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, Chuy's, located at 4609 West Loop 250 North.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Current Zoning:

PD, Planned Development District for a Shopping Center (Ordinance No. 8538)

Surrounding Zoning and Land Use:

The property is located at 4609 W. Loop 250 North, is zoned PD, Planned District for a Shopping Center. The property to the north, across W. Loop 250 North, is zoned MF-16, Multiple-Family Dwelling District, and the location of an apartment complex. The properties to the east, are zoned PD, Planned District for a Shopping Center, and the location of Staples and Bahama Buck's. The properties to the west are zoned PD, Planned District for a Shopping Center, and the location of Chucke Cheese's and Carino's Italian Grill. The properties to the south are zoned PD, Planned District for a Shopping Center, and the location of Home Depot, and Target, respectively.

Discussion:

The applicant is requesting a Specific Use Designation for Chuy's Restaurant, located at 4609 W. Loop 250 North, to be able to sell all alcoholic beverages for on premises consumption, within a restaurant. The property is zoned PD, Planned District for a Shopping Center, which permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

The restaurant is currently not in operation and does not have a specific use designation for the sale of all alcoholic beverages. However, this location previously has an approved SUD that lapsed over a year ago under the business of Logan's Roadhouse Restaurant, ordinance number 7896. The floor plan attached hereto as "Exhibit A" illustrates that the establishment, will have a total square footage of 8,126 square feet, with an alcohol serviceable area of 3,633 square feet. The site currently has adequate parking, access and internal circulation.

The restaurant has the following hours of operation:

Monday through Saturday from 8:00 a.m. to 11:00 p.m.
Sunday from 11:00 a.m. to 11:00 p.m.

The restaurant is proposing the following hours of alcohol service:

Monday through Saturday from 8:00 a.m. to 11:00 p.m.
Sunday from 11:00 a.m. to 11:00 p.m.

Per Midland City Code, Section 5-4-4, Prohibited Places of Business:

The sale of any alcoholic beverage is hereby prohibited by any person, where the place of business of any such dealer is within 300 feet of any church, public-school, public-school ground, athletic stadium used by any public school or public hospital, the measurements to be

along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur.

There are no schools or churches within 300 feet of the property.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No comments.

GIS: (Approved)

N/A.

Engineering: (Approved)

No objections.

Oil & Gas: (Approved)

No objections.

Transportation: (Approved)

No objections.

Building Code: (Approved)

The SUD for Chuy's is acceptable. The property must adhere to the maximum occupant load of 242 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Planning:

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to* "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) Chuy's Restaurant is an establishment that will provide Midland residents with a unique social gathering experience.

This request was recommended for approval at the March 7, 2022 Planning and Zoning Commission meeting.

Staff recommends approval of this Specific Use Designation with Term for the sale of all alcoholic

beverages, for on-premises consumption, in a restaurant, subject to conditions A through G.

Conditions:

A. **That the serviceable area of the restaurant shall be limited to approximately 3,633 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.**

B. **That the days and hours of alcoholic beverages sales and consumption shall be limited to:**

Monday through Saturday from 8:00 a.m. to 11:00 p.m.
Sunday from 11:00 a.m. to 11:00 p.m.

C. **That the occupancy of the establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.**

D. **That the establishment shall meet all requirements of the Fire Department and Code Administration.**

E. **That the sale and on-premises consumption of alcoholic beverages shall conform to applicable state and local laws.**

F. **That 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 April 7, 2022, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance No. 8538 and 7896

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR AN 8,126-SQUARE FOOT PORTION OF LOT 6, BLOCK 44, FAIRMONT PARK ADDITION, SECTION 25, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WEST LOOP 250 NORTH AND HENRY KOONTZ BOULEVARD), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A SHOPPING CENTER, 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 an 8,126-square foot portion of Lot 6, Block 44, Fairmont Park Addition, Section 25, 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 PD, Planned Development District for a Shopping Center.

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 3,633 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Monday through Saturday from 8:00 a.m. to 11:00 p.m.; and
Sunday from 11:00 a.m. to 11:00 p.m.

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That the operator of the Establishment shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premises consumption to ensure that the conditions of this Specific Use Designation With Term are satisfied.

G. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more

sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

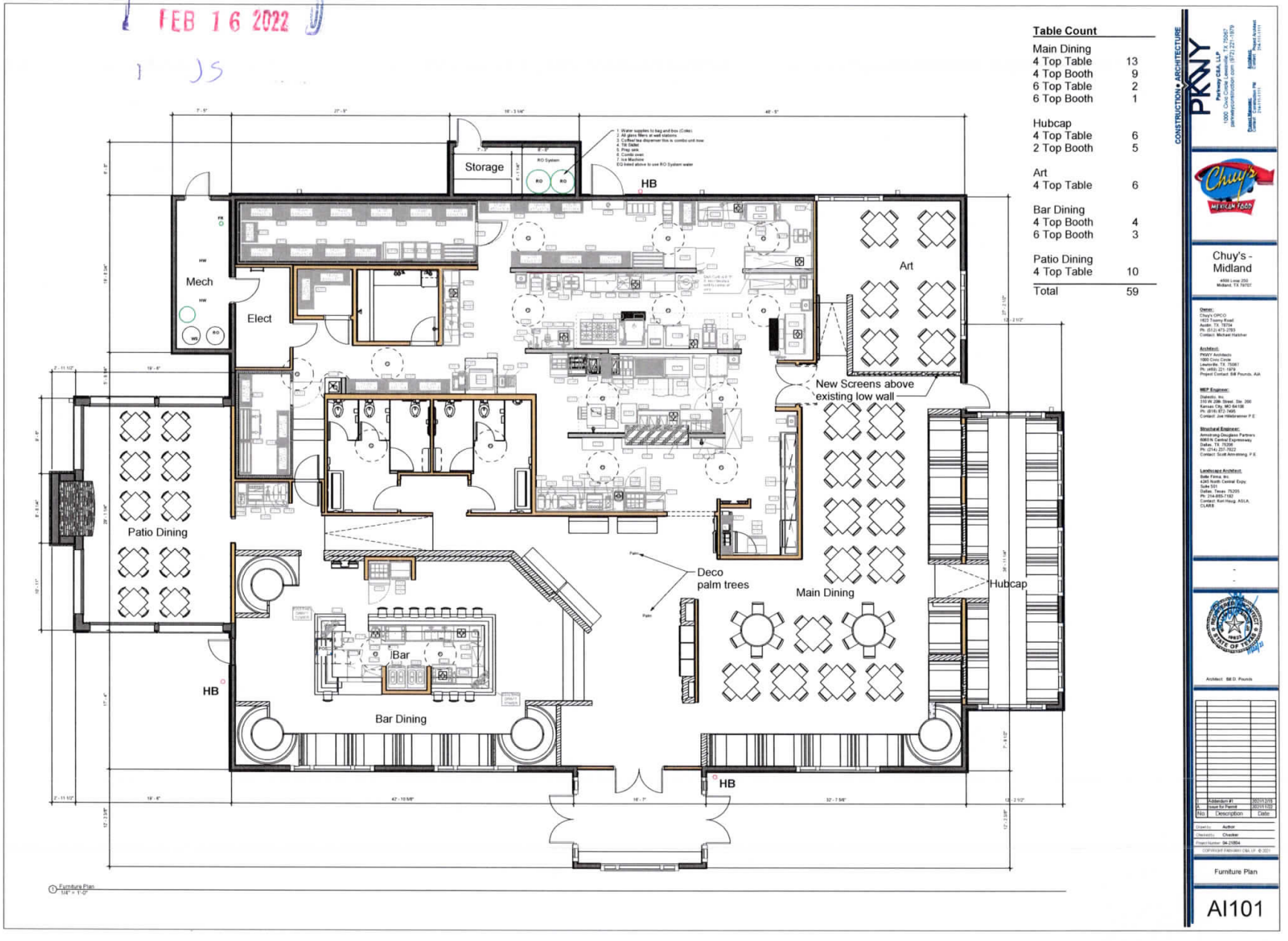
APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

FEB 16 2022

1 J5



MIDLAND Planning Division

Specific Use Permit with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUP-22-026

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Chuy's Opco, Inc. / Deborah Shannon		Phone (512) 370-2696 Email dshannon@chuys.com	
Address 1623 Toomey Rd	City Austin	State TX	Zip 78704

Property Owner Printed Name: Shark Properties IV LLC		Phone (806) 792-5900 Email rsmith@wtxeye.com	
Address 5109 80th St	City Lubbock	State TX	Zip 79424

Representative *(if different from Applicant or Property Owner)* Firm: Martin Frost & Hill, PC Printed Name: Kyle V Hill		Phone (512) 614-2009 Email khill@mfhliquorlaw.com	
Address 3345 Bee Cave Rd, Ste 105	City Austin	State TX	Zip 78746

Street Address:	4609 West Loop 250 North
Business Name:	Chuy's
Legal Description Lot: 6 Block: 44 Subdivision:	Fairmont Park Addition, Sec 25
Current Zoning:	PD - Planned Development District
Reason for Request:	sale of alcoholic beverages for on-premises consumption at Chuy's restaurant

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*:	restaurant		
Proposed/Current Days and Hours of Operation:	Sunday - Thursday, 11a - 10p Friday & Saturday, 11a - 11p		
Proposed Days and Hours of Alcohol Service:	same		
Total Square Footage of Business:	8,126		
Square Footage of Alcohol Serviceable Area:	3,633		
Restroom Fixtures: *Men*	**Toilets/Urinals:**	2 / 1	**Bathroom Sinks:** 1 w/ 2 faucets
Women	**Toilets:**	3	**Bathroom Sinks:** 1 w/ 2 faucets

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
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):	Date: 2-14-22
Applicant (printed): Deborah Shannon	
Property Owner (signature):	Date: 2-14-22
Property Owner (printed) : TIM KHATER, MANAGING PARTNER	

The Specific Use Permit with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Deborah Shannon who, being by me duly sworn, upon oath says: That (s)he is authorized by TIM KHATER, MANAGING PARTNER 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 2 day of FEBRUARY, 20 22, to certify which witness my hand and seal of office.

KYLE V. HILL
My Notary ID # 126391126
Expires March 20, 2024

NOTARY PUBLIC, ~~MIDLAND~~ TRAVIS COUNTY, TEXAS

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

FOR OFFICE USE ONLY	
☐ Property Owner Authorization	☐ Dimensioned Floor Plan
☐ Application Fee	☐ Site Plan
Check #_____	☐ Plans in Digital Format (PDF/JPEG)
Received By:_____	Date:_____

RECEIVED
FEB 16 2022
BY: JS

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

FEB 16 2022

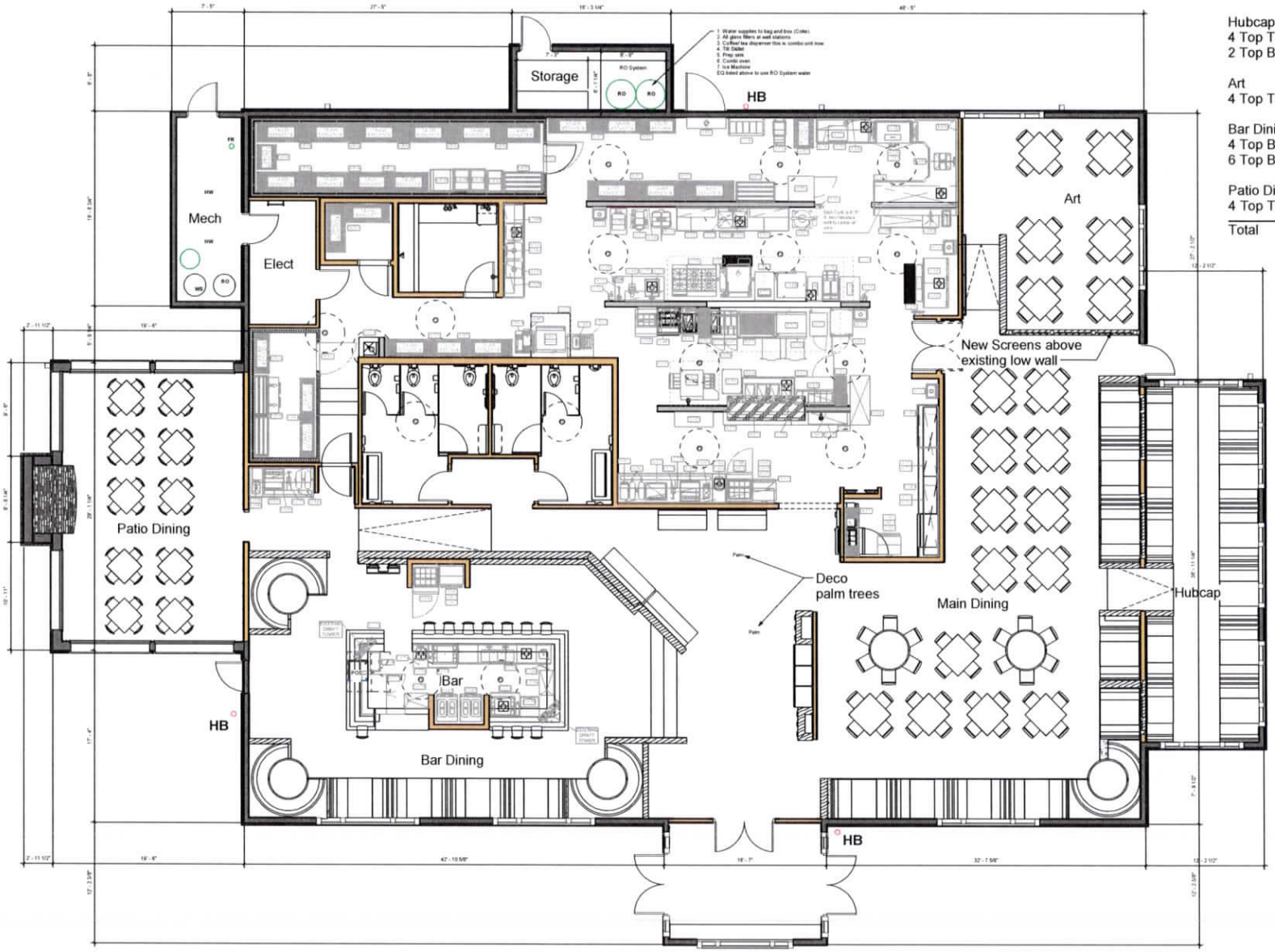


Table Count

Main Dining	
4 Top Table	13
4 Top Booth	9
6 Top Table	2
6 Top Booth	1
Hubcap	
4 Top Table	6
2 Top Booth	5
Art	
4 Top Table	6
Bar Dining	
4 Top Booth	4
6 Top Booth	3
Patio Dining	
4 Top Table	10
Total	59

CONSTRUCTION • ARCHITECTURE

PKWY

Chuy's - Midland

4506 Loop 250
Midland, TX 79707

Owner:
Chuy's OPCO
1623 Toomy Road
Austin, TX. 78704
Ph: (512) 473-2783
Contact: Michael Hatcher

Architect:
PKWY Architects
1000 Civic Circle
Lewisville, TX. 75067
Ph: (469) 221-1979
Project Contact: Bill Pounds, AIA

MEP Engineer:
Dialectic, Inc.
310 W. 20th Street, Ste. 200
Kansas City, MO 64108
Ph: (816) 872-1495
Contact: Joe Hildebrammer P.E.

Structural Engineer:
Armstrong-Douglass Partners
6363 N. Central Expressway
Dallas, TX. 75206
Ph: (214) 257-0500
Contact: John Armstrong, P.E.

Landscape Architect:
Bate Firma, Inc.
4240 North Central Expy.
Suite 501
Dallas, Texas 75205
Ph: 214-855-7182
Contact: Ken Haug, ASLA, CLARB

Architect Bill D. Pounds

No.	Description	Date
1	Addendum #1	2021.12.03
2	Issue for Permit	2021.12.22

Project Number: 04-21004

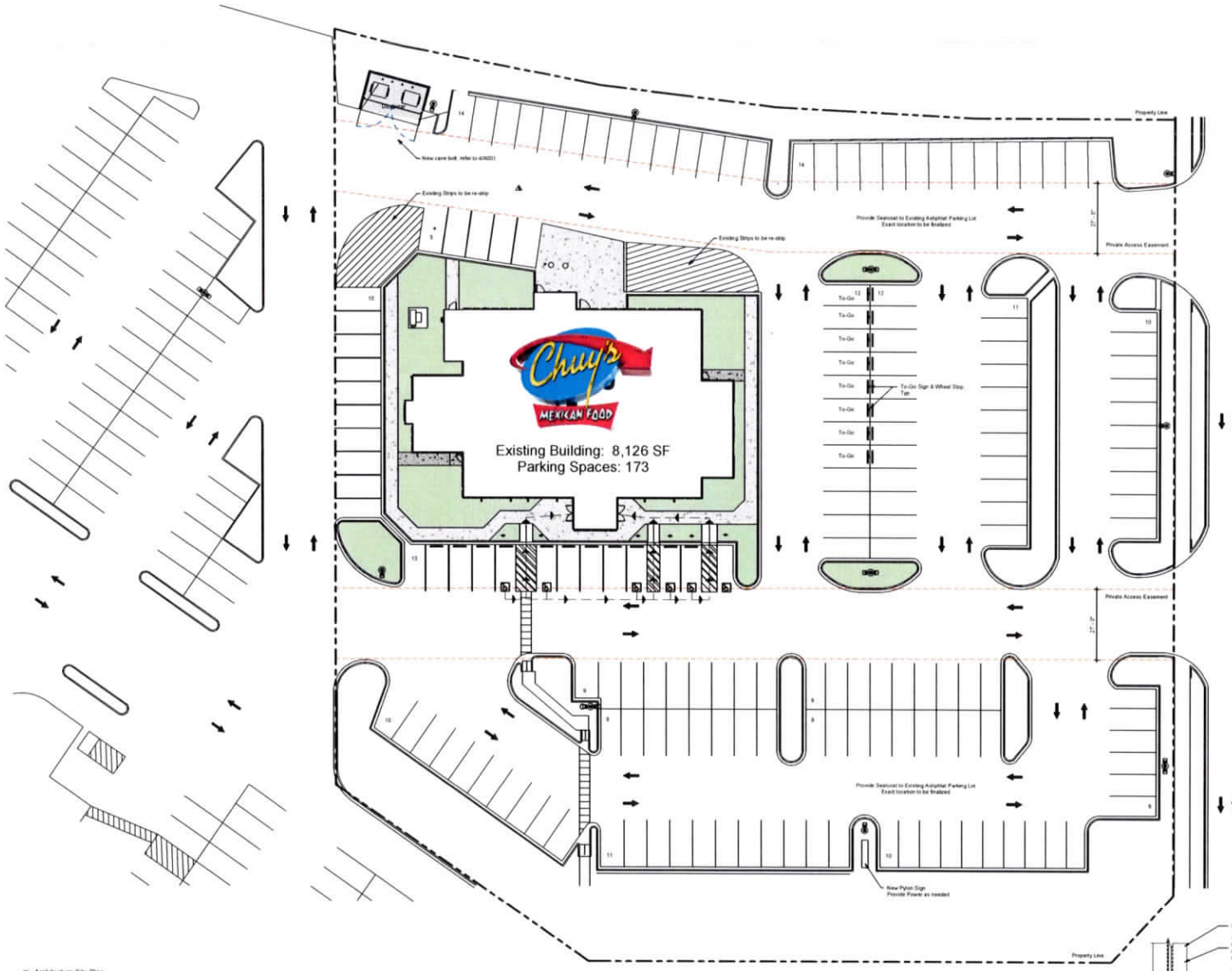
COPYRIGHT PKWY Architects, LLC © 2021

Furniture Plan

AI101

April 26, 2022
11.14
PACKET

PACKET 11.15 April 26, 2022

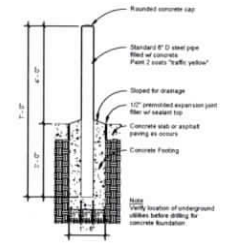


1 Architecture Site Plan
1/16" = 1'-0"

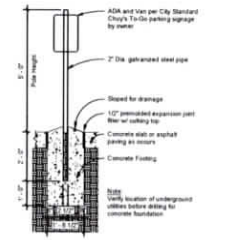
Site Plan Legend

- Property Line
- Private Access Easement
- Landscape Area - Reference landscape drawings
- French Drain/ Riprap stone
- Accessible Parking (NIC)

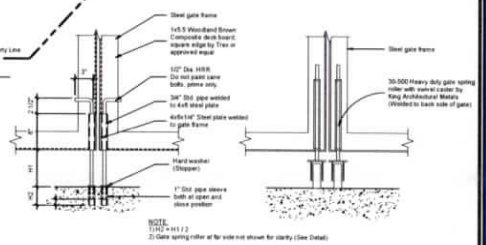
Site Plan Keynotes



2 Detail - Bollard
1/2" = 1'-0"



3 Detail - ADA & Van Accessible, To-Go Sign
1/2" = 1'-0"



4 Cane Bolt & Roller Detail
1 1/2" = 1'-0"

RECEIVED
FEB 16 2022

JS

CONSTRUCTION • ARCHITECTURE

PKWY

Parkway CSA, LLP
1000 Civic Circle, Lewisville, TX 75067
parkwayconstruction.com (972) 221-1979
Architect:
Contact: Bill Pounds
Project Manager:
Contact: Sean Kelly

Chuy's - Midland

4706 Loop 250
Midland, TX 79707

Owner:
Chuy's OPCO
1623 Toomy Road
Austin, TX 78704
Ph: (512) 473-2783
Contact: Michael Hatcher

Architect:
PKWY Architects
1000 Civic Circle
Lewisville, TX. 75067
Ph: (469) 221-1979
Project Contact: Bill Pounds, AIA

MEP Engineer:
Dietech, Inc.
310 W 20th Street, Ste. 200
Kansas City, MO 64108
Ph: (816) 872-7440
Contact: Joe Hildebrenner P.E.

Structural Engineer:
Armstrong Douglass Partners
4060 N Central Expressway
Dallas, TX. 75206
Ph: (214) 237-7822
Contact: Scott Armstrong, P.E.

Landscape Architect:
Belle Fleur, Inc.
4245 North Central Expy.
Suite 501
Dallas, Texas 75205
Ph: 214-855-7182
Contact: Kent Haug, ASLA
CLARB

Architect: Bill D. Pounds

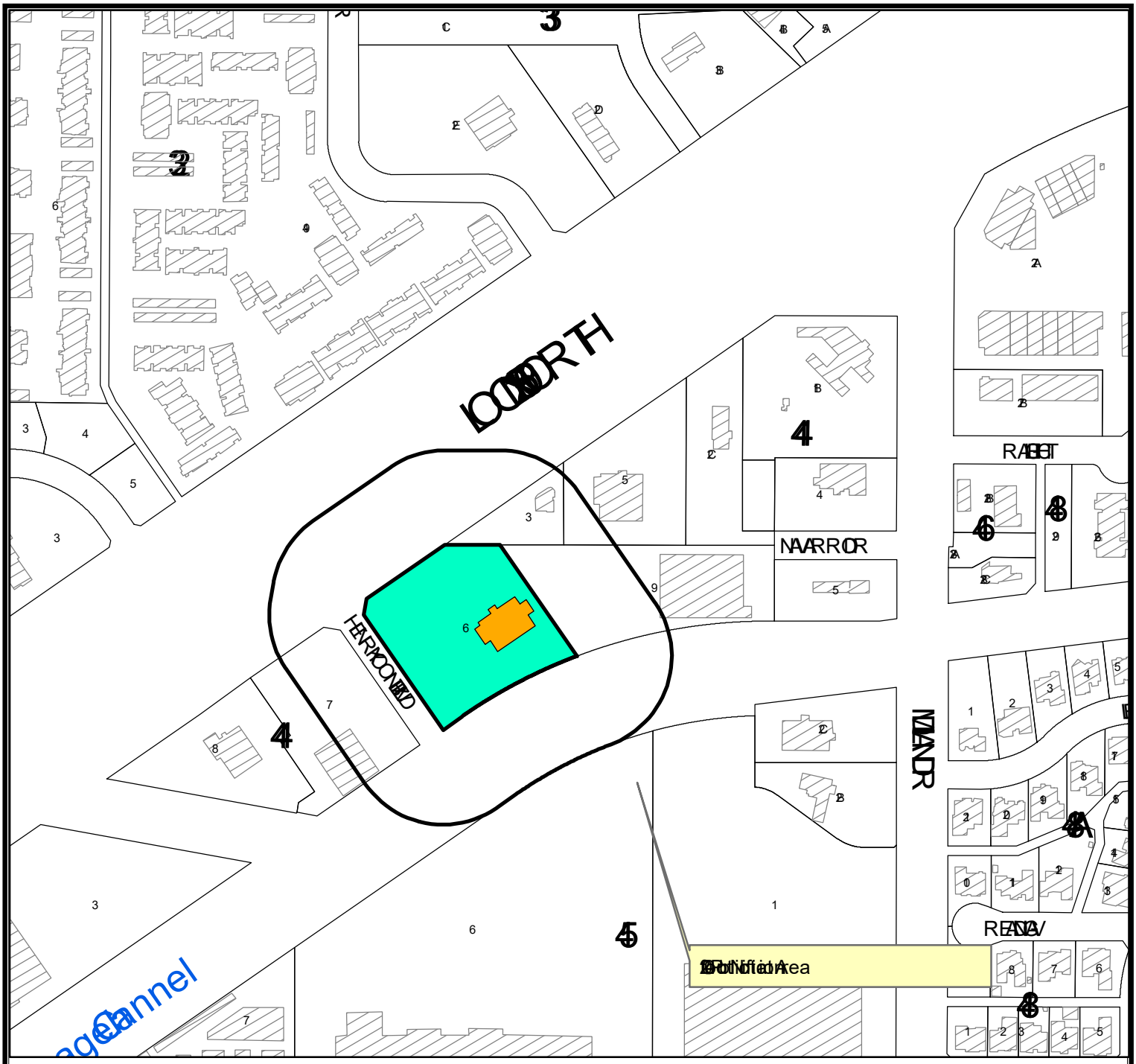
No	Description	Date
1	Addendum #1	2021/12/15
0	Issue for Permit	2021/11/22

Drawn by: Author
Checked by: Checker
Project Number: SA-21804

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Architectural Site Plan

A001



LOCATION MAP

SUD-22-0126 **Scale: 1" = 200'**

Request by Chuy's Opco, Inc. for a Specific Use Designation with Term for on-permises cinsumption, in a restaurant, on an 8,126 square foot portion of Lot 6, Block 44, Fairmont Park Addition, Section 25, City and County of Midland, Texas.

Generally located

11.16

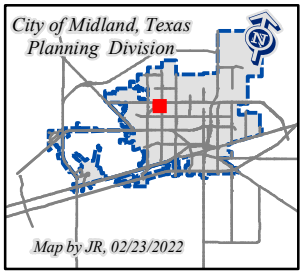
April 26, 2022

LEGEND

CITY LIMITS

PARCEL

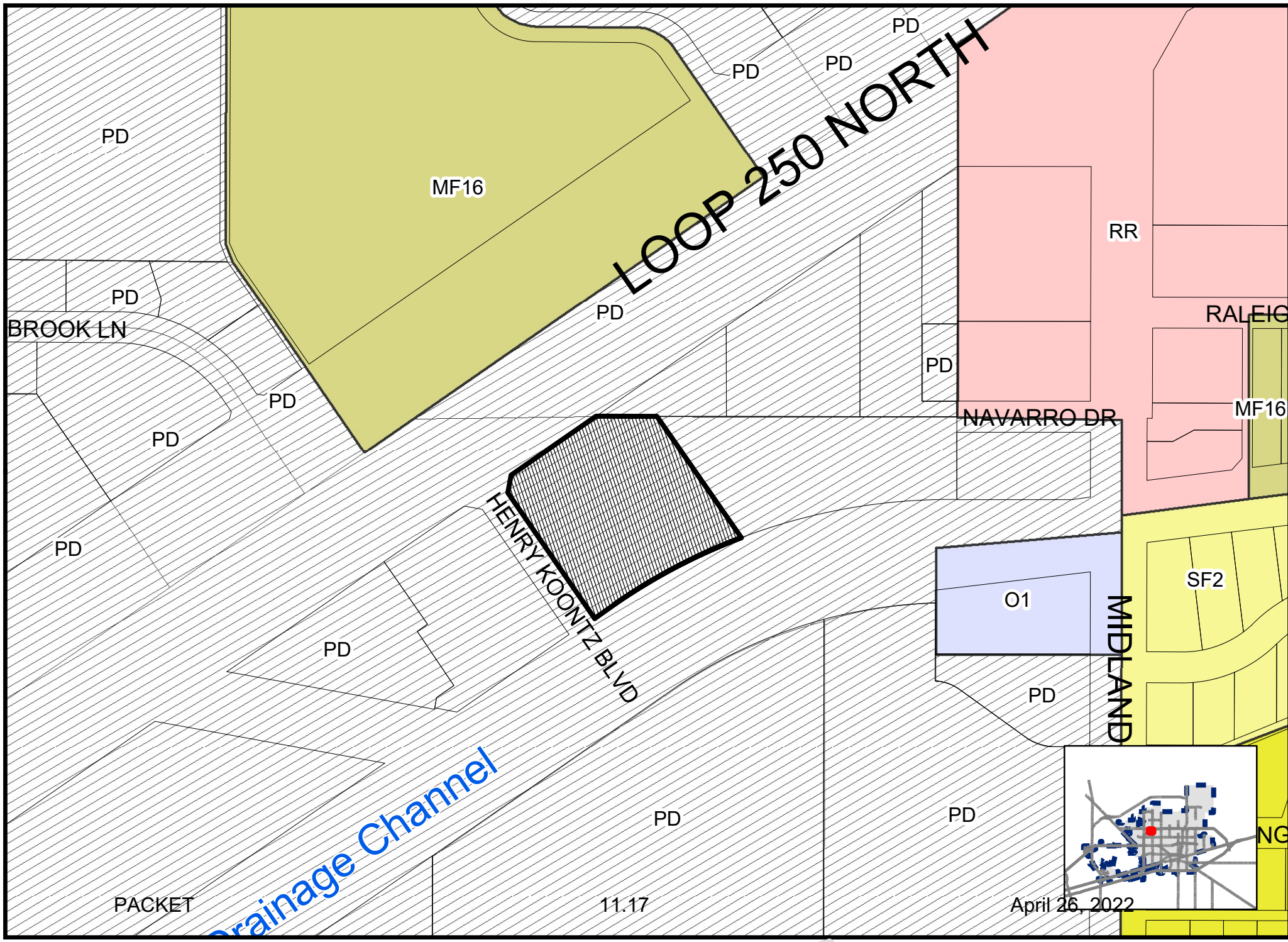
PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JR, 3/2/2022

SUD-22-0126

Scale: 1" = 200'

ZONING MAP

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target
THE HOME DEPOT
STAPLES


F-150
PGV-2409
STX

ORDINANCE NO. 7896

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED IN SECTION ONE HEREOF, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, Texas, in compliance with the City Charter and the State law with reference to the granting of specific use permits under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Midland finds that the public convenience will be best served by the granting of a Specific Use Permit With Term, set out hereinafter, on the property described in Section One hereof;

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

SECTION ONE. That the zoning use classification of the following described property, which is presently zoned PD, Planned District for a Shopping Center, to wit:

Lot 6, Block 44, Fairmont Park Addition, Section 25, City and County of Midland, Texas;

is hereby changed to permit said property to be used under a Specific Use Permit With Term for the sale of all alcoholic beverages for on-premises consumption in a restaurant, together with the uses permitted in the present PD, Planned District for a Shopping Center.

SECTION TWO. That said property shall be subject to the following conditions and restrictions:

A. That the use and development of this tract for a restaurant serving all alcoholic beverages shall conform to the attached site plan (Exhibit A) in all respects.

B. That the maximum floor area for the restaurant shall not exceed 7,956 square feet.

C. That the parking requirements for this restaurant shall conform to the Vehicle Parking Regulations Section of the City Code.

D. That no outdoor display of alcoholic beverage sales shall be permitted.

E. That no separate outside entrance to a bar or lounge be permitted.

F. That the hours of alcoholic beverage sales shall be limited to the following:

Monday through Sunday from 11:00 a.m. until 12:00 midnight.

G. That the maximum seating capacity not exceed 292 persons.

H. That the word "Spirits" be added to the building and free standing signage.

SECTION THREE. 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 FOUR. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 9th day of November, A.D., 1999; and passed to second reading on motion of Council member Cuevas, seconded by Council member Washburn, by the following vote:

Council members voting "AYE":	Cuevas, Washburn, Wood and Burns
Council members "ABSTAINING":	Brown, Brooks and Simpson
Council members voting "NAY":	None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Cuevas, seconded by Council member Wood, on the 23rd day of November, A.D., 1999, at a regular meeting of the City Council:

Council members voting "AYE":	Cuevas, Wood, Burns and Washburn
Council members "ABSTAINING":	Brown, Brooks and Simpson
Council members voting "NAY":	None

PASSED AND APPROVED THIS 23rd **day of** November, **A.D., 1999.**

Robt. E. Burns, Mayor

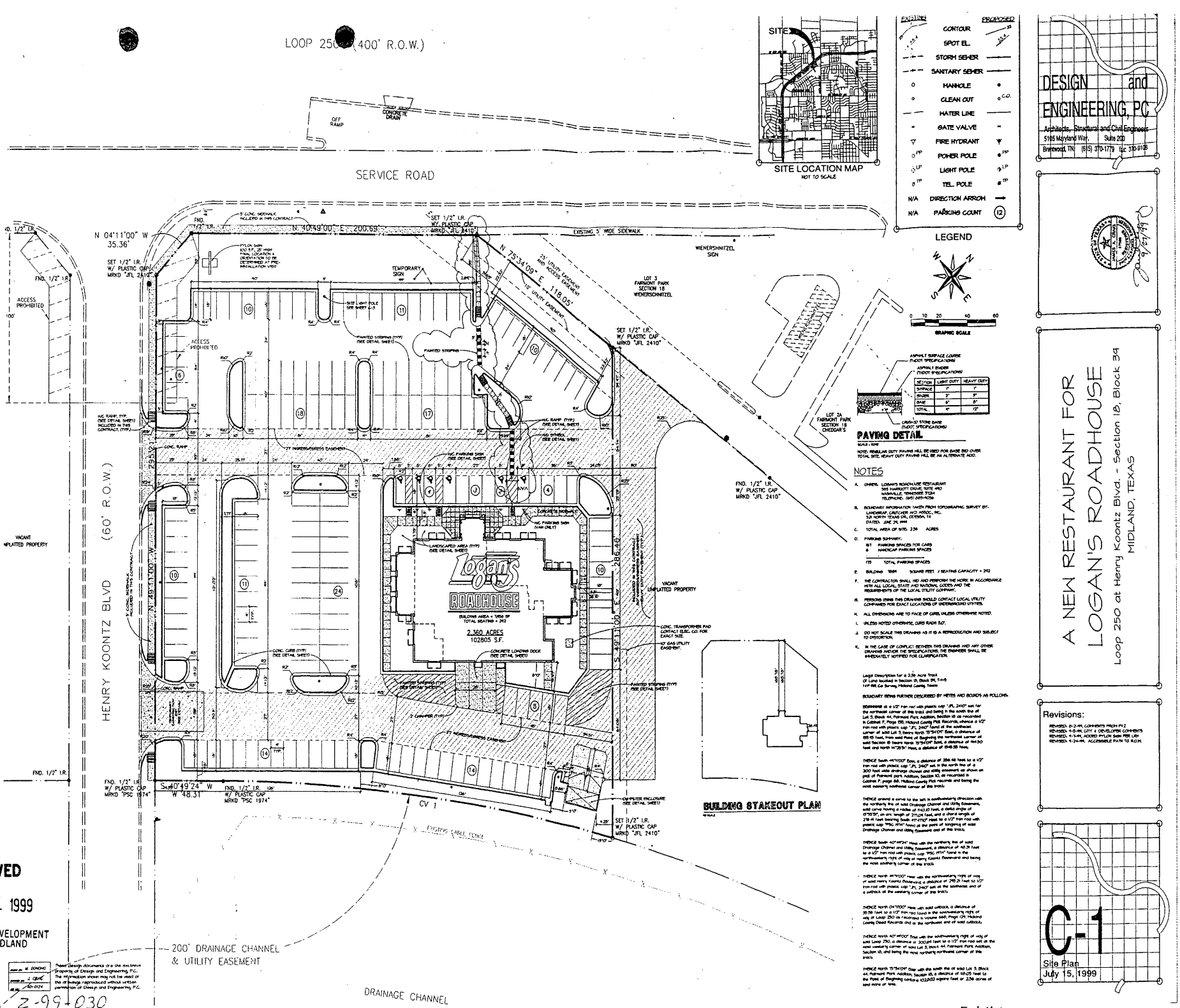
ATTEST:

Kaylah J. McCord

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney


LOOP 250 (400' R.O.W.)
SERVICE ROAD
HENRY KOONTZ BLVD (60' R.O.W.)
SITE
SITE LOCATION MAP
NOT TO SCALE
EXISTING
PROPOSED
CONTOUR
SPOT EL.
STORM SEWER
SANITARY SEWER
MANHOLE
CLEAN OUT
WATER LINE
GATE VALVE
FIRE HYDRANT
POWER POLE
LIGHT POLE
TEL. POLE
DIRECTION ARROW
PARKING COUNT
LEGEND
GRAPHIC SCALE
N 04°11'00" W 35.36'
N 40°49'00" E 200.69'
N 75°34'09" E 118.05'
S 49°11'00" E 286.46'
S 40°49'24" W 48.31'
N 49°11'00" W 254.59'
SET 1/2" I.R. W/ PLASTIC CAP MRKD "JFL 2410"
FND. 1/2" I.R.
FND. 1/2" I.R. W/ PLASTIC CAP MRKD "PSC 1974"
EXISTING 5' WIDE SIDEWALK
5' CONC. SIDEWALK INCLUDED IN THIS CONTRACT
TEMPORARY SIGN
WIENERSCHNITZEL SIGN
LOT 3 FAIRMONT PARK SECTION 18 WIENERSCHNITZEL
LOT 2A FAIRMONT PARK SECTION 18 CHEDDAR'S
VACANT UNPLATTED PROPERTY
ACCESS PROHIBITED
25' UTILITY EASEMENT AND ACCESS EASEMENT
10' UTILITY EASEMENT
PYLON SIGN (SEE SHEET A-1)
SITE LIGHT POLE (SEE SHEET A-1)
PAINTED STRIPING (TYP) (SEE DETAIL SHEET)
PAINTED STRIPING
H.C. RAMP, TYP. (SEE DETAIL SHEET) INCLUDED IN THIS CONTRACT, (TYP.)
CONC. RAMP
H.C. PARKING SIGN (SEE DETAIL SHEET)
H.C. PARKING SIGN (VAN ONLY)
27' INGRESS/EGRESS EASEMENT
LANDSCAPED AREA (TYP) (SEE DETAIL SHEET)
Logan's ROADHOUSE
BUILDING AREA = 7,656 SF
TOTAL SEATING = 242
2.360 ACRES
102805 S.F.
CONCRETE LOADING DOCK (SEE DETAIL SHEET)
CONC. TRANSFORMER PAD CONTACT ELEC. CO. FOR EXACT SIZE.
HOT GAS UTILITY EASEMENT
CONC. CURB (TYP) (SEE DETAIL SHEET)
DUMPSTER ENCLOSURE (SEE DETAIL SHEET)
CV 1
EXISTING CABLE FENCE
200' DRAINAGE CHANNEL & UTILITY EASEMENT
DRAINAGE CHANNEL
ASPHALT SURFACE COURSE (TxDOT SPECIFICATIONS)
ASPHALT BINDER (TxDOT SPECIFICATIONS)
CRUSHED STONE BASE (TxDOT SPECIFICATIONS)
SECTION | LIGHT DUTY | HEAVY DUTY
SURFACE | 1" | 1"
BINDER | 2" | 3"
BASE | 6" | 8"
TOTAL | 9" | 12"
PAVING DETAIL
SCALE: NONE
NOTE: FLEXIBLE DUTY PAVING WILL BE USED FOR BASE BID OVER TOTAL SITE. HEAVY DUTY PAVING WILL BE AN ALTERNATE ADD.
NOTES
A. OWNER: LOGAN'S ROADHOUSE RESTAURANT 865 HARRIOTT DRIVE SUITE #10 NASHVILLE, TENNESSEE 37214 TELEPHONE: (615) 885-1056
B. BOUNDARY INFORMATION TAKEN FROM TOPOGRAPHIC SURVEY BY: LANDSCAPE, GRITCHER AND ASSOC., INC. 521 NORTH TEXAS DR., ODESSA, TX DATED: JUNE 24, 1999
C. TOTAL AREA OF SITE: 2.36 ACRES
D. PARKING SUMMARY:
161 PARKING SPACES FOR CARS
8 HANDICAP PARKING SPACES
169 TOTAL PARKING SPACES
E. BUILDING: 7656 SQUARE FEET / SEATING CAPACITY = 242
F. THE CONTRACTOR SHALL VISIT AND PERFORM THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE AND NATIONAL CODES AND THE REQUIREMENTS OF THE LOCAL UTILITY COMPANY.
G. PERSONS USING THIS DRAWING SHOULD CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS OF UNDERGROUND UTILITIES.
H. ALL DIMENSIONS ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED.
I. UNLESS NOTED OTHERWISE, CURB RADII 5.0'.
J. DO NOT SCALE THIS DRAWING AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
K. IN THE CASE OF CONFLICT BETWEEN THIS DRAWING AND ANY OTHER DRAWING AND/OR THE SPECIFICATIONS, THE ENGINEER SHALL BE IMMEDIATELY NOTIFIED FOR CLARIFICATION.
Legal Description for a 2.36 Acre Tract Of Land located in Section 31, Block 39, T-4-S T-5-S Of Survey, Midland County, Texas
BOUNDARY BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BUILDING STAKEOUT PLAN
DESIGN and ENGINEERING, PC
Architects, Structural and Civil Engineers
5105 Maryland Way, Suite 200
Brentwood, TN (615) 370-1779 fax 370-9108
A NEW RESTAURANT FOR LOGAN'S ROADHOUSE
Loop 250 at Henry Koontz Blvd. - Section 18, Block 39
MIDLAND, TEXAS
Revisions:
REVISED, 6-2-99, COMMENTS FROM PTZ
REVISED, 9-5-99, CITY + DEVELOPER COMMENTS
REVISED, 9-13-99, ADDED PYLON SIGN PER LRH
REVISED 9-24-99, ACCESSIBLE PATH TO ROW
C-1
Site Plan
July 15, 1999
PACKET 11.26
SITE PLAN April 26, 2002
RECEIVED
NOV 01 1999
PLANNING & DEVELOPMENT CITY OF MIDLAND
These Design documents are the exclusive property of Design and Engineering, P.C. The information shown may not be used or the drawings reproduced without written permission of Design and Engineering, P.C.
CASE NO. Z-99-030
Exhibit "A"

ORDINANCE NO. 8538

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1, BLOCK 45, FAIRMONT PARK ADDITION, SECTION 10, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED PD, PLANNED DISTRICT FOR A SHOPPING CENTER, TO BE USED AS AN AMENDED PLANNED DISTRICT FOR A SHOPPING CENTER; PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of an Amended Planned District for a Shopping Center, set out hereinafter and subject to the conditions and restrictions set out hereinafter;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned PD, Planned District for a Shopping Center, and it shall be used as an Amended Planned District for a Shopping Center, subject to the special conditions and restrictions hereinafter set out, said property being described as follows:

Lot 1, Block 45, Fairmont Park Addition, Section 10, City and County of Midland,

Texas.

SECTION TWO. That the use and development of this property shall adhere to LR-2, Local Retail District standards, except for the following special conditions and restrictions:

1. That the development must strictly conform in all respects with the site plan, landscape plan, and elevation drawings marked as Exhibits "A", "B" and "C", which are attached hereto and incorporated herein for all purposes.

2. That all outdoor lighting located on the property must be installed in accordance with the following conditions:

   A. That light standards located within 100 feet of Midland Drive shall not exceed 30 feet in height and shall be shielded; and

   B. That lights located on the south exterior wall shall not exceed 12 feet and shall be shielded.

3. That all conditions and restrictions described in Ordinance 7433, adopted March 28, 1995, that are not contrary or in conflict with the provisions of this ordinance shall remain in full force and effect for all purposes.

SECTION THREE. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 12th day of June, A.D., 2007; and passed to second reading on motion of Council member Morgan, seconded by Council member Hailey, by the following vote:

Council members voting "AYE": Morgan, Hailey, Perry, Dingus, Canon, Simpson and Dufford

Council members voting "NAY": None

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member Hailey, seconded by Council member Morgan, on the 26th day of June, A.D., 2007, at a regular meeting of the City Council:

Council members voting "AYE": Hailey, Morgan, Perry, Dingus, Simpson and Dufford

Council members voting "NAY": None

PASSED AND APPROVED THIS 26th day of June, A.D., 2007.

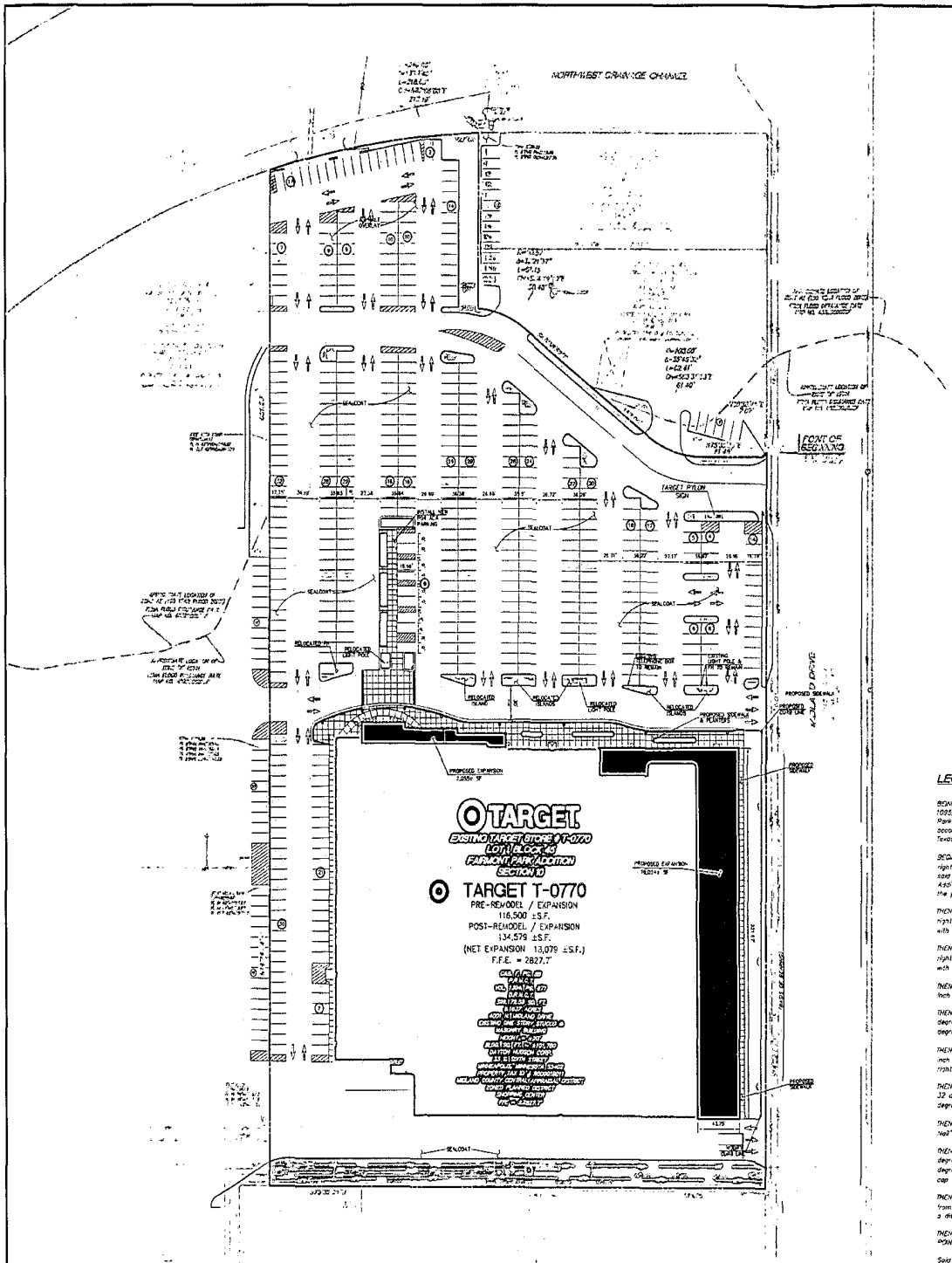
Michael J. Canon, Mayor

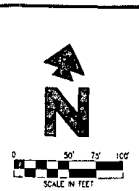
ATTEST:

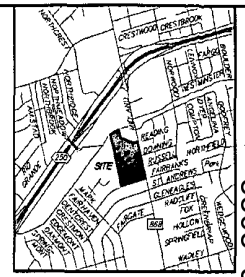
Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney







Vicinity Map

Not to Scale

LEGEND

EXISTING

	DENTER LINE
	PROPERTY LINE
	SEALCOAT
	CONCRETE
	EDGE OF ELECTRIC
	ELECTRIC METER
	FINISHED FLOOR
	FLOW LINE
	GUARDRAIL
	GUTTER
	HANDICAP CONTROL VALVE
	NORTH
	OVERHEAD
	SOUTH
	SOUTH 02 SECTION
	SOLID STATE
	SIDEWALK
	TELEPHONE
	TOP BACK OF CURB
	TRANSFORMER
	W/ SHOULDER
	WEST OF CENTER
	BRICK WALL
	BOUNDARY LINE
	RIGHT OF WAY LINE
	STORM DRAIN
	GAS
	OVERHEAD ELECTRIC
	SEWER
	UNDERGROUND CABLE
	UNDERGROUND ELECTRIC
	WATER
	BOLLARD
	SIGN
	CLEAN OUT
	CONCRETE POST
	DEPRESSED CURB
	SIGNAL - EXISTING
	ELECTRICAL METER
	ELECTRICITY BOX
	ELECTRICAL BOX
	TRANSFORMER
	FIRE HYDRANT
	GRATE INLET SQUARE
	GAS METER
	GUY WIRE
	HANDICAPPED FACILITY
	IRON ROD FOUND
	IRON ROD SET
	LIGHT POLE - 1 OR 2 USE LAMP
	LIGHT POLE - 1 LAMP
	LIGHT POLE - 3 LAMPS
	MAILBOX
	PK NAIL
	RETAINING WALL
	ROOF DRAIN
	TELEPHONE RISER
	SIGN
	SEWER MANHOLE
	UTILITY POLE
	WATER METER
	WHEEL STOP
	WATER VALVE
	24" CUT V CONCRETE

SIGN AREAS

TARGET PYLON SIGN	133 SF
BLDG PHARMACY SIGN	35 SF
BLDG TARGET SIGN	181 SF

April 26, 2022

11.31

RECEIVED

JUN - 7 2007

PLANNING & DEVELOPMENT
CITY OF MIDLAND

LEGAL DESCRIPTION

BEING a 9.1637 acre tract of land situated in the T-1-S.T. & P. R.R. Survey, Abstract No. 1095, City of Midland, Midland County, Texas, and being all of Lot 1, Block 45 of Fairmont Park Addition, Section 10, an addition to the City of Midland, Midland County, Texas, according to the plat thereof recorded in CAB. 7, Page 88, Plat Records, Midland County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set with a plastic cap stamped "CEI" on the westerly right-of-way line of Midland Drive (a 110 foot right-of-way), and the common corner of said Lot 1, Block 45 and the southeast corner of Lot 28, Block 45 of Fairmont Park Addition, Section 2.1, an addition to the City of Midland, Midland County, Texas, according to the plat thereof recorded in CAB. E, Page 157, Plat Records, Midland County, Texas;

THENCE South 14 degrees 22 minutes 05 seconds East, continuing along said westerly right-of-way line of Midland Drive, a distance of 639.79 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI";

THENCE South 75 degrees 37 minutes 55 seconds West, departing said westerly right-of-way line of Midland Drive, a distance of 515.23 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI";

THENCE North 14 degrees 24 minutes 24 seconds West, a distance of 831.20 feet to a 1/2 inch iron rod found on a curve to the right;

THENCE along said curve to the right having a radius of 940.00 feet, a central angle of 13 degrees 19 minutes 46 seconds, an arc distance of 218.63 feet and a chord of North 67 degrees 06 minutes 00 seconds East, 218.13 feet to a 1/2 inch iron rod found;

THENCE South 14 degrees 24 minutes 24 seconds East, a distance of 151.14 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI" and the beginning of a curve to the right;

THENCE along said curve to the right a having a radius of 90.57 feet, a central angle of 32 degrees 21 minutes 17 seconds, an arc distance of 51.15 feet and a chord of South 84 degrees 49 minutes 40 seconds East, 50.48 feet to a "PK Nail" set;

THENCE South 68 degrees 38 minutes 52 seconds East, a distance of 157.00 feet to a "PK Nail" set at the beginning of a curve to the left;

THENCE along said curve to the left having a radius of 100.00 feet, a central angle of 35 degrees 45 minutes 32 seconds, an arc distance of 62.41 feet and a chord of South 86 degrees 31 minutes 38 seconds East, 61.40 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI";

THENCE North 75 degrees 35 minutes 36 seconds East, a distance of 61.48 feet to a point, from which a 1/2 inch iron rod found bears South 49 degrees 36 minutes 27 seconds West, a distance of 1.01 feet;

THENCE North 30 degrees 36 minutes 45 seconds East, a distance of 7.07 feet to the POINT OF BEGINNING.

Said property contains a computed area of 399,172.58 square feet or 9.1637 acres of land.

The property hereon described is the property described in Chicago Title Insurance Company's title commitment No. 44-3351-100-27, effective date May 31, 1993.

TARGET PARKING RATIO

	BUILDING SQ.FT.	CITY REQUIRED NO. of SPACES	CITY REQUIRED RATIO/1000 sq.ft.	PROVIDED NO. of SPACES	PROVIDED RATIO/1000 sq.ft.
PRE-EXPANSION/REMODEL	116,500	582	5.00	584	5.01
POST-REMODEL/EXPANSION (TOTAL)	134,579	673	5.00	486	3.61
RETAIL SALES AREA	100,109	501	5.00	441	4.41
OFFICE AREA	9,078	23	2.50	23	2.53
STOCKROOM AREA	21,184	22	1.00	22	1.04
REMAINDER AREA	4,228				

CITY OFF-STREET PARKING REQUIREMENTS ARE AS FOLLOWS:
1 SPACE PER 200 SF RETAIL SALES AREA
1 SPACE PER 400 SF OFFICE AREA
1 SPACE PER 1000 SF STOCKROOM AREA

PARKING COUNTS INCLUDE CART CORRALS

TARGET ACCESSIBLE PARKING

VAN PARKING	2	REQUIRED	2	PROVIDED
ACCESSIBLE PARKING	7	REQUIRED	7	PROVIDED
TOTAL	9	REQUIRED	9	PROVIDED

EXHIBIT A 1

PACKET

	DATE	PRN	PM	DES	DRW
INITIAL DESIGN	4-5-07	---	JWK	PDB	PDB

MIDLAND TARGET
STORE #T-0770

CEI ENGINEERING ASSOCIATES, INC
ENGINEERS · PLANNERS · SURVEYORS

1317 SW 7th Street
Bentonville, AR 72712
(479) 273-9493
FAX (479) 273-0844
JOB NO: 72367.0
DWG: 72382plot

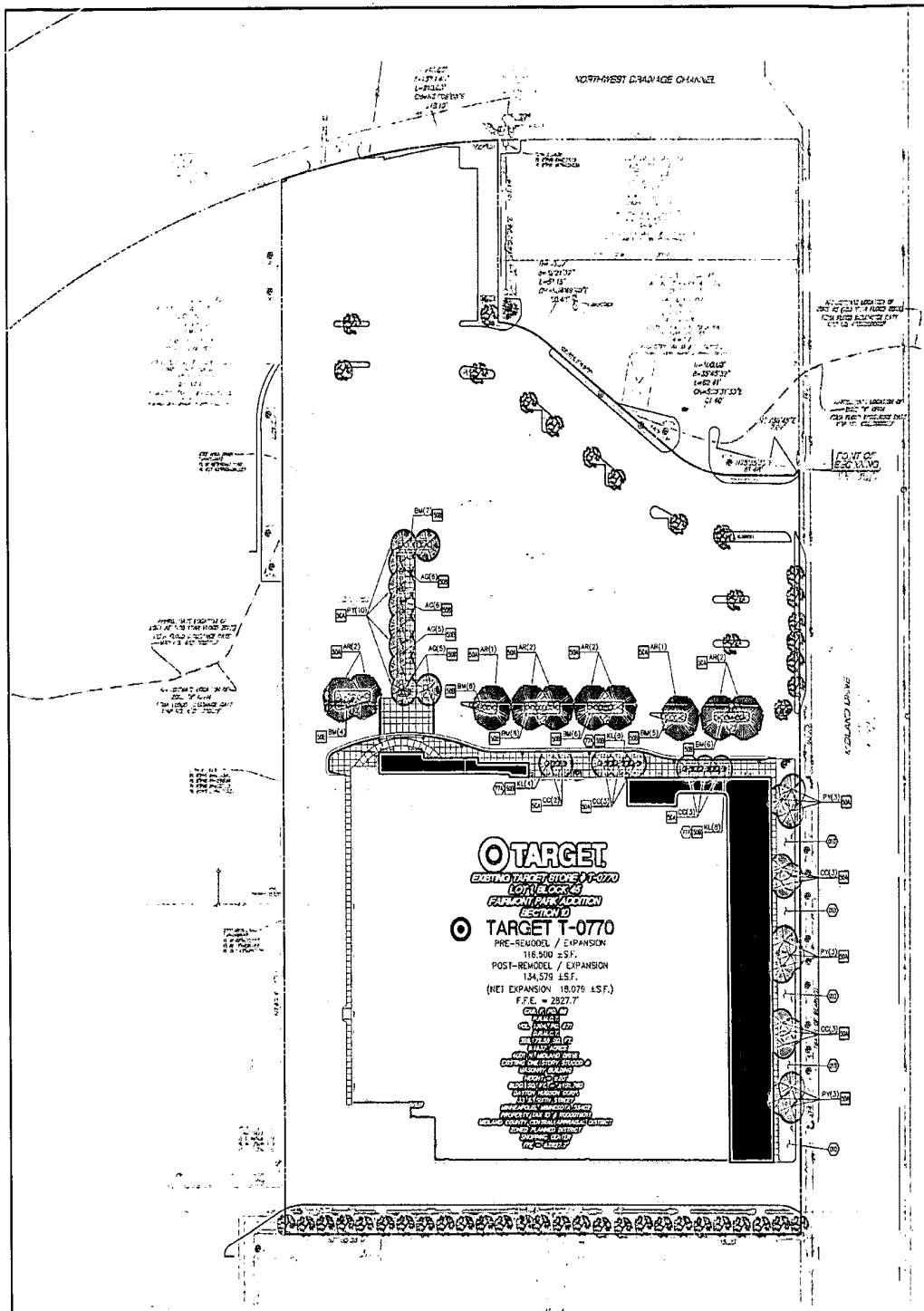
SITE PLAN
4001 N. MIDLAND DRIVE
MIDLAND TEXAS

DATE 04-04-07
03:56 PM
PHZ-1

SHEET NO 1 OF 2

© 2007 CEI ENGINEERING ASSOCIATES, INC.

CASE NO. Z-07-013



LEGAL DESCRIPTION

BEING a 3.1637 acre tract of land situated in the T.-I.-S.T. & P. R.R. Survey, Abstract No. 1035, City of Midland, Midland County, Texas, and being all of Lot 1, Block 45 of Fairmont Park Addition, Section D, an addition to the City of Midland, Midland County, Texas, according to the plat thereof recorded in CAB. 7, Page 88, Plat Records, Midland County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set with a plastic cap stamped "CEI" on the westerly right-of-way line of Midland Drive (a 110 foot right-of-way), and the common corner of said Lot 1, Block 45 and the southeast corner of Lot 28, Block 45 of Fairmont Park Addition, Section 23, an addition to the City of Midland, Midland County, Texas, according to the plat thereof recorded in CAB. E, Page 157, Plat Records, Midland County, Texas;

THENCE South 14 degrees 22 minutes 05 seconds East, continuing along said westerly right-of-way line of Midland Drive, a distance of 633.78 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI";

THENCE South 75 degrees 35 minutes 36 seconds West, departing said westerly right-of-way line of Midland Drive, a distance of 515.25 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI";

THENCE North 14 degrees 24 minutes 24 seconds West, a distance of 881.20 feet to a 1/2 inch iron rod found on a curve to the right;

THENCE along said curve to the right having a radius of 940.00 feet, a central angle of 13 degrees 19 minutes 46 seconds, an arc distance of 218.58 feet and a chord of North 67 degrees 05 minutes 00 seconds East, 218.19 feet to a 1/2 inch iron rod found;

THENCE South 14 degrees 24 minutes 24 seconds East, a distance of 151.14 feet to a 5/8 inch iron rod set with a plastic cap stamped "CEI" and the beginning of a curve to the right;

THENCE along said curve to the right a having a radius of 90.57 feet, a central angle of 32 degrees 21 minutes 37 seconds, an arc distance of 51.15 feet and a chord of South 84 degrees 49 minutes 40 seconds East, 50.45 feet to a "PK Nail" set;

THENCE South 68 degrees 38 minutes 52 seconds East, a distance of 157.00 feet to a "PK Nail" set at the beginning of a curve to the left;

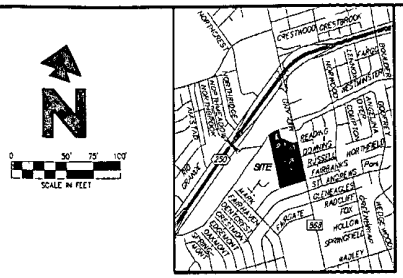
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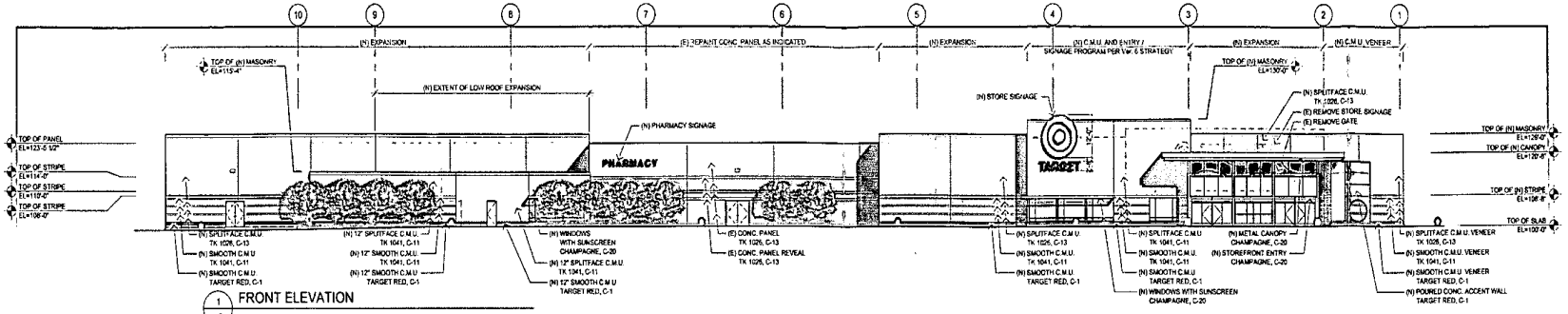
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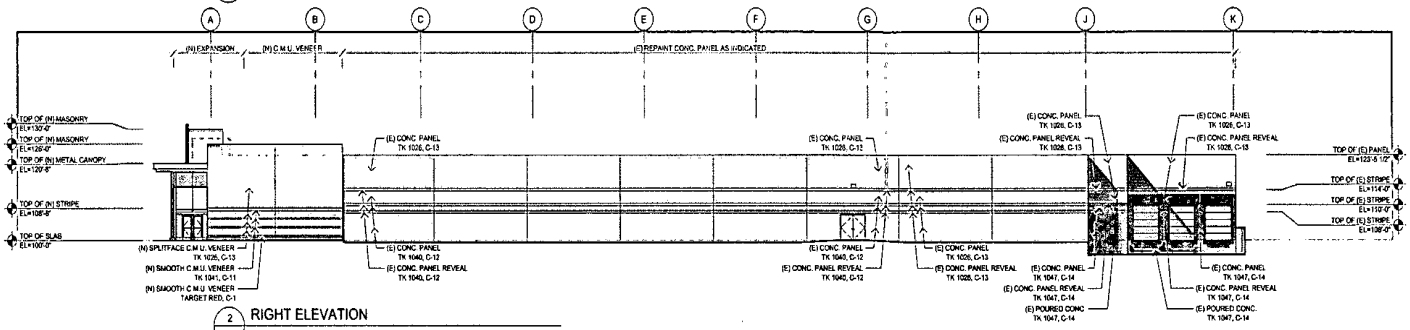
THENCE North 33 degrees 38 minutes 45 seconds East, a distance of 7.07 feet to the POINT OF BEGINNING.

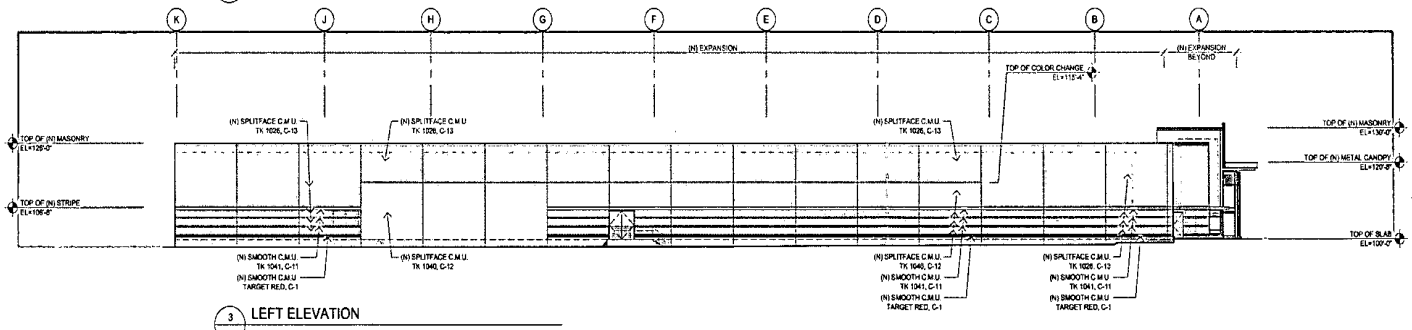
Said property contains a computed area of 399,172.58 square feet or 9.1637 acres of land.

The property hereon described is the property described in Chicago Title Insurance Company's title commitment No. 44-0361-100-27, effective date May 31, 1995.


SITE
GRADING
DRAINAGE
BUSINESS
FAIRWAYS
ATHLETIC
FIELD
HOLLOW
SPRINGFIELD
WALNUT
CREST
CRESTWOOD
CRESTBROOK
NORTHWEST
NORTHRIDGE
ROSEMARY
ORCHARD
ORCHARD PARK
ORCHARD PARK
ORCHARD PARK







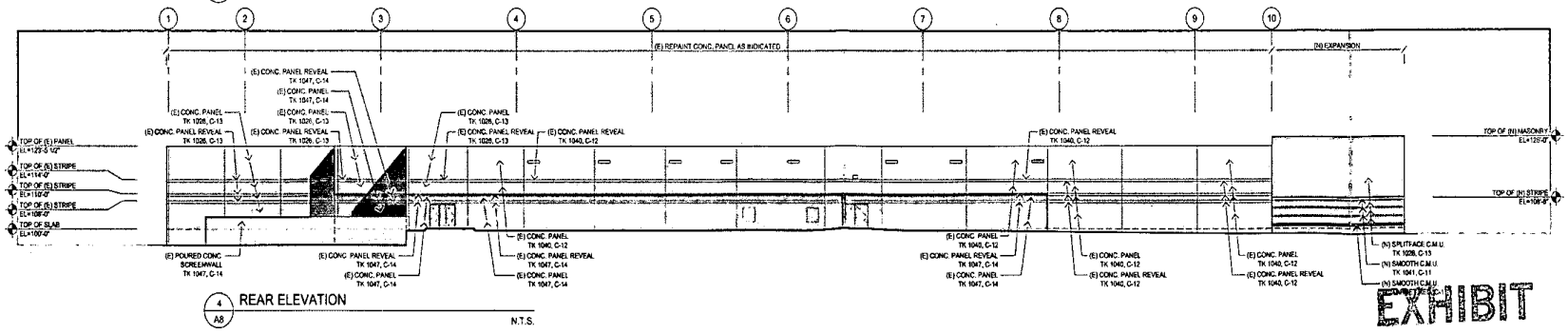


EXHIBIT C

TARGET

schematic design package

P-2004 adaptation

11.33

PACKET

April 26, 2022

RSP ARCHITECTS	date: 04-13-07	prototype-P193	Midland, TX.	T-770

D1.

City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: **June 12, 2007**

TO: **CITY COUNCIL/CITY MANAGER**

FROM: **Cameron Walker, Planning Division Manager**

SUBJECT: **Z-07-013; CEI Engineering - zone change**

Purpose:

Hold a public hearing at 11:00 a.m. to consider an ordinance on a request by CEI Engineering for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District.

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

N/A

Discussion:

The owners of the local Target store would like to add nearly 18,000 square feet of space, including an in-store pharmacy. The store is currently 116,500 square feet in area. The remodel would add 16,024 square feet on the east and northeast side of the store and 2,055 square feet at the front entrance. Expansion of the building and additional landscaping would prohibit access around the store on the east side; however, this design has been approved by the Fire Marshal. In addition, although the redesign would result in the loss of 26 parking spaces, the total parking in the shopping center remains adequate.

The redesign includes a glass entrance with a metal canopy, decorative sidewalk, and trees across the building front. The building height is 26 feet, which meets the Code regulations. No change to their pylon sign is proposed and two wall signs are shown for a total of 349 square feet, which is within regulations. With the additional proposed landscaping, the total landscaped area will exceed the minimum requirement.

Attachments: Ex. A – Site Plan, Ex. B – Landscape Plan, Ex. C – Elevation Drawing

CDS

Planning and Zoning Commission Meeting
Minutes from May 14, 2007

Z-07-013 - Hold a public hearing and consider a request by **CEI Engineering** for a *zone change* from PD, Planned District for a Shopping Center, to an Amended Planned District for a Shopping Center on Lot 1, Block 45, Fairmont Park Addition, Section 10, City and County of Midland, Texas. (Generally located on the west side of N. Midland Drive, approximately 1,000 feet south of W. Loop 250 North.)

Mr. Joshua Knott, CEI Engineering, 3317 S.W. I Street, Bentonville, AR, spoke as the representative of the applicant. He stated the request is for a zone change to allow the local Target Store an expansion of 18,000 square feet to include a new store front and interior remodel.

Mr. Cervantes presented the staff report. She stated the request is for a remodel and expansion of the local Target Store to include an in-store pharmacy. The proposed remodel would add 16,024 square feet on the east and northeast side of the store and 2,055 square feet on the north side, at the front entrance. She continued by stating the redesign does impact access and parking. Approximately 65 parking spaces will be eliminated on the east side due to the expansion and additional landscaping. The drive isle on the northeast side of the property will be eliminated as well. The Fire Marshal confirmed that the redesign would be acceptable. Ms. Cervantes also commented that the reciprocal access agreement established between Target property and Home Depot provides additional parking to be acceptable. The height of the building is 26 feet tall, with two signs shown on the front elevation. All signage is in compliance with the City of Midland Sign Code, and the landscaping will conform to the City of Midland Landscaping Ordinance. The Staff recommends approval of the request subject to Conditions A – C of the staff report.

Chairman Hotchkiss asked if anyone in the audience wished to speak in favor or in opposition of the request. There being none, the public hearing was closed.

Chairman Hotchkiss called for a motion. Mr. Davis made a motion to approve the request as submited subject to Conditions A – C of the Staff Recommendation. Mr. Woodruff seconded the motion and the motion passed unanimously.

PLANNING AND ZONING COMMISSION

May 14, 2007

CASE: Z-07-013

REQUEST: Hold a public hearing and consider a request for a zone change from PD, Planned District for a Shopping Center to an Amended Planned District for a Shopping Center.

APPLICANT: CEI Engineering.

OWNER: Target Corporation.

LEGAL DESCRIPTION: Lot 1, Block 45, Fairmont Park Addition, Section 10, City and County of Midland, Texas.

LOCATION: Generally located on the west side of N. Midland Drive, approximately 1,000 feet south of W. Loop 250 North.

CURRENT ZONING: PD, Planned District for a Shopping Center.

DETAILS OF REQUEST:

1. The owners of the local Target store would like to remodel to add over 18,000 square feet of space, including an in-store pharmacy. As the proposal differs from the current site plan, approval of an amended site plan is required.

SITE PLAN:

2. The Target store is currently 101,780 square feet in area. As shown on Exhibit A, the proposed remodel would add 16,024 square feet on the east and northeast side of the store and 2,055 square feet on the north side, at the front entrance. Although the proposed expansion seems minor, the redesign does impact site access and parking.

3. The current site plan requires 60-feet of clearance between the building and the east, west, and south property lines. This design allowed for truck access at the back of the building and two rows of parking on the east and west sides. Under the proposed remodel, the west and south sides would remain unchanged, however, 65 parking spaces on the east side would be lost due to the expansion and for

additional landscaping, as shown on Exhibit B. The loss of parking spaces and the reduction in access to the site was initially a matter of concern. Regarding access, although this section of the parking lot would no longer be accessible, the Fire Marshal has confirmed that this design would be acceptable. Regarding parking, the number of spaces required has been calculated according to the various uses proposed; specifically 1 space per 200 square feet of retail sales, 1 space per 400 square feet of office use, and 1 space per 1000 square feet of office use stockroom. Using these ratios, a minimum of 512 spaces are required and only 486 spaces are proposed, which results in a net loss of 26 spaces. However, a reciprocal access agreement has been established between the Target property and the Home Depot lot to the west. Due to the abundance of parking available on the Home Depot property, we find the proposed parking arrangement to be acceptable.

4. Building elevations are shown on Exhibit C. The front elevation indicates a redesigned glass entrance with a metal canopy, along with a new decorative sidewalk and planters with trees across the front of the building. Exterior building materials are indicated as concrete panels and painted CMU (smooth and split-face). The height of the building is 26-feet, excluding the front parapet. Two wall signs are shown on the front elevation. No change to the current freestanding sign is proposed; however, the overall square footage of signs on the property is needed. The dumpster is shown at the rear of the building inside a concrete screening wall; this location can not be accessed by city trash trucks and is currently served by private refuse collection. Landscaping is shown on the east and north sides of the building, some of which is existing and some is to be added. The existing row of pine trees along the south property as well as the screening fence will remain. There is currently a height limitation on the lights on the rear of the building and along Midland Drive, which should be continued to prevent excess glare.

STAFF RECOMMENDATION:

We recommend approval of the request for an Amended Planned District Site Plan, subject to the following conditions:

A. **That the development of the property shall adhere to the Exhibits A – Site Plan, Exhibit B – Landscape Plan, and Exhibit C – Elevation Drawings;**

B. **That the details on the proposed and existing signage shall be included;**

C. **Outdoor lighting located on the property must be installed in accordance with the following conditions:**

a. **Light standards located within 100 feet of Midland Drive shall not exceed 30 feet in height and shall be shielded;**

b. **Lights located on the south exterior wall shall not exceed 12 feet and shall be shielded.**

Cameron Walker, AICP
Planning Division Manager
Department of Development Services

Donna Cervantes, Planner
Department of Development Services

Attachments:

Application
Maps
Exhibit A – Site Plan
Exhibit B – Landscape Plan
Exhibit C – Elevation Drawings

Case Number: Z-07-013

CITY OF MIDLAND
Planning Division

APPLICATION TO AMEND A PLANNED DISTRICT

Applicant: CEI Engineering

Address: 3317 SW "I" Street (Street Address) 479-273-9472 (Phone)

Bentonville (City) AR (State) 72712 (Zip Code)

Property Owner: Target Corporation FKA Dayton Hudson

Address: 1000 Nicollet Mall TPN-12F (Street Address) 612-761-5201 (Phone)

Minneapolis (City) MN (State) 55403 (Zip Code)

Street address and Legal Description of Planned District (complete Lot, Block, and Subdivision Name description below, or, if not in a recorded plat, attach a Metes and Bounds Description. Describe by tracts if more than one zoning district is requested):

See attached Legal Description

Reason for requesting an amendment: Expansion / Remodel to the existing Target store.

Ordinance number and Date approved:

Current PD Classification: PDSC Requested PD Classification: PDSC
(List by tracts if more than one zoning district is requested)

Applicant has included 16 copies of the PD site plan: Yes

Applicant has included Site Plan on a CD in .pdf and .jpg format: Yes

Describe how conditions affecting the property have changed since it was designated its present classification: Conditions are to remain the same as originally approved; however, the amendment will allow the proposed expansion to be performed.

Will a Specific Use Permit with Term for alcoholic beverage sales be needed? ___ Yes X No

NOTE: If property owner is to be represented by an authorized agent, the agent should indicate the property owner's name and his own on the lines provided above and complete the affidavit below.

A $400.00 filing fee shall accompany all requests for a single PD, Planned District amendment request. A multiple PD proposal shall incur an additional $50.00 fee per additional district. If no public hearing is called, 80% of the fee will be refunded. If needed, a Traffic Impact Analysis may be required and a fee of up to $500.00 will be assessed.

Property Owner: Jana Bean - Target Cap Date: 4-12-07

By: _____ Date: _____

(If applicable - see note on Page 1)

State of ~~Texas~~ Minneapolis

County of ~~Midland~~ Hennepin §

Before me, the undersigned authority, on this day personally appeared JANA Bean who, being by me duly sworn, upon oath says: That he is authorized by Target Corporation, the owner of the above described property, to fully represent him in this application and that he has the legal right, power and authority to sign said owner's name hereto as his attorney in fact.

GEORGETTE WALCZYK-CONNELL
Notary Public
Minnesota
My Commission Expires January 31, 2008

Georgette Walczyk-Connell
(Signature of Affiant)

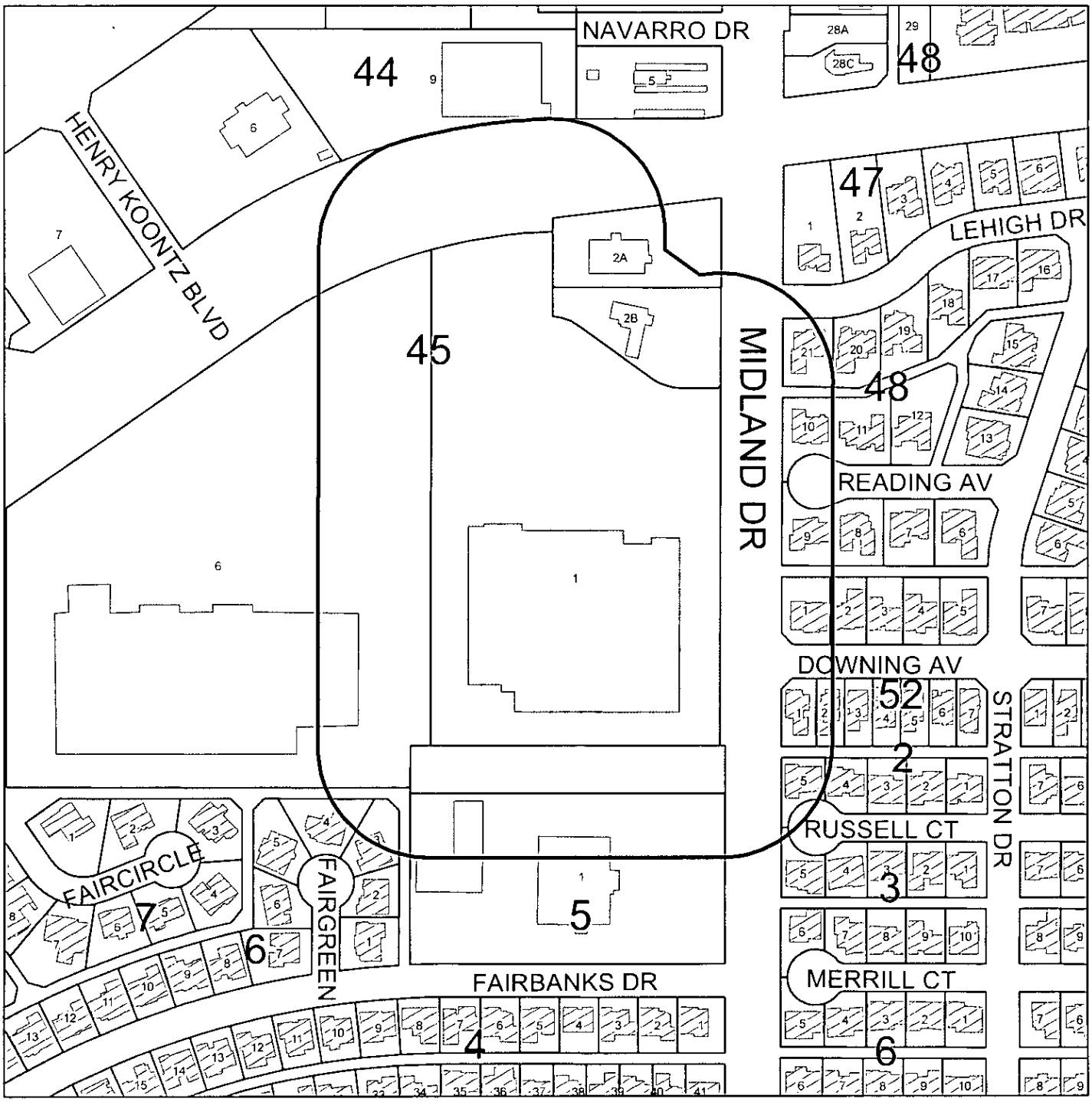
Subscribed and sworn to before me, by the said AFFIANT, JANA BEAN, this 12 day of April, 2007, to certify which witness my hand and seal of office.

FOR OFFICE USE ONLY
Rec'd By: JC Date: 4-19-07
Assigned: DC
For: P & Z On: 5-14-07

Georgette Walczyk-Connell
Notary Public, ~~Midland County, Texas~~ Hennepin County MN

GEORGETTE WALCZYK-CONNELL
Notary Public
Minnesota
My Commission Expires January 31, 2008

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



PROPERTY OWNER NOTIFICATION MAP

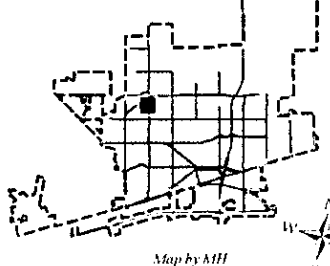
Z - 07 - 013 **Scale: 1" = 250'**

Consider a request for a zone change from PD, Planned District for a Shopping Center, to an Amended Planned District for a Shopping Center on Lot 1, Block 45, Fairmont Park Addition, Section 10, City and County of Midland, Texas.

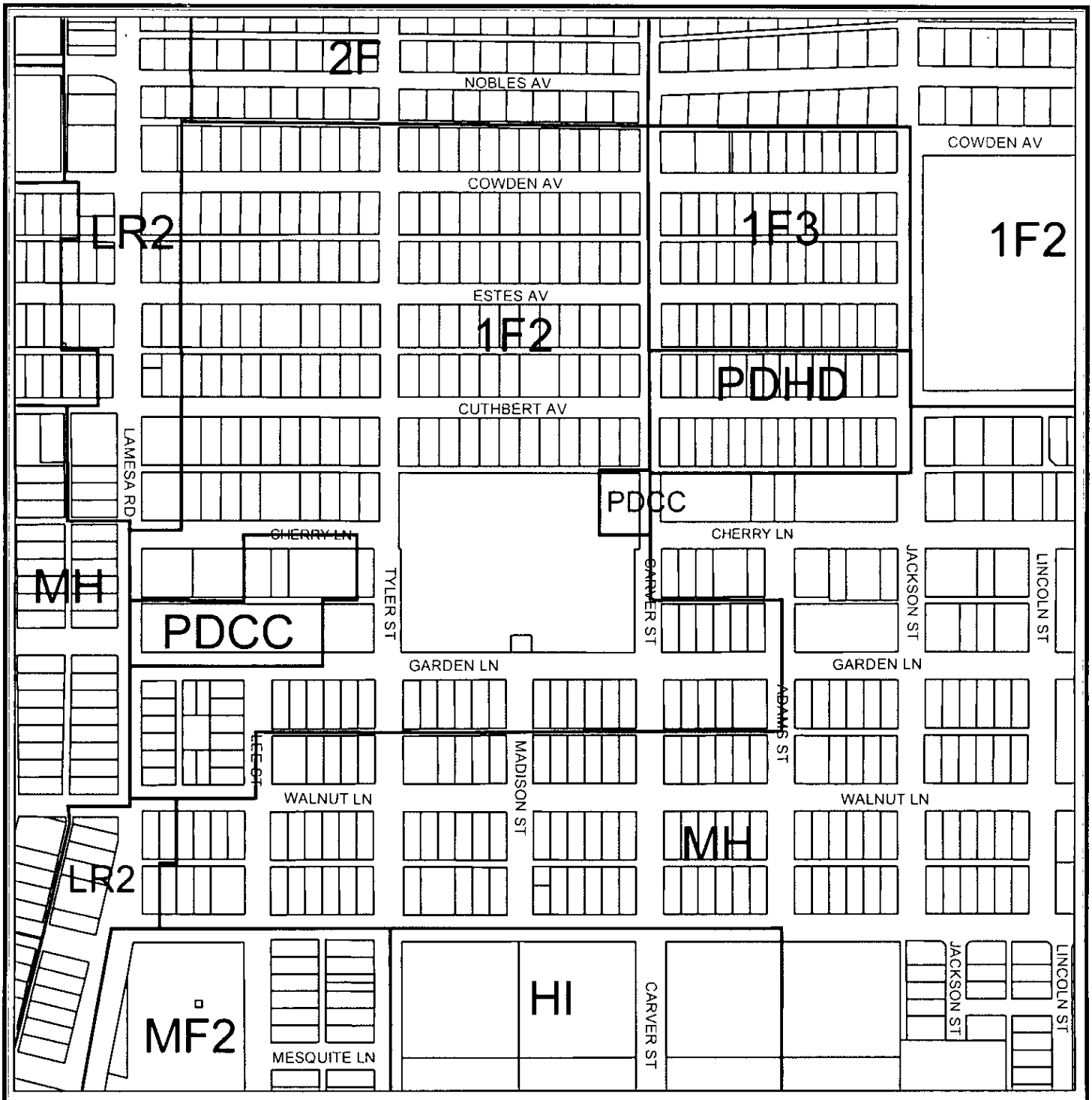
LEGEND

- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS

City of Midland, Texas
Planning Division



Map by MH



ZONING MAP

M - 07 - 013 **Scale: 1" = 400'**

Consider a request for a Temporary Land Use Permit for a Church Fair on Lots 8 and 13A, Block 7, Glendale, Section 2, City and County of Midland, Texas.

PACKET

LEGEND

ZONING | PARCELS | CITY LIMITS

SPECIFIC USE PERMITS | PUBLIC BLDGS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, 02	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2 ,LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1,MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

City Council Meeting

Item Number: 12

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: Justin Smith, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS INTERSTATE 20); 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Louis Clay, is requesting to rezone Lot 4, Block 1, Rolling Green Acres, Section 2, City and County of Midland, Texas from AE, Agricultural Estates, to LR, Local Retail District, for the development of a neighborhood retail strip.

Recommended Planning and Zoning Commission Action:

☒ **Approve** ☐ **Deny** ☐ **Direction/Informational**

Fiscal Impact:

This request does not require any City funds.

Current Zoning:

AE, Agricultural Estate District.

Surrounding Zoning and Land Use:

The properties to the north and east are zoned AE, Agricultural Estate District, and the location of a residence and vacant lot. The properties to the west are zoned PD, Planned Development District for a Housing Development, with underlying zoning of CE, Country Estate or SF-3, Single-Family Dwelling District, and the location of residences. The properties to the south, across E. I-20, are zoned RR, Regional Retail District, and the location of vacant lots.

Analysis:

The applicant, Louis Clay, is requesting this zone change for the purposes of developing a neighborhood retail strip. The property is currently vacant and zoned AE, Agricultural Estate District. The applicant is requesting a zone change to LR, Local Retail District, since this district is intended to provide locations for various types of local retail businesses to serve the surrounding neighborhoods. Lots that are zoned LR, Local Retail District, are required to be 8,000 square feet with a minimum lot width of 60 feet and a minimum lot depth of 100 feet. This lot exceeds the minimum lot requirements. Additionally, this development will extend on the already established business development just 350 feet east of the lot, which is the location of Green Acres Mini Gold and Dollar General.

As shown on the site plan, hereto as Exhibit A, there are proposing 21,000 square feet building and 125 parking spaces. Per our city ordinance code section 6: Zoning Development Regulations – E., the parking requirement for this establishment is one spot per every 300 square feet, this would require 70 parking spots for the retail center. The landscape plan for this project would have to include one parking spot for every 15 spots under 150 as well as have one tree for every 30 feet of frontage. The parking lot shown in the site plan has 125 parking spots which would require nine (9) trees. The frontage of this property is roughly 635 feet which would require approximately 22 trees depending on the exact street frontage.

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. All future development shall meet the requirements of IFC and local ordinances

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition

adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.] Site drainage, utilities, driveway access and traffic circulation may be adjusted during the construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Code: (Approved)

No Oil and Gas issues.

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway [Reference City Code Section 9-4-5(D).] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection the zone change. [For the Applicant's information only.]

Planning:

The request does fit with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision.* This designation calls for U-M, Urban-Medium. These areas are intended to be a mix of complementary uses, including single-family housing, multi-family housing, civic and institutional uses, as well as commercial and mixed uses. Urban-Medium encourages closer proximity between transportation, housing, and shopping choices.

This request was approved at the Planning and Zoning Commission Meeting on February 14, 2022.

Therefore, staff recommends approval of this zone change from AE, Agricultural Estate District to LR, Local Retail District subject to conditions A through C.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the LR, Local Retail District.**

B. **That the signage for this property shall conform to the regulations set forth in Title XI, Chapter 7a. of the City Code.**

C. **That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.**

Letters of Objection:

Staff has not received any letters of objection as of March 18, 2022.

Attachments:

Application
Site Plan (Exhibit A)
Maps

Morris William Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 4, BLOCK 1, ROLLING GREEN ACRES ADDITION, SECTION 2, CITY AND COUNTY OF MIDLAND, TEXAS, FROM AE, AGRICULTURAL ESTATE DISTRICT TO LR, LOCAL RETAIL DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CHUKAR LANE AND EAST BUSINESS INTERSTATE 20); 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 4, Block 1, Rolling Green Acres Addition, Section 2, 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 AE, Agricultural Estate District 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., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0274

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Louis Clay		Phone (432) 631-2909 Email	
Address 1215 Lynn	City Midland	State Texas	Zip 79705

Property Owner Printed Name: Louis Clay		Phone ( ) Email	
Address 1215 Lynn	City Midland	State Texas	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: N/A Printed Name:		Phone (432) 697-1447 Email	
Address	City	State	Zip

Street Address: 2801 E. Hwy 80

Legal Description SEE ATTACHED METES AND BOUNDS

Lot: 004 Block: 001 Subdivision: Rolling Green Acres

Current Zoning: AE

Proposed Zone: PD
(List by tracts if more than one district is requested)

Reason for Zone Change Request: Plans to Develop

Present Use of Property: Vacant

Proposed Use of Property: PD for mixed usage development

How would this zone change affect the public health, safety and welfare? None

Describe how conditions affecting the property have changed since present zoning designation: None

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan
- Digital Copies of Site Plan (PDF/JPEG)

Signature *(by property owner only – authorized agent must sign affidavit below)*	
Applicant (signature): Louis Clay	Date: 11-30-2021
Applicant (printed): Louis Clay	
Property Owner (signature): Louis Clay	Date: 11-30-2021
Property Owner (printed) : Louis Clay	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ 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 # 1554	
Received By: Cole Ferguson	Date: 12-1-21

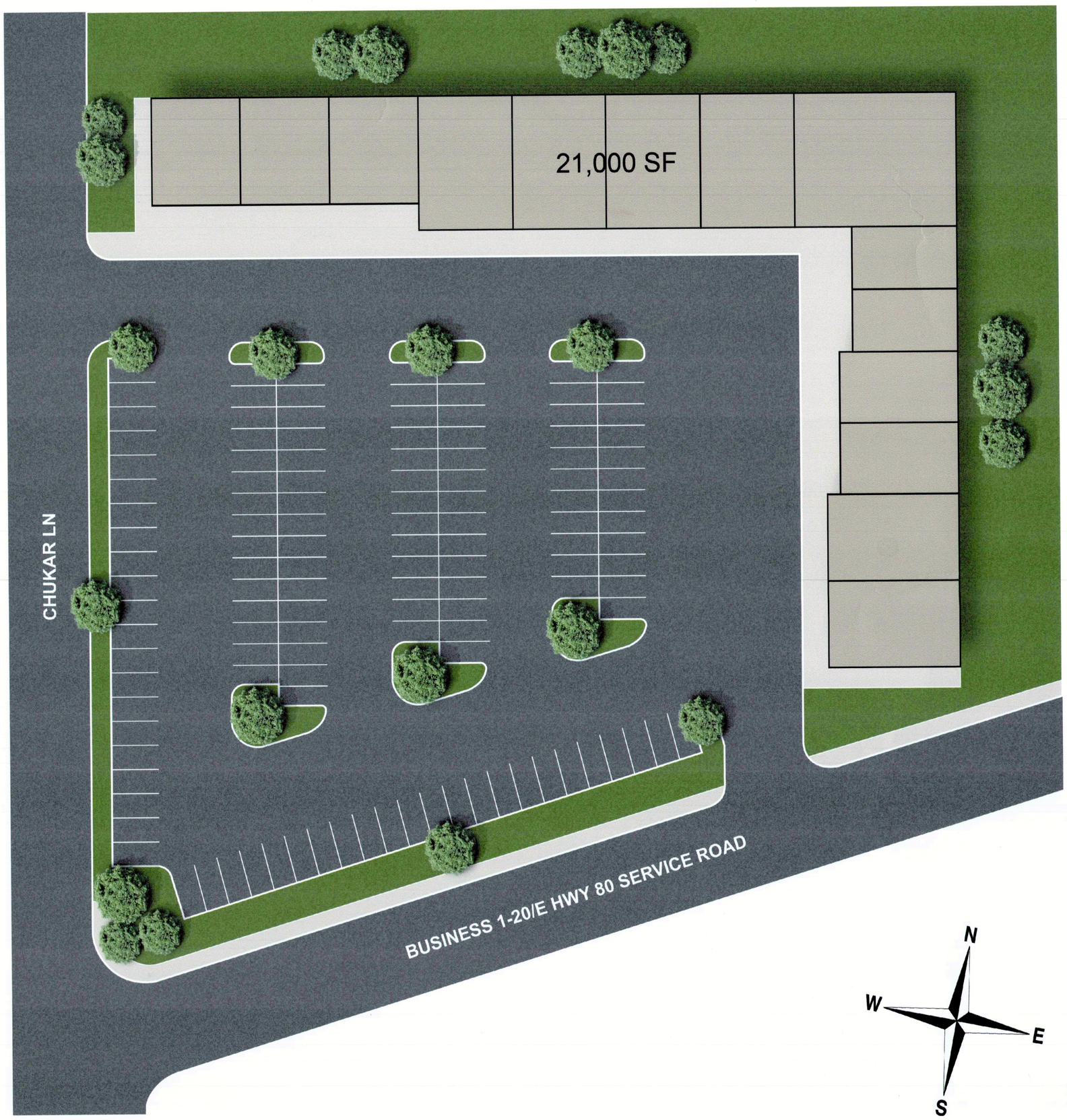
****Application will not be considered for scheduling until reviewed by a planner.****

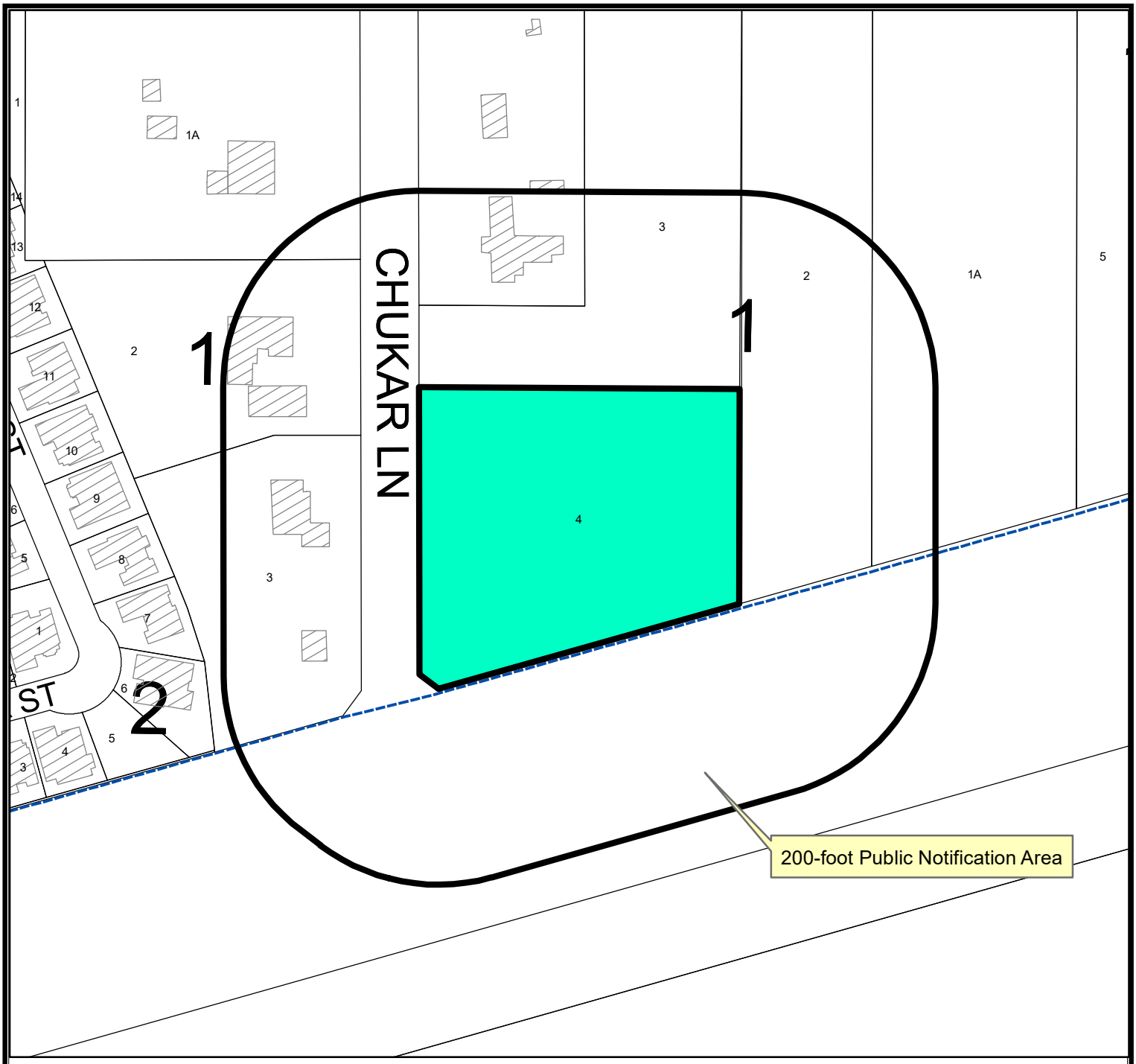
SITE PLAN (Exhibit A)

clay homes llc

2801 E. Hwy 80
Midland, Texas 79701

Preliminary plan





LOCATION MAP

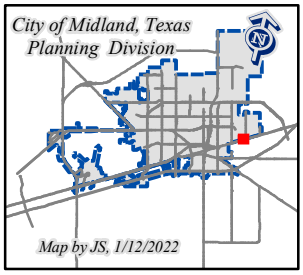
Z-21-0274 **Scale: 1" = 1750'**

Consider a request by Louis Clay for a zone change from AE, Agricultural Estate District to LR, Local Retail District on Lot 4, Block 1, Rolling Green Acres Section 2, City and County of Midland, Texas.

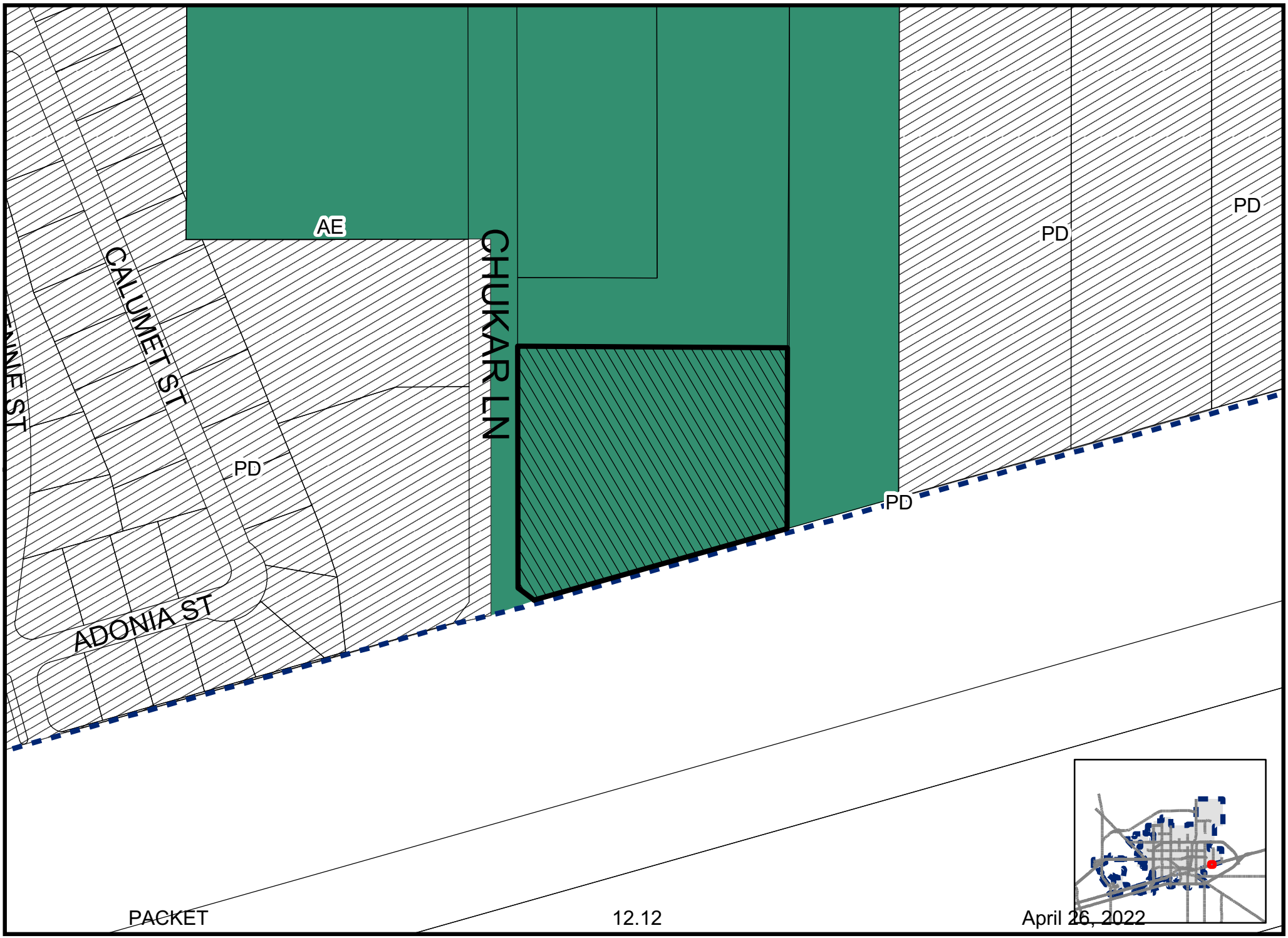
Generally located on the northeast corner of the intersection of Chukar Lane and E Highway 80. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.



Map By JS, 1/12/2022

Z-21-0274

Scale: 1" = 1750'

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.




MIDLAND


STOP
STOP



City Council Meeting

Item Number: 13

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: Paul Rodriguez, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, 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 CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS 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, Louis Clay, is requesting a Zone Change from MF-22, Multiple Family Dwelling District to SF-3 Single Family Dwelling District at 311 N Calhoun Street, for construction of a single-family home.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

MF-22, Multiple Family District

Surrounding Zoning and Land Use:

The properties to the north, south, east, and west are zoned MF-22, Multiple Family Dwelling District, and are the locations of single-family residences and vacant land, respectively.

Analysis:

The applicant is requesting this zone change for the purposes of constructing a single-family home. The lot dimensions satisfy the minimum requirements for the SF-3, Single Family Dwelling District zoning.

Under the previous zoning ordinance, the current zoning district would have allowed for construction of single-family homes, which allowed for the proliferation of their construction in this area. Under the new zoning ordinance adopted in 2019, the construction of single-family detached dwellings 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. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Code: (Approved)

No Oil or Gas issues. Informational: No Oil or Gas wells identified within 500 ft. permitted well radius or in the 135 ft. non-permitted well radius of location on plat. Please note if oil & gas wells are not identified or left off of plat, this could prevent receiving city permits for structures. Any plugged and abandoned well would need to be identified.

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning: (Approved)

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, a classification which calls for a mix of residential and non-residential uses. As the surrounding lots consist of vacant lots and residences, this zone change will follow the existing characteristics of the surrounding neighborhood and provide additional housing for residents of the City of Midland.

This request was recommended for approval at the March 21, 2022, 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 April 6, 2022.

Attachments:

Application
Maps
Plat

Morris William Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 3, BLOCK 6, EASTOVER ADDITION, THIRD EXTENSION, 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 CALHOUN STREET, APPROXIMATELY 112 FEET SOUTH OF EAST ILLINOIS 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 6, Eastover Addition, Third Extension, 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., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-21-0275

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Louis Clay		Phone (432) 631-2909 Email Tallcityboss@yahoo.com	
Address 1215 Lynn	City Midland	State Tx	Zip 79705

Property Owner Printed Name: Louis Clay		Phone ( ) Email	
Address 1215 Lynn	City Midland	State Tx	Zip 79705

Representative *(if different from Applicant or Property Owner)* Firm: N/A Printed Name:		Phone (432) 697-1447 Email	
Address	City	State	Zip

Street Address: 311 N. Calhoun

Legal Description SEE ATTACHED METES AND BOUNDS

Lot: 003 Block: 006 Subdivision: Eastover Third Ext

Current Zoning: Multi family

Proposed Zone: SF

(List by tracts if more than one district is requested)

Reason for Zone Change Request: To be build a single family home

Present Use of Property: Vacant

Proposed Use of Property: Single family Home

How would this zone change affect the public health, safety and welfare? None

Describe how conditions affecting the property have changed since present zoning designation: Not allowed to build a single family Home

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): Louis Clay	Date: 11-30-2021
Applicant (printed): Louis Clay	
Property Owner (signature): Louis Clay	Date: 11-30-2021
Property Owner (printed) : Louis Clay	

The Zone Change/Planned District Amendment/Site Plan Approval shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared _____ 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*)

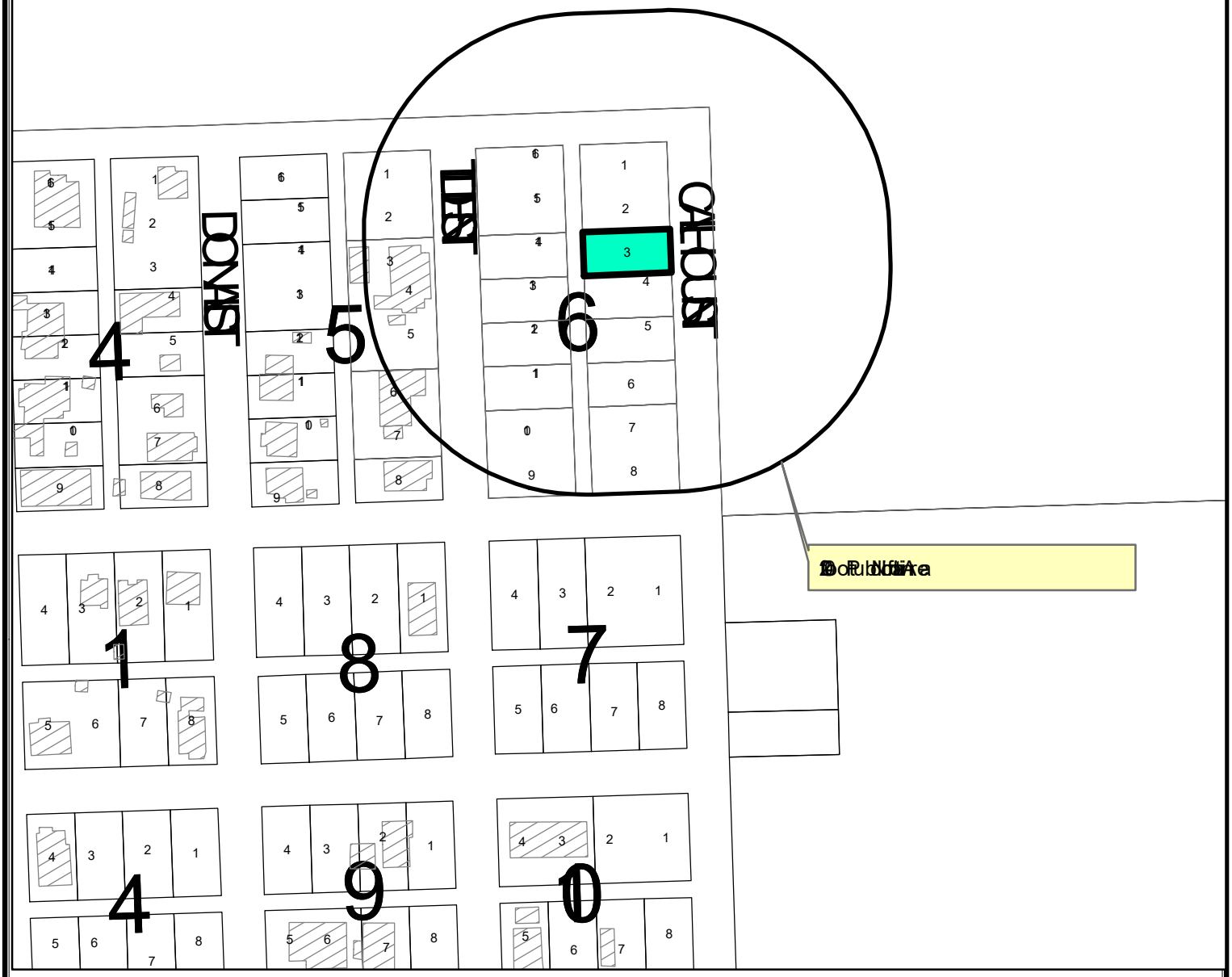
Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☑ Plans in Digital Format (PDF/JPEG)
Check # 1556	
Received By: [illegible]	Date: 12-1-21

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



LOCATION MAP

Z-21-0275 **Scale: 1" = 200'**

Consider a request by Louis Clay for a zone change from MF-22, Multi-Family Dwelling District to SF-3, Single Family Dwelling District Lot 3, Block 6, Eastover Addition Third Extension Midland, City and County of Midland, Texas.

Generally located on the west side of N. Calhoun Street and 112 feet south of E. Illinois Ave. Council District 2) PACKET 13.10

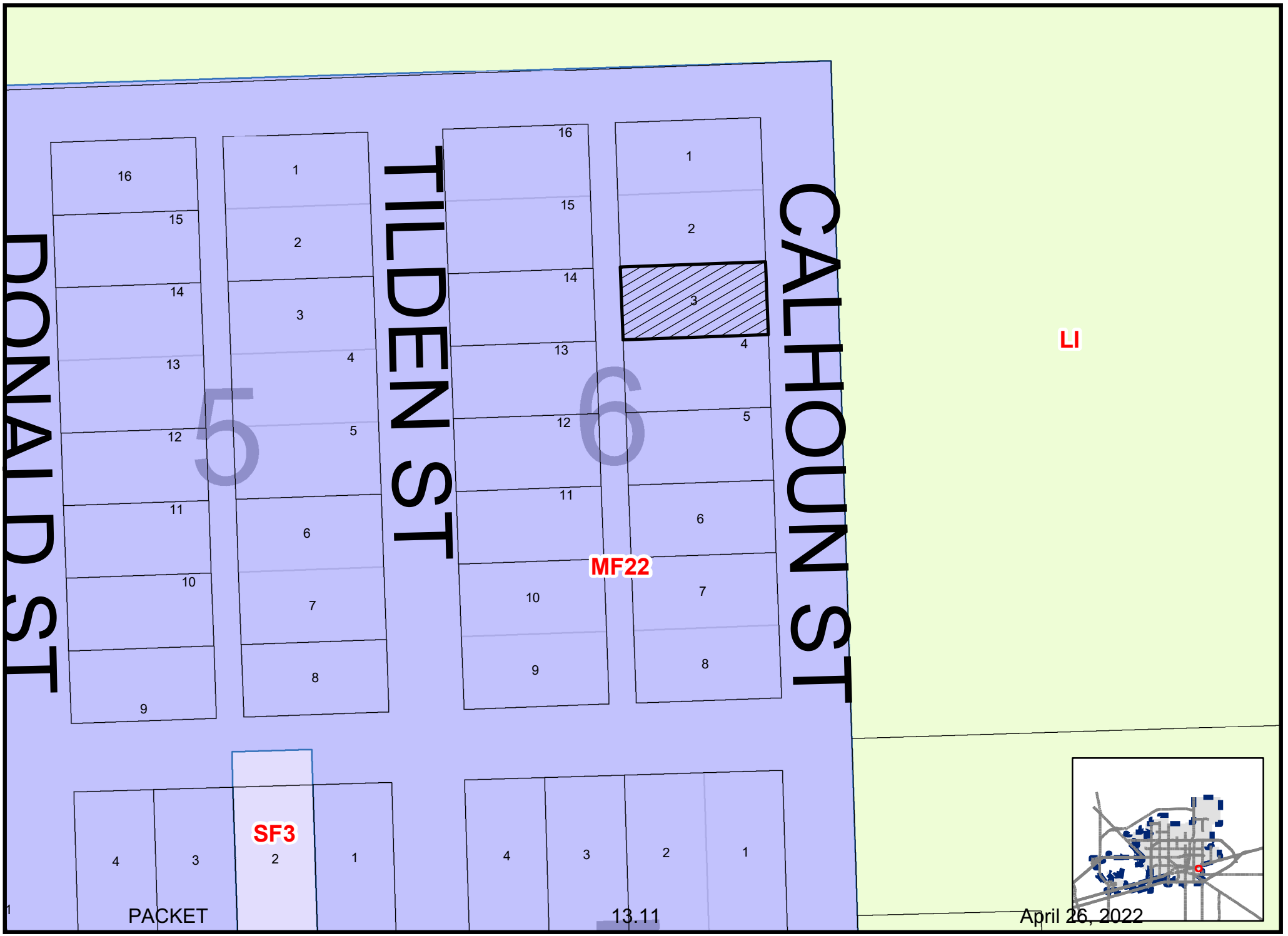
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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April 26, 2022



Map By PR, 01/25/2022

Z-21-0275

Scale: 1" = 200'

ZONING MAP

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City Council Meeting

Item Number: 14

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: Paul Rodriguez, Planner

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 2) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Juan Hernandez, d/b/a El Jimador Bar and Grill is requesting to amend the current Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant for El Jimador Bar and Grill, located at 911 S. Big Spring. Street.

Recommended City Council Action:

Approve

Fiscal Impact:

This request does not require any City funds.

Discussion:

Current Zoning:

RR, Regional Retail District (Ordinance No. 9750).

Surrounding Zoning and Land Use:

The properties to the north, are zoned RR, Regional Retail District, and the location of a car store. The adjacent properties to the west are zoned O-1, Office District, and the location of multi-family housing. The properties to the south and west are zoned RR, Regional Retail District, and the location of Pineapple Express, and Airgas, respectively.

Analysis:

The property is zoned RR, Regional Retail District, which permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

El Jimador Bar and Grill, has an active Specific Use Designation with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant (Ordinance No. 9750). This Specific Use Designation with Term was approved on April 10, 2018, allowing for the following alcoholic serviceable hours of:

Monday through Saturday from 8:00 a.m. to 11:00 p.m.
Sunday from 11:00 a.m. to 11:00 p.m.

El Jimador Bar and Grill is currently in operation. The floor plan attached hereto a “Exhibit A” illustrates that the establishment has a total square footage of 5,000 square feet, with an alcohol serviceable area of 4,680 square feet.

The applicant is now requesting an amendment to the current Specific Use Designation with Term for a restaurant, to extend allowable serviceable hours. After public hearing with the Planning & Zoning Commission, the new proposed days and hours of operation and alcohol service for the restaurant have been amended to go as follows:

Sunday through Saturday from 10:00am to 2:00 am (the next day).

There are no schools or churches within 300 feet of the property. South Elementary School is located approximately 975 feet east of the restaurant using the front door to door distance measurement.

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.

This project has been circulated to all City departments for review. Below are the department comments.

Fire: (Approved)

No objections.

GIS: (Approved)

No comments.

Engineering: (Approved)

No objections.

Oil & Gas: (Approved)

No objections.

Transportation: (Approved)

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway. [Reference City Code Section 9-4-5(D).]

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

No objection to zone change. [For the Applicant's information only.]

Building Code: (Approved)

No objections.

Planning: (Approved)

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) El Jimador Bar & Grill is an establishment that will provide Midland residents with a unique social gathering experience.

This request was approved at the March 7, 2022, Planning and Zoning Commission meeting.

Staff recommends approval of this Specific Use Designation with Term for the sale of all

alcoholic beverages, for on-premises consumption, in a restaurant, subject to conditions A through F.

Conditions:

A. That the establishment shall not exceed 4,680 contiguous square feet in area as shown in Exhibit "A", which is attached hereto and incorporated herein.

B. That the days and hours of alcoholic beverages sales and consumption shall be limited to:

Monday through Sunday from 10:00am to 2:00 am (the next day).

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.

Letters of Objection:

As of April 6, 2022, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps
Ordinance No. 9750

Morris William Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR LOTS 7 THROUGH 9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH BIG SPRING STREET AND WEST DAKOTA 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 Lots 7 through 9, Block 183, Southern 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 4,680 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

C. That the days and hours of alcoholic beverage sales and consumption shall be limited to the following:

Sunday through Tuesday from 10:00 a.m. to 11:00 p.m; and
Wednesday through Saturday from 10:00 a.m. to 2:00 a.m. of the following day.

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.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland,

Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

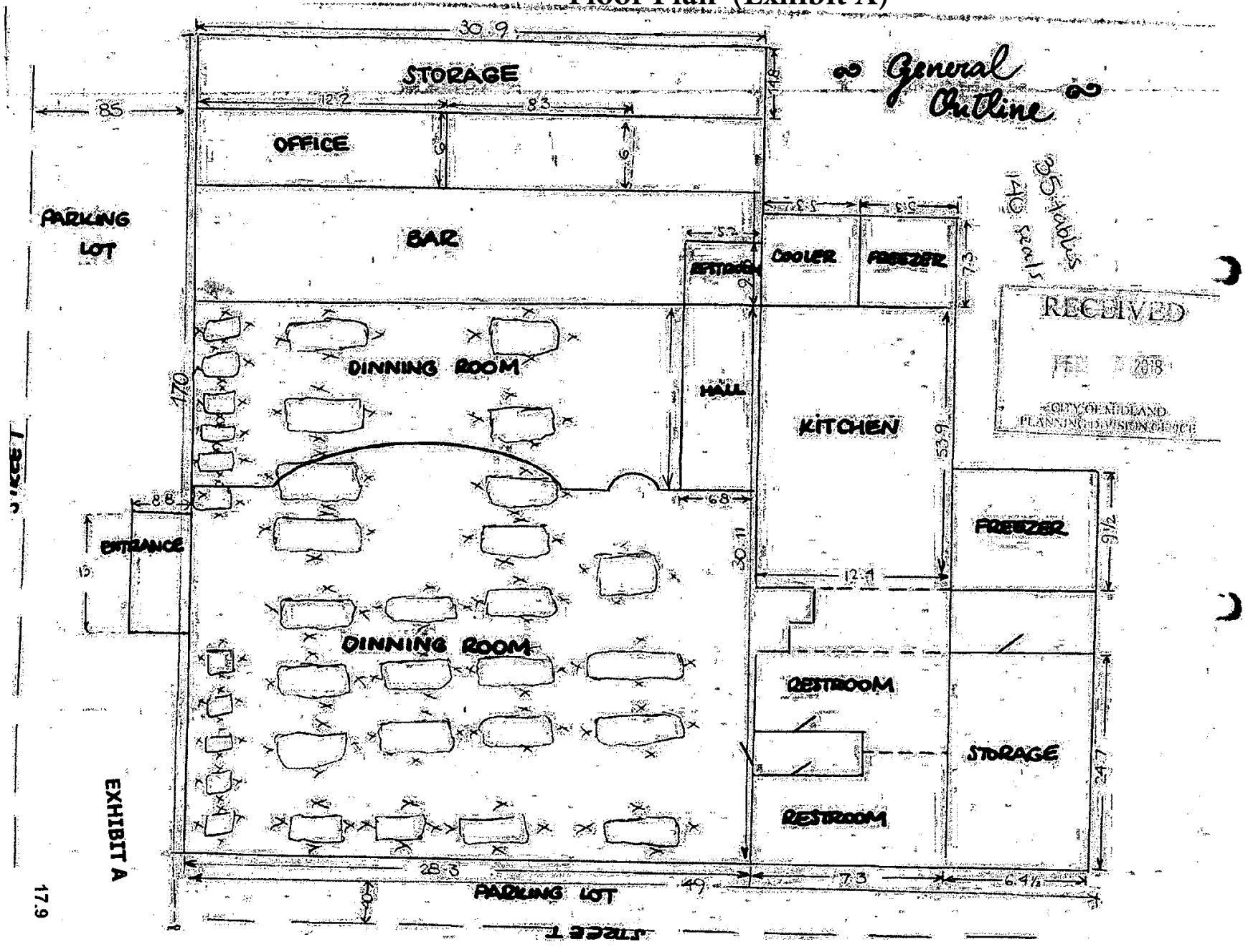
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Floor Plan (Exhibit A)



MIDLAND
Planning Division

Specific Use Permit with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUD-22-0125

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Juan F Hernandez		Phone (575) 309-3233 Email frankey-jalisco@live.com.mx	
Address 1716 Pavilion Parkway	City midland	State TX	Zip 79705

Property Owner Printed Name: George Suzu		Phone ( ) Email	
Address 1206 Story Ave.	City midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 911 S Big Spring St

Business Name: El Jimador Bar & Grill

Legal Description
Lot: Block: Subdivision:

Current Zoning:

Reason for Request: Open for late liquor Hours

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: Restaurant

Proposed/Current Days and Hours of Operation: monday - sunday 10:00 am till 2:00 am

Proposed Days and Hours of Alcohol Service: monday - sunday 10:00am till 2:00am

Total Square Footage of Business:

Square Footage of Alcohol Serviceable Area:

Restroom Fixtures:			
Men	**Toilets/Urinals:** 2 / 1	**Bathroom Sinks:** 2
Women	**Toilets:** 1	**Bathroom Sinks:** 1

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen
  - 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): Juan F Hernandez	Date: 2/14/2022
Applicant (printed): Juan F Hernandez	
Property Owner (signature): George O. Sosa	Date: 2/14/2022
Property Owner (printed) : George O. SosA.	

The Specific Use Permit with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared Juan F Hernandez who, being by me duly sworn, upon oath says: That (s)he is authorized by George O Sosa, 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 14th day of February, 20 22 to certify which witness my hand and seal of office.

MYRNA DE AVILA NOTARY PUBLIC STATE OF TEXAS NOTARY ID 12939604-5 MY COMM. EXP. 11-01-2025

Myrna De Avila
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

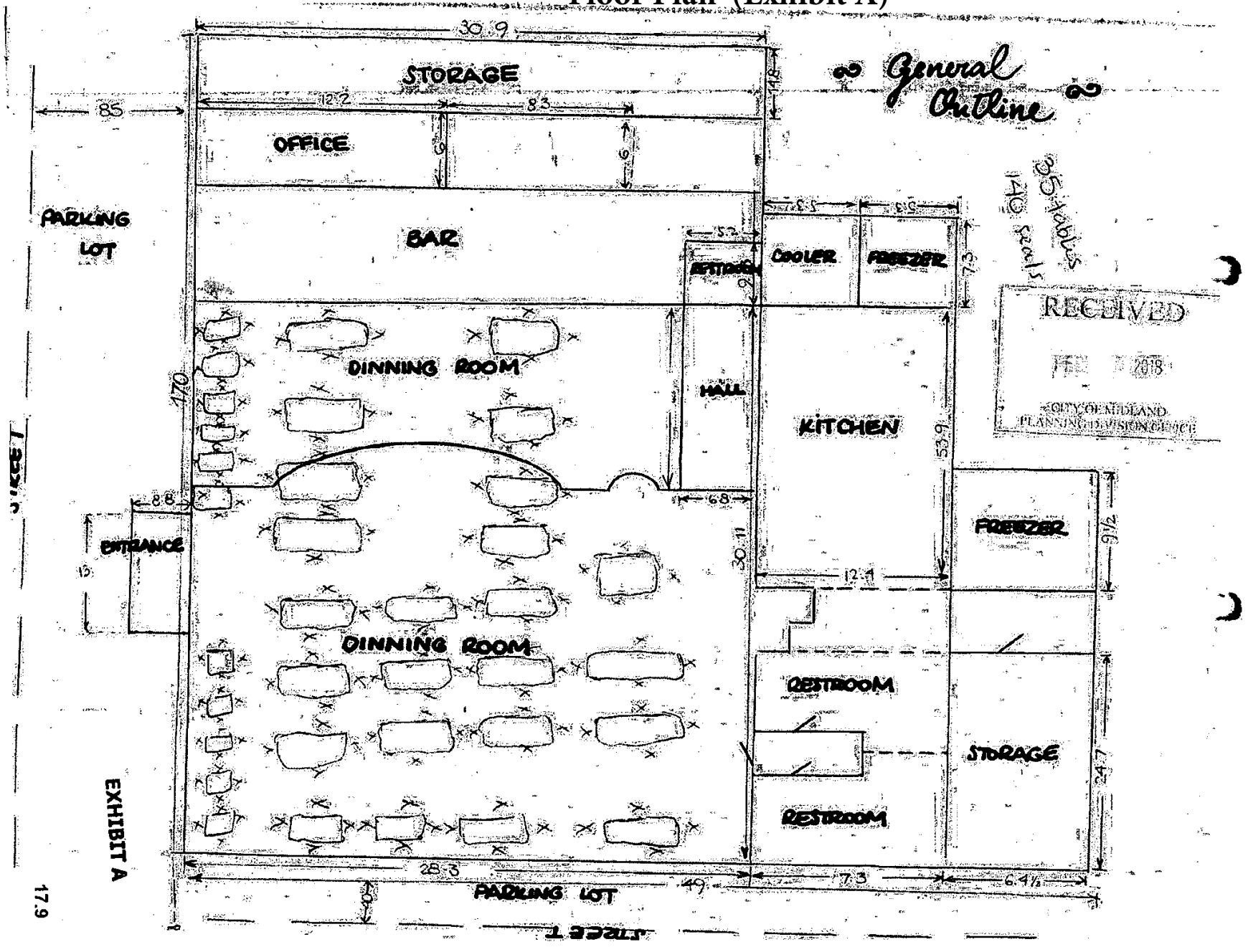
***Application will not be considered for scheduling until reviewed by a planner.**

FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☒ Dimensioned Floor Plan
☒ Application Fee	☒ Site Plan
Check # 32-61/1110	☐ Plans in Digital Format (PDF/JPEG)
Received By:_____	Date:_____



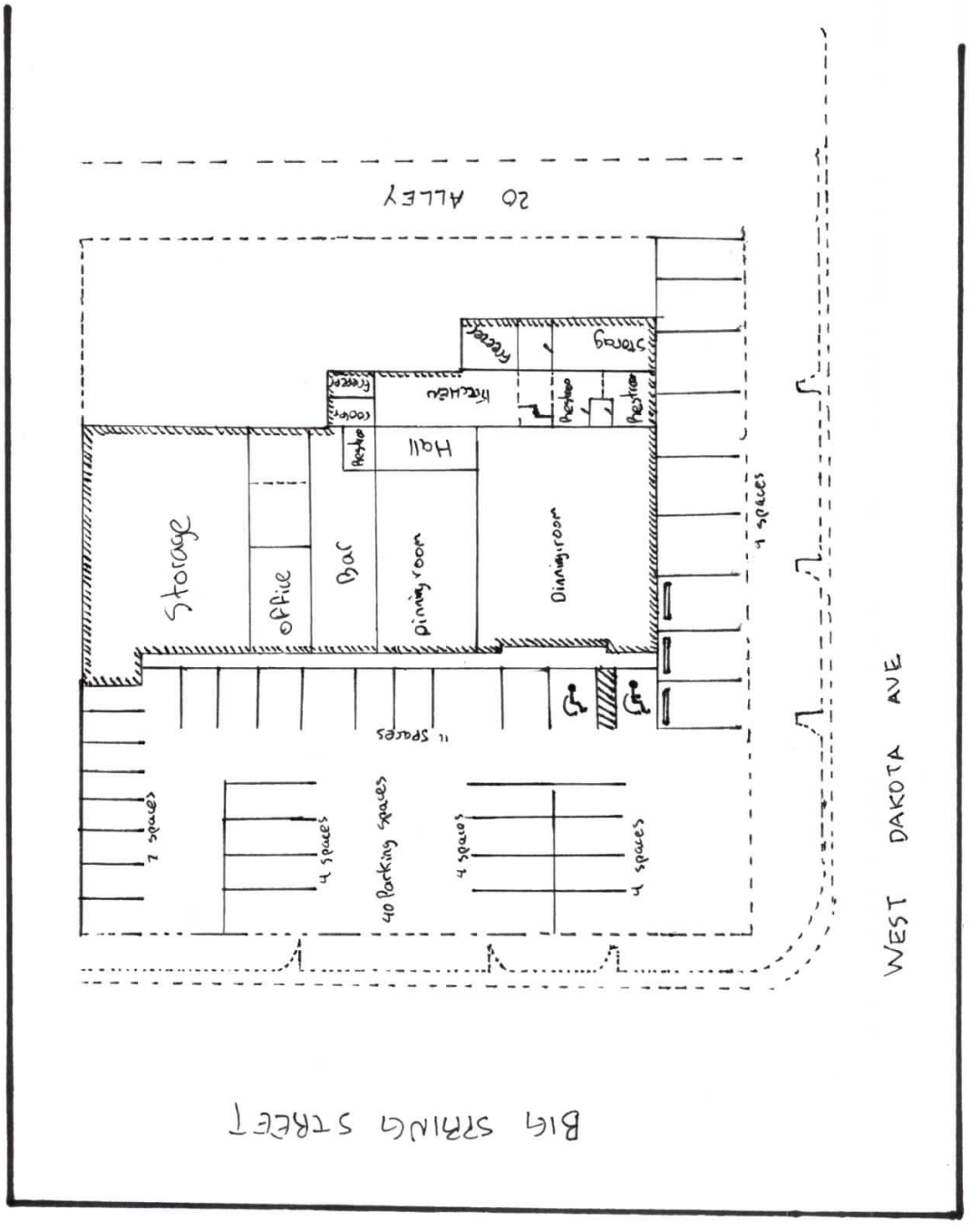
*** Application will not be considered for scheduling until reviewed by a planner.**

Floor Plan (Exhibit A)

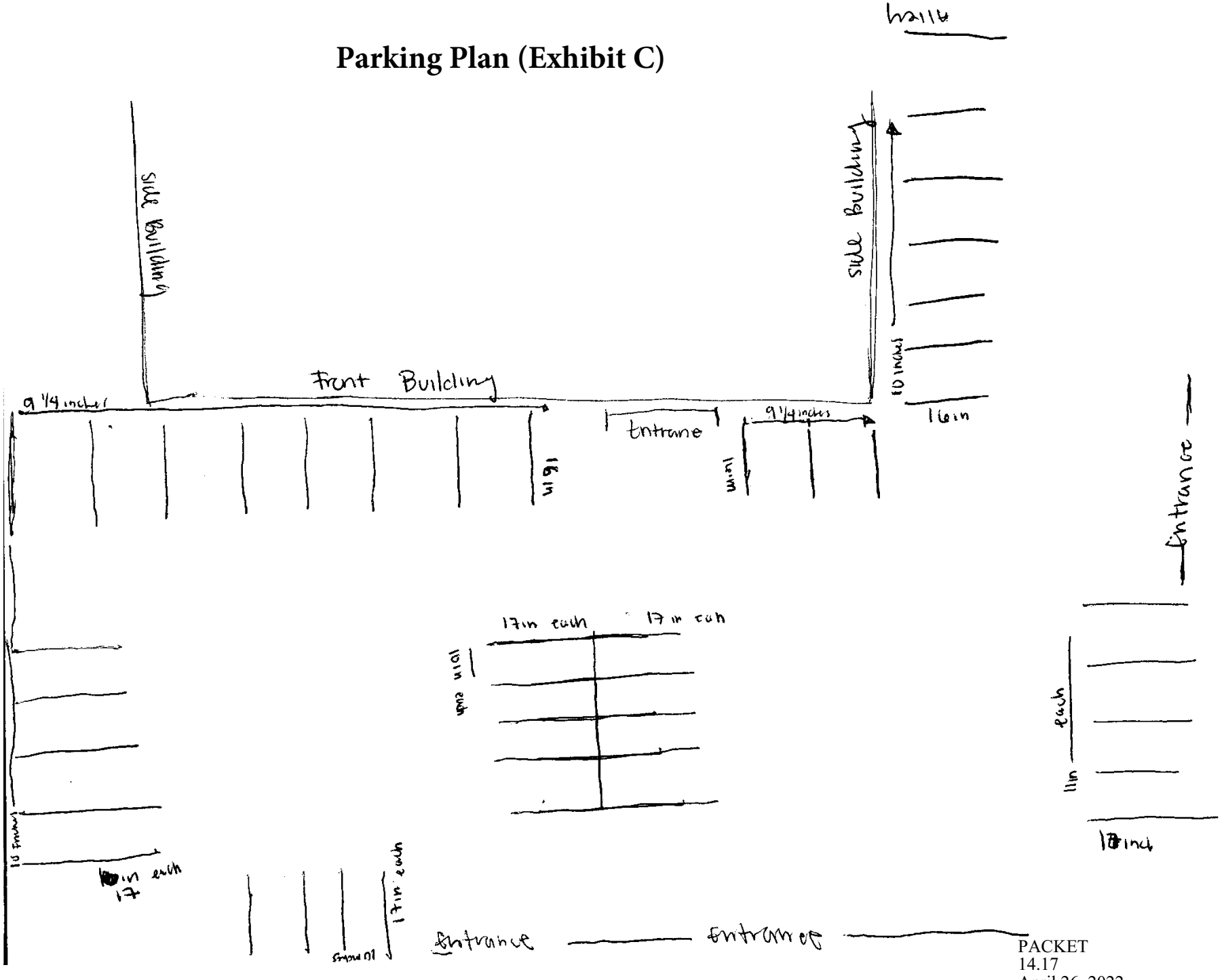


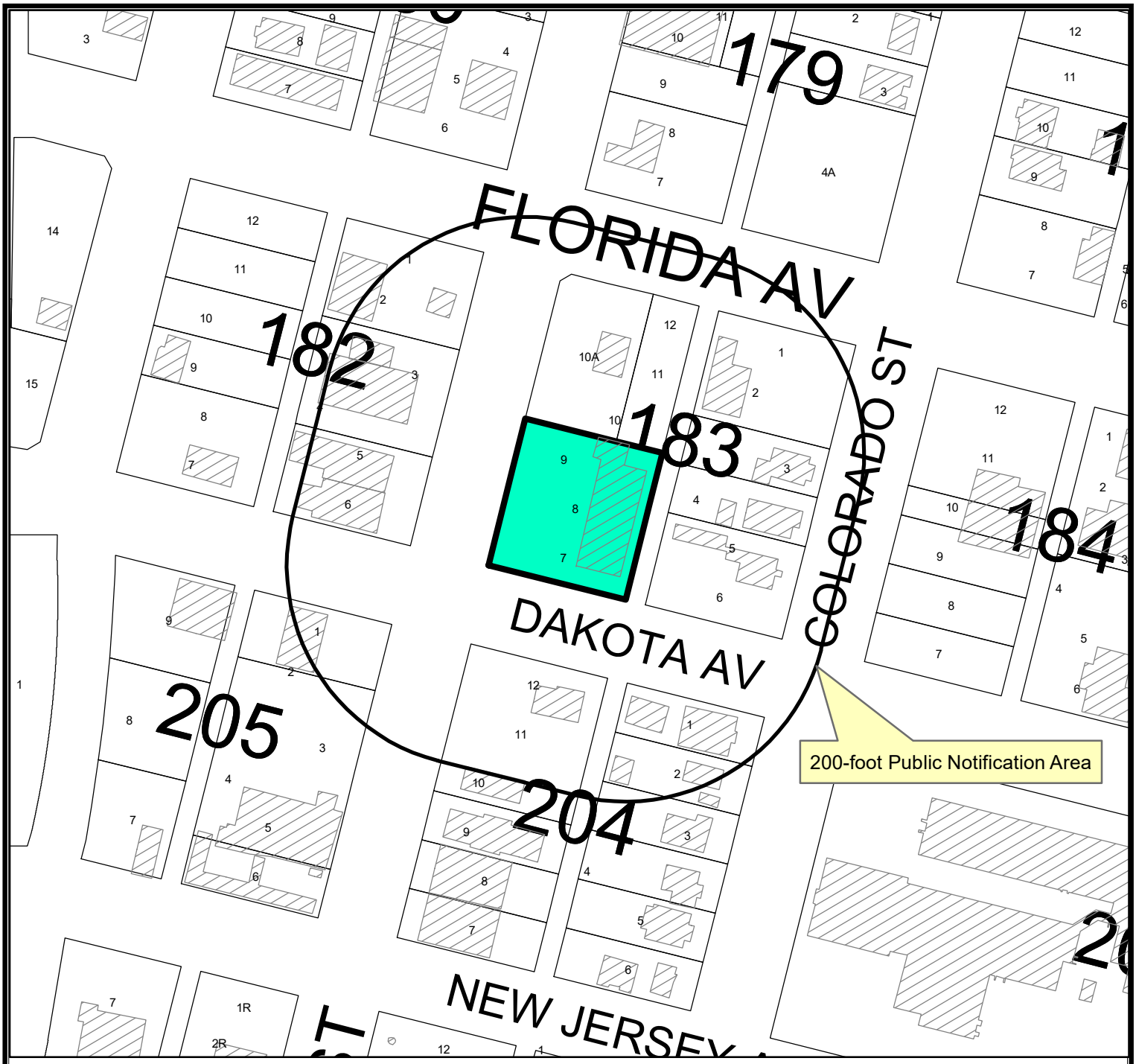
Site Plan (Exhibit B)

RECEIVED
FEB 7 2018
CITY OF MIDLAND
PLANNING DIVISION OFFICE



Parking Plan (Exhibit C)





LOCATION MAP

SUB-22-0125 **Scale: 1" = 200'**

Consider a request by Juan Hernandez, d/b/a El Jimador Bar and Grill for a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant on Lots 7 through 9 Block 183, Southern Addition, City and County of Midland, Texas.

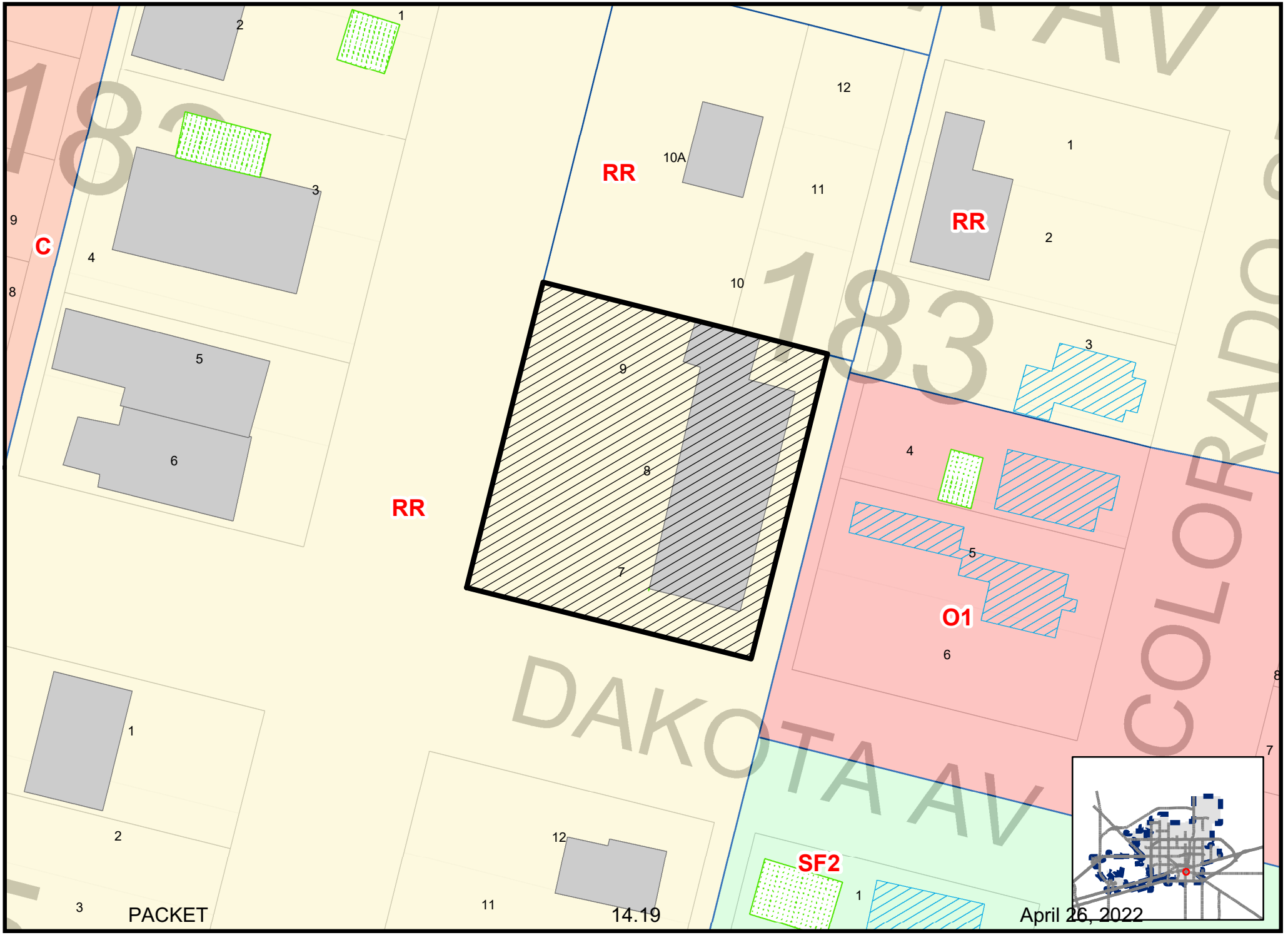
Generally located on the northeast corner of the intersection of S. Big Spring Street and Dakota Avenue.
(Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Map By PR, 02/10/2022

SUD-22-0125

Scale: 1" = 200'

ZONING MAP

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DAKOTA AV
BAR AND GRILL


El Jimador
BAR AND GRILL


el Jimador
BAR AND GRILL
DAKOTA
HISGROUP
HERNANDEZ
INSURANCE SERVICES GROUP
432-694-6183


Airgas
Gases
Welding Supplies
Safety Products

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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9748.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9748 in accordance with the Charter of the City of Midland; seconded by Council Member Hotchkiss. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

16. Consider an ordinance on second reading on a request by Vineyard Reserve, LLC, for a Zone Change from FD, Future Development District to LR-2, Local Retail District, on a 36.18-acre tract of land generally located southwest of the intersection of Becker Drive and Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9749

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING A 36.18-ACRE TRACT OF LAND OUT OF SECTION 13, BLOCK 40, T-1-S, T&P RR CO. SURVEY, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED FD, FUTURE DEVELOPMENT DISTRICT, TO BE USED AS AN LR-2, LOCAL RETAIL DISTRICT (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BECKER DRIVE AND HOLIDAY HILL ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9749.

Council Member Robnett moved to approve the second and final reading of Ordinance No. 9749 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

17. Consider an ordinance on second reading on a request by El Jimador Bar & Grill for a Specific Use Permit with Term, for the sale of all alcoholic beverages for on-premises consumption, in a restaurant, generally located northeast of the intersection of West Dakota Avenue and South Big Spring Street. (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9750

AN ORDINANCE CHANGING THE ZONING USE CLASSIFICATION OF THE PROPERTY DESCRIBED AS LOTS 7-9, BLOCK 183, SOUTHERN ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST DAKOTA AVENUE AND SOUTH BIG SPRING STREET), WHICH IS PRESENTLY ZONED LR-2, LOCAL RETAIL DISTRICT, BY PERMITTING SAID PROPERTY TO BE USED UNDER A SPECIFIC USE PERMIT WITH TERM FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE;

PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9750.

Council Member Lacy moved to approve the second and final reading of Ordinance No. 9750 in accordance with the Charter of the City of Midland; seconded by Council Member Dufford. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

18. Consider an ordinance on second reading on a request by Stonehawk Capital Partners, LLC for approval of a Site Plan generally located on the north side of Briarwood Avenue, approximately 305 feet west of Holiday Hill Road. (DEVELOPMENT SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9751

AN ORDINANCE ADOPTING A SITE PLAN FOR LOT 3, BLOCK 1, CROSS POINTE ADDITION, SECTION 24, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE NORTH SIDE OF BRIARWOOD AVENUE, APPROXIMATELY 305 FEET WEST HOLIDAY HILL ROAD); SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; 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

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9751.

Council Member Dufford moved to approve the second and final reading of Ordinance No. 9751 in accordance with the Charter of the City of Midland; seconded by Council Member Lacy. The motion carried by the following vote: AYE: Hotchkiss, Love, Sparks, Morales, Dufford, Lacy, Robnett. NAY: None. ABSTAIN: None. ABSENT: None.

19. Consider an ordinance on second reading on a request by Engineering Services to amend Title XI "Planning and Development" of the City Code of Midland, Texas, by establishing Chapter 13 "Municipal Drainage Utility", Article I "Creation of Utility", so as to declare the drainage of the City of Midland to be a public utility and dedicating City assets to said public utility. (ENGINEERING SERVICES) (First reading held March 27, 2018.)

ORDINANCE NO. 9752

AN ORDINANCE AMENDING TITLE XI, "PLANNING AND DEVELOPMENT", OF THE CITY CODE OF MIDLAND, TEXAS, BY ESTABLISHING CHAPTER 13, "MUNICIPAL DRAINAGE UTILITY", ARTICLE I, "CREATION OF UTILITY", SO AS TO DECLARE THE DRAINAGE OF THE CITY OF MIDLAND TO BE A PUBLIC UTILITY; ESTABLISHING THE SERVICE AREA FOR SAID PUBLIC UTILITY; DEDICATING CITY ASSETS TO SAID PUBLIC UTILITY; PROVIDING FOR EXEMPTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

Deputy City Secretary SueAnn Lopez read the caption of Ordinance No. 9752.

Mayor Morales noted that he would open up Agenda Item 19 and 20 to the public for comments and invited anyone wishing to speak on those items to come forward.

City Council Meeting

Item Number: 15

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: Justin Smith, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND 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 (COUNCIL DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Brianna Garcia, is requesting a zone change from PD, Planned Development District to PD, Planned Development District to make an amendment to the ordinance for Lots 1 and 2, Block 2, Scotsdale Addition, City and county of Midland, Texas.

Recommended City Council Action:

Approve

Fiscal Impact:

No City funds would be required for this project.

Current Zoning:

PD, Planned Development District for an Office Center. (Ordinance No. 8690)

Surrounding Zoning and Land Use:

The properties to the north, west, and south are zoned SF-2, Single Family Dwelling District. The properties are all being used for single family housing. The property to the east of 4401 Gulf Avenue, across Midland Drive, is zoned PD, Planned Development District for an Office Center and is the location of a medical office building.

Analysis:

The applicant, Brianna Garcia, is requesting to amend the Planned Development District for an Office Center, with the purpose to add a Hair Salon and have driveway access from Gulf Avenue. The current ordinance (Ordinance No. 8690) for this property does not allow for a driveway access from Gulf Avenue. Additionally, per City Ordinance (11-2-5(C)3(s)5) if alley access is allowed then the alley must be paved. The Ordinance states that the property may be developed under SF-2 or O-1 standards, therefore staff will be recommending approval based on this allowable use.

The proposed development will consist of an existing 1,400 square feet utility box and a new addition of a 1,575 square foot building for the use of a Hair Salon. The parking requirement for this property would be one spot per every 1,000 square feet or one spot per every two employees at maximum shift. The proposed site plan includes 8 parking spots which would be sufficient per the square footage.

The applicant will be required to adhere to the site plan review standards outlined within the City of Midland Zoning Ordinance Section 5.05: Nonresidential Zoning District Dimensional Regulations Chart as well as Chapter 9, Landscape Regulations for future landscaping.

This proposed Planned Development amendment 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. All future development shall meet the requirements of IFC and local ordinances

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.] Site drainage, utilities, driveway access and traffic circulation may be adjusted during the construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Code: (Approved)

No Oil and Gas issues.

Transportation:

Access spacing will be required to adhere to the TxDOT Access Management Standards along the state highway [Reference City Code Section 9-4-5(D).] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to the zone change. [For the Applicant's information only.]

Planning:

The request does fit with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision.* This designation calls for U-M, Urban-Medium. These areas are intended to be a mix of complementary uses, including single-family housing, multi-family housing, civic and institutional uses, as well as commercial and mixed uses. Urban-Medium encourages closer proximity between transportation, housing, and shopping choices.

Therefore, staff recommends approval based on the previous ordinance allowing this use of the zone change from PD, Planned Development District for an Office Center to Amended PD, Planned Development District for an Office Center subject to conditions A through H.

Conditions:

A. **That the use and development of the property shall conform to the regulations of O-1, Office District, except as stated below.**

B. **That this property shall significantly conform to the site plan, attached hereto and incorporated herein as Exhibit A.**

C. **That the building shall be a one-story construction, not to exceed 20 feet in height.**

D. **That a solid 8-ft. masonry wall in height, shall be installed on the south and west side of the property.**

E. **That alley paving shall be required if vehicular access will be allowed from the alley.**

F. **That business signs may be located only on the east side of the property and a freestanding sign shall be limited to 40-square-feet in area and 4 feet in height.**

G. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

H. That all signage shall conform to the City of Midland Sign Code.

Letters of Objection:

Staff has received a letter of objection with 9 signatures within the 200-foot buffer, making up 38% of the land area. This Planned Development District amendment will require a supermajority vote.

Attachments:

Application
Site Plan (Exhibit A)
Ordinance 8690
Maps

Robert Patrick

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, FROM PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER TO AN AMENDED PD, PLANNED DEVELOPMENT DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF GULF AVENUE AND MIDLAND DRIVE); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lot 1 and the east 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas (the "Property") to an amended PD, Planned Development District for an Office Center and adopting a site plan therefor, as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to rezone the Property from PD, Planned Development District for anOffice Center to an amended PD, Planned Development District for an Office Center.

SECTION TWO. That the base zoning district to which the use and development of the Property shall conform, except as modified by Section Three of this ordinance, is the O-1, Office District.

SECTION THREE. That a site plan, which is attached hereto as Exhibit "A" and

incorporated herein for all purposes, is hereby adopted, and the use and development of the Property shall be subject to the following conditions and restrictions:

A. That the use and development of the Property shall significantly conform to the site plan attached hereto as Exhibit "A".

B. That the building shall be a one-story building that does not exceed 20 feet in height.

C. That a solid, eight-foot-tall masonry wall shall be located on the south and west sides of the Property.

D. That no vehicular access to the Property from the alley shall be allowed unless the alley is paved.

E. That business signs may be located only on the east side of the Property, and a freestanding sign shall be limited to four feet in height and 40-square feet in area. All signage shall conform to the regulations set forth in Title XI, Chapter 7a of the City Code.

F. That the landscaping shall conform to the regulations set forth in Title XI, Chapter 9 of the City Code.

SECTION FOUR. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FIVE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION EIGHT. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

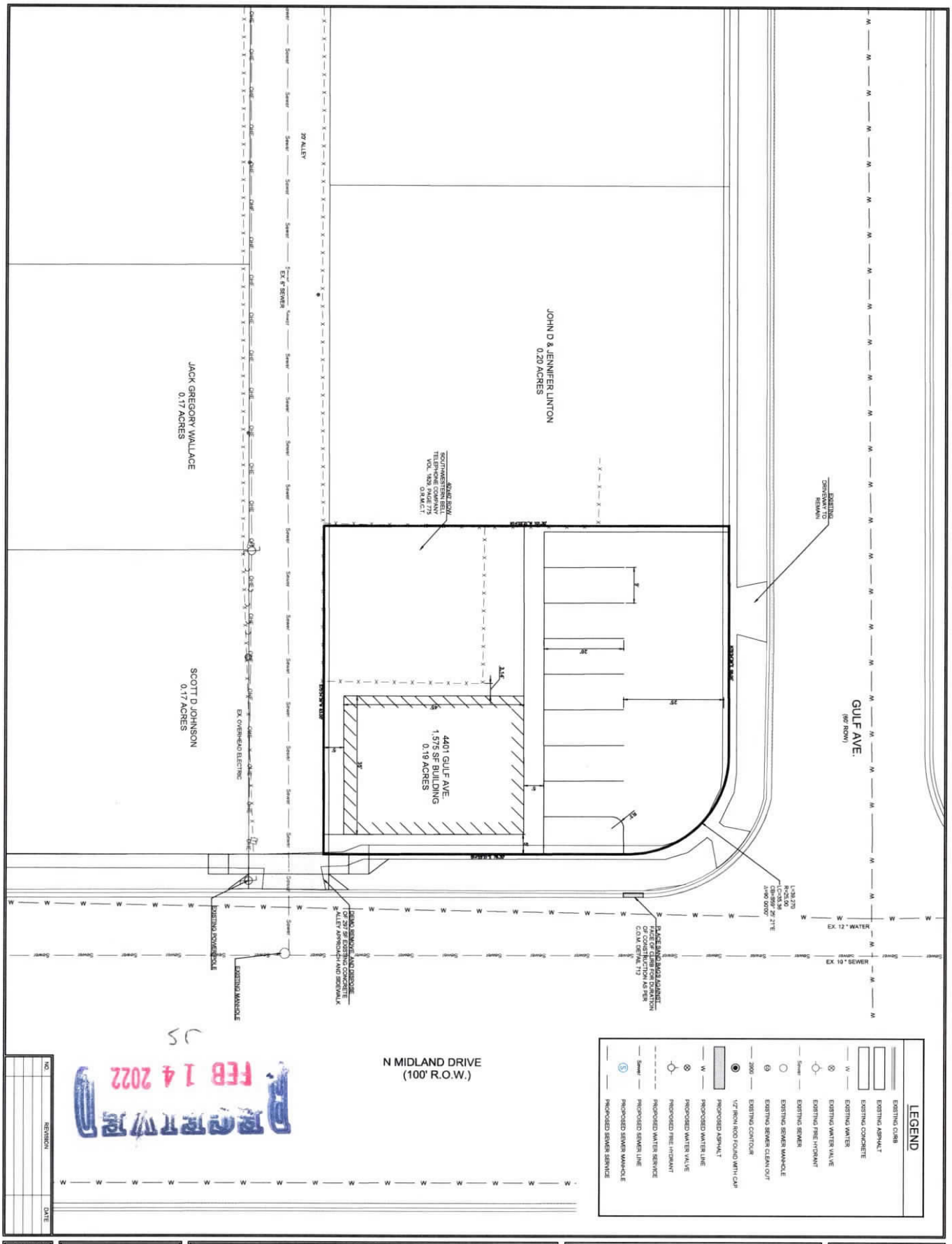
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

Site Plan (Exhibit A)



MIDLAND
Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: Z-22-0285

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Brianna Garcia		Phone (432) 634-3398 Email Briannaluvis@hotmail.com	
Address 11906 West County RD 58	City Midland	State TX	Zip 79707

Property Owner Printed Name: Cecilia Garcia		Phone (307) 389-2689 Email Cecilia1617@hotmail.com	
Address 11906 West County RD 58	City Midland	State TX	Zip 79707

Representative *(if different from Applicant or Property Owner)* Firm: Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 4401 Gulf Ave

Legal Description
Lot: 1+2 Block: 802 Subdivision:

Current Zoning:	**Proposed Zone:** *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: Needing to make a new entrance in Gulf Ave Street

Present Use of Property: No use at the moment

Proposed Use of Property: Hair Salon

How would this zone change affect the public health, safety and welfare? It will not be affected in any way

Describe how conditions affecting the property have changed since present zoning designation: Not accessible from midland drive

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): Brianna Garcia	Date: 02.14.2022
Applicant (printed): Brianna Garcia	
Property Owner (signature): Cecilia Garcia	Date: 2-14-22
Property Owner (printed) : Cecilia Garcia	

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

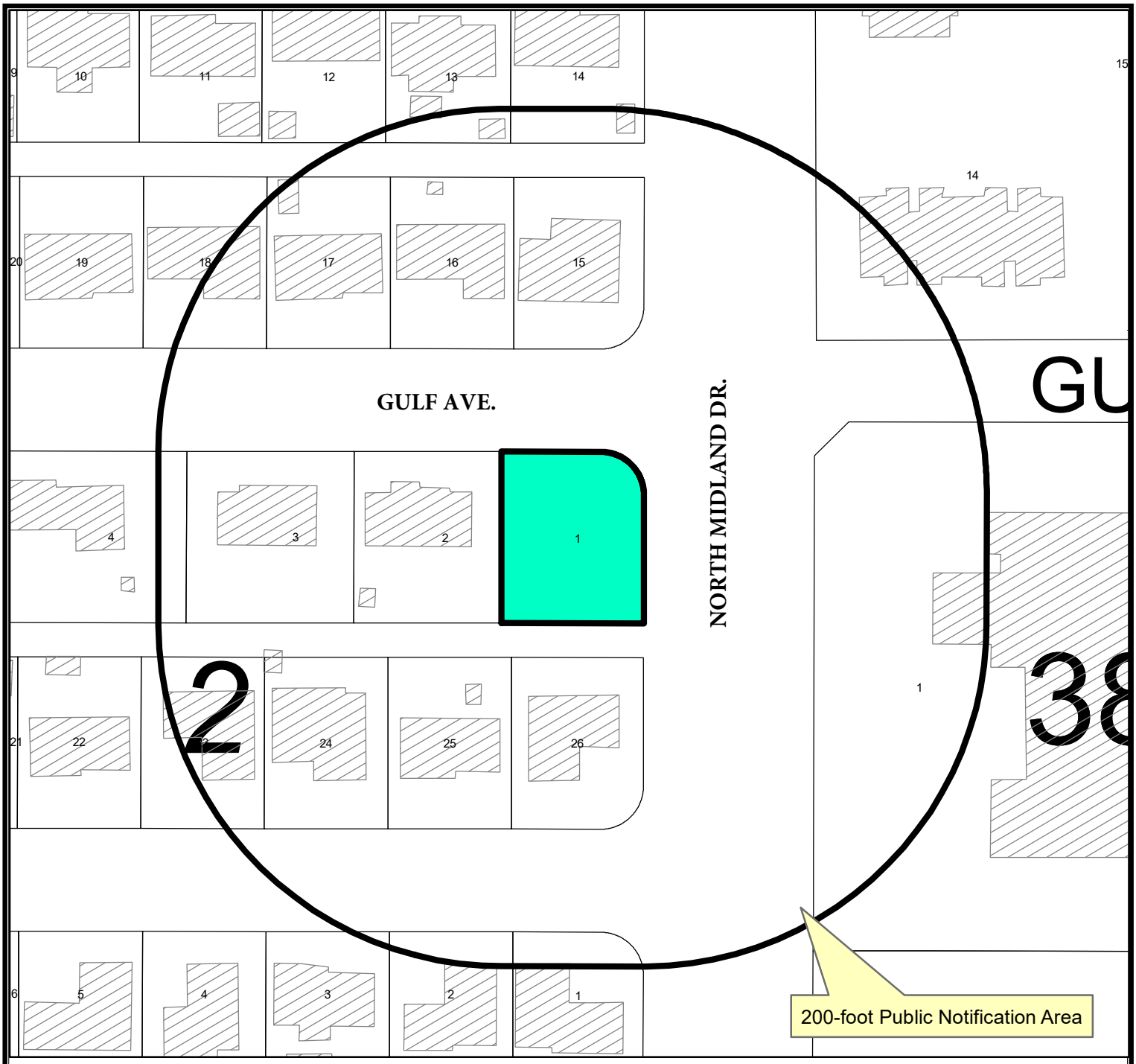
☐ Property Owner Authorization ☐ Dimensioned Site Plan

☐ Application Fee ☐ Plans in Digital Format (PDF/JPEG)

Check #_____

Received By: _____ Date: RECEIVED FEB 14 2022 BY: JS

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



LOCATION MAP

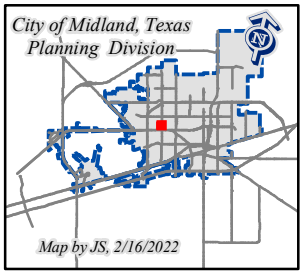
Z-22-0285 **Scale: 1" = 1000'**

Consider a request by Brianna Garcia for a zone change from PD, Planned Development District for an Oddice Center to PD, Planned Development District for an Office Center on Lot 1 and the East 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

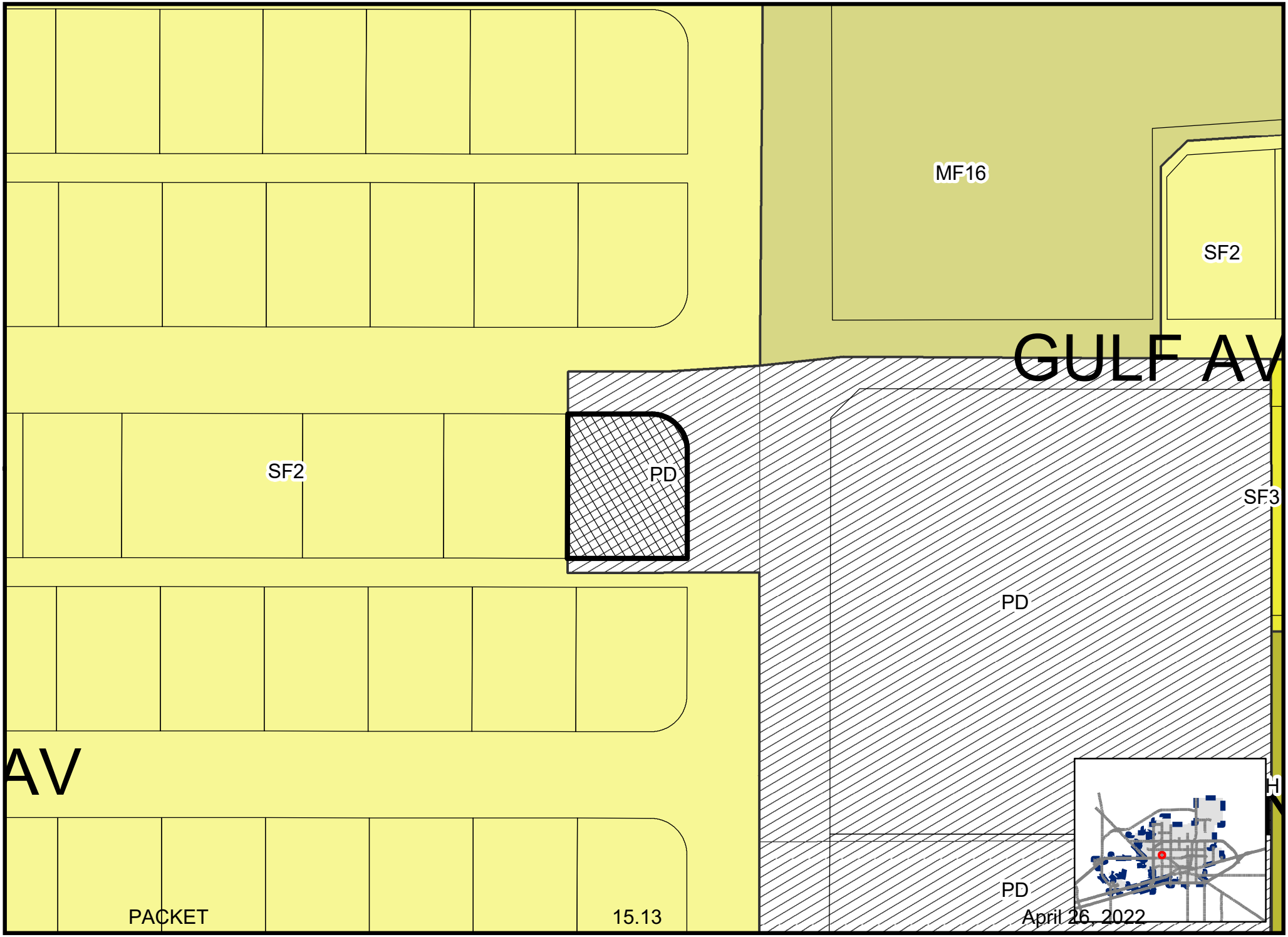
Generally located on the southwest corner of the intersection of Gulf Avenue and North Midland Drive. (Council District 4)

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.



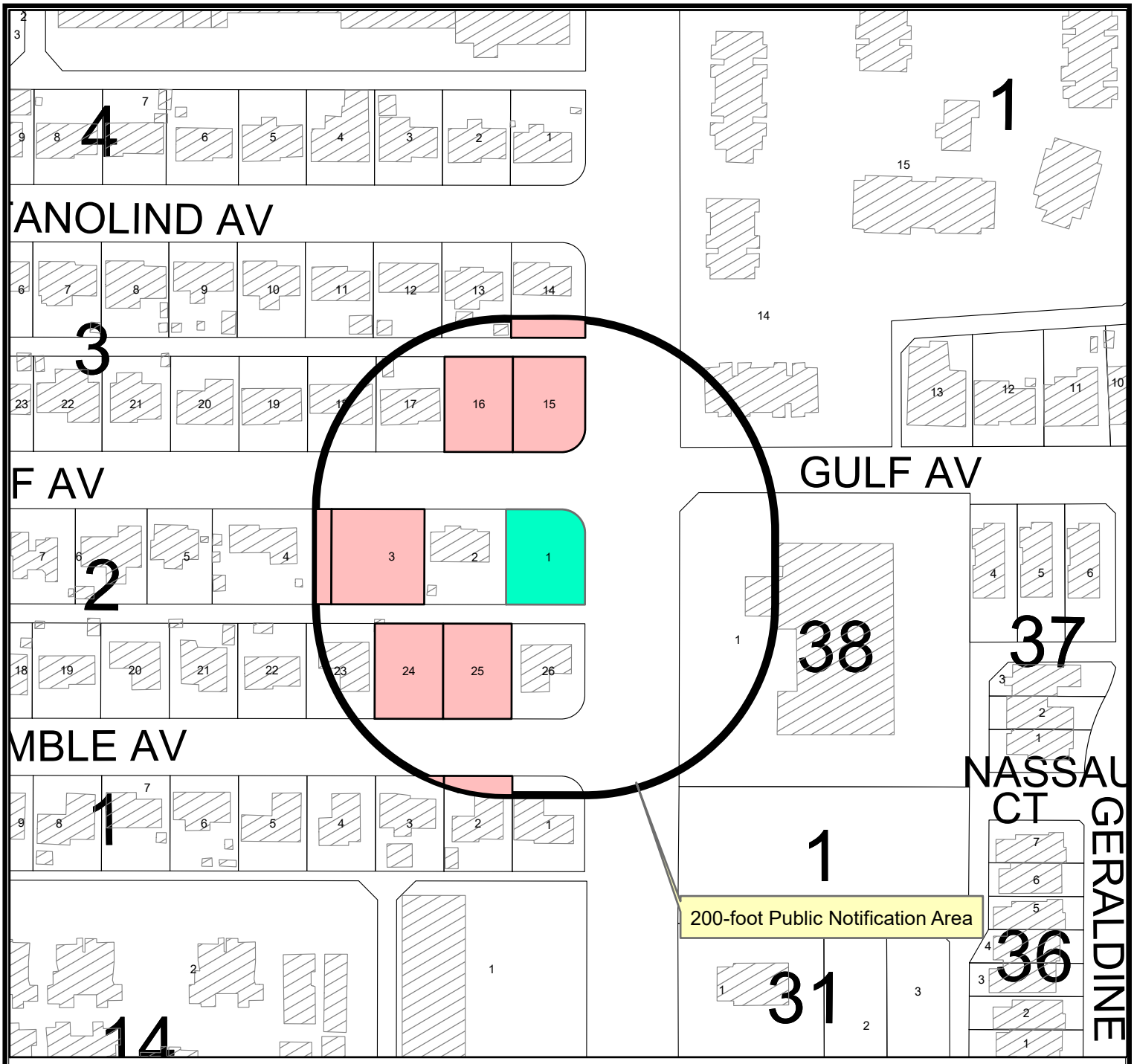
Map By JS, 2/15/2022

Z-22-0285

Scale: 1" = 1000'

ZONING MAP

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38% OBJECTION MAP

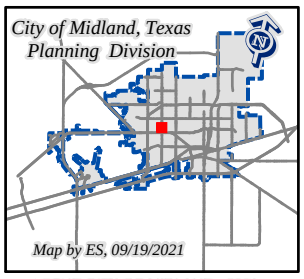
Z-22-0285 **Scale: 1" = 200'**

Consider a request by Brianna Garcia for a zone change from PD, Planned Development District for an Oddice Center to PD, Planned Development District for an Office Center on Lot 1 and the East 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

Generally located on the southwest corner of the intersection of Gulf Avenue and North Midland Drive. (Council District 4

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS
- APPLICANT PARCEL
- OBJECTION PARCELS



April 26, 2022


4400
4400







ORDINANCE NO. 8690

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION BY AMENDING CHAPTER ONE, TITLE XI, OF THE CITY CODE OF MIDLAND, TEXAS, BY PERMITTING LOT 1 AND THE EAST 6 FEET OF LOT 2, BLOCK 2, SCOTSDALE ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS, WHICH IS PRESENTLY ZONED 1F-2, ONE-FAMILY DWELLING DISTRICT, TO BE USED AS A PD, PLANNED DISTRICT FOR AN OFFICE CENTER (GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NORTH MIDLAND DRIVE AND GULF AVENUE); PROVIDING FOR SUCH USE TO BE SUBJECT TO CERTAIN SPECIAL CONDITIONS AND RESTRICTIONS AS SET OUT HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter and the State law with reference to the creation of "Planned Districts" under the zoning ordinance regulations and zoning map, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by the creation of a Planned District for an Office Center, set out hereinafter and subject to the conditions and restrictions set out hereinafter;

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

SECTION ONE. That Chapter 1, Title XI, of the City Code of Midland, Texas, and the official zoning map of the City of Midland, Texas, are hereby amended insofar as the hereinafter described property is concerned, which is presently zoned 1F-2, One-Family Dwelling District, and it shall be used as a Planned District for an Office Center, subject to the special conditions and restrictions hereinafter set out, said property being described as follows:

Lot 1 and the east 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

SECTION TWO. That said property shall be subject to the following special conditions and restrictions:

1. That the property may be developed under the 1F-2 District or O-1 District standards, provided that the development of this property for any use other than a single-family dwelling shall be subject to the conditions outlined below.

2. That driveway access shall be limited to the east property boundary with said driveway design to be approved by the City's Director of Transportation.

3. That the building shall be a one-story construction, not to exceed 20 feet in height.

4. That the exterior building materials shall be limited to brick, stone, stucco or any combination thereof.

5. That a solid screening fence, constructed of either wood or cinder block and at least 6 feet in height, shall be installed on the south and west sides of the property.

6. That alley paving shall be required if vehicular access will be allowed from the alley.

7. That business signs may be located only on the east side of the property and any freestanding sign shall be limited to 40-square-feet in area and 4 feet in height.

8. That all parking, landscaping, and outdoor lighting shall comply with the applicable sections and provisions of the Midland City Code.

SECTION THREE. That the definitions given in the zoning regulations contained in the City Code of the City of Midland, Texas, shall be applicable to such of those terms as are used herein.

SECTION FOUR. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this

ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 25th day of November, A.D., 2008; and passed to second reading on motion of Council member Hailey, seconded by Council member Dufford, by the following vote:

Council members voting "AYE": Hailey, Dufford, Morales, Trost, Perry and James

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 Hailey, seconded by Council member Morgan, on the 9th day of December, A.D., 2008, at a regular meeting of the City Council:

Council members voting "AYE": Hailey, Morgan, Morales, Trost, Perry and James

Council members voting "NAY": None

PASSED AND APPROVED THIS 9th day of December, A.D., 2008.

W. Wesley Perry, Mayor

ATTEST:

Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:

Keith Stretcher, City Attorney

City Council Agenda

Approved for Agenda:
MJohnston
City Manager's Office

MEETING DATE: November 25, 2008

TO: CITY COUNCIL/CITY MANAGER

FROM: Cameron Walker, Planning Division Manager

SUBJECT: Z-08-031; John Curtis - zone change

Purpose:

Hold a public hearing at 11:03 a.m. and consider an ordinance on a request by John Curtis for a zone change from 1F-1, One-Family Dwelling District to PD, Planned District for an Office Center on Lot 1 and the east 6-feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas (generally located at the southeast corner of the intersection of N. Midland Drive and Gulf Avenue).

Recommended City Council Action

☒ Approve ☐ Deny ☐ Direction/Informational

Fiscal Impact:

Discussion:

The property is located on the southwest corner of Midland Dr. and Gulf Ave. on the edge of a single-family neighborhood. Although the location does not meet typical office use criteria, staff supports the request because of a 1,400 sq. ft. utility box located on the lot which severely reduces the likelihood of residential development ever occurring.

Allowed uses in the O-1 District include medical/dental offices, banks, and even hotels; however, the developable area of the lot will limit the size and intensity of any such use. Design guidelines are recommended: a one-story, 20 ft. building, with exterior materials of brick, stone, or stucco; a 6-ft screening fence along the alley and the west property line; a business sign restricted to 40 sq. ft. in area and 4-ft in height and limited to the Midland Dr. frontage. No letters of opposition were received. P&Z voted unanimously to approve.

Attachments: P&Z Minutes - Nov. 3, 2008; Location Map

Planning and Zoning Commission Meeting
Minutes from November 3, 2008

Z-08-031 - Hold a public hearing and consider a request by John Curtis for a *zone change* from 1F-2, One-Family Dwelling District to PD, Planned District for an Office Center, on Lot 1 and the east 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas. (Generally located at the southwest corner of the intersection of N. Midland Drive and Gulf Avenue.)

Chairman Bergman asked if the applicant was present. The applicant was present and deferred to staff.

Ms. Cervantes presented the staff report. She stated that this request is a vacant lot in a single-family neighborhood. There is a utility box, enclosed by a chain-link fence, situated on the southwest side of the lot. The utility box has deterred residential development on this property so the owner, Mr. Curtis is requesting a zone change to allow office uses. The Planned District outlines conditions to ensure that any office use would blend in with the neighborhood. The Staff recommends approval of this request for zone change from 1F-2, One-Family Dwelling District to PD, Planned District for an Office Center, subject to Conditions A – H.

Chairman Bergman opened the public hearing.

Ms. Betty Ann Stone-Whitten, 4405 Stanolind Ave, had a concern about what type of business or restrictions that this property might have.

Ms. Cervantes stated the recommended zoning is O-1 District. This allows various professional uses such as legal, medical, and dental offices. No retail offices will be considered.

Chairman Bergman closed the public hearing.

Chairman Bergman called for a motion. Mr. Woodruff made a motion for approval, subject to Conditions A – H. Ms. Ferguson seconded the motion and the motion passed unanimously.

PLANNING AND ZONING COMMISSION

November 3, 2008

CASE: Z-08-031

REQUEST: Hold a public hearing and consider a request for a zone change from 1F-2, One-Family Dwelling District to PD, Planned District for an Office Center.

APPLICANT/OWNER: John Curtis.

LEGAL DESCRIPTION: On Lot 1 and the east 6-feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

LOCATION: Generally located at the southeast corner of the intersection of N. Midland Drive and Gulf Avenue.

CURRENT ZONING: 1F-2, One-Family Dwelling District

ASSOCIATED CASE: N/A.

DETAILS OF REQUEST:

1. The subject property is located at the southwest corner of Midland Dr. and Gulf Ave. on the edge of an established, single-family neighborhood. There is a large utility box, enclosed by a chain-link fence, situated on the southwest side of the lot, which has deterred residential development on the property. The owner, Mr. Curtis, is requesting a zone change to allow office uses because the property is significantly encumbered by the easement.

access would require that the alley be paved. To protect the residential character of the street, we believe the use of a business sign should be restricted to the Midland Dr. frontage, with a maximum size of 40 square feet and a maximum height of four feet for a freestanding sign. Parking and landscaping requirements should adhere to the City Code requirements.

SUMMARY:

6. Although the location of this corner lot does not meet the typical criteria for an office use, the development of this property with a residential use seems unlikely due to the unsightly utility enclosure. The O-1 District allows various professional uses such as legal, medical, and dental offices, plus banks and even hotels. However, the small size of the developable area of the lot will limit the size and consequently the intensity of the types of office uses that could be developed. Rather than any negative impact to the neighborhood, we anticipate that the development of this vacant corner will offer a welcome improvement to the area.

STAFF RECOMMENDATION:

We recommend approval of this request for a zone change from 1F-2, One-Family Dwelling District to PD, Planned District for an Office Center, subject to the following conditions:

A. That the property may be developed under the 1F-2 District or O-1 District standards, provided that the development of this property for any use other than a single-family dwelling shall be subject to the following conditions:

B. Driveway access shall be limited to the east property boundary with said driveway design to be approved by the Director of Transportation;

C. The building shall be one-story construction, not to exceed 20-feet in height;

D. Exterior building materials shall be limited to brick, stone, stucco or any combination thereof;

E. A solid screening fence, constructed of either wood or cinder block and at least 6-feet in height, shall be installed on the south and west sides of the property;

F. Alley paving shall be required if vehicular access will be allowed from the alley;

SURROUNDING LAND USES:

2. The area to the north, west, and south is fully developed with single-family homes. Across Midland Drive to the northeast is an apartment complex and immediately east is a Planned District for an Office Center that was approved in 1988 but remains vacant. One block to the south is a small strip center, zoned NS, Neighborhood Services District, which is predominately occupied with medical-related uses.

ANALYSIS:

3. The Comprehensive Plan recommends that non-residential uses be located at the corners of major collectors and arterial streets to avoid a negative impact on residential neighborhoods and to avoid stripping out of the frontage of arterial streets with multiple driveways that would impede safety. This location does not meet the criteria for a typical office use; it is neither adjacent to any other non-residential use nor located at a significant corner which could form a node of office uses. Our support for the zone change request is based predominately on the existence of the nearly 1,400 square foot utility enclosure, which we believe severely limits the likelihood of residential development from ever occurring. To a lesser degree, the fact that there is office zoning to the east and an NS District nearby to the south improves the suitability of the proposal.

ACCESS:

4. As part of the review, staff considered possible driveway locations in order to ensure that proper access could be provided. Gary Saunders, Director of Transportation, has recommended that a single commercial driveway off of Midland Dr. would be the best means for providing access to the site, as there is a dedicated turn-lane in Midland Dr. that will help to improve traffic flow. A driveway at this location rather than on Gulf Avenue will also reduce the potential for additional traffic to cut through the neighborhood.

DESIGN GUIDELINES:

5. To ensure that the appearance of any non-residential structure will blend in with the adjacent homes, we believe that specific design guidelines are needed. We recommend that the building be one-story, not to exceed 20 feet in height, and that the exterior materials be limited to brick, stone, or stucco. A solid screening fence, with a maximum height of 6-feet is recommended along the alley and the west property line. In addition, any use of the alley for vehicular

G. Business signs may be located only on the east side of the property and any freestanding sign shall be limited to 40 square feet in area and 4 feet in height;

H. All parking, landscaping, and outdoor lighting shall comply with the respective sections of the City Code.

Cameron Walker, AICP
Planning Division Manager
Department of Development Services

Donna Cervantes, Planner
Department of Development Services

Attachments:

Application
Maps

618 0779

Case Number: Z-08-031

CITY OF MIDLAND
Planning Division

APPLICATION TO CHANGE ZONING CLASSIFICATION

John Curtis (432)617 3276 (432)978 8120
Applicant Name **Contact #s**

3001 Douglas Midland TX 79701
Address **Zip Code**

Same
Property Owner Name **Contact #s**

Address **Zip Code**

Representative Name **Contact #s**

Address **Zip Code**

Street address and Legal Description of property (complete Lot, Block, and Subdivision, or if unplatted, attach a Metes and Bounds description with surveyor's seal). Describe by tracts if more than one zoning district is requested: 4401 GULF

PRESENT ZONE: IF-2 REQUESTED ZONE: C-1 PDOC
(List by tracts if more than one district is requested)

Reason for Zone Change or PD Amendment: To allow construction of small office for professional services

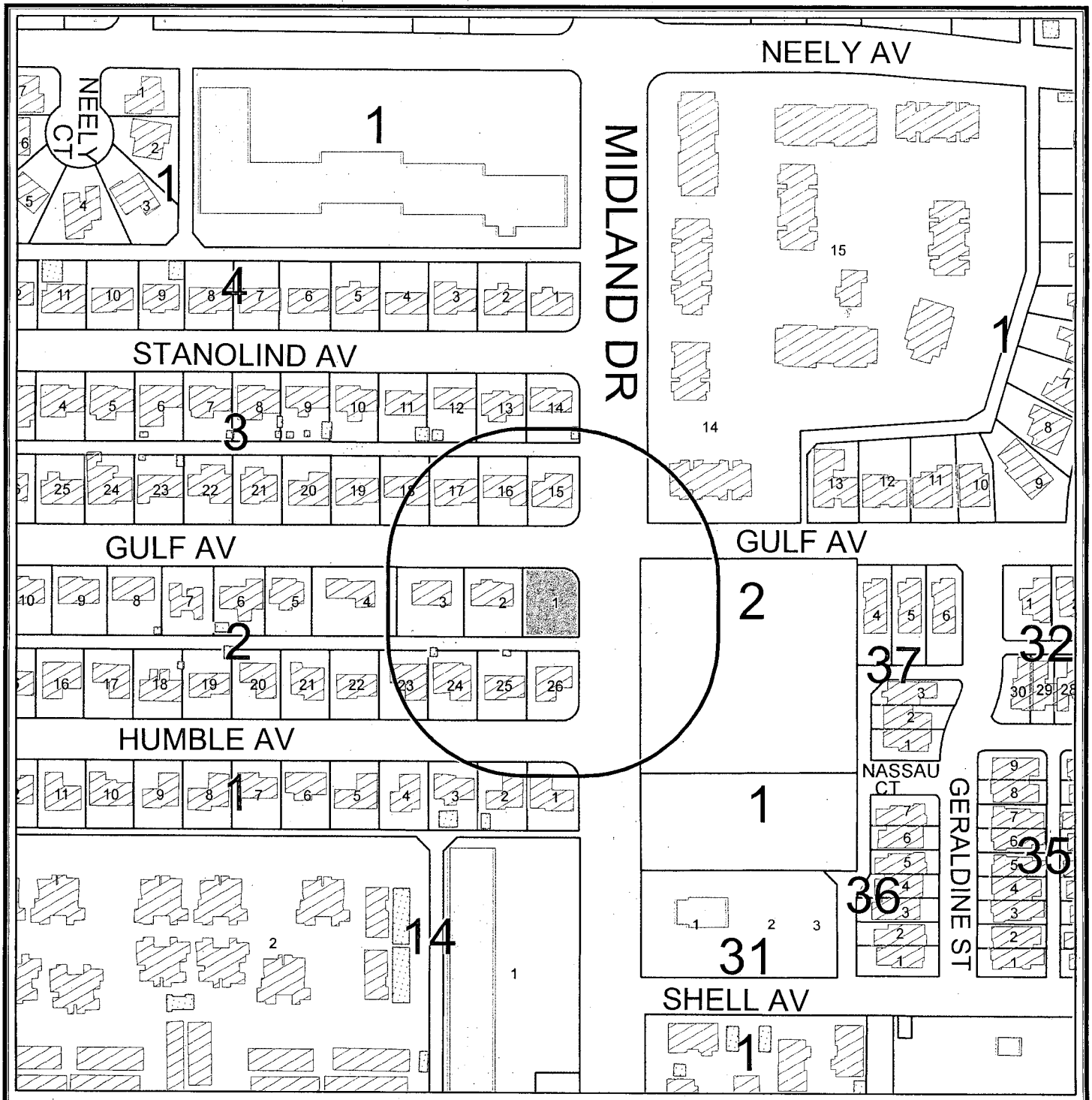
Present Use of Property: Vacant lot

Proposed Use of Property: Small Professional office

How will zone change affect the public health, safety and welfare? Improve Appeal of Surrounding Homes

Describe how conditions affecting the property have changed since present zoning designation: Addition of 40'x40' Easement w/phone Bldg inside Unsightly & Unattractive to Build Home

Will a Specific Use Permit with Term for alcoholic beverages sales be needed: ___ Yes ✓ No



PROPERTY OWNER NOTIFICATION MAP

Z - 08 - 031 **Scale: 1" = 200'**

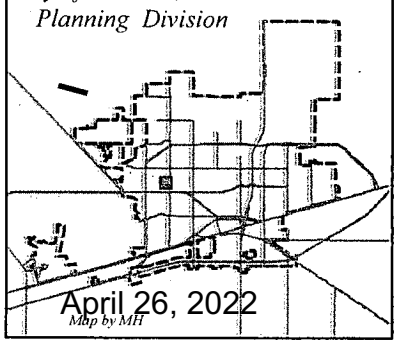
Consider a request for a zone change from 1F-2, One-Family Dwelling District, to PD, Planned District for an Office Center, on Lot 1 and the east 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

PACKET

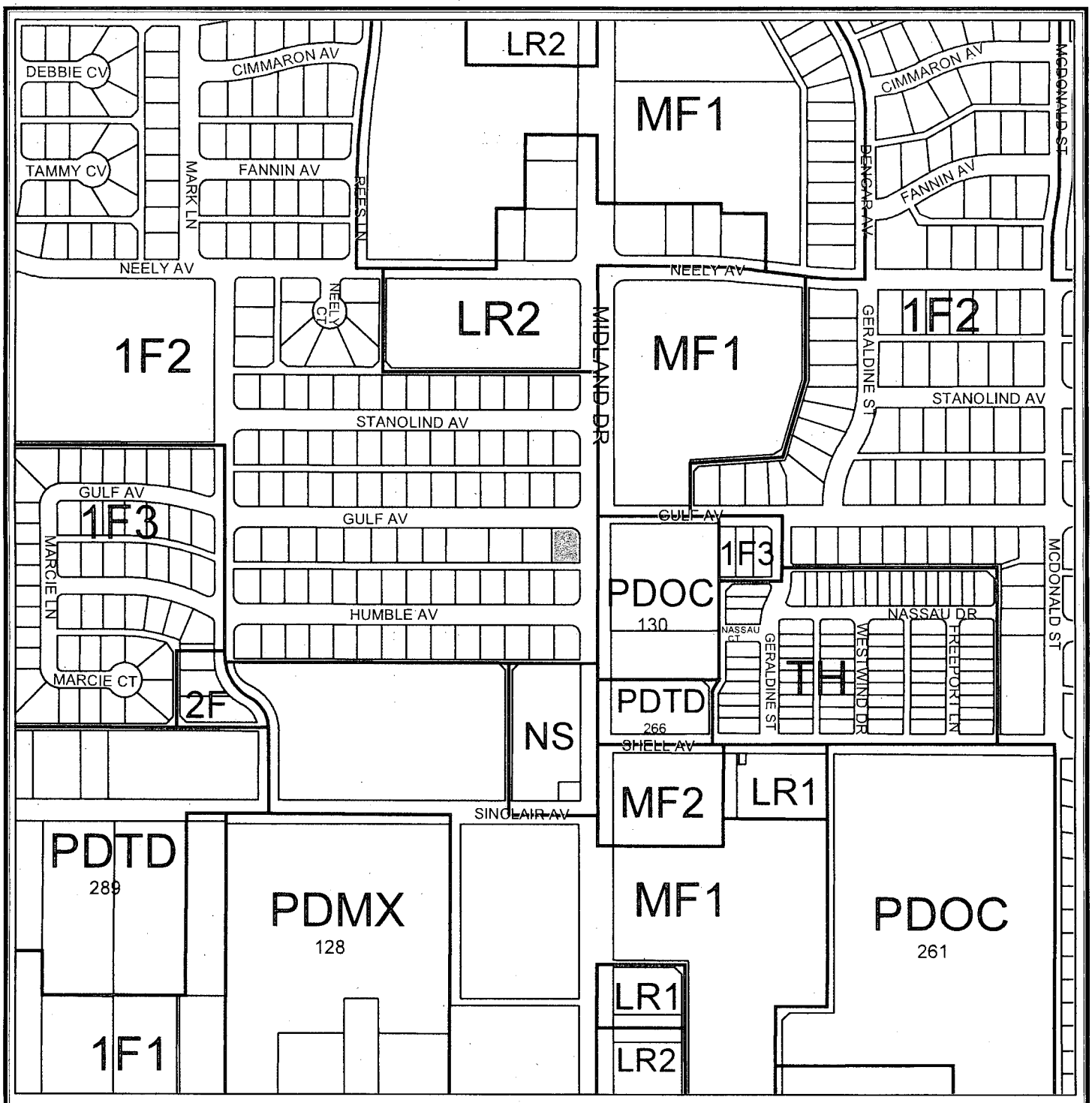
LEGEND

- CITY LIMITS
- 200 FT. LEGAL NOTICE LIMIT
- PARCEL
- PUBLIC BLDGS
- PRIVATE BLDGS
- ACCESSORY BLDGS

City of Midland, Texas
Planning Division



April 26, 2022
Map by MH



ZONING MAP

Z - 08 - 031 **Scale: 1" = 400'**

Consider a request for a zone change from 1F-2, One-Family Dwelling District, to PD, Planned District for an Office Center, on Lot 1 and the east 6 feet of Lot 2, Block 2, Scotsdale Addition, City and County of Midland, Texas.

PACKET

LEGEND

ZONING | PARCELS | CITY LIMITS | SPECIFIC USE PERMITS | PUBLIC BLDGS

ZONING DISTRICTS:

FD	FUTURE DEVELOPMENT	BP	BUSINESS PARK
PD	PLANNED DISTRICT	P	PARKING
AE	AGRICULTURE ESTATE	01, O2	OFFICE
CE	COUNTRY ESTATE	NS	NEIGHBORHOOD SERVICE
1F1, 1F2, 1F3	ONE-FAMILY DWELLING	LR1, LR2 ,LR3	LOCAL RETAIL
MH	MOBILE HOME DWELLING	C1, C2, C3	COMMERCIAL
TH	TOWNHOUSE DWELLING	IP ,IP1, IP2, IP3	INDUSTRIAL PARK
2F	TWO-FAMILY DWELLING	LI	LIGHT INDUSTRY
MF1, MF2	MULTIPLE FAMILY DWELLING	HI	HEAVY INDUSTRY

City Council Meeting

Item Number: 16

Meeting Date: April 26, 2022 (April 12, 2022)

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, LOTS 30 AND 31, BLOCK 2, 349 RANCH ESTATES, SECTION 2, AND LOT 28A, BLOCK 2, 349 RANCH ESTATES, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,399.00; AND ORDERING RECORDATION BY THE CITY SECRETARY (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

The applicant, John Scharbauer, is requesting to vacate a 0.192-acre portion of the alley right-of-way, located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lot 28A, Block 2, 349 Ranch Estates, Section 14, and Lots 30-31, Block 2, 349 Ranch Estates, Section 2, City and County of Midland, Texas., to add additional estates to the adjacent lots to the south.

Recommended City Council Action:

Approve

Fiscal Impact:

The 2022 appraised value of the right-of-way is $1.00 per square foot, for a total value of $8,399.

Discussion:

The property is currently in the process of being replatted. The approximated area that will be vacated is 8,399 square feet (0.192-acres). The vacation will aid their client in utilization of this area for their projected future development.

All the appropriate adjacent owners are aware of the proposed vacation and have signed the application.

The Midland Central's Appraisal District's appraisal of the land is $1.00 per square foot or $8,399.

This request has been circulated and reviewed by all pertinent City departments and franchise utility companies. Their comments, conditions, and requests are as follows:

Code Compliance: (Approved)

No Oil and Gas issues.

Building Code: (Approved)

No objection.

Engineering: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities if existing, or providing easements as needed.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections to vacation. Applicant shall be responsible for relocating any utilities if existing, or providing easements as needed.

AT&T: (Approved)

We do not have utilities in that ROW.

Atmos: (Approved with Conditions)

Atmos Energy currently has facilities located within the above-described alley Right of Way between Washita and Pueblo, east of State Hwy. 349. We currently have a 4in. PE gas main that extends along a portion of this alley. Atmos could vacate the referenced portion however since we are currently serving customers off this line, we would need to either relocate our

facilities or maintain a utility easement. Any relocation costs would be passed on to individual or entity requesting the vacate.

Grande: (Approved)

From looking at the maps that you have provided, it seems to me that we do not have any communications going through the property. From what your map indicates.

Oncor: (Approved)

Oncor does not have any facilities nor easements in this alley. Oncor is clear.

Suddenlink: (Approved)

We do not have any plant in the proposed area however we do have plant running down the eastside of the north to south alley that we do not want to move.

Midland Central Appraisal District:

The vacation area indicated has a current value of $1.00 per square foot or $8,399.

Planning:

Pertinent City departments and franchise utility companies have reviewed this vacation request and have approved the request.

Therefore, staff recommends approval of the vacation of a 0.192-acre portion of the alley right-of-way, located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lot 28A, Block 2, 349 Ranch Estates, Section 2, and Lots 30-31, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas., to add additional estates to the adjacent lots to the south. for future development to be subject to conditions A through C.

Conditions:

A. **That the City of Midland has received from the property owner the sum of $8,399.00.**

B. **That a replat of the subject property is approved by the City of Midland and filed and recorded with the County Clerk of Midland County.**

C. **That an accessible nonexclusive utility easement is retained.**

Letters of Objection:

As of March 30, 2022, staff has not received any letters of objection to this request.

Attachments:

Vacation Survey (Exhibit A)
Application
Maps
Responses from Franchise Utility Companies and Midland Central Appraisal District

Monroe Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE VACATING AND ABANDONING A 0.192-ACRE PORTION OF ALLEY RIGHT-OF-WAY LOCATED ADJACENT TO LOTS 11-14, BLOCK 2, 349 RANCH ESTATES, LOTS 30 AND 31, BLOCK 2, 349 RANCH ESTATES, SECTION 2, AND LOT 28A, BLOCK 2, 349 RANCH ESTATES, SECTION 14, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON THE EAST SIDE OF NORTH STATE HIGHWAY 349, APPROXIMATELY 245 FEET SOUTH OF WASHITA STREET); ADOPTING THE APPRAISAL BY THE CITY MANAGER OF $8,399.00; AND ORDERING RECORDATION BY THE CITY SECRETARY

WHEREAS, it has been determined by the Midland City Council that a 0.192-acre portion of alley right-of-way located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lots 30 and 31, Block 2, 349 Ranch Estates, Section 2, and Lot 28A, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas, as described in Exhibit "A" attached hereto and made a part hereof for all legal purposes (the "Property"), is no longer needed for public use; and

WHEREAS, Section 272.001 of the Texas Local Government Code provides that a political subdivision may not convey, sell, or exchange its interest in land without observing notice and bid requirements, unless the conveyance is to one or more abutting property owners; and

WHEREAS, an application for vacating the Property has been received by the City from the abutting property owner; and

WHEREAS, the City Manager has appraised the value of the City's property interest in the Property at $8,399.00, as shown in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the Council finds it to be in the public interest to abandon and vacate the Property;

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

SECTION ONE. That the Property is hereby vacated and abandoned for all public purposes. Provided, however, that the City is hereby abandoning only the public interest in the Property, and this ordinance in no way affects any private easement or access easement which abutting property owners may have in the Property.

SECTION TWO. That this ordinance shall not be effective until:

A. the City of Midland has received from the abutting property owner(s) the sum of $8,399.00; and

B. a replat of the Property is approved by the City of Midland and filed and recorded with the County Clerk of Midland County, Texas.

SECTION THREE. That the City herein retains an accessible nonexclusive utility easement across, through, over, under, on and along the Property until all entities that were using the Property for utility purposes as of the date of approval of this ordinance have abandoned their uses of the Property.

SECTION FOUR. That upon the City's receipt of the sum set forth in Section Two hereof, 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 purposes of recording in the Official 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., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

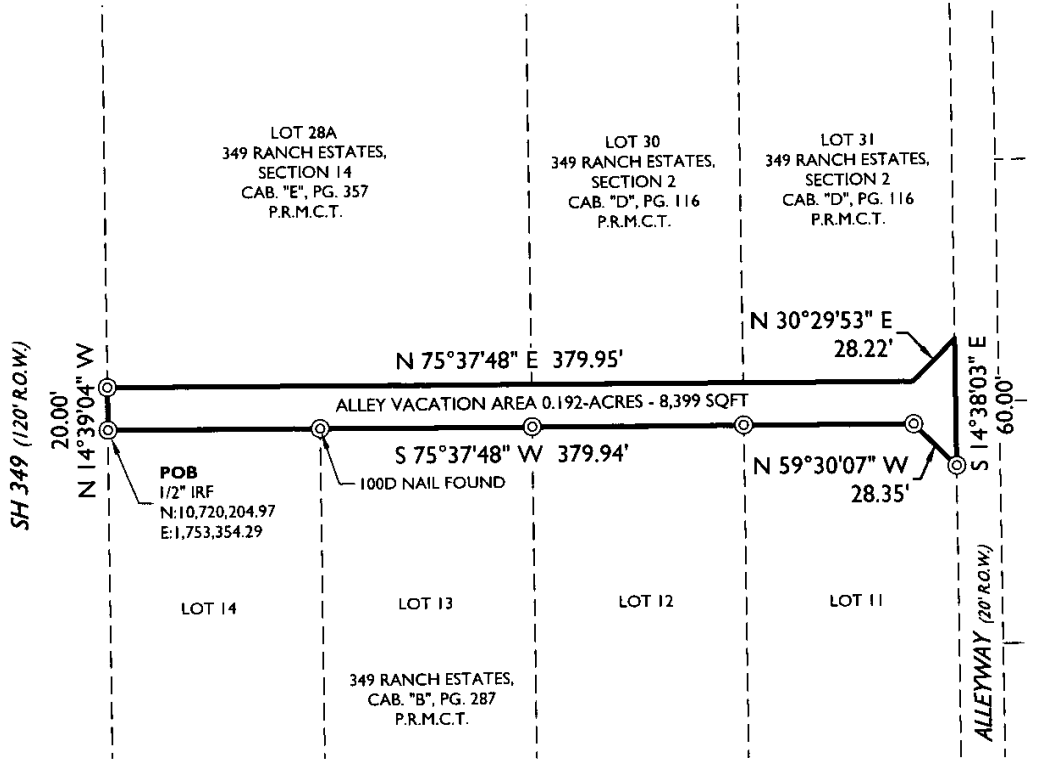
_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

"EXHIBIT A"

OF A 0.192 ACRE TRACT OF LAND, SITUATED IN SECTION 12, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, FOR THE ABANDONMENT OF A 20-FOOT ALLEY AS DEPICTED ON THE PLAT OF 349 RANCH ESTATES, AN ADDITION TO THE CITY OF MIDLAND, TEXAS



LEGAL DESCRIPTION

FIELD NOTE DESCRIPTION OF A 0.192 ACRE TRACT FOR THE VACATION OF AN ALLEY BETWEEN FORMER LOTS 7 THROUGH 10 AND LOTS 11 THROUGH 14, BLOCK 2, AS SHOWN A PLAT FOR "349 RANCH ESTATES", RECORDED IN PLAT CABINET B, ON PAGE 287 OF THE PLAT RECORDS OF MIDLAND COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

***BEGINNING** AT N.(y): 10720204.97, E.(x): 1753354.29, A ONE HALF INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 14, ON THE EAST LINE OF STATE HIGHWAY 349 FOR THE SOUTHWEST CORNER HEREOF;*

***THENCE** N.14°39'04"W., ALONG SAID STATE HIGHWAY 349, 20.00 FEET TO A ONE HALF INCH IRON ROD FOUND FOR THE NORTHWEST CORNER HEREOF;*

***THENCE** N.75°37'48"E., 379.95 FEET TO A POINT FOR A CUTBACK CORNER HEREOF;*

***THENCE** N.30°29'53"E., 28.22 FEET TO A POINT ON THE WEST LINE OF AN ALLEY AS SHOWN ON ABOVE MENTIONED PLAT, FOR THE NORTHEAST CORNER HEREOF;*

***THENCE** S.14°38'03"E., ALONG SAID ALLEY, 60.00 FEET TO A ONE HALF INCH IRON ROD FOUND AT THE EAST NORTHEAST CORNER OF SAID LOT 11, FOR THE SOUTHEAST CORNER HEREOF;*

***THENCE** N.59°30'07"W., 28.35 FEET TO A ONE HALF INCH IRON ROD FOUND AT THE NORTH NORTHEAST CORNER OF SAID LOT 11, FOR A CUTBACK CORNER HEREOF;*

***THENCE** S.75°37'48"W., 379.94 FEET TO THE **POINT OF BEGINNING**, CONTAINING 8,399 SQUARE FEET OR 0.192 ACRE OF LAND.*

I GREGORY W. SHOULTS DO HEREBY CERTIFY THAT THIS PLAT IS BASED UPON FIELD NOTES OR ELECTRONIC DATA OF AN ACTUAL ON THE GROUND SURVEY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GREGORY W. SHOULTS R.P.L.S.#5356 MARCH 2, 2022

STATE OF TEXAS
REGISTERED
GREGORY W. SHOULTS
5356
PROFESSIONAL
LAND SURVEYOR

LEGEND

◎	FOUND 1/2" IRON ROD UNLESS MARKED
D.R.M.C.T.	DEED RECORDS MIDLAND CO. TX
P.R.M.C.T.	PLAT RECORDS MIDLAND CO. TX
– – – – –	EXISTING LOTS
———	VACATION BOUNDARY

N W E S

0' 80' 160'

ORIGINAL SCALE : 1"- 80'

BEARING BASIS

BASIS OF BEARING, DISTANCE AND COORDINATES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE NAD 83, U.S. SURVEY FOOT.

MAVERICK
ENGINEERING / LAND SURVEYING
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

MIDLAND
Feel the Energy!

Office of the City Manager

March 30, 2022

Midland City Council
City of Midland, Texas

RE: Request for vacation of a 0.192-acre portion of alley right-of-way located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lots 30 and 31, Block 2, 349 Ranch Estates, Section 2, and Lot 28A, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas

Dear Members of the City Council:

The above-referenced property has been appraised in accordance with Chapter 272 of the Texas Local Government Code. The fair market value of the property is $8,399.00. The property can be vacated and recorded in the Midland County Clerk's office when the City of Midland has received this amount from the adjoining property owner(s).

Very truly yours,

Irma Jauz for Robert Patrick

Robert Patrick
City Manager

300 N. Loraine, Midland TX 79701 • 432-685-7202 • Fax 432-686-1600

MIDLAND
Planning Division

Vacate Right-of-Way/Public Utility Easement/Land/Street Application

Project Number: V-22-0039

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: John Scharbauer - 5 Figure Five LLC		Phone (432) 262-0019 Email	
Address PO Box 52188	City Midland	State TX	Zip 79710

Application is hereby made to the City Council to vacate the following:

- ☒ Right-of-Way
- ☐ Public Utility Easement
- ☐ Land
- ☐ Street

Description of Address: 1101 Pueblo

Reason for Request: Applicant would like to take over the existing ROW and add that estate to the adjacent lots to the south

Reasons, in applicant's opinion, why the requested vacation will not adversely affect the public welfare or will contribute to it in a positive way: Applicant owns all adjacent properties and alley presently dead-ends at N 349 due to no permitted drive to TxDOT. The alley is not improved so the public ROW is not presently utilized by the public. There is also no dedicated turnaround at the west side of this alley, so any use that might take place if improved would adversely affect the applicant due to traffic utilizing his private property to turn around a vehicle

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Sealed metes and bounds description of the property to be vacated (included on the map) and total square feet of vacation. Include ownership, legal and deed information for adjacent property owners
- Digital Copies of Survey (PDF/JPEG)

Utility Company Approval

Clearance is needed from the following utility companies:

- City of Midland
- AT&T
- Atmos Energy
- Suddenlink Cable TV Co.
- Oncor Electric
- Grande Communications

The City will route the request to these companies, but it is the applicant's responsibility to ensure clearance has been obtained to resolve any issues that may arise.

Policies

1. If the vacation request involves only a portion of a section right-of-way, such that approval would not affect the public's ability to travel along said right-of-way, then the request will be scheduled for consideration by the City Council. No public hearing will be needed.

2. If the vacation request involves an entire section of right-of-way, such that approval would cause the public to lose all rights to use it, then the following procedures apply:

   a. Nearby land owners who have a reasonable expectation to use said right-of-way, as determined by the Transportation Division, must first agree to the proposed vacation. It is the applicant's responsibility to obtain a letter of concurrence signed by the affected landowners.

   b. If all letters are received indicating that the affected landowners agree to the request, then a public hearing before the City Council will be scheduled. The Transportation Division will mail public notice of the hearing to landowners within 400 feet of the affected right-of-way.

   c. If a request is approved, the right-of-way shall be divided into two equal parts, with each half becoming the property of the respective abutting owner. If the applicant desires to own the entire width, he or she must negotiate with the opposite landowner.

Signatures

Applicant (signature): John C Scharbauer		Date: 3/2/22
Affected Property Owners: John C Scharbauer		
Signature:	Print:	Date:
Signature:	Print:	Date
Signature:	Print:	Date
Signature:	Print:	Date

The Vacation of right-of-way/public utility easement/land/street 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.

FOR OFFICE USE ONLY

☒ 1 FOLDED Copy of Survey ☒ Survey in Digital Format (PDF/JPEG)

☒ Application Fee

Check # 31941

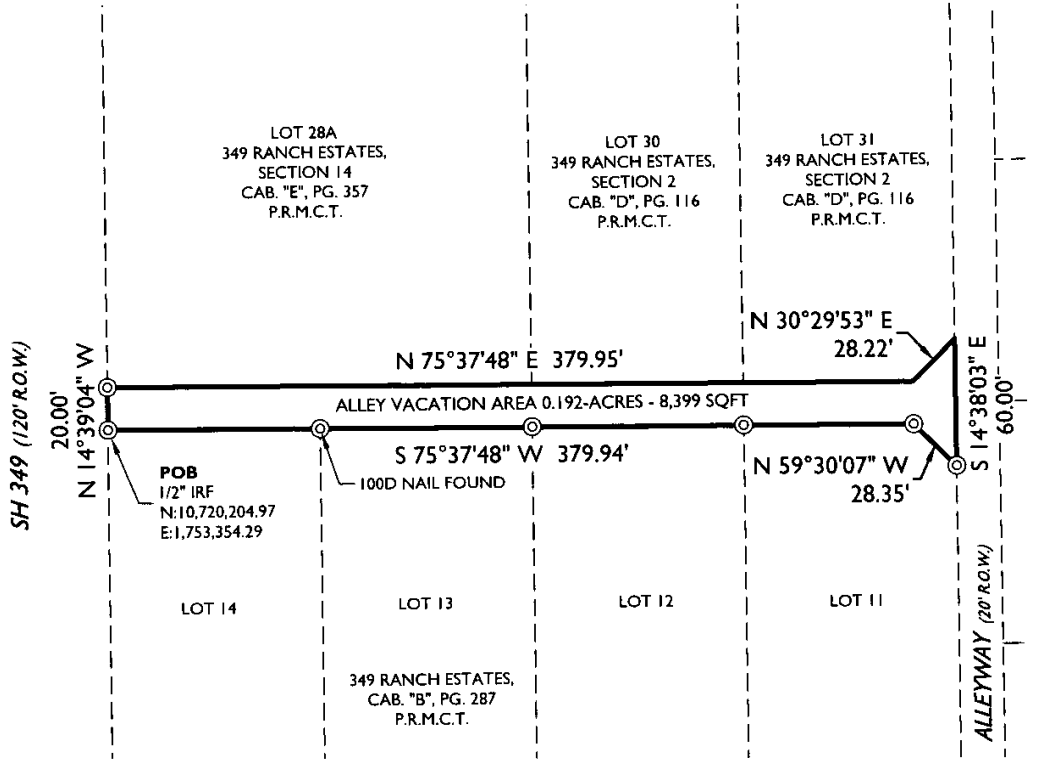
Received By: KM	Date:

MAR 03 2022
KM

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

"EXHIBIT A"

OF A 0.192 ACRE TRACT OF LAND, SITUATED IN SECTION 12, BLOCK X, H. P. HILLIARD SURVEY, MIDLAND COUNTY, TEXAS, FOR THE ABANDONMENT OF A 20-FOOT ALLEY AS DEPICTED ON THE PLAT OF 349 RANCH ESTATES, AN ADDITION TO THE CITY OF MIDLAND, TEXAS



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STATE OF TEXAS
REGISTERED
GREGORY W. SHOULTS
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PROFESSIONAL
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P.R.M.C.T.	PLAT RECORDS MIDLAND CO. TX
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———	VACATION BOUNDARY

N W E S

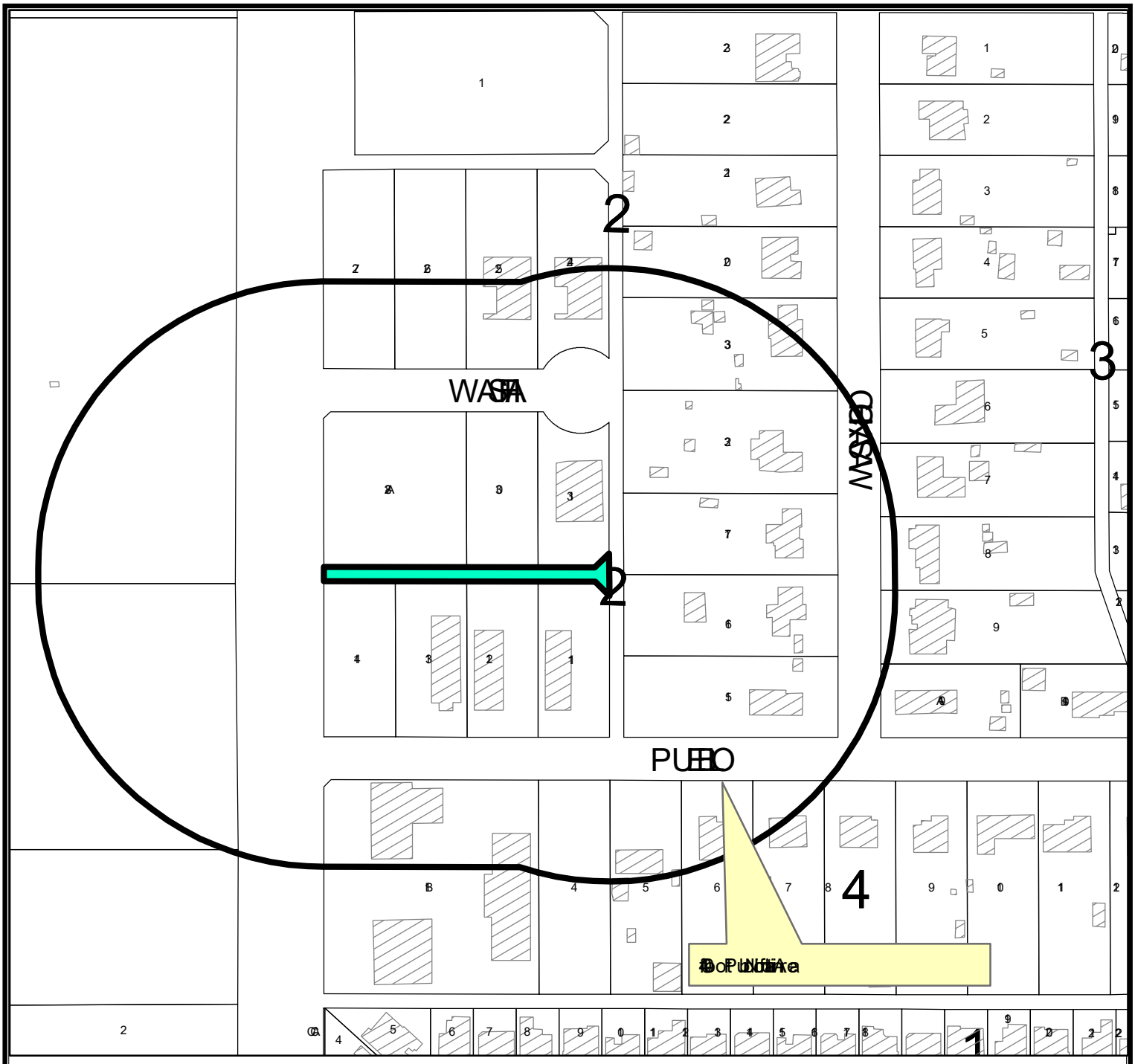
0' 80' 160'

ORIGINAL SCALE : 1"- 80'

BEARING BASIS

BASIS OF BEARING, DISTANCE AND COORDINATES ARE A LAMBERT CONICAL PROJECTION OF THE TEXAS COORDINATE SYSTEM, STATE PLANE GRID, CENTRAL ZONE NAD 83, U.S. SURVEY FOOT.

MAVERICK
ENGINEERING / LAND SURVEYING
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



LOCATION MAP

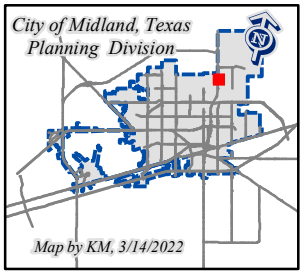
V-22-0039 **Scale: 1" = 200'**

Consider a request for a vacation of a 0.192-acre portion of the alley right-of-way, located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lot 28A, Block 2, 349 Ranch Estates, Section 2, and Lots 30-31, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas.

Generally located on the east side of North State Highway 349, approximately 275-feet south of Washita Street. (Council District 1)

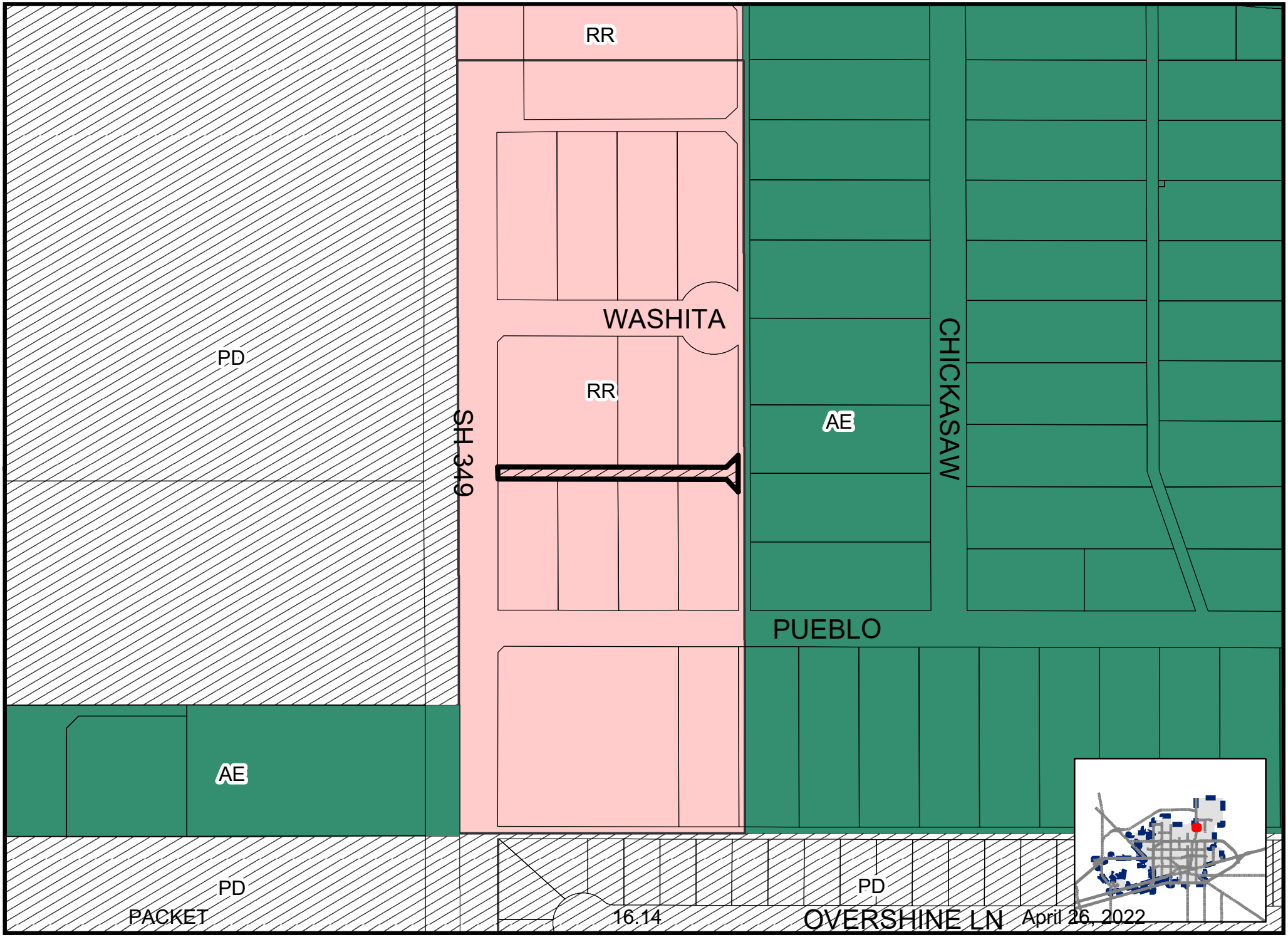
LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.

April 26, 2022



Map By KM, 3/17/2022

V-22-0039

Scale: 1" = 200'

ZONING MAP

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Kelly Martinez

From: UNDERWOOD, JERRY D <ju1659@att.com>
Sent: Tuesday, March 15, 2022 9:30 AM
To: Kelly Martinez
Subject: RE: New Vacation Request for Alley ROW

We do not have utilities in that ROW.

Thanks,
Jerry

From: Kelly Martinez <kmartinez@midlandtexas.gov>
Sent: Tuesday, March 15, 2022 9:19 AM
To: UNDERWOOD, JERRY D <ju1659@att.com>
Subject: New Vacation Request for Alley ROW

Hello Mr. Underwood,

John Scharbauer has requested to vacate the above described Right of Way (see attachment: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7915 if you have any questions.

Please let me know if you have any questions regarding vacations.

Thank you,
Kelly Martinez
Planner|Development Services
O. 432-685-7915
E. kmartinez@midlandtexas.gov

MIDLAND
Feel the Energy!

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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ATMOS ENERGY

West Texas Division
P.O. Box 1111,
Midland, Texas 79702

City of Midland
Kelly Martinez
Senior Planner/Development Services
300 N. Loraine
Midland, Texas 79701

March 23, 2022

Re: Case Name: 1101 Pueblo
Case Number: V-22-039

Kelly,

Atmos Energy currently has facilities located within the above-described alley Right of Way between Washita and Pueblo, east of State Hwy. 349. We currently have a 4in. PE gas main that extends along a portion of this alley. Atmos could vacate the referenced portion however since we are currently serving customers off this line, we would need to either relocate our facilities or maintain a utility easement. Any relocation costs would be passed on to individual or entity requesting the vacate.
Please let me know if you have any further questions.

Sincerely,

Mark Lieb

Mark Lieb
Project Specialist
Atmos Energy/Permian Basin
432-617-3447 office
432-967-0370 cell
mark.lieb@atmosenergy.com

Kelly Martinez

From: Ruben Guerra <ruben.guerra@astound.com>
Sent: Tuesday, March 15, 2022 10:24 AM
To: Kelly Martinez
Cc: Ruben Guerra
Subject: Re: New Vacation Request for Alley ROW

Kelly

From looking at the maps that you have provided, it seems to me that we do not have any communications going through the property. From what your map indicates.

Thank You
Ruben Guerra
Construction Coordinator
O: 432-272-3088
C: 432-653-9369
Ruben.Guerra@astound.com
Astound Business Solutions
Powered by RCN | Grande | Wave
astound.com

On Tue, Mar 15, 2022 at 9:27 AM Kelly Martinez <kmartinez@midlandtexas.gov> wrote:

> Hello Mr. Guerra,
>
> John Scharbauer has requested to vacate the above described Right of Way (see attachment: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7915 if you have any questions.
>
> Please let me know if you have any questions regarding vacations.
>
> Thank you,
>
> Kelly Martinez
>
> Planner|Development Services
>
> O. 432-685-7915
>
> E. kmartinez@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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Kelly Martinez

From: Arguello, Martin <Martin.Arguello@oncor.com>
Sent: Tuesday, March 15, 2022 1:03 PM
To: Kelly Martinez; Blankenship, Chad
Subject: RE: New Vacation Request for Alley ROW

Good Afternoon Kelly! We checked on this site this morning and Oncor does not have any facilities nor easements in this alley. Oncor is clear.

From: Kelly Martinez [mailto:kmartinez@midlandtexas.gov]
Sent: Tuesday, March 15, 2022 9:22 AM
To: Arguello, Martin <Martin.Arguello@oncor.com>; Blankenship, Chad <Chad.Blankenship@oncor.com>
Subject: New Vacation Request for Alley ROW

Hello Mr. Blankenship and Mr. Arguello,

John Scharbauer has requested to vacate the above described Right of Way (see attachment: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7915 if you have any questions.

Please let me know if you have any questions regarding vacations.

Thank you,
Kelly Martinez
Planner|Development Services
O. 432-685-7915
E. kmartinez@midlandtexas.gov

300 N. Loraine | P.O. Box 1152 | Midland, TX 79702

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Kelly Martinez

From: Bradley Ritter <Bradley.Ritter@AlticeUSA.com>
Sent: Tuesday, March 15, 2022 9:48 AM
To: Kelly Martinez
Subject: RE: External E-mail - New Vacation Request for Alley ROW

We do not have any plant in the proposed area however we do have plant running down the eastside of the north to south alley that we do not want to move.

Thank You,

Supervisor Ops.
Abilene, Midland, & San Angelo System's
Altice USA
P: (806)771-6256
C: (806)241-0488
E: Bradley.Ritter@AlticeUSA.com
A: 6710 Hartford Ave. Lubbock,Tx. 79413

From: Kelly Martinez <kmartinez@midlandtexas.gov>
Sent: Tuesday, March 15, 2022 9:24 AM
To: Bradley Ritter <Bradley.Ritter@AlticeUSA.com>
Subject: External E-mail - New Vacation Request for Alley ROW

[External Email]

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Hello Mr. Ritter,

John Scharbauer has requested to vacate the above described Right of Way (see attachment: Exhibit A). Please advise this office if your company has utilities within this right-of-way. We would appreciate any comments you may have concerning this requested vacation returned to us within 5-7 days. You may reach me at (432) 685-7915 if you have any questions.

Please let me know if you have any questions regarding vacations.

Thank you,
Kelly Martinez
Planner|Development Services
O. 432-685-7915
E. kmartinez@midlandtexas.gov



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Kelly Martinez

From: drambo@midcad.org
Sent: Tuesday, March 15, 2022 2:12 PM
To: Kelly Martinez
Subject: Re: Vacation Request for Alley ROW

Kelly:

The area to be vacated is currently listed at $1.00 per sqft or $ 8,399.00 for the 8,399 sqft.

Dennis Rambo
Midland Central Appraisal District
432 699 4991 ext 3030
432 689 7185 fax

From: Kelly Martinez <kmartinez@midlandtexas.gov>
To: "drambo@midcad.org" <drambo@midcad.org>
Date: 03/15/2022 09:13 AM
Subject: Vacation Request for Alley ROW

Mr. Rambo,

We have recently received a request from Andrew Mellen to vacate and abandon the following:

CASE NUMBER	GENERAL LOCATION	AREA SQ. FT.	CURRENT ZONING
V-22-0039	Generally located on the east side of North State Highway 349, approximately 245-feet south of Washita Street. (Council District 1)	0.192-acre portion of the alley right-of-way, located adjacent to Lots 11-14, Block 2, 349 Ranch Estates, Lot 28A, Block 2, 349 Ranch Estates, Section 2, and Lots 30-31, Block 2, 349 Ranch Estates, Section 14, City and County of Midland, Texas.	RR, Regional Retail District

Please prepare the estimated market value of this parcel so that the City Council may have this information during its consideration of this request.

Thank you for your assistance.

Kelly Martinez
Planner|Development Services

O. 432-685-7915
E. kmartinez@midlandtexas.gov





300 N. Loraine | P.O. Box 1152 | Midland, TX 79702
[attachment "V-22-0039, TaxVacMCAD vac ltr.pdf" deleted by Dennis Rambo/MCAD] [attachment "1101 Pueblo Vacation Exhibit A.pdf" deleted by Dennis Rambo/MCAD] [attachment "V-22-0039, Location Map.pdf" deleted by Dennis Rambo/MCAD]

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B&B


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City Council Meeting

Item Number: 17

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Tina Jauz, Assistant City Manager

Subject: **HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER) (DISTRICT: ALL) (CITY MANAGER)**

Purpose:

Hold a public hearing to discuss the redistricting of City of Midland council member districts based on 2020 Census data, including example plans and amendments, to develop a plan for future adoption; and to receive public comment with regard to the redrawing of council member district boundaries.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

None

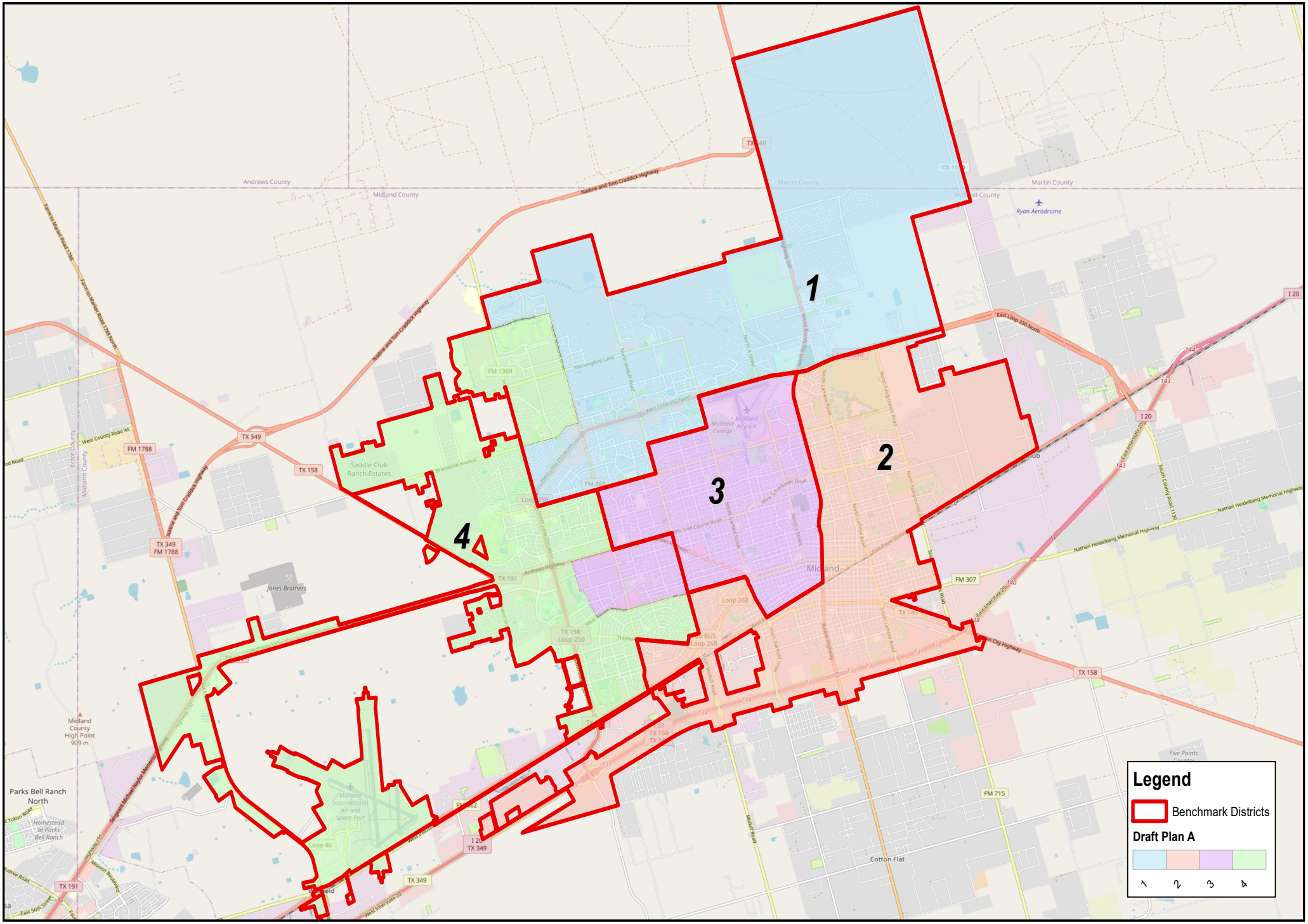
Discussion:

According to the 2020 United States Census data, the City of Midland Council Member Districts are not of sufficiently equal population and must be redrawn to comply with the one-person, one-vote principle established by the United States Constitution. Redistricting is required when there is a population deviation of more than 10 percent between the most populous and least populous district. City of Midland Council District 1 is the most populous

and District 3 is the least populous district. The deviation between these two districts is 32.17 percent. As a result, redistricting is needed to balance the single-member districts . The City Council is considering new boundaries for its member districts. The purpose of the public hearing is to discuss potential options for the drawing of those new boundaries in compliance with the law for the project. Members of the public are allowed to provide comments and submit their own redistricting plans for the council to consider.

Morris Williams Jr.

City Manager's Office



0 1 2 4 Miles

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan A

© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

Plan Name: Midland City:Council Districts - Plan A

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/3/2022 5:32:56 PM

District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	33,010	33,123	-0.34%	10,062	30.48%	18,992	57.53%	1,881	5.70%	845	2.56%	145	0.44%	39	0.12%	120	0.36%	927	2.81%
2	32,175	33,123	-2.86%	22,169	68.90%	4,424	13.75%	4,584	14.25%	321	1.00%	104	0.32%	13	0.04%	105	0.33%	452	1.40%
3	33,880	33,123	2.29%	10,906	32.19%	18,874	55.71%	1,818	5.37%	902	2.66%	168	0.50%	27	0.08%	134	0.40%	1,051	3.10%
4	33,427	33,123	0.92%	12,020	35.96%	17,137	51.27%	1,630	4.88%	1,354	4.05%	129	0.39%	48	0.14%	114	0.34%	998	2.99%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 5.15%

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan A

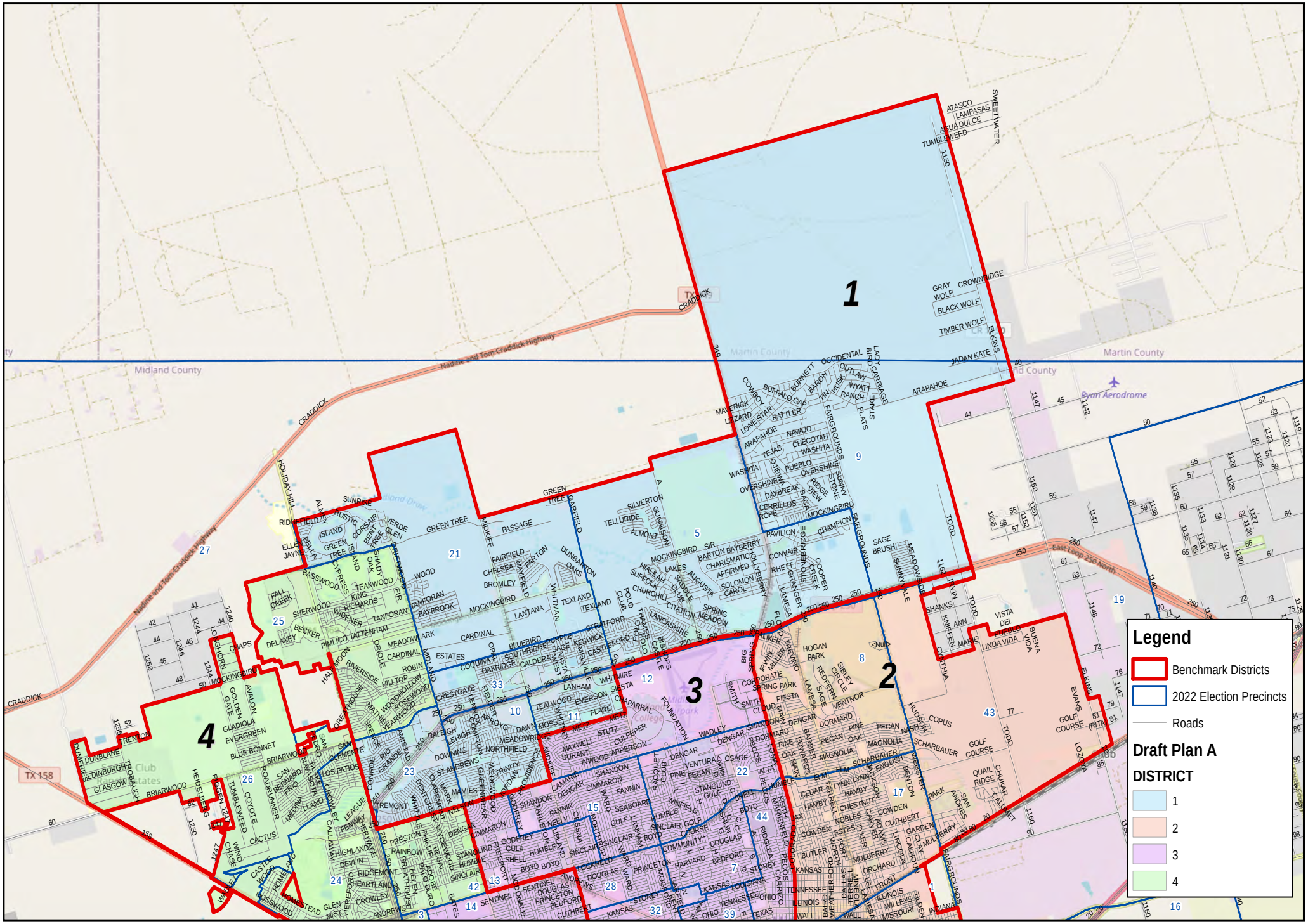
Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/3/2022 5:32:56 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	24,531	6,885	28.07%	14,919	60.82%	1,300	5.30%	631	2.57%	108	0.44%	26	0.11%	100	0.41%	563	2.30%
2	22,723	15,087	66.40%	3,487	15.35%	3,505	15.42%	204	0.90%	79	0.35%	8	0.04%	67	0.29%	285	1.25%
3	25,257	7,358	29.13%	14,973	59.28%	1,363	5.40%	617	2.44%	135	0.53%	14	0.06%	99	0.39%	698	2.76%
4	23,931	7,912	33.06%	13,051	54.54%	1,163	4.86%	947	3.96%	99	0.41%	40	0.17%	61	0.25%	658	2.75%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

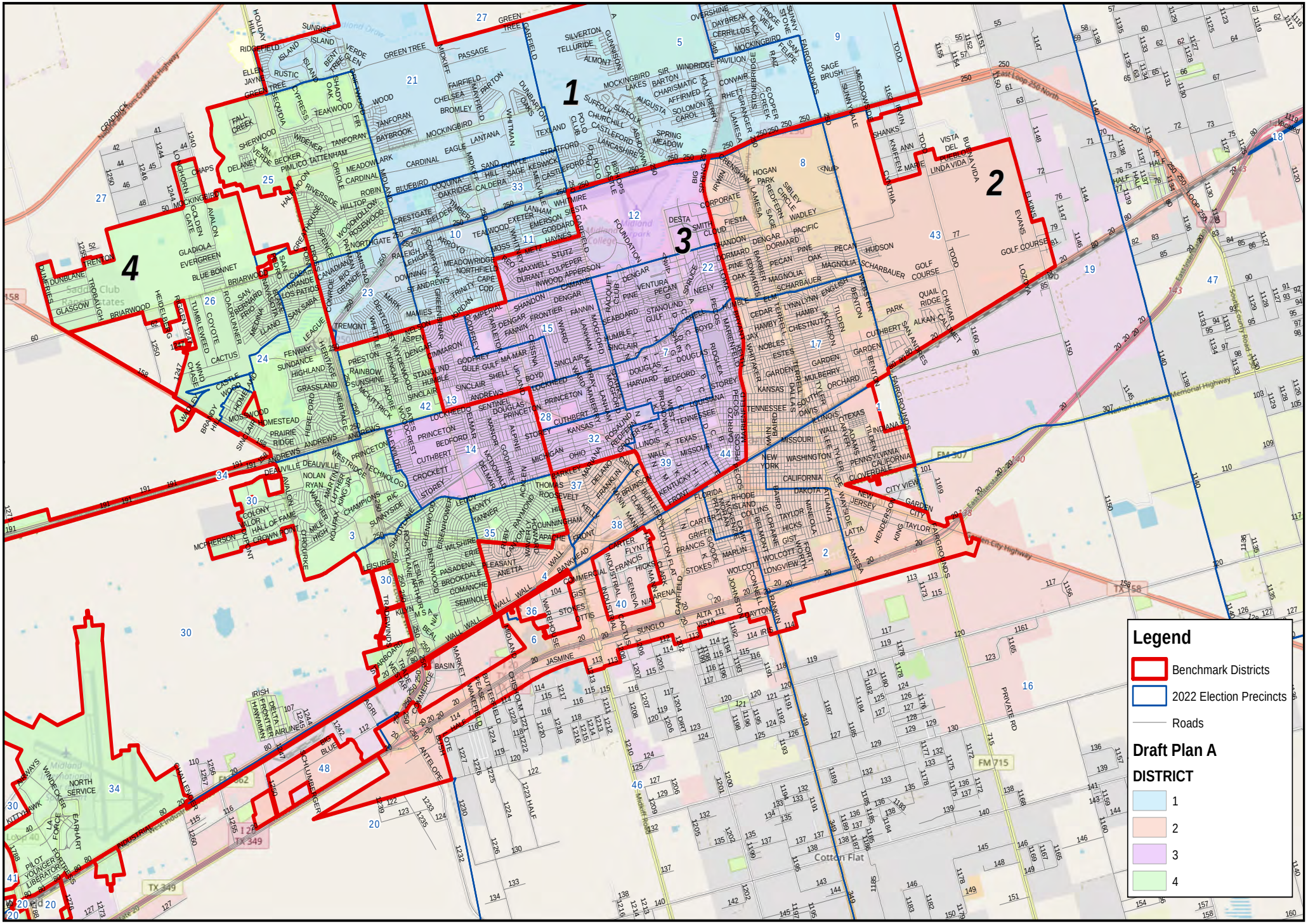


Midland City Council Districts
2022 Draft Plan A
District 1

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



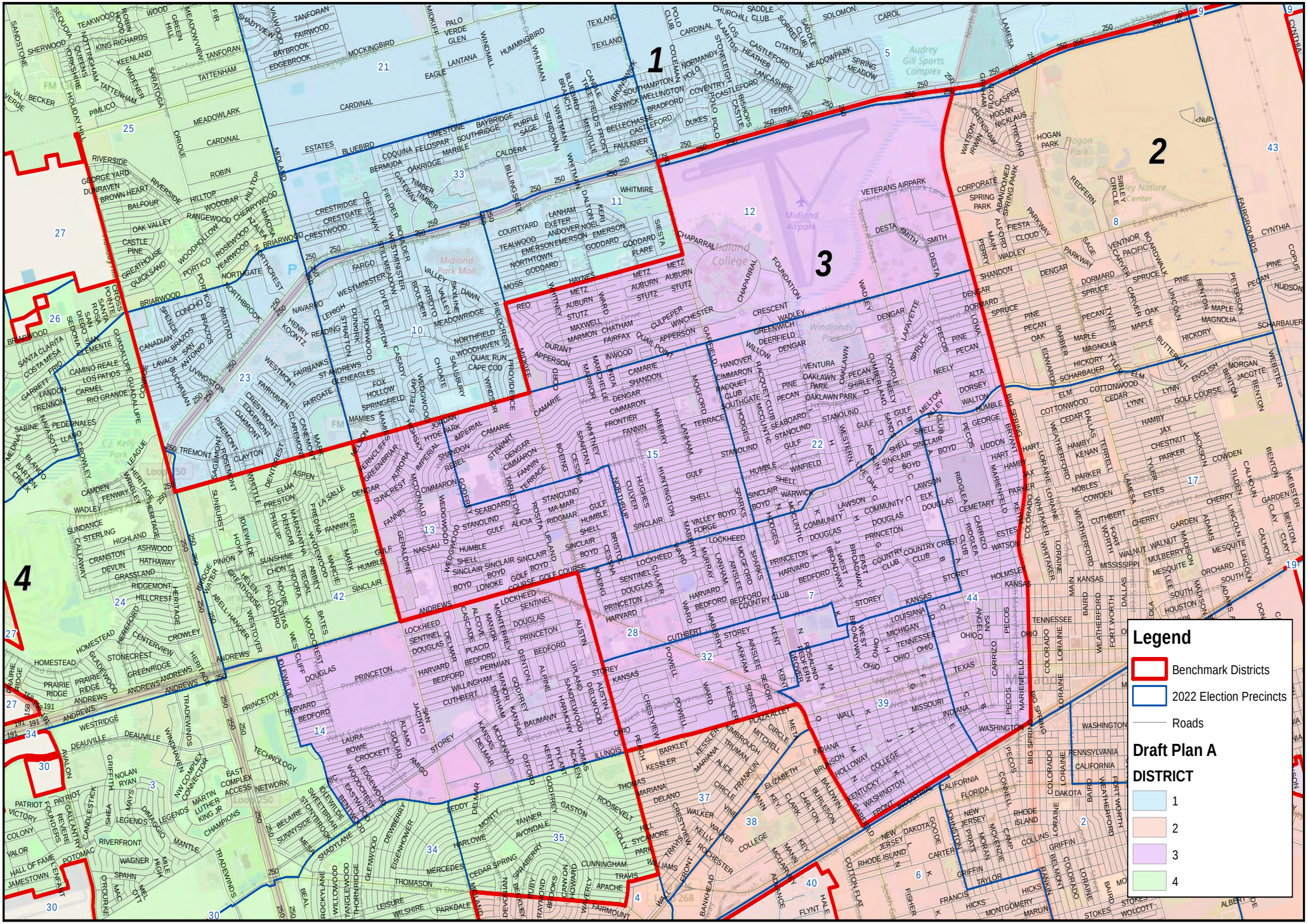
0 0.75 1.5 3 Miles

Midland City Council Districts
2022 Draft Plan A
District 2

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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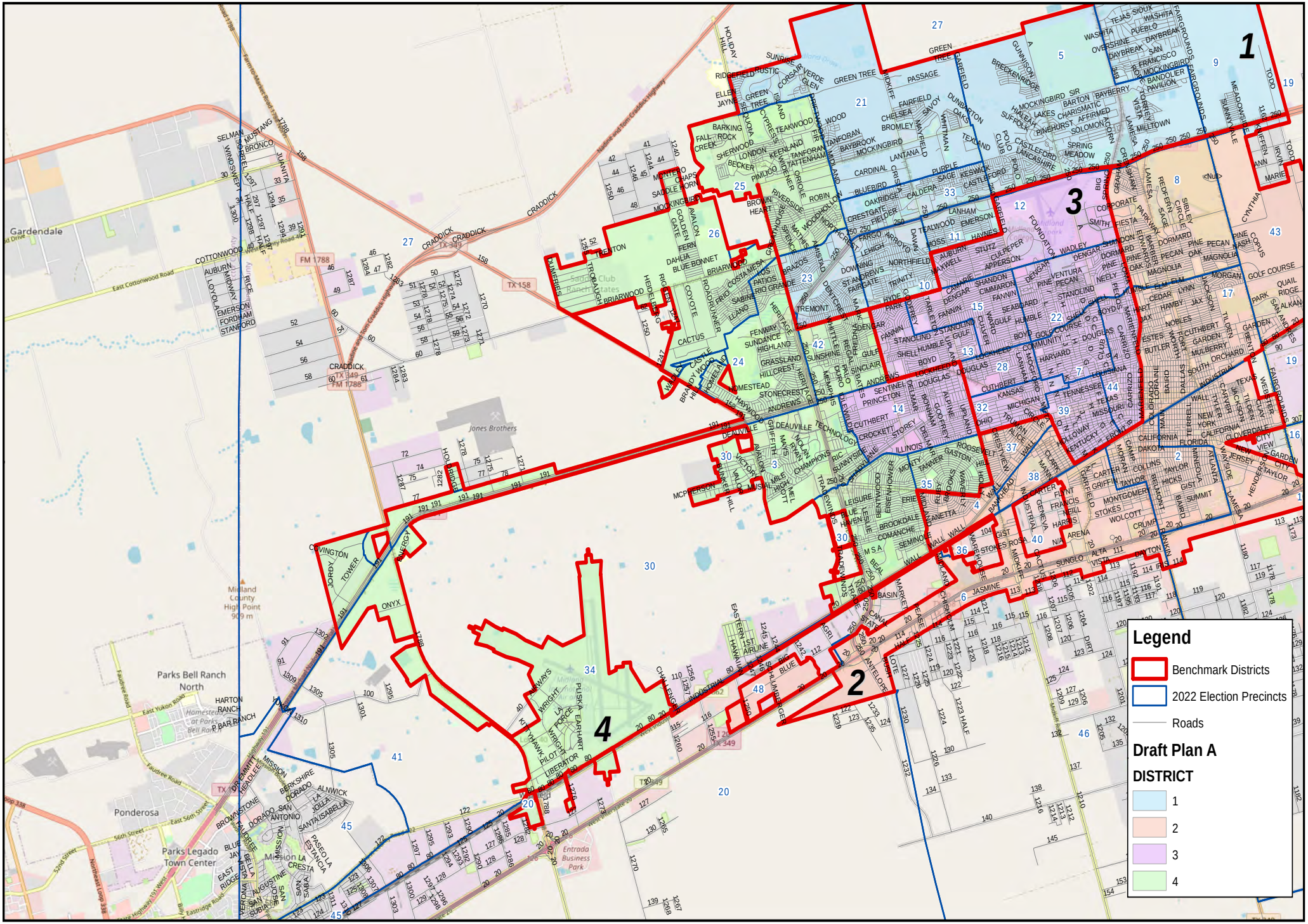
0 0.35 0.7 1.4 Miles

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan A
District 3

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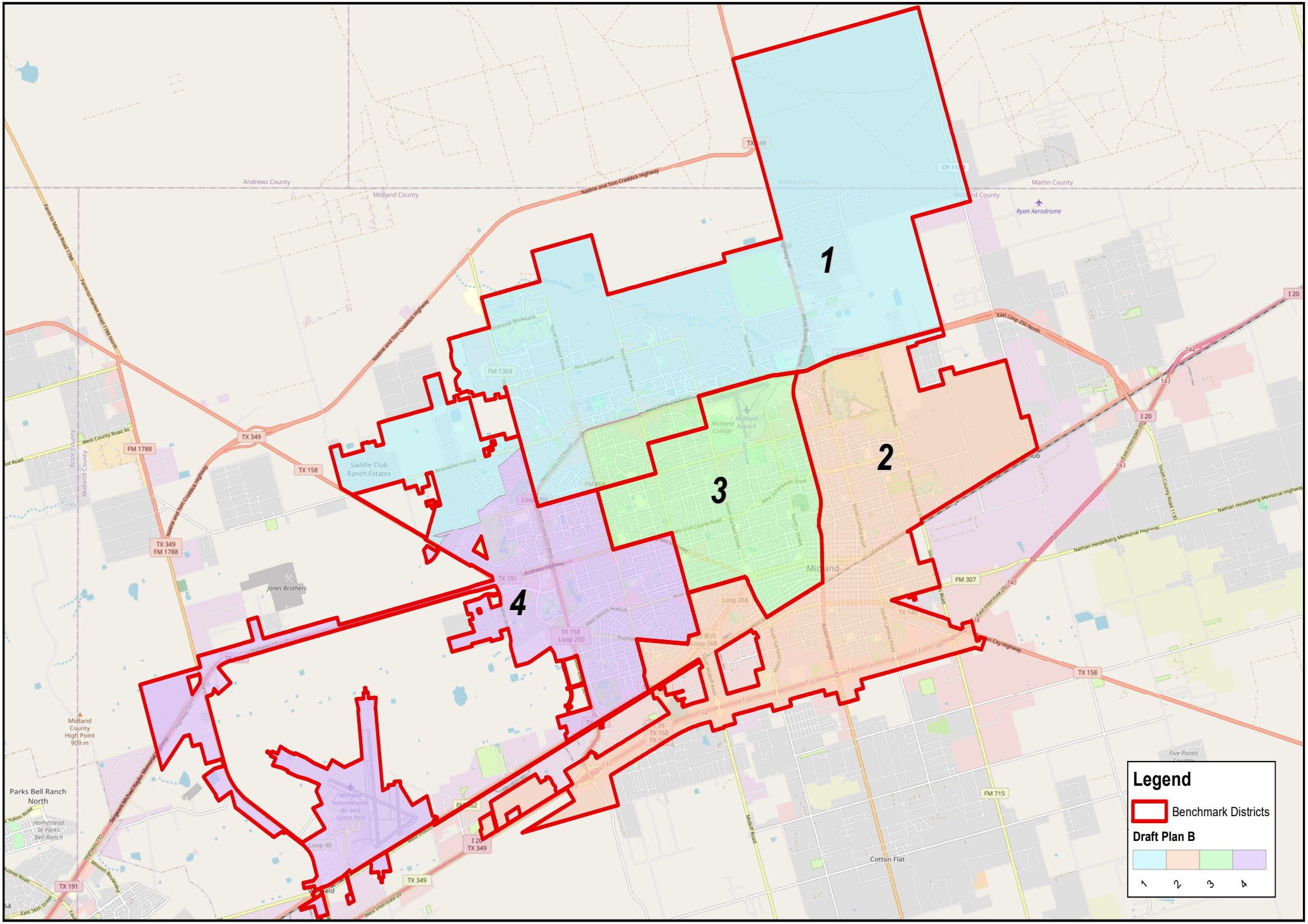


Midland City Council Districts
2022 Draft Plan A
District 4

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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0 1 2 4 Miles

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan B

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

Plan Name: Midland City:Council Districts - Plan B

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/3/2022 5:34:56 PM

District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	33,492	33,123	1.11%	9,482	28.31%	20,276	60.54%	1,603	4.79%	845	2.52%	112	0.33%	25	0.07%	115	0.34%	1,037	3.10%
2	32,175	33,123	-2.86%	22,169	68.90%	4,424	13.75%	4,584	14.25%	321	1.00%	104	0.32%	13	0.04%	105	0.33%	452	1.40%
3	33,354	33,123	0.70%	10,043	30.11%	19,405	58.18%	1,736	5.20%	840	2.52%	175	0.52%	34	0.10%	141	0.42%	980	2.94%
4	33,471	33,123	1.05%	13,463	40.22%	15,322	45.78%	1,990	5.95%	1,416	4.23%	155	0.46%	55	0.16%	112	0.33%	959	2.87%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 3.98%

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan B

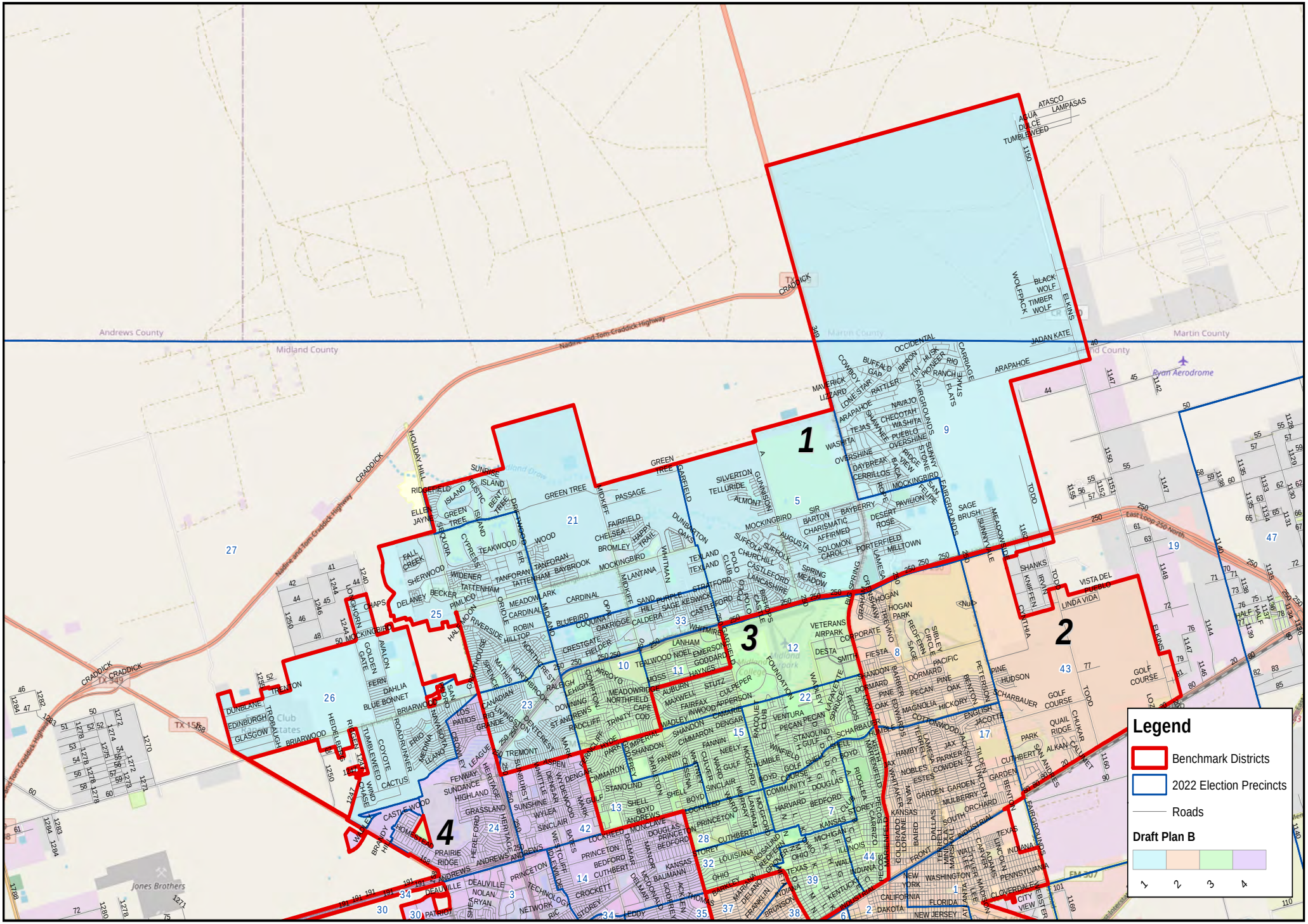
Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/3/2022 5:30:33 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	24,387	6,363	26.09%	15,538	63.71%	1,075	4.41%	624	2.56%	83	0.34%	13	0.05%	80	0.33%	612	2.51%
2	22,723	15,087	66.40%	3,487	15.35%	3,505	15.42%	204	0.90%	79	0.35%	8	0.04%	67	0.29%	285	1.25%
3	25,159	6,889	27.38%	15,425	61.31%	1,316	5.23%	592	2.35%	143	0.57%	20	0.08%	112	0.45%	662	2.63%
4	24,173	8,903	36.83%	11,980	49.56%	1,435	5.94%	979	4.05%	116	0.48%	47	0.19%	68	0.28%	645	2.67%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

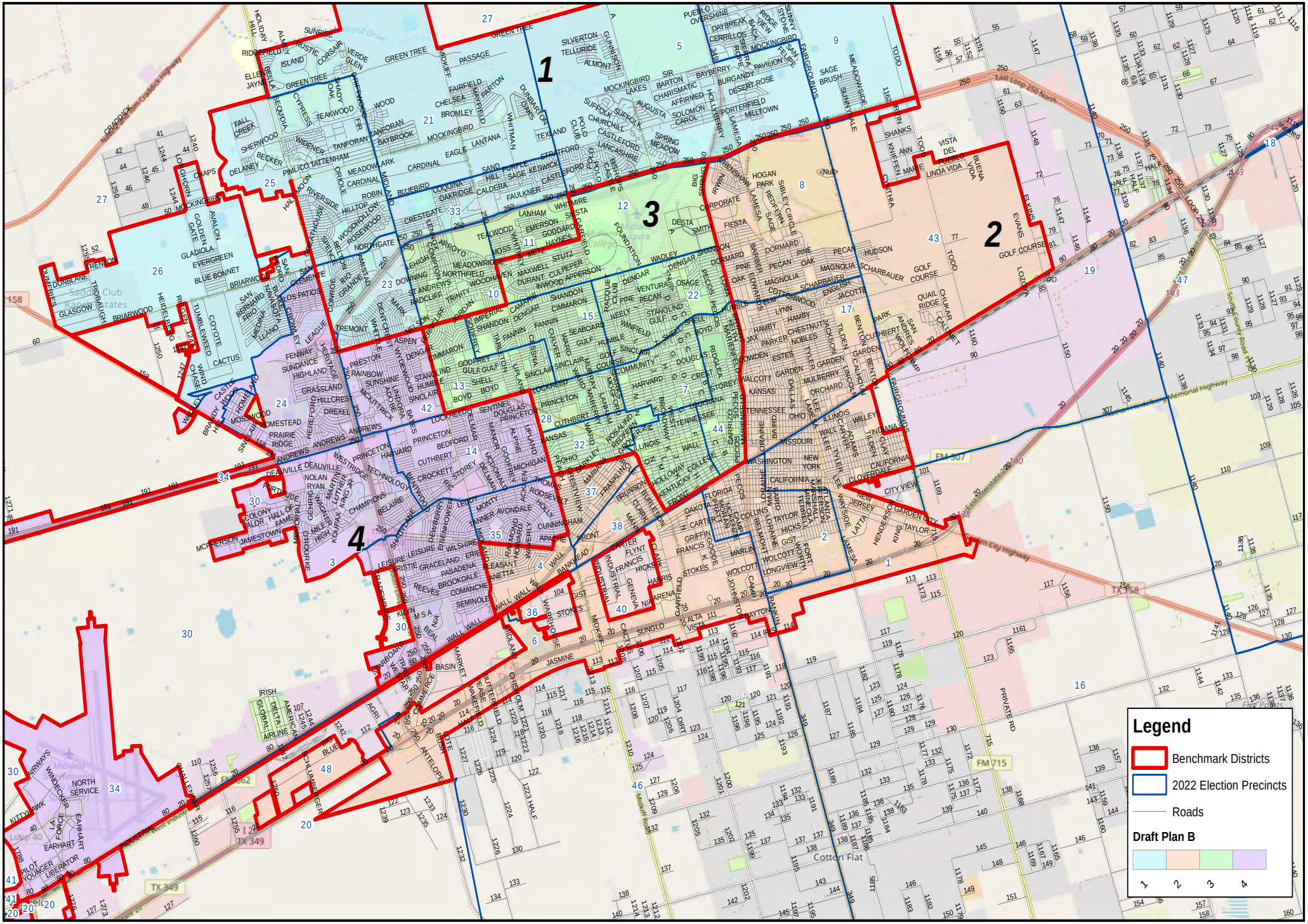


Midland City Council Districts
2022 Draft Plan B
District 1

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



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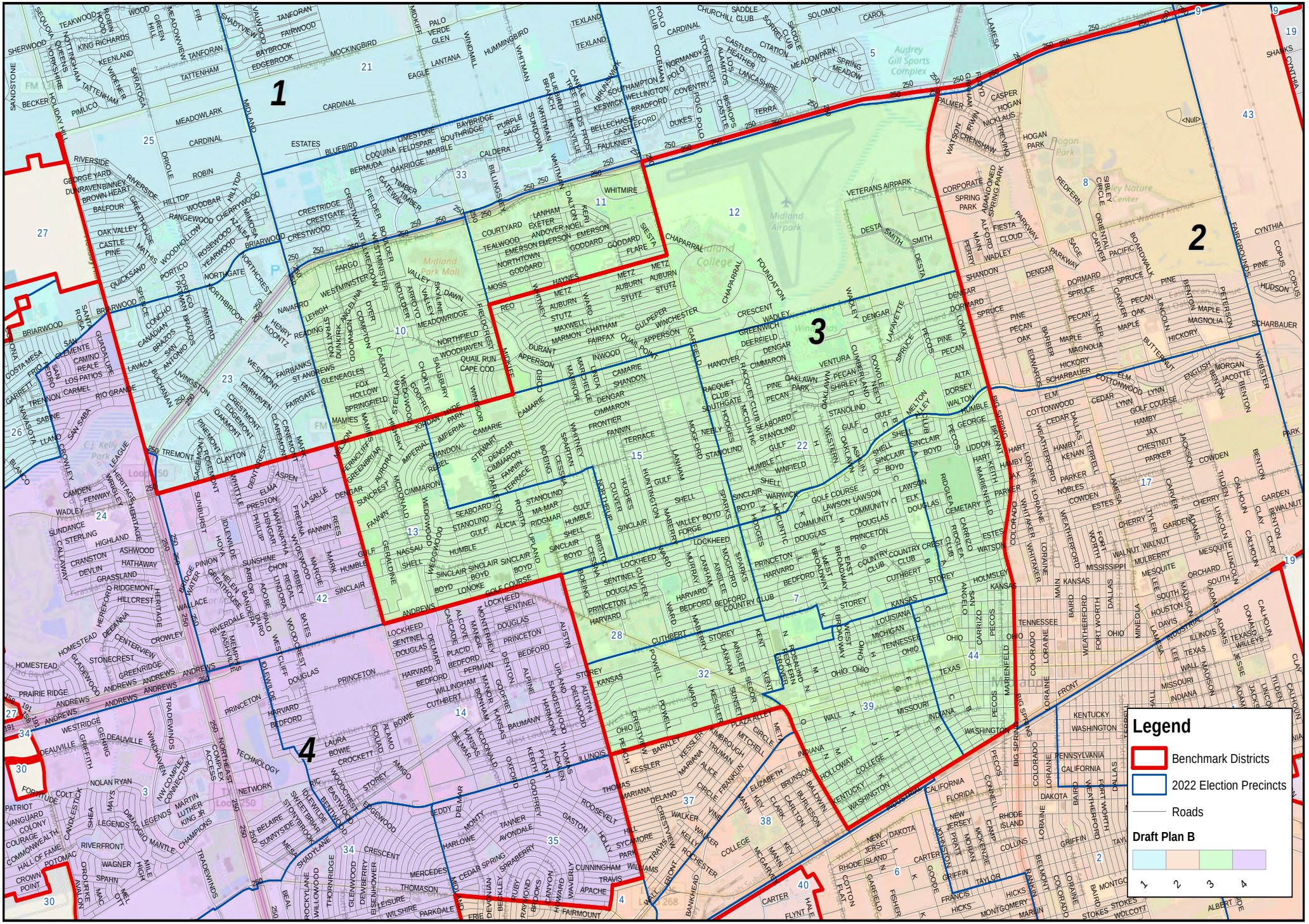
Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan B
District 2

April 26, 2022

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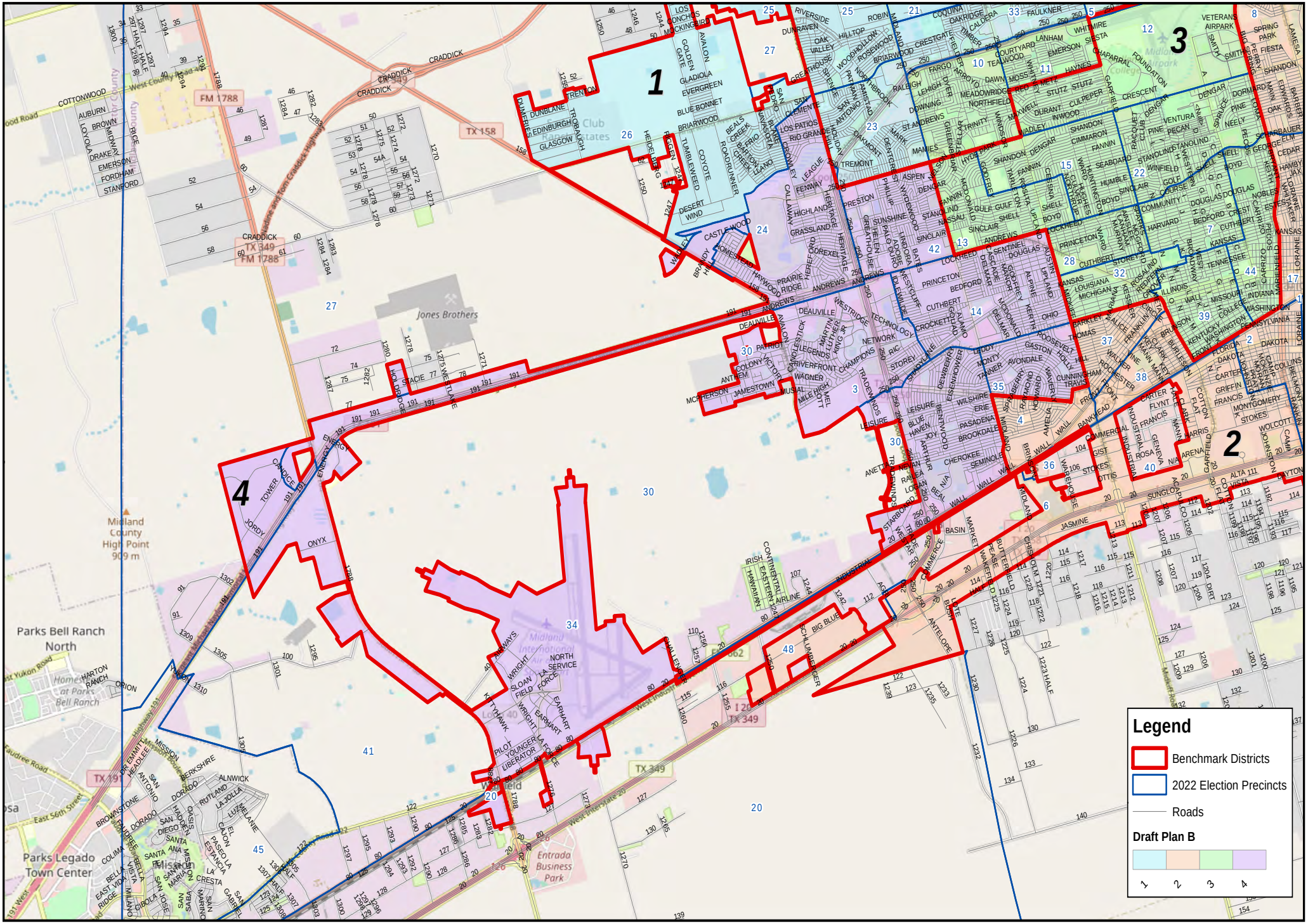
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Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan B
District 3

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Created: 2/7/2022

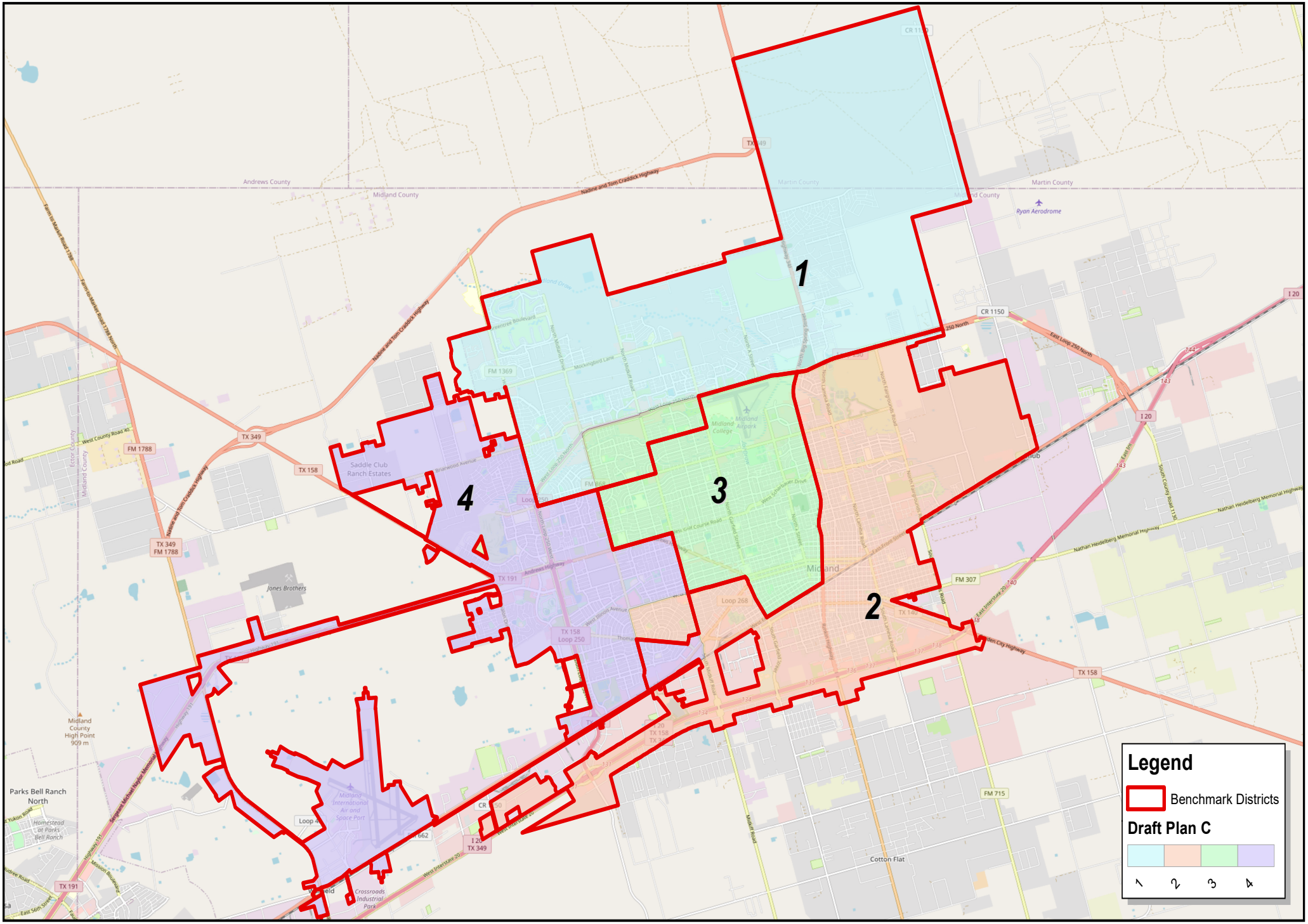
Differences between the Benchmark Boundary and the 2021 Census Geography.

PACKET 17.16

Midland City Council Districts
2022 Draft Plan B
District 4

April 26, 2022

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



0 1 2 4 Miles

Midland City Council Districts
2022 Draft Plan C

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

Plan Name: Midland City:Council Districts - Plan C

Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/28/2022 4:05:22 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	22,755	6,074	26.69%	14,330	62.98%	1,054	4.63%	574	2.52%	82	0.36%	13	0.06%	75	0.33%	554	2.43%
2	24,292	15,896	65.44%	4,060	16.71%	3,566	14.68%	267	1.10%	90	0.37%	10	0.04%	76	0.31%	326	1.34%
3	25,159	6,889	27.38%	15,425	61.31%	1,316	5.23%	592	2.35%	143	0.57%	20	0.08%	112	0.45%	662	2.63%
4	24,236	8,383	34.59%	12,615	52.05%	1,395	5.76%	966	3.99%	106	0.44%	45	0.19%	64	0.26%	662	2.73%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan C

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/28/2022 4:05:22 PM

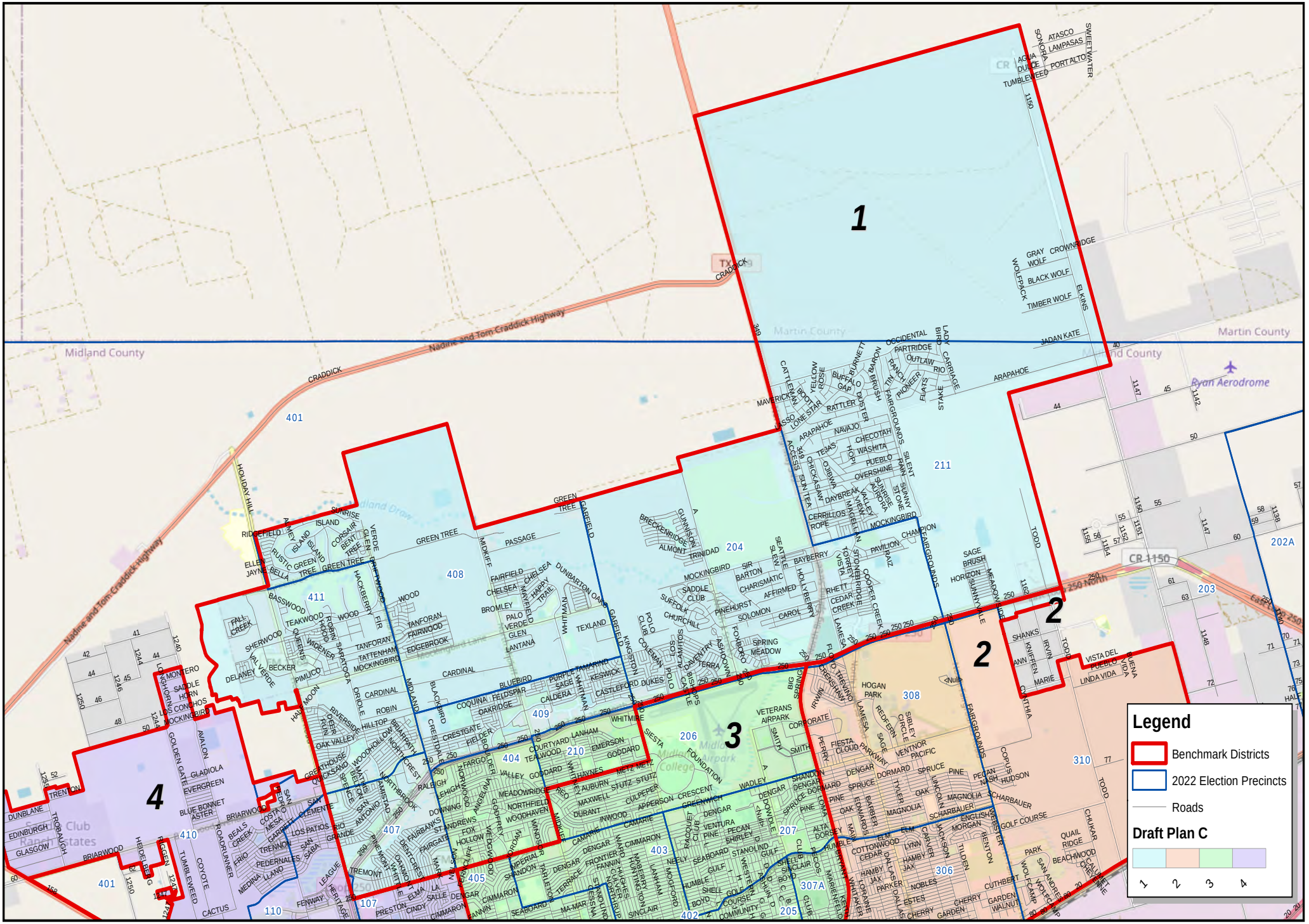
District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	31,075	33,123	-6.18%	8,982	28.90%	18,575	59.77%	1,567	5.04%	772	2.48%	111	0.36%	25	0.08%	106	0.34%	938	3.02%
2	34,308	33,123	3.58%	23,381	68.15%	5,111	14.90%	4,665	13.60%	402	1.17%	118	0.34%	16	0.05%	120	0.35%	492	1.43%
3	33,354	33,123	0.70%	10,043	30.11%	19,405	58.18%	1,736	5.20%	840	2.52%	175	0.52%	34	0.10%	141	0.42%	980	2.94%
4	33,755	33,123	1.91%	12,751	37.78%	16,336	48.40%	1,945	5.76%	1,408	4.17%	142	0.42%	52	0.15%	106	0.31%	1,018	3.02%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 9.76%

Some percentages may be subject to rounding errors.



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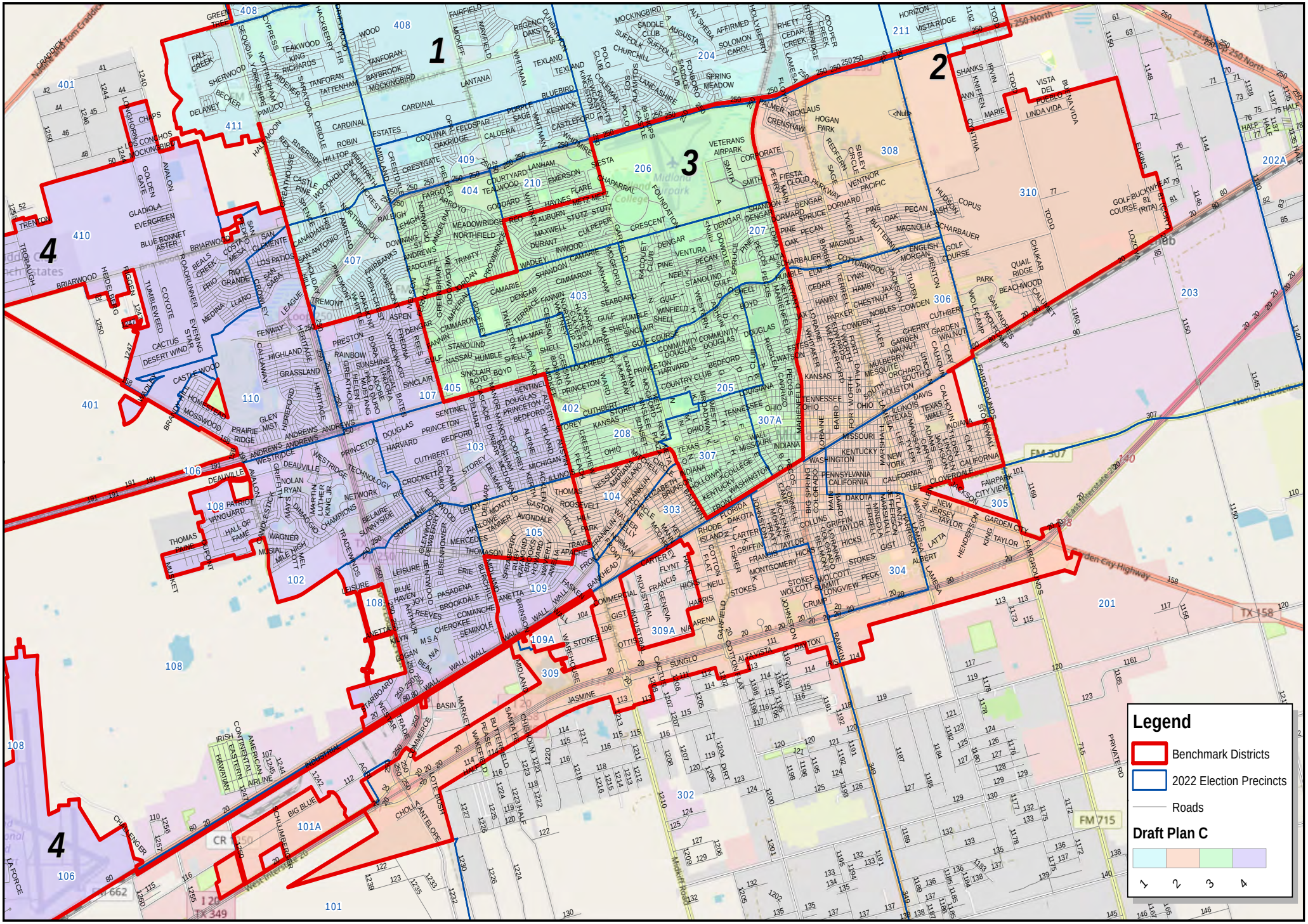
Midland City Council Districts
2022 Draft Plan C
District 1

April 26, 2022

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



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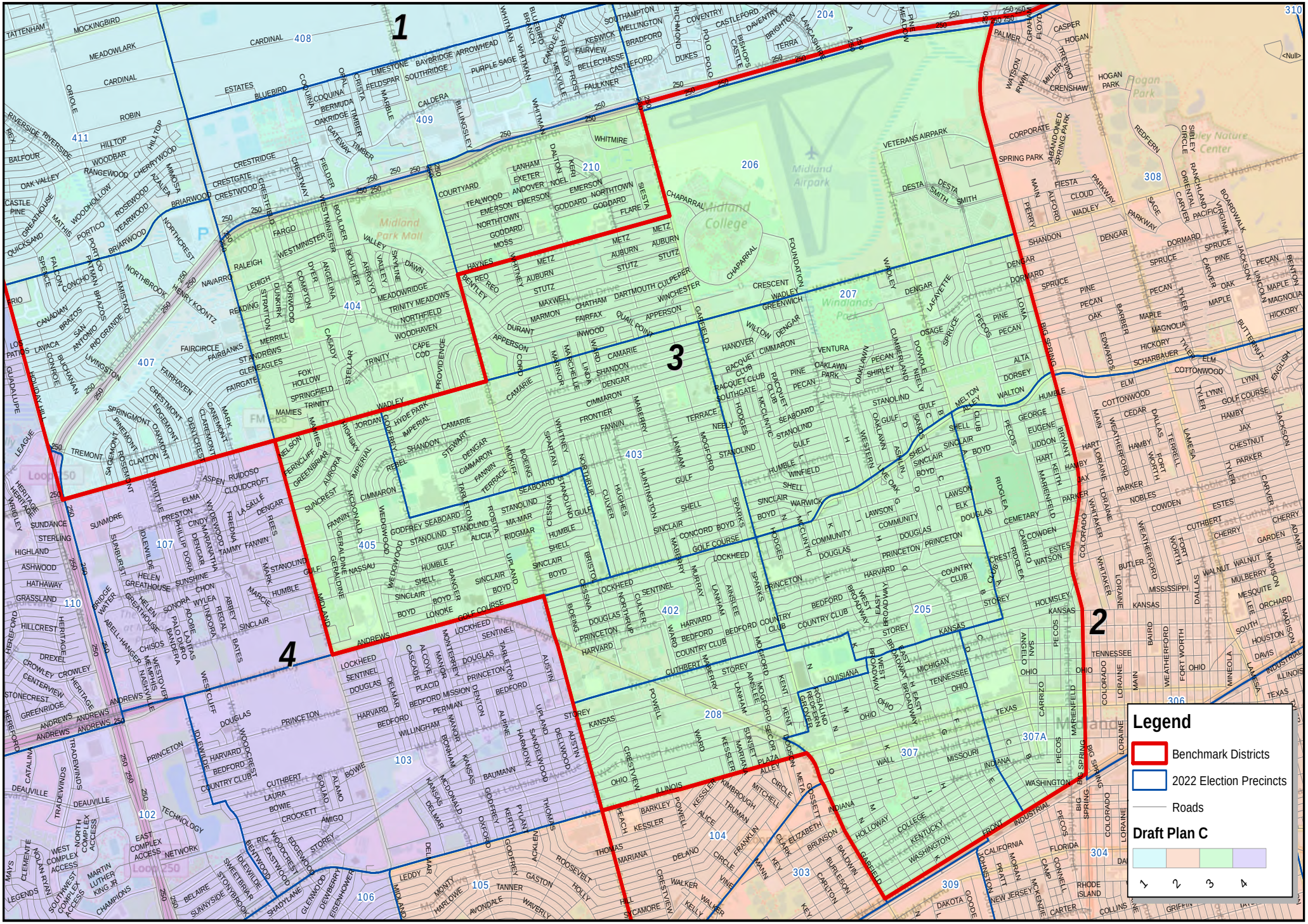
Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan C
District 2

April 26, 2022

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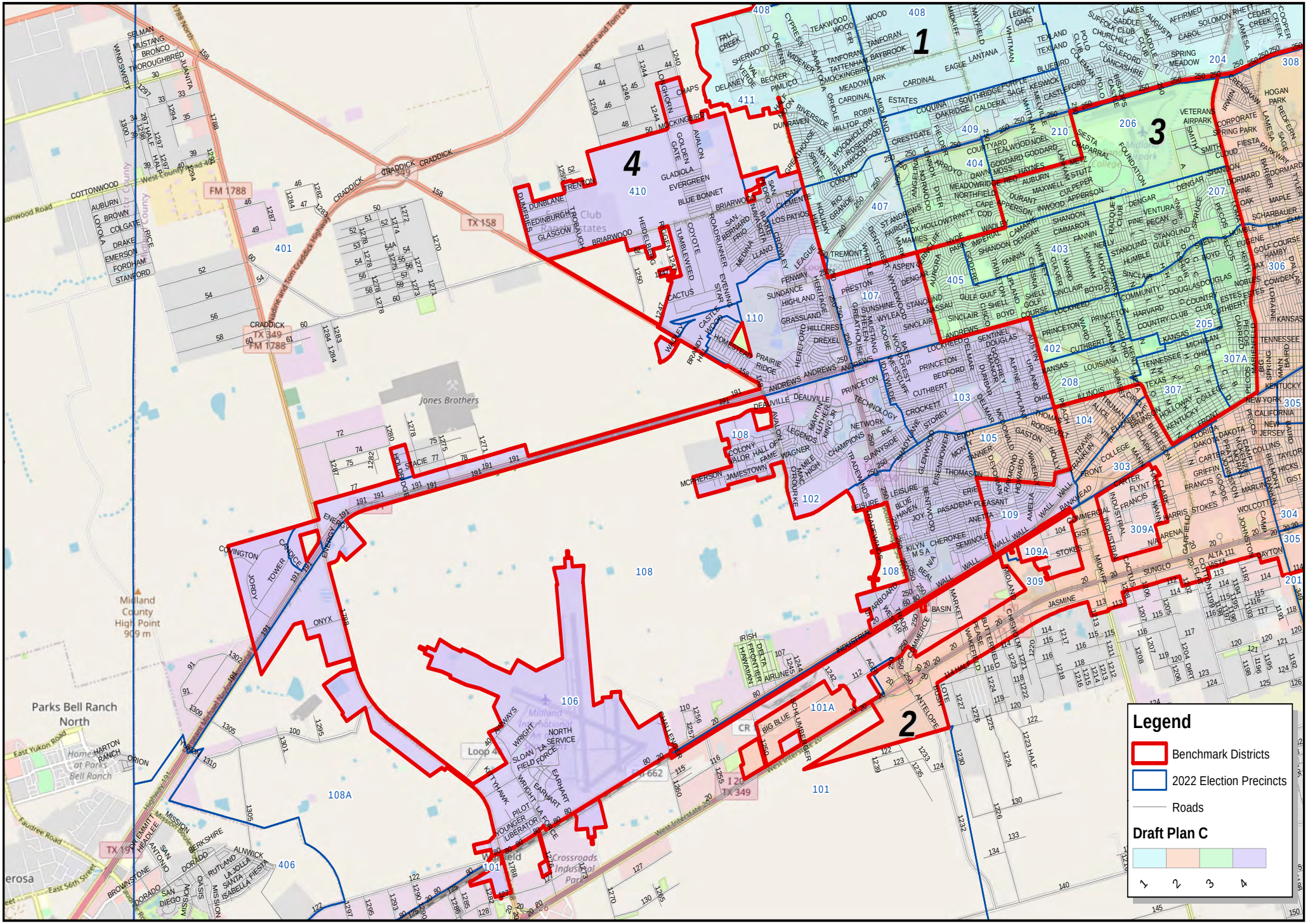
0 0.3 0.6 1.2 Miles

Midland City Council Districts
2022 Draft Plan C
District 3

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



0 0.5 1 2 Miles

Midland City Council Districts
2022 Draft Plan C
District 4

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

City Council Meeting

Item Number: 18

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Justin Smith, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 4 THROUGH 7, BLOCK 42, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH WEBSTER STREET AND CLOVERDALE 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 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Midland Visions 2000, is requesting to rezone of Lots 4-7, Block 42, Section 3,4, and 5, Greenwood Addition, City and County of Midland, Texas, for the purposes of housing development.

Recommended City Council Action:

Approve

Current Zoning:

C, Commercial District

Fiscal Impact:

None.

Surrounding Zoning and Land Use:

The properties to the north are zoned MF-22, Multiple Family Dwelling District, and the location of single-family housing. The properties to the east are zoned C, Commercial District, and the location of an RV and mobile home park. The properties to the south are not in city limits, and the location of single-family housing and a vacant lot. The properties to the west are zoned PD, Planning Development District, and are currently vacant.

Analysis:

The applicant, Midland Visions 2000, is requesting to rezone the properties from C, Commercial District to TH, Townhouse Dwelling District, for the purposes of developing low-income housing. Townhouse dwellings are not allowed in the C, Commercial District and are intended to provide townhouse development at the density of three to twelve units per acre. These lots are required to have a minimum of 2,500 square feet, with a minimum width of 25 feet for an interior lot or 30 feet for a corner lot, and the depth of 100 feet. Therefore, this zone change request will bring this lot into conformance with the current zoning ordinance and allow for the redevelopment of the site.

Additionally, this property is in the process of platting. The applicant intends to parcel out the two western lots into six lots and change the frontage of the lots to Webster Street.

This proposed zone change has been circulated to the respective City departments for internal review and their comments, conditions, and requirements are as follows:

Fire: (Approved)

No comments

Building: (Approved)

No issues. All future structures must adhere to the 2018 International Building Codes, the 2015 International Energy Code, the 2020 NEC requirements, the 2015 International Fire Codes, local city ordinances, zoning requirements, established setbacks, and floodplain requirements if necessary. Code versions are subject to change depending on time of new code edition adoption in the City of Midland and date of permit application.

Engineering: (Approved)

No objection to zone change. [For the Applicant's information only.] Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.]

Code: (Approved)

No Oil and Gas issues

Transportation: (Approved)

Site drainage, utilities, driveway access, and traffic circulation may be adjusted during construction drawing review as necessary to receive building permit approval from Engineering and Traffic Operations. [For the Applicant's information only.] No objection to zone change. [For the Applicant's information only.]

Planning:

The request does fit with the *Tall City Tomorrow Comprehensive Plan, Chapter 3-Land Use Vision.* This designation calls for U-M NC, Urban-Medium Neighborhood Center. These areas are intended to be a mix of traditional neighborhood businesses including small scale commercial, office, civic, and residential. The commercial uses should be low impact and provide a variety of neighborhood services. These areas should have low to moderate building density and impervious coverage and promote pedestrian scale and relationships between businesses and residential areas while being accommodating to automobiles without automobile scale. Potential zones for U-M NC include Office District, Local Retail District, Single-Family Dwelling District, and Townhouse Dwelling District.

Therefore, staff recommends approval of this zone change from C, Commercial District to TH, Townhouse Dwelling District subject to condition A.

Conditions:

A. **That the use and development of this property shall conform to the regulations of the TH, Townhouse Dwelling District.**

Letters of Objection:

Staff has not received any letters of objection as of April 18, 2022.

Attachments:

Application
Survey (Exhibit A)
Maps

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO REZONE LOTS 4 THROUGH 7, BLOCK 42, GREENWOOD ADDITION, THIRD, FOURTH, AND FIFTH SECTIONS, CITY AND COUNTY OF MIDLAND, TEXAS, FROM C, COMMERCIAL DISTRICT TO TH, TOWNHOUSE (ATTACHED) DWELLING DISTRICT (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SOUTH WEBSTER STREET AND CLOVERDALE ROAD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Midland, in compliance with the City Charter, the City Code, and State law, have given the requisite notices by United States mail, publication and otherwise; and after a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body finds that the public health, safety and general welfare will be best served by rezoning Lots 4 through 7, Block 42, Greenwood Addition, Third, Fourth, and Fifth Sections, City and County of Midland, Texas (the "Property") to TH, Townhouse (Attached) 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 TH, Townhouse (Attached) 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., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular

meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MIDLAND Planning Division

Zone Change/Planned District Amendment/Site Plan Approval

Project Number: 2-22-0284

Case Number:

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Property Owner Printed Name: Midland Visions 2000-Roland Espinoza		Phone (432)978-1622 Email roland@halahprop.com	
Address 1705 N. Big Spring St	City Midland	State TX	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: Schumann Engineering Printed Name: Eduardo L. Aleman		Phone (432)684-5548 Email ealeman@schumnnonline.net	
Address 800 N. Marienfeld, Suite 100	City Midland	State TX	Zip 79701

Street Address:

Legal Description
Lot: 4-7 Block: 42 Subdivision: Greenwood Addition

Current Zoning: C	**Proposed Zone:** TH *(List by tracts if more than one district is requested)*

Reason for Zone Change Request: To build TH after replatting the property

Present Use of Property: Vacant lots

Proposed Use of Property: Townhouse

How would this zone change affect the public health, safety and welfare? NA

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): Eduardo L. Aleman	Date: 1/27/2022
Applicant (printed): Eduardo L. Aleman - Schumann Engineering	
Property Owner (signature):	Date: 1/27/2022
Property Owner (printed) : Roland Espinoza	

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 Roland Espinoza, 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. Aleman
Authorized Agent (*signature*)

Subscribed and sworn to before me, this 27th day of January, 2022, to certify which witness my hand and seal of office.

KEVIN STARNES
Notary Public, State of Texas
Comm. Expires 03-03-2024
Notary ID 128975224

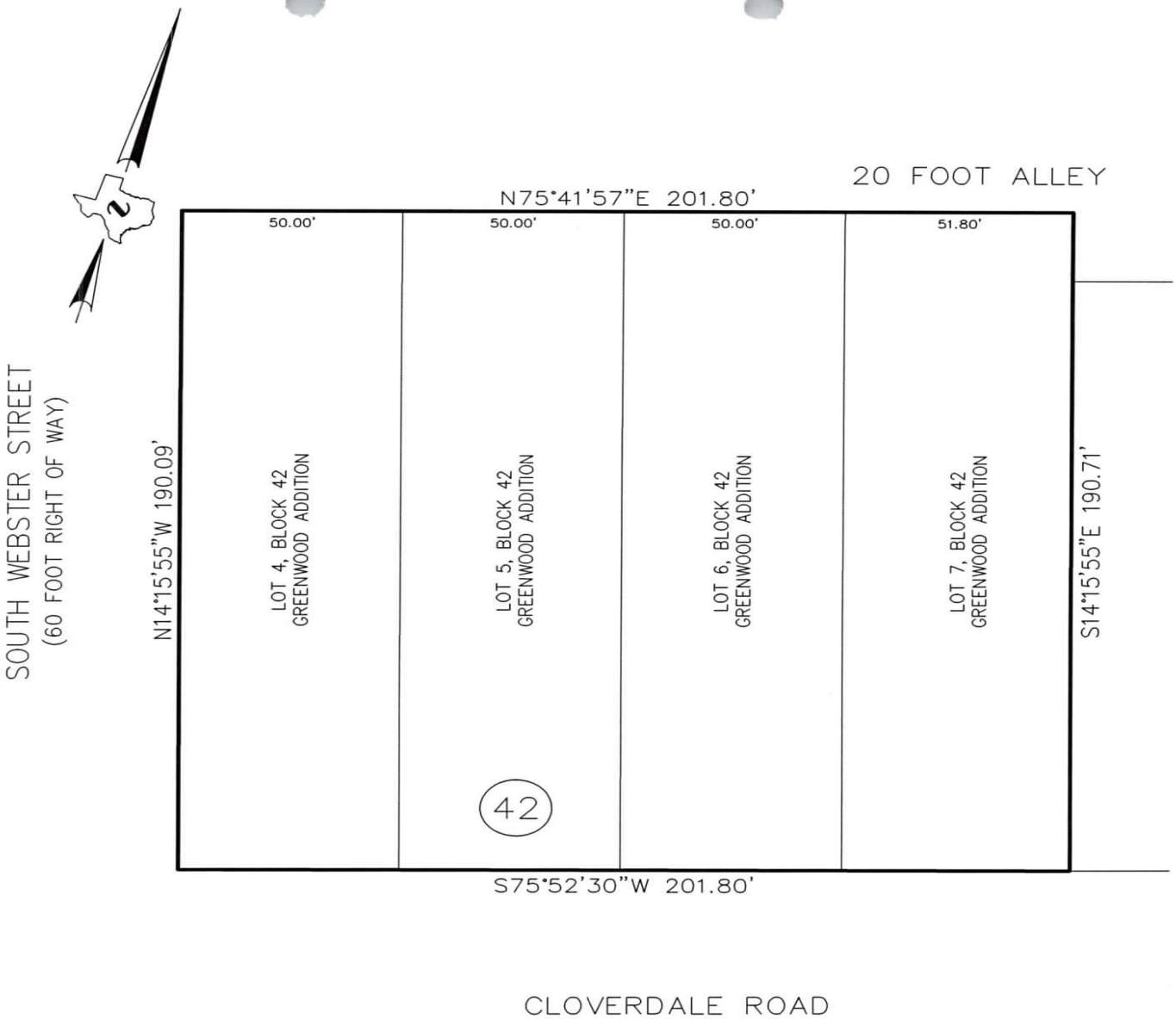
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

☑ Property Owner Authorization	☑ Dimensioned Site Plan
☑ Application Fee	☐ Plans in Digital Format (PDF/JPEG)
Check # 1725	
Received By: Cole Stapleton	Date: 1-27-22

RECEIVED
JAN 27 2022
CF

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



JAN 27 2022

CE

ZONE CHANGE EXHIBIT

LOTS 4–7

BLOCK 42

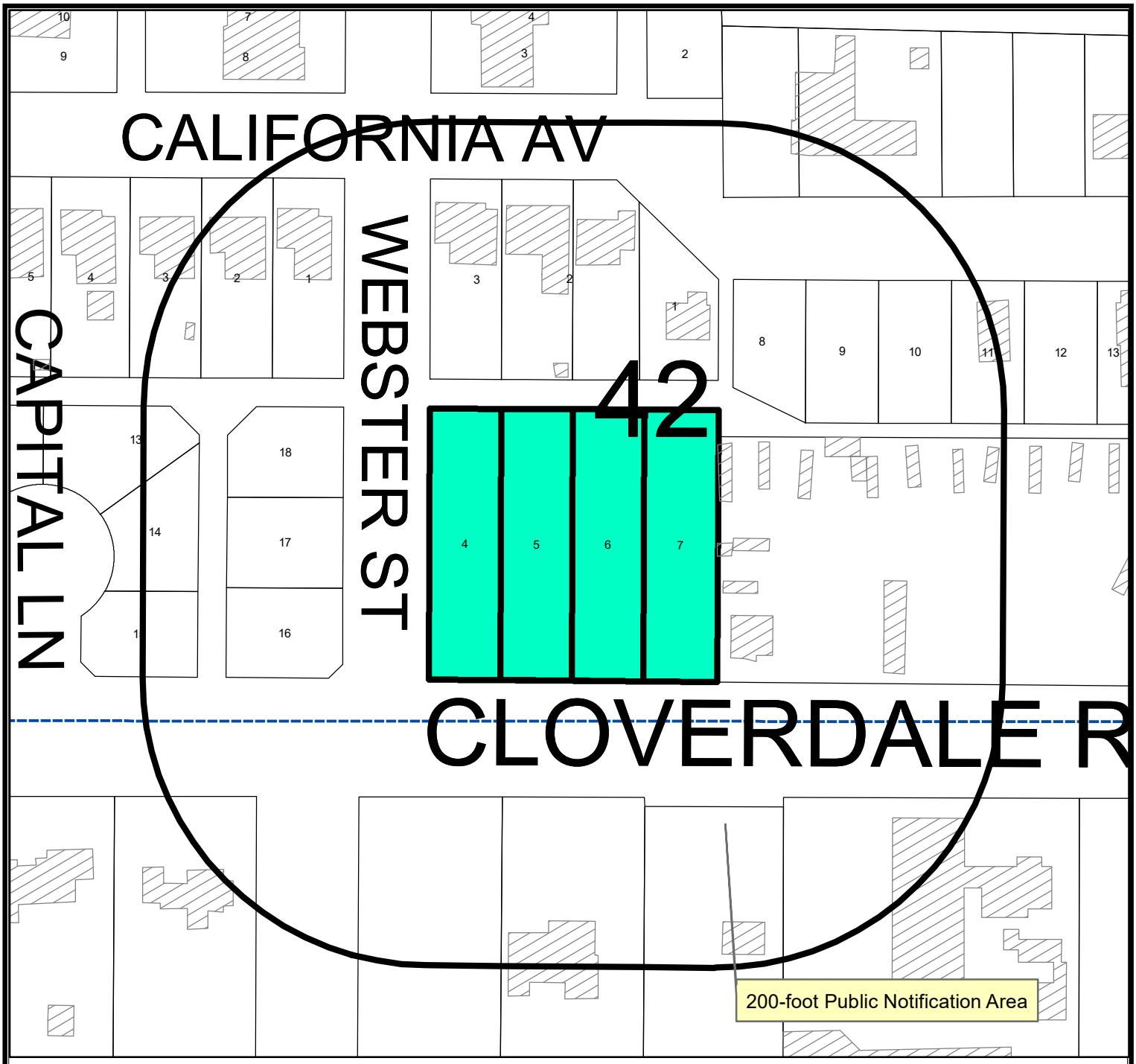
GREENWOOW ADDITION

AN ADDITION TO THE CITY OF MIDLAND,
AS PER PLAT OF RECORD IN
VOLUME 180, PAGE 187, PLAT RECORDS,

MIDLAND COUNTY, TEXAS

SCHUMANN
ENGINEERING CO.
A LATERAL LAND COMPANY
800 N. MARIENFELD STREET
SUITE 100
MIDLAND, TEXAS 79701
TEXAS ENGINEERING – LAND SURVEYING
TEXAS FIRM No. F1880 – TEXAS FIRM No. 10149500
Office (432) 684-5548

PROJECT: 78227
JOB NO.: 78227



LOCATION MAP

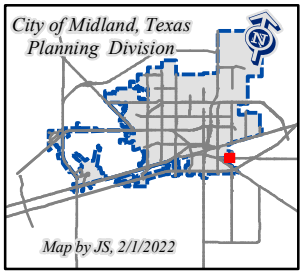
Z-22-0284 **Scale: 1" = 1200'**

Consider a request by Midland Visions 2000 for a zone change from C, Commercial District to TH, Townhouse Dwelling District on Lots 4 through 7, Block 42, Greenwood Addition, Sections 3, 4 and 5, City and County of Midland, Texas.

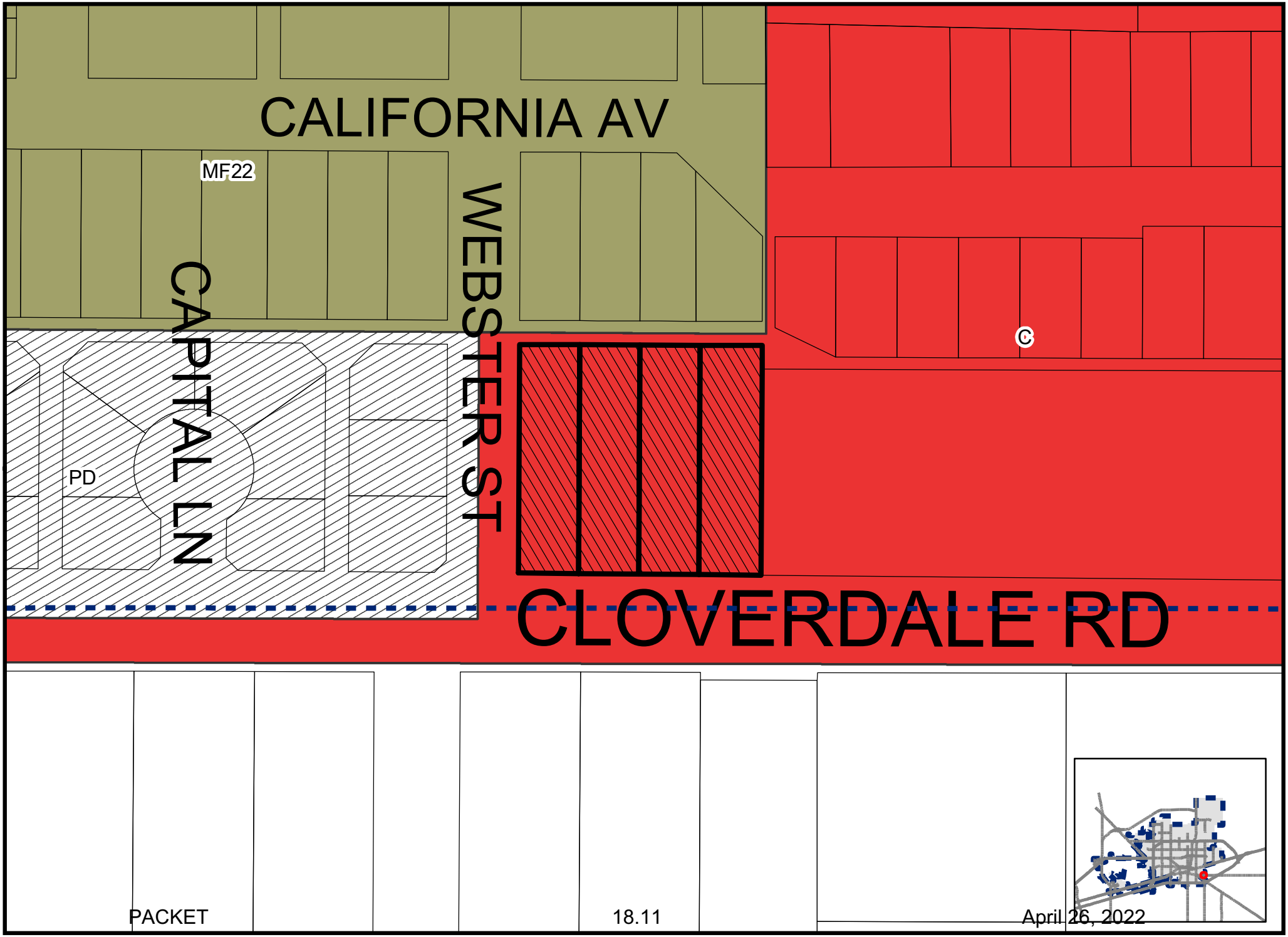
Generally located on the northeast corner of the intersection of S. Webster Street and Cloverdale Road. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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THE CITY OF MIDLAND SHALL NOT BE RESPONSIBLE FOR ANY DECISIONS BASED UPON THE USE OF THIS DATA.



Map By JS, 2/1/2022

Z-22-0284

Scale: 1" = 1200'

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.




2214
TEXAS
117-3266


STOP



City Council Meeting

Item Number: 19

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Cole Furqueron,

Subject: **AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF THE NORTH 65 FEET OF LOTS 10, 11, AND 12, BLOCK 15, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON WEST SIDE OF A STREET, APPROXIMATELY 75 FEET NORTH OF MISSOURI AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS DISTRICT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 3) (DEVELOPMENT SERVICES)**

Purpose:

The applicant, Joseph de Leon, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant for Buffalo Jo's, located at 106 S "A" Street.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Current Zoning:

CB, Central Business District.

Surrounding Zoning and Land Use:

The properties to the North, East, South, and West are zoned CB, Central Business District and are the locations of a dry cleaners, a healthcare equipment store, and auto parts store and a vacant building respectively.

Discussion:

The property is zoned CB, Central Business District, which permits the sale of all alcoholic beverages for on-premises consumption, in a restaurant with the approval of a Specific Use Designation with Term.

Buffalo Jo's is currently occupying the former location of Steak 42.
The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 3,000 square feet, with an alcohol serviceable area of 1,581 square feet. The site currently has adequate bathroom facilities. However, the site does not have adequate parking. The site currently has 10 parking spaces which is less than the required 17 spaces. The parking is calculated as one space for every 4 seats inside the restaurants. At one point there was angled parking on the front of the building along "A" Street, however, these spaces have been converted into a parklet for outside seating. This parklet was permitted in the past, but the permit has been expired since May 4, 2021.

The restaurant will have the following hours of operation:

Tuesday through Sunday: 11:00 a.m. to 12:00 a.m. (midnight)

The restaurant will have the following hours of alcohol service:

Tuesday through Sunday: 11:00 a.m. to 12:00 a.m. (midnight)

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.

Building Code: (Approved)

The SUD is acceptable. The property must adhere to the maximum occupant load of 102 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Oil and Gas: (Approved)

No oil or gas issues.

Engineering: (Approved)

No objection.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections.

Planning:

The request is in compliance with the *Tall City Tomorrow Comprehensive Plan, Chapter 6, which is to* "Encourage the development of places where Midland residents can gather and socialize to build connections." (Tall City Tomorrow page 137) Buffalo Jo's will create a fun and relaxing atmosphere where Midland Residents can enjoy drinks with their meal.

This request was recommended for approved at the April 4, 2022 Planning and Zoning Commission meeting

This request meets all requirements; therefore, staff recommends approval of a Specific Use Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Conditions A through H.

Conditions:

A. **That the alcoholic serviceable area of the restaurant shall be limited to approximately 1,581 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:**

Tuesday through Sunday: 11:00 a.m. to 12:00 a.m. (midnight)

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 the use of the parklet is prohibited until the right-of-way license agreement has been approved.**

H. **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 April 4, 2022, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Site Plan (Exhibit B)
Maps

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 3,000-SQUARE FOOT PORTION OF THE NORTH 65 FEET OF LOTS 10, 11, AND 12, BLOCK 15, WEST END ADDITION, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED ON WEST SIDE OF A STREET, APPROXIMATELY 75 FEET NORTH OF MISSOURI AVENUE), WHICH IS PRESENTLY ZONED CB, CENTRAL BUSINESS 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 3,000-square foot portion of the North 65 feet of Lots 10, 11, and 12, Block 15, West End Addition, City and County of Midland, Texas (the "Property"), as set out hereinafter;

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

SECTION ONE. That the Zoning District Map of the City of Midland, Texas, is hereby amended to grant the Property a Specific Use Designation With Term for the sale of all alcoholic beverages in a restaurant (the "Establishment") for on-premises consumption, together with the uses permitted in the present CB, Central Business 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 1,581 square feet as shown in Exhibit "A", which is attached hereto and incorporated herein for all purposes.

B. That the operation of the Establishment on any portion of public right-of-way, including the use of a parklet on the portion of A Street right-of-way adjacent to the Establishment, is prohibited unless a right-of-way license or other document expressly allowing such use is approved by the City and effective.

C. That the sale and on-premises consumption of alcoholic beverages shall conform to all applicable state and local laws.

D. That the days and hours of alcoholic beverage sales and consumption shall be limited to Tuesday through Sunday from 11:00 a.m. to 12:00 a.m. (midnight).

E. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

F. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

G. 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.

H. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more

sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

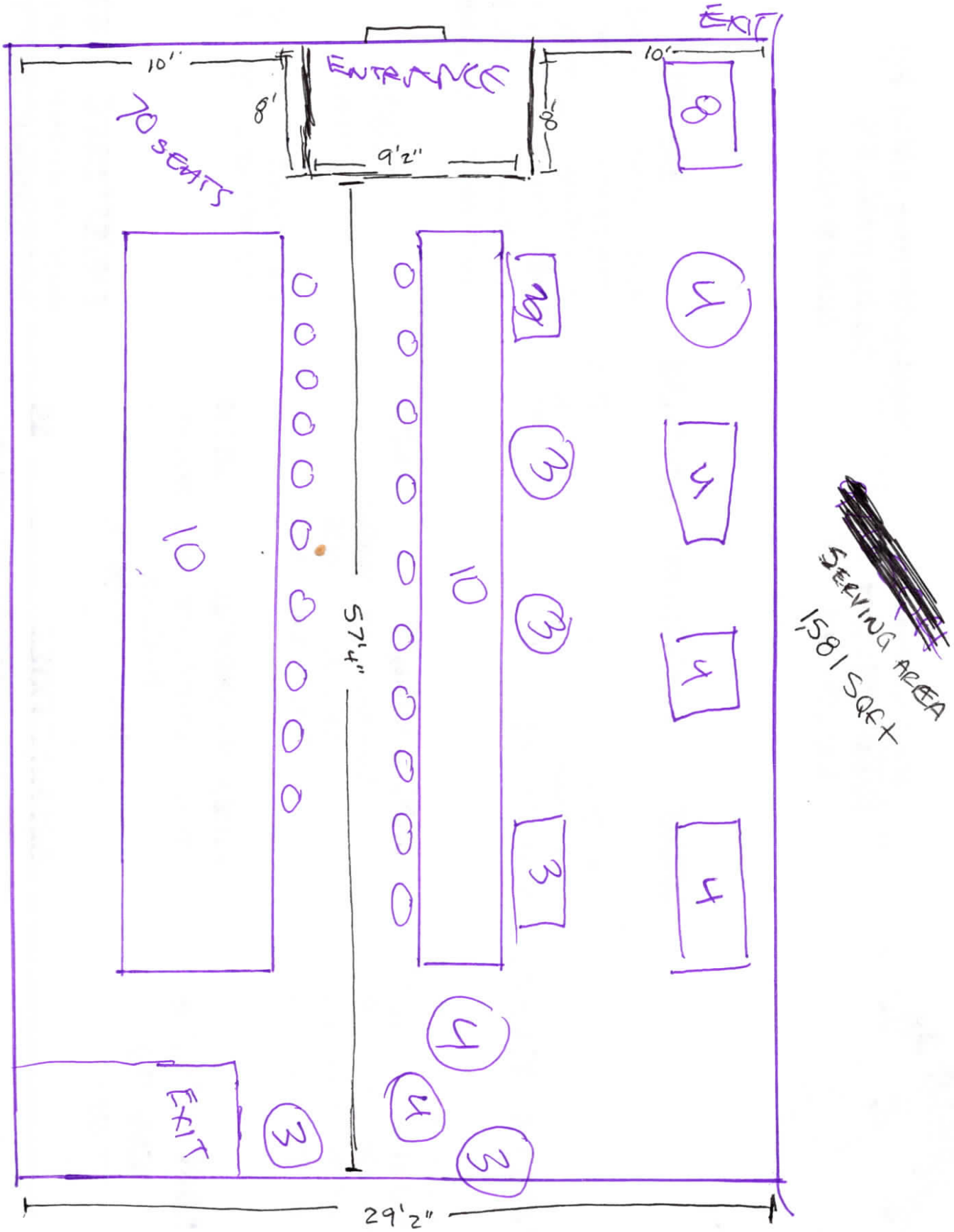
APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"


EXIT
10'
ENTRANCE
10'
8'
8'
9'2"
70 SEATS
8
10
10
4
4
3
3
4
4
3
4
4
3
57'4"
SERVING AREA
1581 SQFT
EXIT
3
29'2"

MIDLAND
Planning Division

Specific Use Designation with Term for the Sale of Alcoholic Beverages for On-Premises Consumption

Project Number: SUP-22-0128

Case Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Joseph De Leon		Phone (432) 238-0622 Email buffalojos.mtx@gmail	
Address 106 S. A Street	City Midland	State TX	Zip 79701

Property Owner Printed Name: Justine Blair Sosa		Phone (432) 528-8769 Email Fortytwo@fortytwomidland.com	
Address 1206 STOREY AVE	City MIDLAND	State ~~TX~~	Zip 79701

Representative *(if different from Applicant or Property Owner)* Firm: _____ Printed Name:		Phone ( ) Email	
Address	City	State	Zip

Street Address: 106 S. A Street Midland, TX 79701

Business Name: Buffalo JO'S

Legal Description
Lot: 01 0 THRU 12 N. 65 Block: 015 Subdivision: WEST END SITUS: A ST 106 S.

Current Zoning: ~~COMMERCIAL~~ CB

Reason for Request: SALE of MB Alcohol & CONSUMPTION

Type of Business *(restaurant, bar, lounge, nightclub, etc.)*: restaurant

Proposed/Current Days and Hours of Operation: CURRENT TUE-SAT 11AM-10pm SUN 11A-6pm CLOSED MON. PROPOSED: TUE-SUN 11AM-12AM, CLOSED MON.

Proposed Days and Hours of Alcohol Service: _____

Total Square Footage of Business: 3000 sq ft

Square Footage of Alcohol Serviceable Area: 926 sq ft

Restroom Fixtures: *Men*	**Toilets/Urinals:** ONE/ ONE	**Bathroom Sinks:** 1 ONE
Women	**Toilets:** ONE	**Bathroom Sinks:** 1 ONE

RECEIVED
MAR 02 2022

Submittal and Fees

Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Floor Plan showing:
  - Seating
  - Exits
  - Restrooms
  - Kitchen (if applicable)
  - Total Square Footage
  - Serviceable Square Footage
- Dimensioned Site Plan showing:
  - Parking
  - Business Footprint
- Digital Copies of Floor Plan & Site Plan (PDF/JPEG)

Signatures

Applicant (signature):	Date: 2.25.22
Applicant (printed): JOSEPH DELEON	
Property Owner (signature):	Date: 2.25.22
Property Owner (printed): JUSTINE BLAIR SOSA	

The Specific Use Designation with Term for the sale of all alcoholic beverages shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

Before me, the undersigned authority, on this day personally appeared JOSEPH A. DELEON who, being by me duly sworn, upon oath says: That (s)he is authorized by JUSTINE BLAIR SOSA 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 25th day of Feb, 2022, to certify which witness my hand and seal of office.

NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

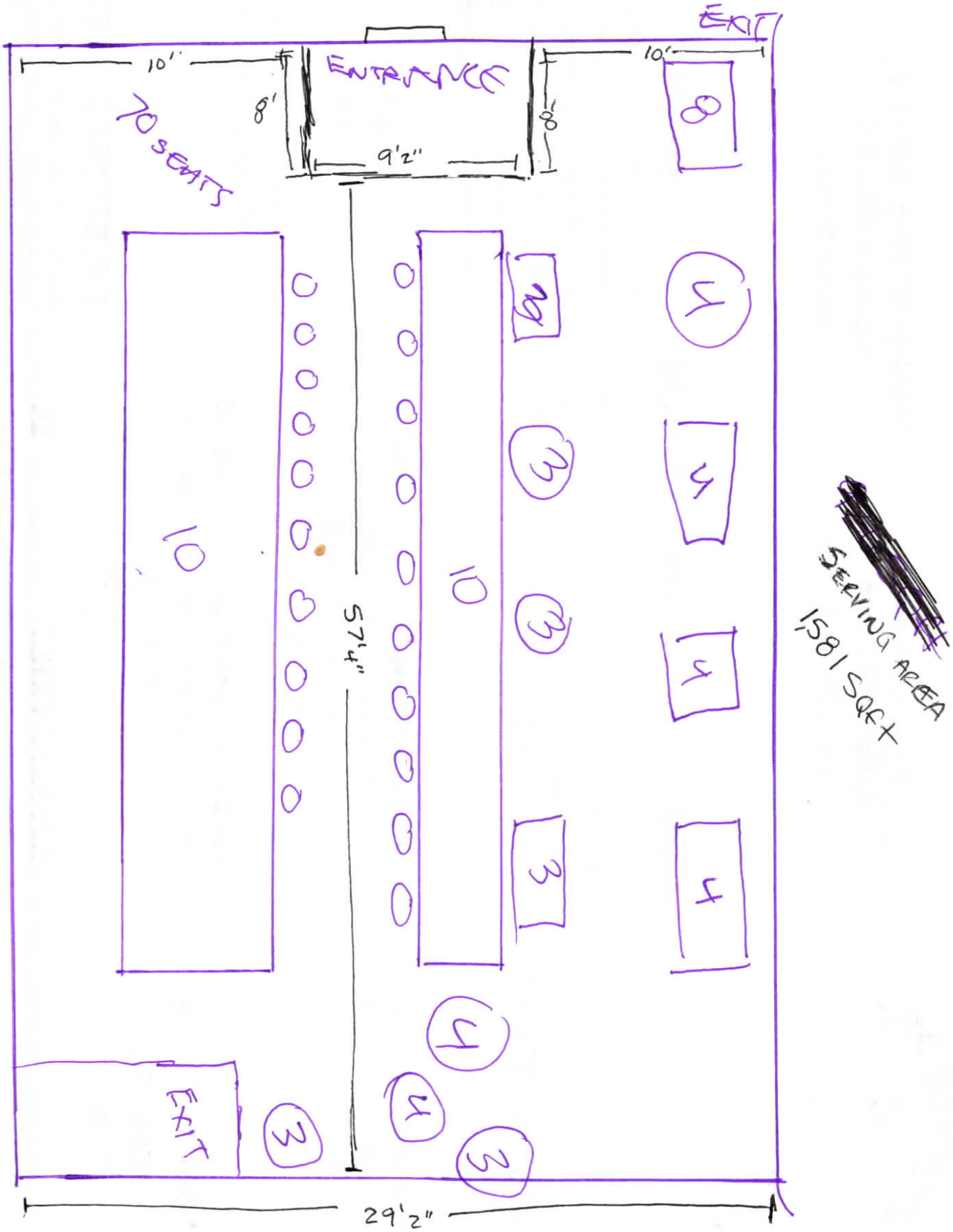
NOTARY PUBLIC STATE OF TEXAS
Shea B Vandergriff
My Commission Expires
04/06/2025
ID No 131033460

RECEIVED
MAR 02 2022

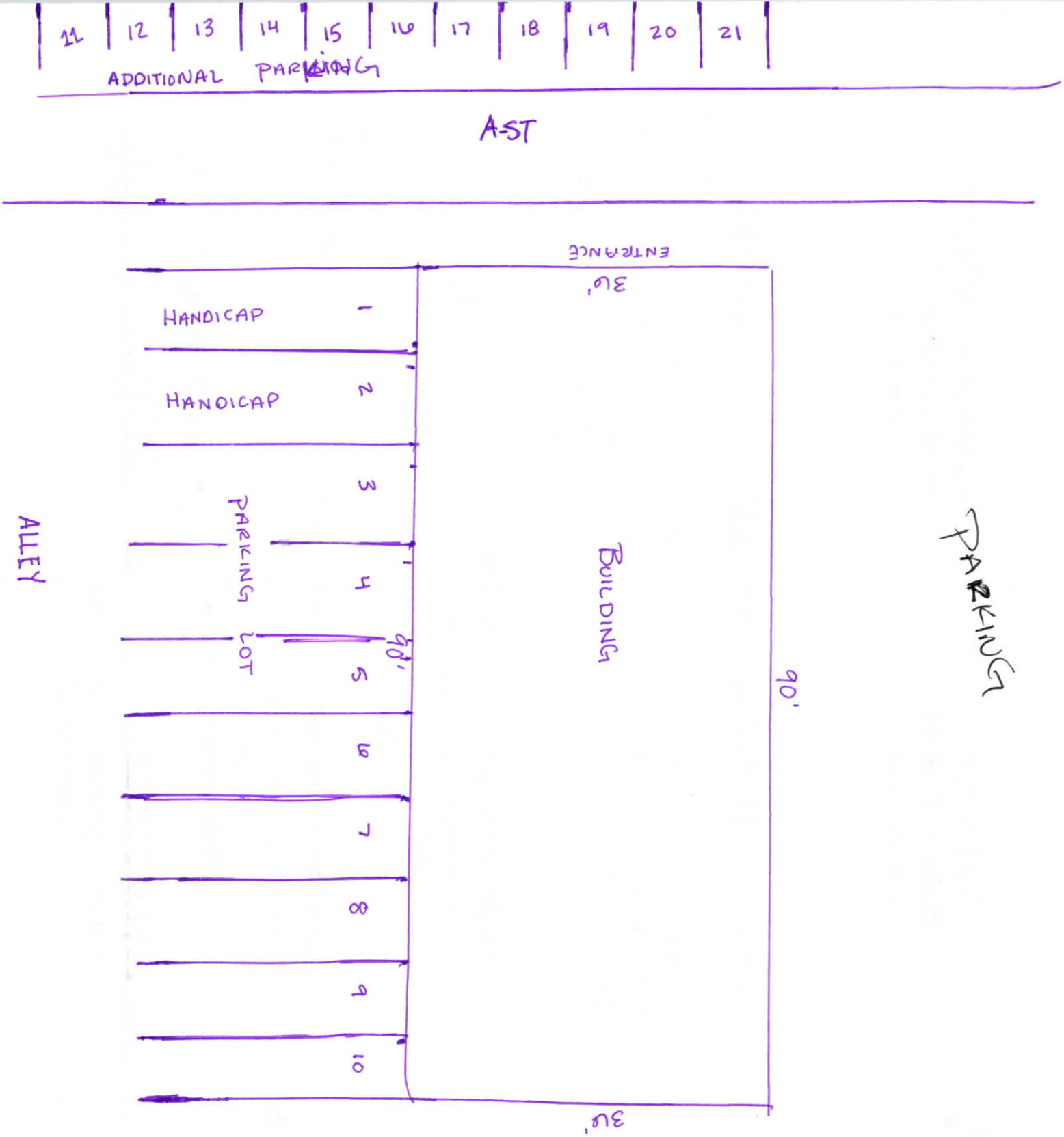
Application will not be considered for scheduling until reviewed by a planner.

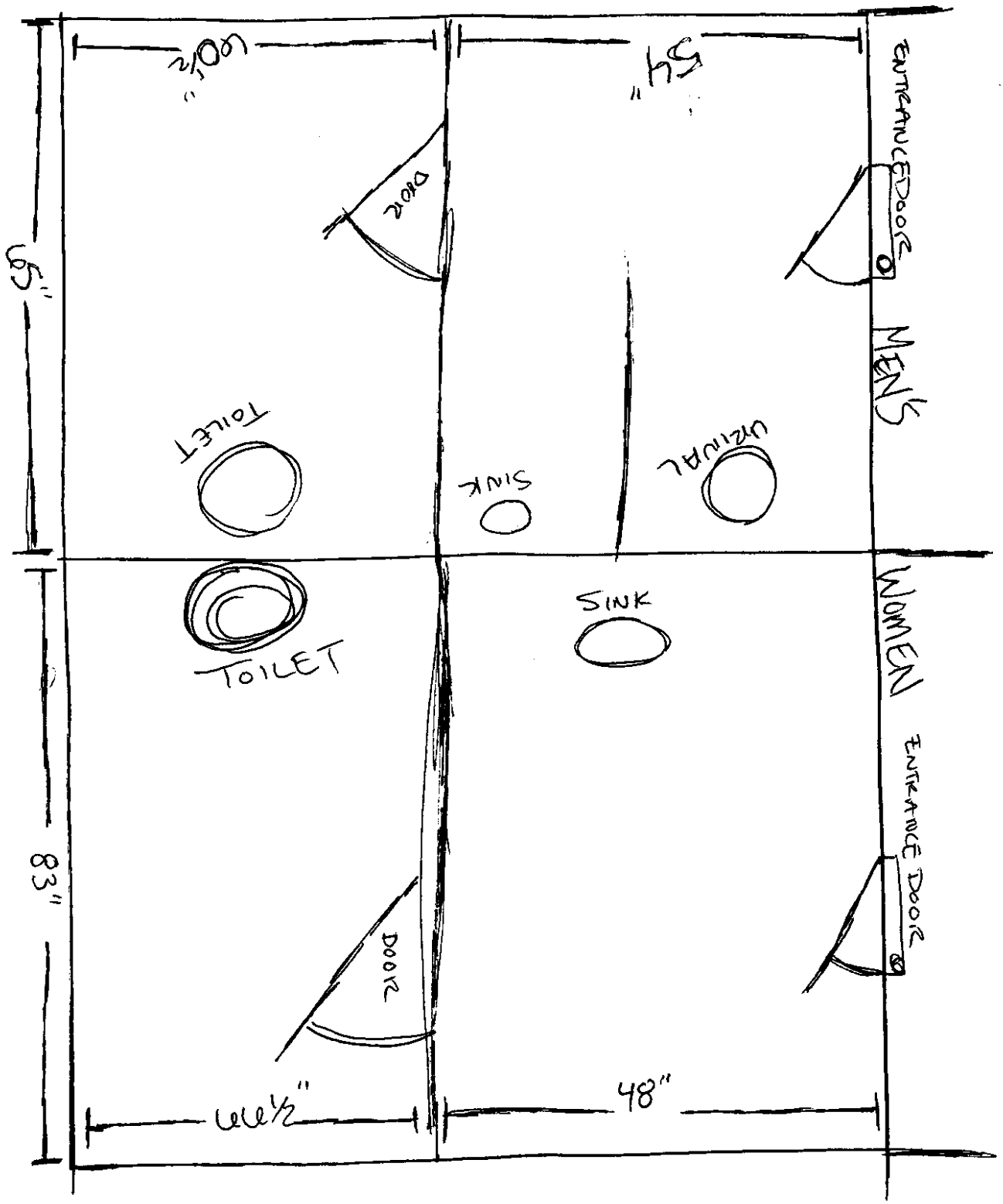
FOR OFFICE USE ONLY	
☒ Property Owner Authorization	☐ Dimensioned Floor Plan
☐ Application Fee	☒ Site Plan
Check # 9455392	☒ Plans in Digital Format (PDF/JPEG)
Received By: DC	Date: RECEIVED MAR 02 2022 BY: DC

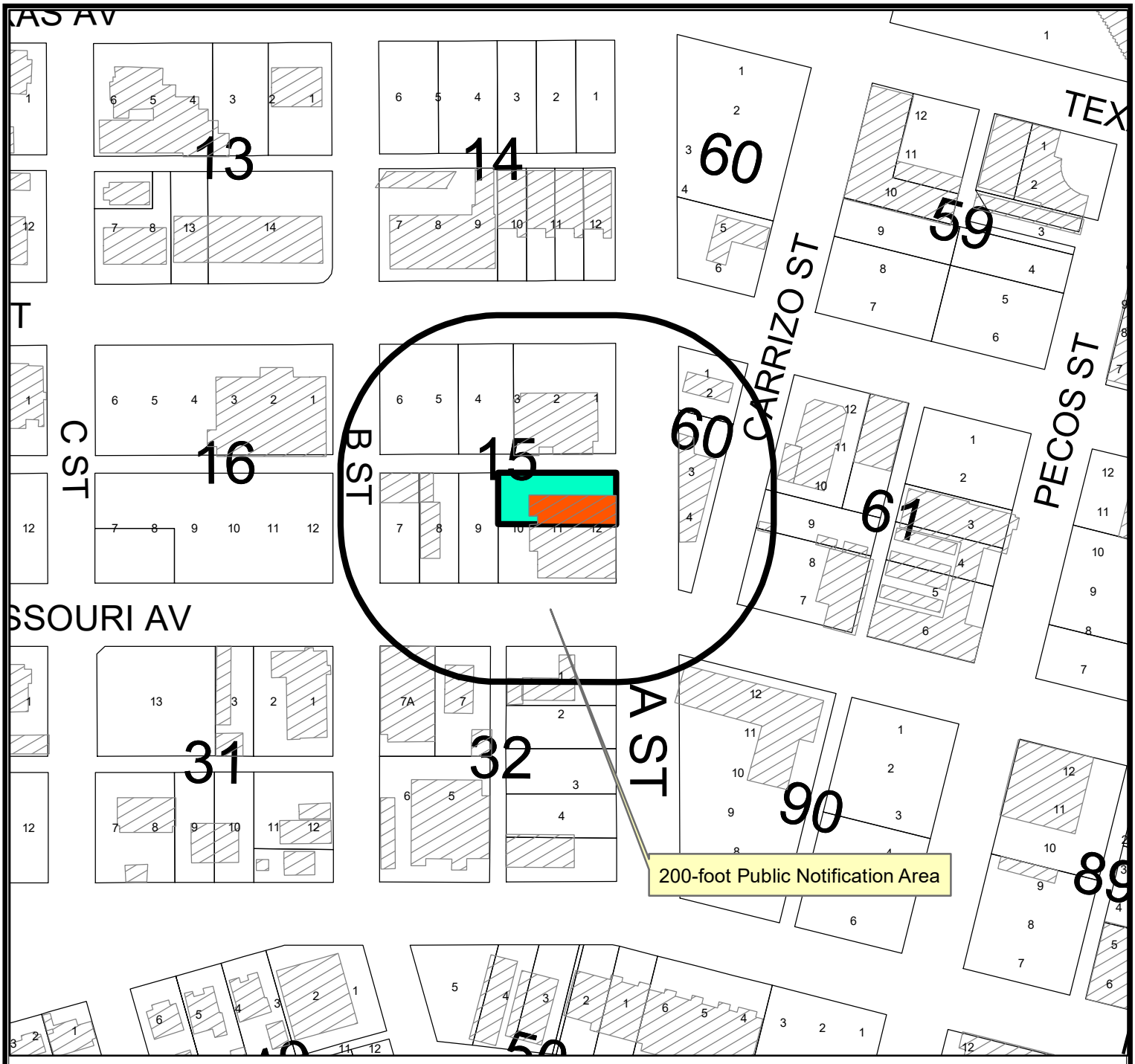
****Application will not be considered for scheduling until reviewed by a planner.**


EXIT
10'
ENTRANCE
10'
8'
8'
9'2"
70 SEATS
8
10
10
4
4
3
3
4
4
4
3
4
4
3
EXIT
3
57'4"
SERVING AREA
1581 SQFT
29'2"

S 8 St
Express Employment
Home Healthcare Equipment
El Mid-Tex Parts & Service
Fashion Cleaners
Alley
Burlotti Bar
El Super Burrito
S Carrizo St


11
12
13
14
15
16
17
18
19
20
21
ADDITIONAL PARKING
A-ST
ENTRANCE
30'
HANDICAP
HANDICAP
1
2
3
4
5
6
7
8
9
10
PARKING LOT
90'
BUILDING
90'
30'
ALLEY
PARKING


RESTROOMS
65"
83"
60½"
54"
DOOR
ENTRANCE DOOR
MENS
TOILET
SINK
URINAL
WOMEN
TOILET
SINK
ENTRANCE DOOR
DOOR
60½"
48"



LOCATION MAP

SUD-22-0126 **Scale: 1" = 200'**

Request by Buffalo Jo's for a Specific Use Designation with Term for on-premises consumption, in a 3000 square foot portion North 65 feet of Lots 10, 11, and 12, Block 15, all out of West End Addition, City and County of Midland, Texas

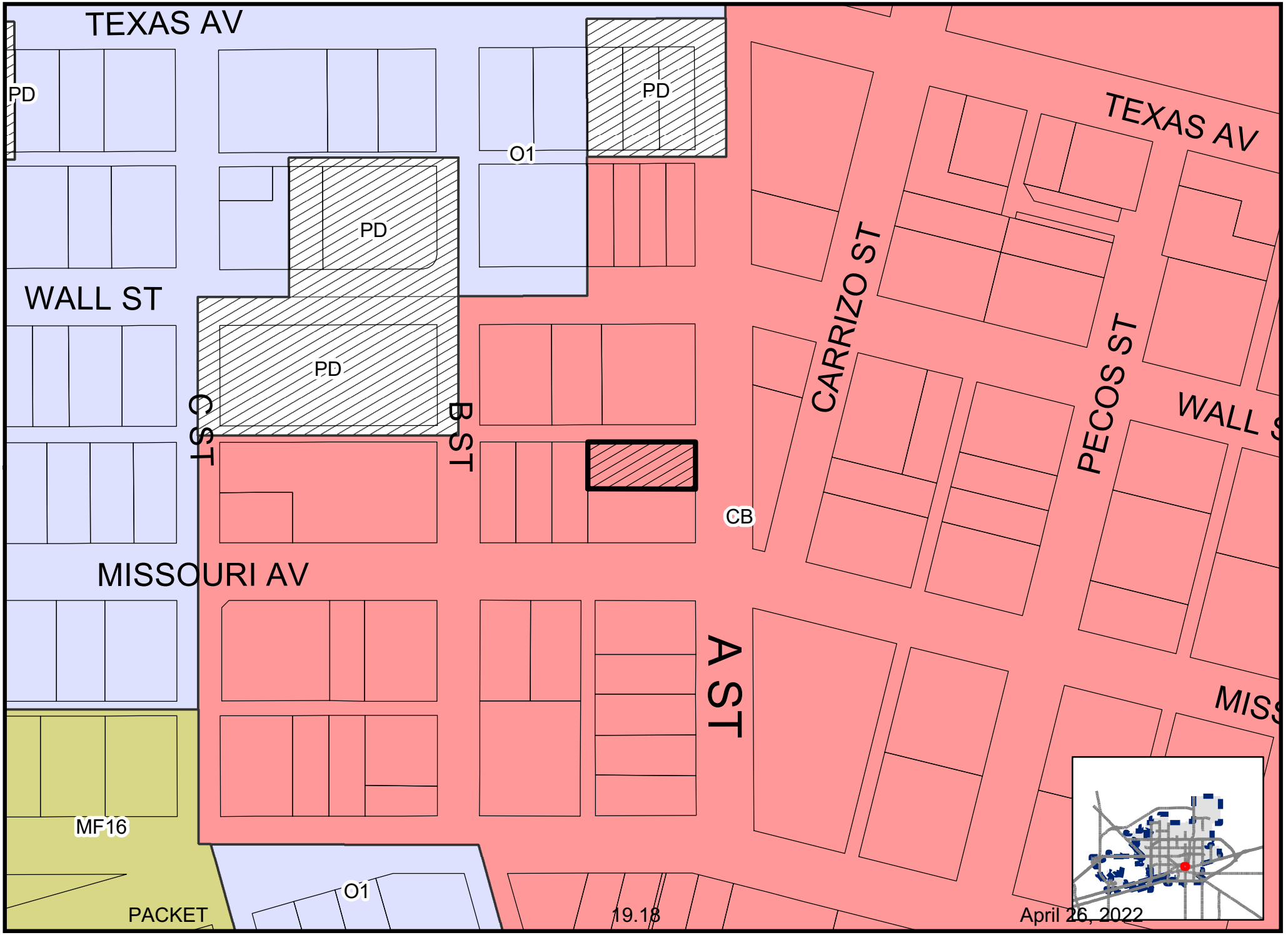
Generally located on west side of A Street, approximately 75 feet north of Missouri Avenue- (Council District 3)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.



Map By ES, 7/8/2021

SUD-22-0128

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.






STOP


BUFFALO JO'S


BUFFALO JO'S


STOP
BUFFALO JOE'S

City Council Meeting

Item Number: 20

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Justin Smith, Planner

Subject: AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,372-SQUARE FOOT PORTION OF LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MAIN STREET AND WALL STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, ALLOWING SAID PROPERTY TO BE USED FOR THE SALE OF ALL ALCOHOLIC BEVERAGES IN A RESTAURANT FOR ON-PREMISES CONSUMPTION; MAKING SAID DESIGNATION SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS ($2,000.00); AND ORDERING PUBLICATION (DISTRICT 2) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Gomca Family Restaurants LLC, is requesting a Specific Use Designation (SUD) for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant for Tkilaz, located at 100 N Main Street.

Recommended City Council Action:

Approve

Fiscal Impact:

This proposal does not have a significant financial impact to the City.

Discussion:

Current Zoning:

PD, Planned Development District for a Housing Development.(Ordinance 9084)

Surrounding Zoning and Land Use:

The property to the North is zoned RR, Regional Retail District and is the location of a lounge named Bourbon Street (Ordinance 8,953). The property to the East is zoned RR, Regional Retail District and is the location of commercial building with a few suites for businesses. The property to the South, across Wall Street, is zoned RR, Regional Retail District and is the location of a U.S. Post Office. The property to the West is zoned PD, Planned Development District for a Civic Center and Community Center, and is the location of the Bush Convention Center.

Analysis:

The property is located at 100 N Main Street. The first floor of the building broken up into multiple suites while the second floor is the Wall Street Lofts Apartments. The current zoning is PD, Planned Development for a Housing Development, however, the first floor allows for the uses under the LR, Local Retail District restrictions which allows for the sale and on-premises consumption of alcoholic beverages with the approval of a Specific Use Designation. The location is currently vacant and has been the location of a few restaurants in the past. Gomca Family Restaurants LLC, the company that operates Tkilaz, is requesting a Specific Use Designation to be able to sell alcoholic beverages for on premises consumption, in a restaurant within this location.

Tkilaz currently has another location in operation and has a Specific Use Designation for that location 4610 N Garfield St C1 (Ordinance Number 9835). Tkilaz is working on opening a second location and the Specific Use Designation for that location is yet to be approved by City Council. This will be a third Tkilaz location in Midland.

The floor plan attached hereto as "Exhibit A" illustrates that the establishment will have a total square footage of 2,372 square feet, with an alcohol serviceable area of 1,449 square feet. The site currently has adequate bathroom facilities. For parking, the first two floors of Wall Street Lofts are public parking and Tkilaz's customers will be able to park there. Parking in front or on the sides of the building are also undesignated.

The restaurant will have the following hours of operation:

Monday through Sunday: 10:00 a.m. to 12:00 a.m. (midnight)

The restaurant will have the following hours of alcohol service:

Monday through Sunday: 10:00 a.m. to 12:00 a.m. (midnight)

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.

Building Code: (Approved)

The SUD is acceptable. The property must adhere to the maximum occupant load of 102 for the alcohol serviceable area. Occupancy loads must be posted in accordance with section 1004.3 of the 2015 International Fire Code.

Oil and Gas: (Approved)

No oil or gas issues.

Engineering: (Approved)

No objection.

Fire: (Approved)

No objections.

Transportation: (Approved)

No objections.

Planning:

The request is in compliance with the Tall City Tomorrow Comprehensive Plan, Chapter 6-Character Plan Goal 4, which is to “Encourage the development of places where Midland residents can gather and socialize to build connections.” (Tall City Tomorrow page 137) Tkilaz’s will create a sophisticated atmosphere where Midland Residents can relax and enjoy drinks with their meal.

This request was recommended for approved at the April 4, 2022 Planning and Zoning Commission meeting.

This request meets all requirements; therefore, staff recommends approval of a Specific Use

Designation with Term for the sale of all alcoholic beverages, for on-premises consumption, in a restaurant, subject to Conditions A through G.

Conditions:

A. That the alcoholic serviceable area of the restaurant shall be limited to approximately 1,449 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: 10:00 a.m. to 12:00 a.m. (midnight)

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 April 20, 2022, staff has not received any letters of objections.

Attachments:

Application
Floor Plan (Exhibit A)
Ordinance 9084
Parking Letter
Maps

Morris Williams Jr.

City Manager's Office

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE CITY OF MIDLAND TO GRANT A SPECIFIC USE DESIGNATION WITH TERM FOR A 2,372-SQUARE FOOT PORTION OF LOT 13A, BLOCK 53, ORIGINAL TOWN ADDITION, SECTION 7, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF MAIN STREET AND WALL STREET), WHICH IS PRESENTLY ZONED PD, PLANNED DEVELOPMENT DISTRICT FOR A HOUSING DEVELOPMENT, 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 2,372-square foot portion of Lot 13A, Block 53, Original Town Addition, Section 7, 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 PD, Planned Development District for a

Housing Development.

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 1,449 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 10:00 a.m. to 12:00 a.m. (midnight).

D. That the occupancy of the Establishment shall not exceed the maximum occupancy determined by the Building Code and Fire Code.

E. That the Establishment shall meet the requirements of the Fire Department and the Code Administration Division.

F. That the operator of the Establishment shall obtain a Certificate of Occupancy prior to the commencement of the sale of alcoholic beverages for on-premises consumption to ensure that the conditions of this Specific Use Designation With Term are satisfied.

G. That in accordance with Section 11-1-9.07.E.3 of the City Code, the Establishment shall be in operation within 120 days from the final adoption date of this ordinance.

SECTION THREE. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances, inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two thousand dollars ($2,000.00).

SECTION SIX. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the _____ day of _____, A.D., 2022; and passed to second reading on motion of Council member _____, seconded by Council member _____, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

The above and foregoing ordinance was read in full and finally adopted by the following vote upon motion of Council member _____, seconded by Council member _____, on the _____ day of _____, A.D., 2022, at a regular meeting of the City Council:

Council members voting "AYE":

Council members voting "NAY":

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

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

MATERIALS SCHEDULE

FLOORS		BASE		WALLS		CEILINGS	
F1	SEALED & POLISHED CONCRETE FLOOR	B1	VINYL BASE	W1	TAPE, TEXTURE & PAINT - ORANGE PEEL	C1	GYP. BD. (TAPE, TEXTURE & PAINT)
				W2	FRP	C2	EXISTING GYP. PATCH & PAINT AS REQUIRED
				W3	STAINLESS STEEL SHEETS	C3	24"x24" VINYL COVERED CEILING TILE
						C4	24"x24" EXPOSED CEILING TILE GRID

ROOM FINISH SCHEDULE

ROOM NO	ROOM NAME	FLOOR	BASE	WALL SURFACES NORTH	EAST	SOUTH	WEST	CEILING	CEILING HEIGHT	REMARKS
100	ENTRANCE AREA	F1	B1	-	W1	W1	W1	C2	VARIES	
101	SALES AREA	F1	B1	-	W1	W1	W1	C2	VARIES	
102	KITCHEN	F1	B2	-	W3	W3	-	C2	9'-0"	
103	SERVING AREA	F1	B1	-	-	-	W1	C2	VARIES	
104	BAR	F1	B1	W1	W1	W1	W1	C3	8'-0"	
105	PANTRY	F1	B1	W1	W1	W1	W1	C1	8'-0"	
106	CLEANING/WASHING	F1	B1	W2	W2	W1	W1	C2	9'-0"	
107	CORRIDOR	F1	B1	W1	W1	W1	W1	C2	VARIES	
108	OFFICE	F1	B1	W1	W1	W1	W1	C3	8'-0"	
109	MEN	F1	B1	W1	W1	W1	W1	C2	VARIES	
110	WOMEN	F1	B1	W1	W1	W1	W1	C2	VARIES	
111	DINING	F1	B1	W1	W1	W1	W1	C2	VARIES	

KITCHEN EQUPMENT LEGEND (BY OWNER)

1	GARLAND EC 30E - 30" ELEC CHARBROILER	11	2-DOOR FREEZER
2	16'-0" VENT HOOD	12	GLASS CHILLER (36")
3	(2) AVANTCO EF40-208-1-40LB ELEC. FLOOR FRYER	13	72" UNDERCOUNTER SINK
4	AVANTCO EG36N 36" ELECTRIC GRIDDLE	14	ICE BIN (48")
5	VULCAN VSM36 36" WALL MOUNT CHEESE MELTER	15	UNDERBAR REF. UNIT
6	BEVERAGE-AIR SPE48HC-1-BH-STL 48" 2DR REFRIGERATED SANDWICH PREP TABLE	16	ICE MACHINE
7	AVANTCO STC-48GA FOUR PAN OPEN WELL ELEC. STEAM TABLE	17	LIQUOR DISPLAY (24")
8	AVANTCO CBE-84HC 84" DRAWER CHEF BASE	18	CORNER DISHWASHER WITH TABLES
9	GARLAND S36NS SENTRY SERIES 6 BURNER FLEL. RANGE	19	3-BAY SINK
10	FOUNTAIN DRINK MACHINE	20	PREP TABLE

WALL TYPES

INTERIOR WALL
20 GA. 3 5/8" STEEL STUDS @ 1'-4" O.C.
ONE LAYER 5/8" GYP. BD. EACH SIDE

INTERIOR WALL
20 GA. 3 5/8" STEEL STUDS @ 1'-4" O.C.
R-13 BATT INSULATION FULL HEIGHT
ONE LAYER 5/8" GYP. BD. EACH SIDE

INTERIOR WALL
20 GA. 3 5/8" STEEL STUDS @ 1'-4" O.C.
ONE LAYER 5/8" GYP. BD. EACH SIDE

Wall Partition Notes:

NOTES: 1. ALL DIMENSIONS ARE TO STUD U.N.O.
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W1 3 5/8" STEEL STUDS @ 1'-4" O.C. TO BOTTOM OF EXISTING GYP. CEILING W/ R-13 BATT INSULATION FULL HEIGHT. 5/8" GYP. BD. EACH SIDE FULL HEIGHT

W2 3 5/8" STEEL STUDS @ 1'-4" O.C. TO BOTTOM OF EXISTING GYP. CEILING. 5/8" GYP. @ EACH SIDE - FULL HEIGHT

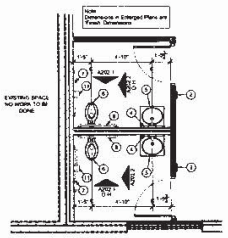
W3 EXISTING WOOD FRAMED WALL TO REMAIN. INSTALL NEW R-13 BATT INSULATION FULL HEIGHT. 5/8" GYP. BD. ON RESTAURANT SIDE FULL HEIGHT

W4 6" STEEL STUDS @ 1'-4" O.C. TO BOTTOM OF EXISTING GYP. CEILING W/ R-13 BATT INSULATION FULL HEIGHT. 5/8" GYP. BD. EACH SIDE FULL HEIGHT

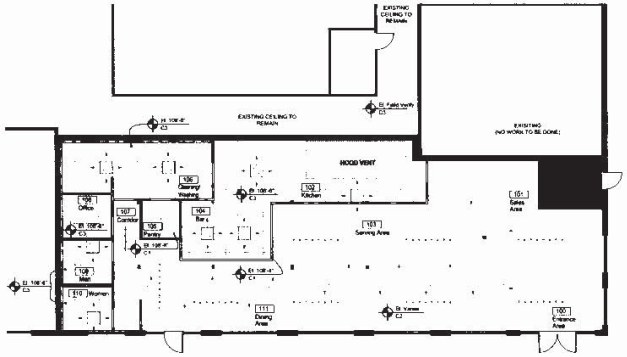
W5 INSTALL WOOD BLOCKING AND 3/4" PLYWOOD OVER EXISTING WINDOW FULL HEIGHT. 5/8" GYP. BD. FULL HEIGHT

W6 EXISTING FIRE RATED WALL TO REMAIN. NO WORK OR MODIFICATIONS TO BE DONE

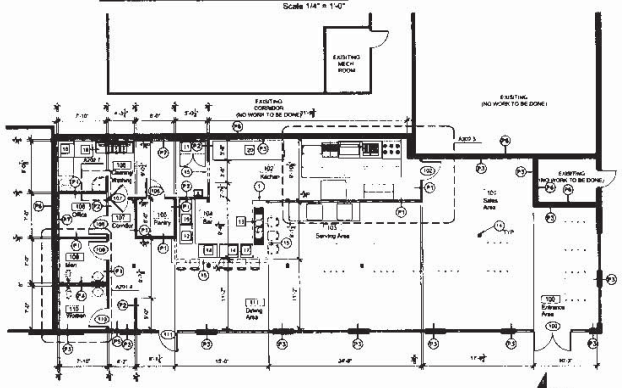
W7 3 5/8" STEEL STUDS @ 1'-4" O.C. TO BOTTOM OF PURLINS. 5/8" GYP. BD. EXPOSED SIDE FULL HEIGHT



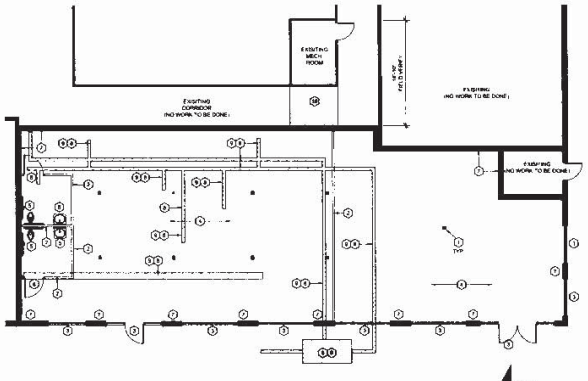
A201.4 Enlarged Plan
Scale 1/4" = 1'-0"



A201.2 Reflected Ceiling Plan
Scale 1/8" = 1'-0"



A201.2 Floor Plan
Scale 1/8" = 1'-0"



A201.1 Demolition Floor Plan
Scale 1/8" = 1'-0"

höhe DESIGN GROUP
517 N. Polk St. Amarillo, Tx 79107
806.452.5000 / 844.900.höhe
www.hohedesign.com

REGISTERED ARCHITECT

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03/03/2022

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2. Field verify & coord. w/owner, architectural & MEP Layout drawings instead of dimensioned items not listed in order to achieve design intent.
3. Refer to MEP Layout drawings for additional design items and/or notes.

Demolition Plan Notes:

1. STRUCTURAL COLUMNS TO REMAIN
2. REMOVE PARTIAL WALL AS INDICATED FULL HEIGHT
3. WINDOWS / STOREFRONT TO REMAIN. PROTECT DURING CONSTRUCTION
4. REMOVE FLOOR SYSTEM IN ITS ENTIRETY. PREPARE CONCRETE SLAB TO RECEIVE NEW TREATMENT
5. REMOVE RESTROOM FIXTURES IN THEIR ENTIRETY
6. REMOVE EXISTING DOORS AND FRAMES IN THEIR ENTIRETY
7. EXISTING WALLS TO REMAIN. PROTECT DURING CONSTRUCTION
8. REMOVE PARTIAL CONCRETE SLAB FOR PLUMBING CONFIGURATION. COORDINATE W/ PLUMBING LAYOUT DRAWINGS
9. 6" 3000 PSI CONCRETE INFILL IN PLUMBING TRAY-OUT. REFER TO A201.6
10. REMOVE EXISTING CEILING IN CHASE LEADING INTO MECHANICAL ROOM. COORDINATE W/ MECHANICAL DRAWINGS

Wall Legend:

Walls to be removed
Walls to remain

Floor Plan Notes:

1. WALL WORK BY OWNER. WALL WORK TO ADHERE TO 2012 TAS STANDARDS
2. ADD 5/8MLE SIGNAGE. TAS COMPLIANT. CHARACTERS TO BE 48" MIN TO BASELINE ABOVE 80" MAX. TO BASELINE OF CHARACTERS FROM THE LATCH SIDE AT 8" FROM OUTSIDE DOOR FRAME TO CENTERLINE OF SIGN (TYP.)
3. MOP & BROOM HOLDER (EQUAL TO BRADLEY MODEL 9563 (TRIPLE) MOUNT) MOUNT @ A.F.F. TO CENTER OF UNIT
4. SURFACE MOUNT 36" FRAMELESS MIRROR. REFER TO INTERIOR ELEVATIONS PROVIDED BY TENANT
5. ADD 5/8MLE LAVATORY. TAS COMPLIANT MOUNT @ 34" AFF TO RIM OR COUNTER SURFACE. WRAP ALL EXPOSED PIPING
6. ACCESSIBLE TOILET W/ TOP OF SEAT @ 1'-6" AFF. TAS COMPLIANT CONTROLS ON OPEN SIDE
7. 2'-6" LONG X 1'-1 1/2" D.D. S.S. GRAB BAR W/ STANDARD NON-SLIP SURFACE MOUNT @ 1'-2" AFF TO TOP. EQUAL TO BRADLEY 832 SERIES. PROVIDED BY TENANT
8. 3'-0" LONG X 1'-1 1/2" D.D. S.S. GRAB BAR W/ STANDARD NON-SLIP SURFACE MOUNT @ 2'-6" AFF TO TOP. EQUAL TO BRADLEY 832 SERIES. PROVIDED BY TENANT
9. PAPER TOWEL DISPENSER W/ BLDT @ 48" AFF. MAX. EQUAL TO BRADLEY MODEL 2444-11 SURFACE MOUNTED. PROVIDED BY TENANT
10. SOAP DISPENSER. MOUNT @ 48" AFF. MAX. TO BOTTOM OF UNIT. REF. TO INTERIOR ELEVATIONS. EQUAL TO BRADLEY MODEL 6362 SURFACE MOUNT TANK TYPE. PROVIDED BY TENANT
11. TOILET TISSUE DISPENSER. MOUNT @ 26" AFF TO CENTER. EQUAL TO BRADLEY MODEL 5-08. PROVIDED BY TENANT
12. MOP SINK AS SELECTED. REFER TO A201.5 & A201.6
13. SERVICE SINK FAUCET W/ TOP BRACE, 3/4" RUBBER HOSE & WALL HOUSE HOLDER
14. EXISTING COLUMNS TO BE PAINTED COLOR AS SELECTED BY OWNER
15. LINE OF HEADER SOFFIT ABOVE. REFER TO CEILING SCHD.

Project Name
Finish Out for:
Tkilaz Restaurant
Midland, Texas

Revisions		
No.	Date	Description

Drawing
Demolition Floor Plan
Floor Plan
Reflected Ceiling Plan

Date: March 03, 2022 | Project No. 2202

Sheet No

MIDLAND
Planning Division

Specific Use Designation Application (Non-Alcohol)

Case Number: SUP-22-0127

Ord. Number: _____

Applicant *(if acting as Agent, see affidavit on page 2)* Printed Name: Gomez Family Restaurants, LLC		Phone (806) 368 2660 Email fragak13@hotmail.com	
Address 4610 N Garfield st, ste C1	City Midland	State Tx	Zip 79705
Property Owner Printed Name: CRP SCP Wall St Lofts Owner LP		Phone ( ) Email Bwoidneck@stonehawkcapital.com	
Address 2722 Rath St	City Dallas	State TX	Zip 75201
Representative *(if different from Applicant or Property Owner)* Firm: Stonehawk Capital Partners Printed Name: Jordon Cox		Phone (817) 205-1125 Email Jcox@stonehawkcapital.com	
Address 2722 South St	City Dallas	State TX	Zip 75201

Type of Permit:	*For Office Use Only* ☐ with Term ☐without Term
Is there any Code Enforcement action pending on property? ☐ Yes ☐ No	

Street Address: 100 N Main st, ste 100 Midland, Tx 79701

Legal Description
Lot: Block: Subdivision:

Current Zoning:

Maximum Floor Area: 2,372 **Maximum Occupancy:** 102

Proposed hours and days of use or operation: Monday - Sunday ~~8:00am - 12:00am~~ 10:00am - 12:00

Reason for request: _____

Applicant's opinion as to why the request will not adversely affect the public safety, health, morals, general welfare, and convenience: _____

Submittal and Fees
Items to be submitted with this application form:

- Application Fee – Payable to the 'City of Midland'
- Dimensioned Site Plan showing
  - Parking (if applicable)
  - Building Footprint
- Digital Copies of Site Plan (PDF/JPEG)

RECEIVED
MAR 02 2022
CF

Signatures	
Applicant (signature):	
Applicant (printed): Francisco Gomez Castellanos	Date: 21-11-2022
Property Owner (signature):	
Property Owner (printed): Brian Woidneck	Date: 1/20/22

The Specific Use Designation shall be considered officially received in the Planning office only when it has been submitted in full compliance with the provisions of Section 212 of the Texas Local Government Code and the Zoning Code of Ordinances of the City of Midland and when such required items for the application are also received.

All materials, including exhibits, submitted in support of an application, or displayed during a public hearing, shall remain the property of the City of Midland.

If an agent is authorized by the property owner to file and execute the application on behalf of the property owner, the agent must complete the affidavit below.

STATE OF TEXAS
COUNTY OF MIDLAND

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

_____
Authorized Agent (*signature*)

Subscribed and sworn to before me, this _____ day of _____, 20 ___, to certify which witness my hand and seal of office.

_____
NOTARY PUBLIC, MIDLAND COUNTY, TEXAS

FOR OFFICE USE ONLY

- ☑ Property Owner Authorization
- ☑ Application Fee
- Check # 1437
- ☑ Dimensioned Site Plan
- ☑ Site Plan in Digital Format (PDF/JPEG)

Received By: Cole Thompson Date: 3-2-22

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

MATERIALS SCHEDULE

FLOORS		BASE		WALLS		CEILINGS	
F1	SEALED & POLISHED CONCRETE FLOOR	B1	VINYL BASE	W1	TAPE, TEXTURE & PAINT - ORANGE PEEL	C1	GYP. BD. (TAPE, TEXTURE & PAINT)
				W2	FRP	C2	EXISTING GYP. PATCH & PAINT AS REQUIRED
				W3	STAINLESS STEEL SHEETS	C3	24"x24" VINYL COVERED CEILING TILE
						C4	24"x24" EXPOSED CEILING TILE GRID

ROOM FINISH SCHEDULE

ROOM NO	ROOM NAME	FLOOR	BASE	WALL SURFACES NORTH	EAST	SOUTH	WEST	CEILING	CEILING HEIGHT	REMARKS
100	ENTRANCE AREA	F1	B1	-	W1	W1	W1	C2	VARIES	
101	SALES AREA	F1	B1	-	W1	W1	W1	C2	VARIES	
102	KITCHEN	F1	B2	-	W3	W3	-	C2	VARIES	
103	SERVING AREA	F1	B1	-	-	-	W1	C2	VARIES	
104	BAR	F1	B1	W1	W1	W1	W1	C3	8'-0"	
105	PANTRY	F1	B1	W1	W1	W1	W1	C1	8'-0"	
106	CLEANING/WASHING	F1	B1	W2	W2	W1	W1	C2	8'-0"	
107	CORRIDOR	F1	B1	W1	W1	W1	W1	C2	VARIES	
108	OFFICE	F1	B1	W1	W1	W1	W1	C3	8'-0"	
109	MEN	F1	B1	W1	W1	W1	W1	C2	VARIES	
110	WOMEN	F1	B1	W1	W1	W1	W1	C2	VARIES	
111	DINING	F1	B1	W1	W1	W1	W1	C2	VARIES	

KITCHEN EQUPMENT LEGEND (BY OWNER)

1	GARLAND EC 30E - 30" ELEC CHARBROILER	11	2-DOOR FREEZER
2	16'-0" VENT HOOD	12	GLASS CHILLER (36")
3	(2) AVANTCO EF40-208-1-40LB ELEC. FLOOR FRYER	13	72" UNDERCOUNTER SINK
4	AVANTCO EG36N 36" ELECTRIC GRIDDLE	14	ICE BIN (48")
5	VULCAN VSM36 36 5" WALL MOUNT CHEESE MELTER	15	UNDERBAR REF. UNIT
6	BEVERAGE-AIR SPE48HC-1 (59-5/7L 48" 2DR REFRIGERATED SANDWICH PREP TABLE	16	ICE MACHINE
7	AVANTCO STC-48GA FOUR PAN OPEN WELL ELEC. STEAM TABLE	17	LIQUOR DISPLAY (24")
8	AVANTCO CBE-84HC 84" DRAWER CHEF BASE	18	CORNER DISHWASHER WITH TABLES
9	GARLAND S36NS SENTRY SERIES 6 BURNER FLEC. RANGE	19	3-BAY SINK
10	FOUNTAIN DRINK MACHINE	20	PREP TABLE

WALL TYPES

INTERIOR WALL
20 GA. 3 5/8" STEEL STUDS @ 1'-4" O.C.
ONE LAYER 5/8" GYP. BD. EACH SIDE

INTERIOR WALL
20 GA. 3 5/8" STEEL STUDS @ 1'-4" O.C.
R-13 BATT INSULATION FULL HEIGHT
ONE LAYER 5/8" GYP. BD. EACH SIDE

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ONE LAYER 5/8" GYP. BD. EACH SIDE

Wall Partition Notes:

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W2 3 5/8" STEEL STUDS @ 1'-4" O.C. TO BOTTOM OF EXISTING GYP. CEILING. 5/8" GYP. @ EACH SIDE - FULL HEIGHT

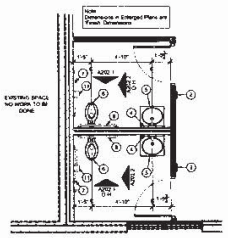
W3 EXISTING WOOD FRAMED WALL TO REMAIN. INSTALL NEW R-13 BATT INSULATION FULL HEIGHT. 5/8" GYP. BD. ON RESTAURANT SIDE FULL HEIGHT

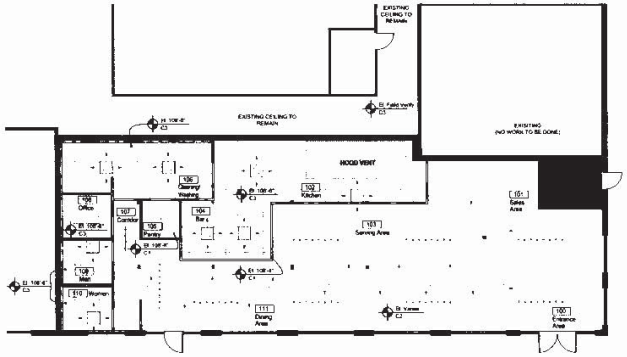
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W5 INSTALL WOOD BLOCKING AND 3/4" PLYWOOD OVER EXISTING WINDOW FULL HEIGHT. 5/8" GYP. BD. FULL HEIGHT

W6 EXISTING FIRE RATED WALL TO REMAIN. NO WORK OR MODIFICATIONS TO BE DONE

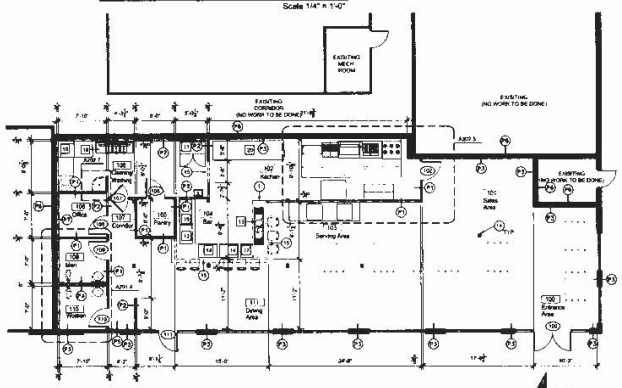
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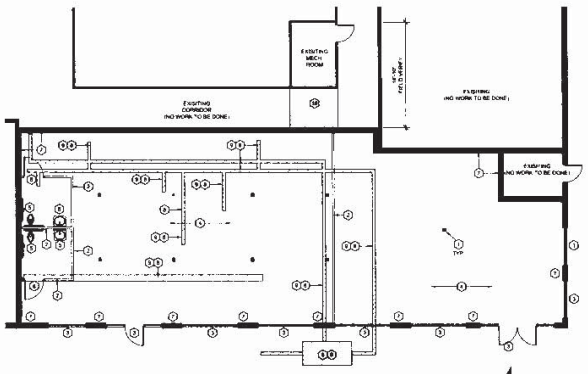


A201.2 Reflected Ceiling Plan
Scale 1/8" = 1'-0"

A201.4 Enlarged Plan
Scale 1/4" = 1'-0"



A201.2 Floor Plan
Scale 1/8" = 1'-0"



A201.1 Demolition Floor Plan
Scale 1/8" = 1'-0"

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Wall Legend:

Walls to be removed
Walls to remain

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1. WALL WORK BY OWNER. WALL WORK TO ADHERE TO 2012 TAS STANDARDS
2. ADD BRAILLE SIGNAGE. TAS COMPLIANT. CHARACTERS TO BE 48" MIN TO BASELINE ABOVE 80" MAX. TO BASELINE OF CHARACTERS FROM FIN. FLR. (VERT.) & 8" FROM OUTSIDE DOOR FRAME TO CENTERLINE OF SIGN. (TYP.)
3. MOP & BROOM HOLDER (EQUAL TO BRADLEY MODEL 9563 (TURN A/C MOUNT) MOUNT @ A.F.F. TO CENTER OF UNIT
4. SURFACE MOUNT 36" FRAMELESS MIRROR. REFER TO INTERIOR ELEVATIONS PROVIDED BY TENANT
5. ADD 6 SEMBLE LAVATORY. TAS COMPLIANT. MOUNT @ 34" AFF TO RIM OR COUNTER SURFACE. WRAP ALL EXPOSED PIPING
6. ACCESSIBLE TOILET W/ TOP OF SEAT @ 1'-6" AFF. TAS COMPLIANT. CONTROLS ON OPEN SIDE
7. 2'-6" LONG X 1'-1 2" D.D. S.S. GRAB BAR W/ STANDARD NON-SLIP SURFACE MOUNT @ 1'-2" AFF TO TOP. EQUAL TO BRADLEY 832 SERIES. PROVIDED BY TENANT
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13. SERVICE SINK FAUCET W/ TOP BRACE, 3/4" RUBBER HOSE & WALL HOUSE HOLDER
14. EXISTING COLUMNS TO BE PAINTED COLOR AS SELECTED BY OWNER
15. LINE OF HEADER SOFFIT ABOVE. REFER TO CEILING SCHED.

Project Name
Finish Out for:
Tkilaz Restaurant
Midland, Texas

Revisions		
No.	Date	Description

Drawing
Demolition Floor Plan
Floor Plan
Reflected Ceiling Plan

Date: March 03, 2022 | Project No. 2202

Sheet No

the Wall Street
LOFTS

January 14th,
2022

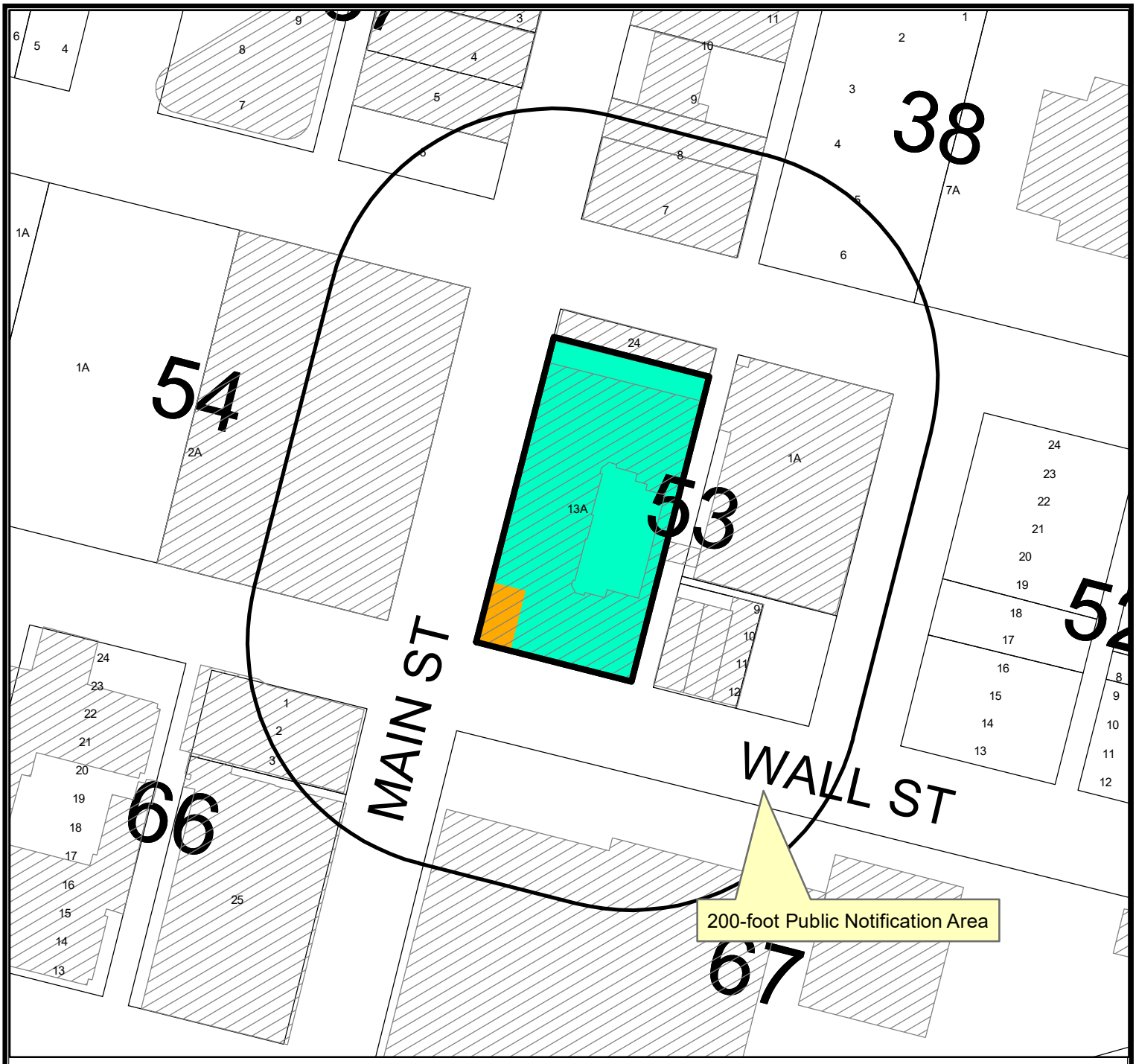
To whom it may concern,

Wall Street Lofts parking is not designated parking anywhere either in front of our building or on the sides of our building. If you have any questions, please feel free to reach me at 432-686-1050.

Respectfully,

Michelle Yapp | Community Manager | the Wall Street LOFTS
Redefining Excellence in Apartment Living
100 N. Main Street | Midland, TX 79701
Main 432.686.1050
wallstreetloftsmgr@greystar.com
LiveAtWallStreetLofts.com

MAR 02 2022
BY: CF



LOCATION MAP

SUD-22-0127 **Scale: 1" = 1500'**

Request by Gomca Family Restaurants, for a Specific Use Designation with Term for on-premises consumption, in a 2,372 square foot portion of Lot 13A, Block 53, Original Town, Section 7, City and County of Midland, Texas.

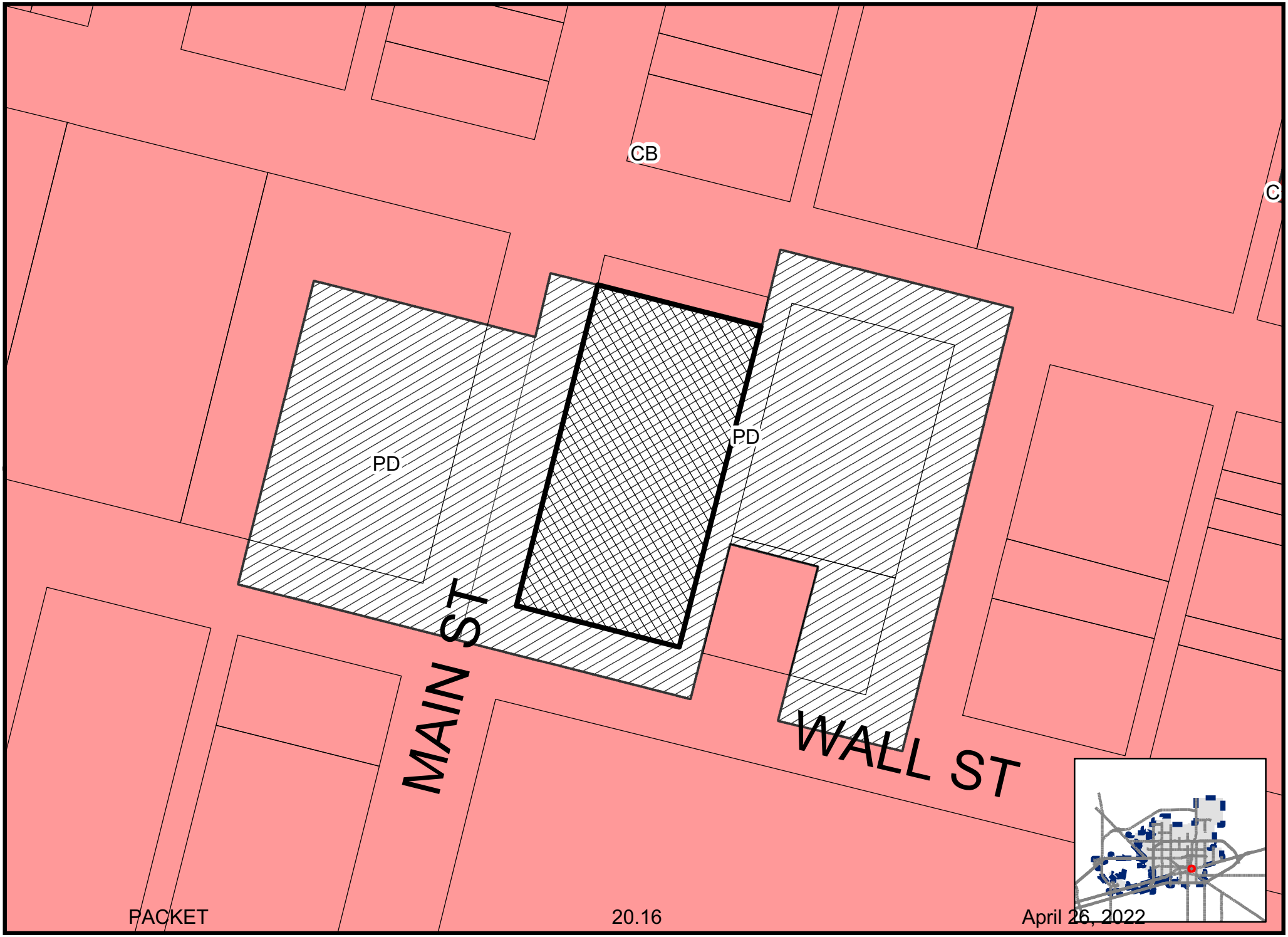
Generally located on the northeast corner of the intersection of Main Street and Wall Street. (Council District 2)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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Map By JS, 3/4/2022

SUD-22-0127

Scale: 1" = 1200'

ZONING MAP

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BIKE LANE


- NOTICE -
AN APPLICATION TO SELL AND CONSUME ALCOHOLIC BEVERAGES IS PROPOSED FOR THIS LOCATION.
TYPE OF LICENSE/PERMIT:
MB
NAME OF APPLICANT:
Gomia Family Rest LLC
ADDRESS OF APPLICANT:


WALL ST



City Council Meeting

Item Number: 21

Meeting Date: April 12, 2022 (April 26, 2022)

To: City Council / City Manager

From: Ron Jenkins, Oil and Gas Coordinator

Subject: **RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS (DISTRICT 1) (DEVELOPMENT SERVICES)**

Purpose:

Resolution approving amendments to the permits issued to Diamondback E&P LLC. ("Operator") to drill eleven oil and gas wells located in in Section 8, Block 39, T-1-S, T&P RR Co, City of Midland, Midland County, Texas (Generally located between 405 and 470 feet north of Green Tree Blvd. extension and between 586 feet and 2,800 feet east of North Midland Drive); said amendments authorizing the use of electric drive compressor. Council approved the proposed drill sites on March 22, 2016; August 9, 2016; July 25, 2017; October 24, 2017; and October 9, 2018; however, the applicant is requesting consideration of amended drilling conditions. Permits were authorized by the City Council by Resolution Nos. 2016-079; 2016-245; 2017-195; 2017-196; 2017-198;2017-312; 2017-313; 2017-315; 2018-403; 2018-404; and 2018-406.

Recommended City Council Action:

Approve

Fiscal Impact:

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

Discussion:

This item was deferred at the council meeting of April 12, 2022 to give Diamondback and neighboring property owner, Evans 1, the opportunity to work out possible differences and objections.

Since the last council meeting, Diamondback has updated the request letter to include additional permanent sound wall to be 20 ft. tall and 30 ft. long to be located on the east side of the Whitefish compressor at the request of Mr. Gregg who represents the Evans. This site will now have sound walls on the east, south and west of the Whitefish Compressor pad.

The amending condition proposed by Diamondback E&P LLC is to amend the permit to add an additional method of artificial lift to produce the well through the use of electric drive compressor. Currently, operator is using electric submersible pump and have the ability to go to a rod pump. Diamondback notes that rod lift will be operationally challenging with a high failure rate.

The amending condition proposed by Diamondback E&P LLC is the use of electric drive compressor at a centrally located site called the Whitefish Electric Compressor Pad. Sound modeling report has been included. Per the Ordinance 8769 states:

L. 19. Compressors. No onsite compressor used to “lift gas” shall be used. No compressor of any type shall be used. In the event Operator determines the use of such compressor is necessary, a detailed plan shall be submitted by Operator to the City Council for considerations. An on-site compressor plan shall include the following information:

a. The physical size of compressor;
b. The power source of the compressor;
c. The horsepower of the compressor;
d. The noise of the compressor; and
e. The manufacturer of the compressor.

No compressor of any type shall be use unless a plan is approved by the City Council.

This request is for the use of an electrical compressor and not a diesel engine drive compressor.

Diamondback E&P LLC identifies the installation of electric drive compressors being 24’ long and 12’ 6” wide and 9’8” high with a 450 hp compressor manufactured by TOPS LLC (Total Operations & Production Services). Closest occupied structure to compressor site is approximately 2,793 feet to the West of the pad. Nearest neighboring property and surface owner impact is 375 feet to the south not including the surface owner where the well pads are located.

Per the Whitefish Electric Compressor Noise Modeling Report from Behrens and Associates, Inc. dated February 25, 2022- Page 14, 5 Conclusion “The predicted compressor operations noise levels were compared to the measured nighttime ambient sound levels to determine the noise impact of the compressor operations. The compressor operations will not increase the average ambient nighttime noise levels at receptor Locations 1 through 6 because the predicted operational noise levels are significantly below the measured nighttime average ambient sound levels. There is a minimal increase at receptor Location 7 of 0.3 dBA, but it falls within the barely perceptible range at 375 feet.

The mitigation model includes the use of approximately 70 total linear feet of 20-foot-high, Sound Transmission Class (STC) 40 Acoustical wall installed on the west and south side of the compressor package. Layout for the model is page 11 of report.
At staff request Diamondback has notified the closest landowners that would have any sound impact. That would be the surface owner and the southerly property owner being the Evans Ownership. I have forwarded information to Evans Ownership representation, Peter T Gregg which includes the latest noise modeling report that includes a mitigation model. Prior to receiving this latest noise modeling report, Mr. Gregg notified the city that the Evans Ownership was in protest of the variance being granted. Mr. Gregg stated at the April 12th council meeting that he had a sound study completed and it is 11 dBA louder with mitigation. I have attached the Noise Study Report Review and Analysis from SLR received from Mr. Gregg.

Staff has encouraged the representatives to follow Council advice to resolve the issues and understand the reason for the deferral. At this the issues may be resolved with the adding of the additional sound wall to the east side of the pad at Mr. Greggs request per the updated request letter.

A variance for the use of electric driven compressor has been given on two previous Endeavor Permits in December 2019.

Attachments: Whitefish Letter of request, Exhibit A- Compressor Location, Exhibit B- Noise Modeling Report, Exhibit C-Compressor Size and Spec., Exhibit D- Technical Drawings, Location map, Evans letter of objection, SLR Noise Study Review, Western T Corp. Consent.

Morris William Jr.

City Manager’s Office

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDMENTS TO THE PERMITS ISSUED TO DIAMONDBACK E&P LLC ("OPERATOR") TO DRILL ELEVEN OIL AND GAS WELLS LOCATED IN SECTION 8, BLOCK 39, T-1-S, T&P RR CO. SURVEY, CITY OF MIDLAND, MIDLAND COUNTY, TEXAS (GENERALLY LOCATED BETWEEN 405 AND 470 FEET NORTH OF GREEN TREE BOULEVARD EXTENSION AND BETWEEN 586 FEET AND 2,800 FEET EAST OF NORTH MIDLAND DRIVE); SAID AMENDMENTS AUTHORIZING THE USE OF ELECTRIC DRIVE COMPRESSORS

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:

> Bozeman Unit 802WA; Bozeman Unit 803LS; Bozeman Unit 803WA; Bozeman Unit 813WB; Butte Unit 804WA; Butte Unit 804WB; Butte Unit 805WB; Butte Unit 815MS; Missoula Unit 806WB; Whitefish Unit 801LS; and Whitefish Unit 812MS; 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., 2022, by the following vote:

Council members voting “AYE”:

Council members voting “NAY”:

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney

EXHIBIT "A"

OIL AND GAS WELL PERMIT AMENDMENT

THIS AMENDMENT is made and effective April 12, 2022, by and between the City of Midland, Texas, a home-rule municipal corporation (the "City"), and Diamondback E&P LLC ("Operator").

WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated March 22, 2016, August 9, 2016, July 25, 2017, October 24, 2017, and October 9, 2018 (collectively, the "Permits) to Operator to drill the following oil and gas wells within the city limits: Bozeman Unit 802WA; Bozeman Unit 803LS; Bozeman Unit 803WA; Bozeman Unit 813WB; Butte Unit 804WA; Butte Unit 804WB; Butte Unit 805WB; Butte Unit 815MS; Missoula Unit 806WB; Whitefish Unit 801LS; and Whitefish Unit 812MS; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2016-079, 2016-245, 2017-195, 2017-196, 2017-198, 2017-312, 2017-313, 2017-315, 2018-403, 2018-404, and 2018-406; 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 an electric drive compressor with permanent acoustical barriers that have a Sound Transmission Class rating of 40 located on the east, south and west sides of the pad as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the electric drive compressor and annually thereafter by a qualified third-party inspector to verify that the noise level 375 feet from the edge of the Whitefish Electric Compressor Pad is 51 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 the aforementioned level, the wells shall be immediately shut in, and production shall not resume unless

production is achieved while maintaining a noise level that does not exceed the aforementioned level.

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

Diamondback E&P LLC

By:_____
Joel Martin,
Production Manager

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Joel Martin, Production Manager of Diamondback E&P LLC, on behalf of Diamondback E&P LLC.

_____
Notary Public – State of Texas

OIL AND GAS WELL PERMIT AMENDMENT

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WHEREAS, the City previously issued those certain Oil and Gas Well Permits dated March 22, 2016, August 9, 2016, July 25, 2017, October 24, 2017, and October 9, 2018 (collectively, the "Permits) to Operator to drill the following oil and gas wells within the city limits: Bozeman Unit 802WA; Bozeman Unit 803LS; Bozeman Unit 803WA; Bozeman Unit 813WB; Butte Unit 804WA; Butte Unit 804WB; Butte Unit 805WB; Butte Unit 815MS; Missoula Unit 806WB; Whitefish Unit 801LS; and Whitefish Unit 812MS; and

WHEREAS, the Permits were authorized by the City Council by Resolution Nos. 2016-079, 2016-245, 2017-195, 2017-196, 2017-198, 2017-312, 2017-313, 2017-315, 2018-403, 2018-404, and 2018-406; 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 an electric drive compressor with permanent acoustical barriers that have a Sound Transmission Class rating of 40 located on the east, south and west sides of the pad as an additional production method; provided, however, that the noise level is to be tested at the time of installation of the electric drive compressor and annually thereafter by a qualified third-party inspector to verify that the noise level 375 feet from the edge of the Whitefish Electric Compressor Pad is 51 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 the aforementioned level, the wells shall be immediately shut in, and production shall not resume unless

production is achieved while maintaining a noise level that does not exceed the aforementioned level.

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

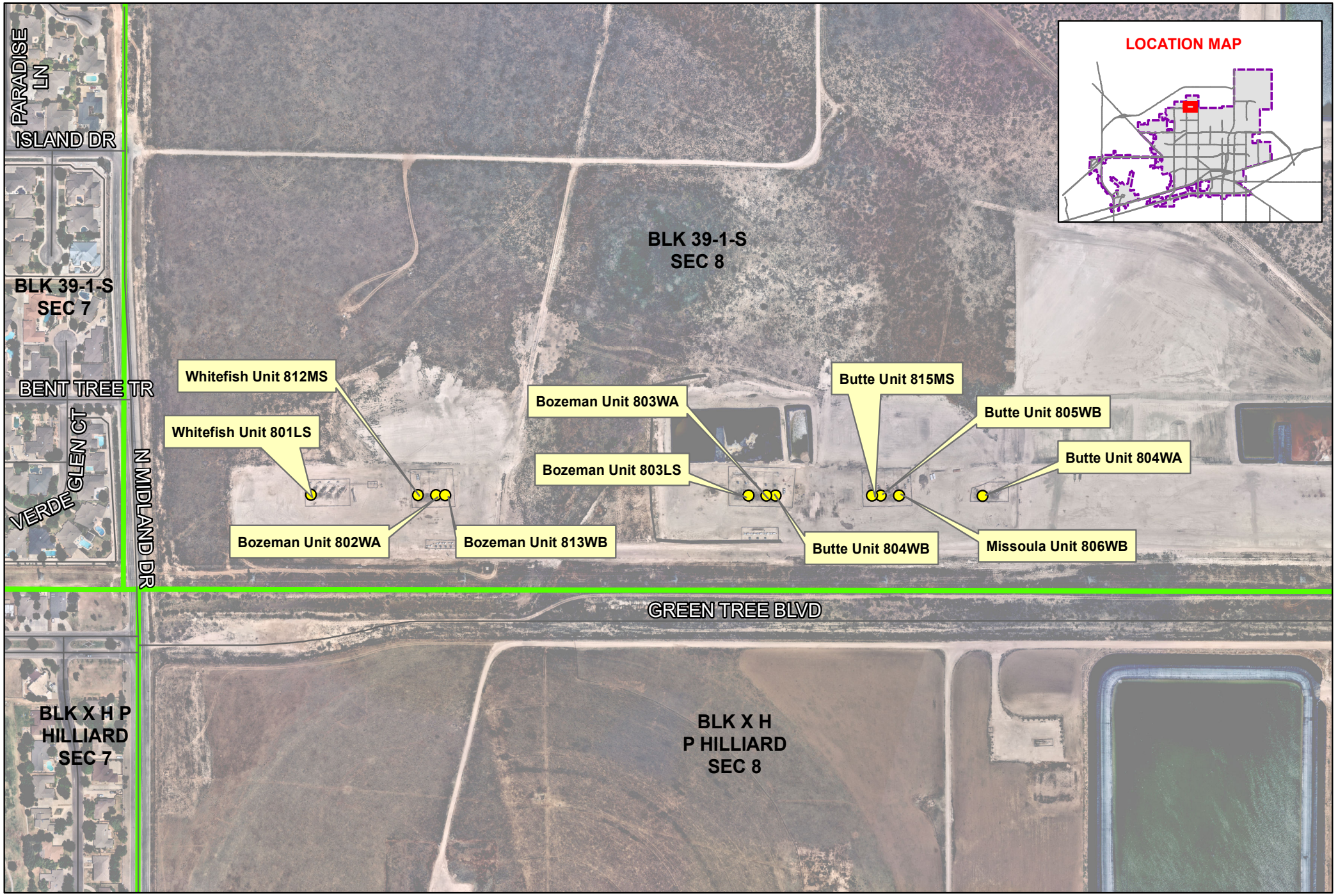
Diamondback E&P LLC

By:_____
Joel Martin,
Production Manager

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me this _____ day of _____, 20____, by Joel Martin, Production Manager of Diamondback E&P LLC, on behalf of Diamondback E&P LLC.

_____
Notary Public – State of Texas



Date: 11/29/2021

Legend

- Oil Well
- Street
- Survey Section

PACKET

Eleven oil and gas wells located in Section 8, Block 39, T-1-S, T&P RR Co, City of Midland, Midland County, Texas. Generally located 306 feet north of Green Tree Blvd. extension and between 630 feet and 2,588 feet east of North Midland Drive.

21-10

April 26, 2022

0 100 200 Feet

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DIAMONDBACK ENERGY

To: Ron Jenkins, City of Midland

From: Shanna Spence, Surface Landman

Date: April 19, 2022

Re: **Bozeman 802WA, Bozeman 803WA, Bozeman 803LS, Bozeman 813WB, Butte 804WB, Butte 804WA, Butte 805WB, Butte 815MS, Missoula 806WB, Whitefish Unit 801LS, & Whitefish Unit 812MS**

Dear Mr. Jenkins,

Diamondback E&P LLC ("Diamondback") is requesting approval for the use of compression within City limits for the following wells:

Well Name	Permit Date	Resolution Number
T&P RR CO, SEC 8, A-719, BLK 39, T-1-S:		
Bozeman Unit 802WA	7/25/2017	2017-195
Bozeman Unit 803LS	10/9/2018	2018-403
Bozeman Unit 803WA	10/9/2018	2018-404
Bozeman Unit 813WB	7/25/2017	2017-196
Butte Unit 804WA	3/22/2016	2016-079
Butte Unit 804WB	10/9/2018	2018-406
Butte Unit 805WB	10/24/2017	2017-312
Butte Unit 815MS	10/24/2017	2017-313
Missoula Unit 806WB	10/24/2017	2017-315
Whitefish Unit 801LS	8/9/2016	2016-245
Whitefish Unit 812MS	7/25/2017	2017-198

These wells have been produced with electric submersible pumps (ESP) since they were put on production. With the decline in reservoir pressure, ESPs will soon no longer be a viable option. Horizontal wells are typically put on rod lift at this point. Due to the high deviation in these wells even before the kickoff point, rod lift will be operationally challenging with a high failure rate. Additionally, the Gas to Liquid Ratio (GLR) increases withtime, creating additional challenges for downhole pumps. Other artificial lift options include Gas Lift and Gas Assisted Plunger Lift. These options require a compressor to be used near the wells.

This proposal is in a revised plan from our November 2, 2021 submission that has sound mitigation taking into account future development of the surrounding lands. If approved, one electric drive compressor will be used for these wells. The compressor will be set on the drilling pad approximately 2,793' from the nearest occupied structure (**Exhibit A**). An acoustic impact study has

been conducted using one (1) 450HP electric drive compressor (**Exhibit B**). Diamondback proposes utilizing a sound damping 20-foot-tall wall that is 30-foot-long West and 40-foot-long South of the compressor. After the City of Midland Council meeting April 12, 2022, Diamondback representatives engaged in conversations with a representative of the landowner to the south, pursuant to which Diamondback agreed to construct a third 20-foot-tall wall that is 30-foot-long to the East of the compressor location. These walls will enclose the compressor on three sides. Diamondback will build permanent fire-resistant tarp lined chain link fencing on the North side of the compressor to provide protection and security. With the addition of the sound wall mitigation, the noise from the compressors will be minimally increased south of the compressor to 53.2 dBA which is only an increase of 0.3 dBA. The noise from the compressor will not increase the average ambient nighttime noise levels at the nearest structures from the compressor at the time of this letter. Per the ordinance, the size and specifications of the compressors are in **Exhibit C**. Also included are the technical drawings for the compressors **(Exhibit D)**.

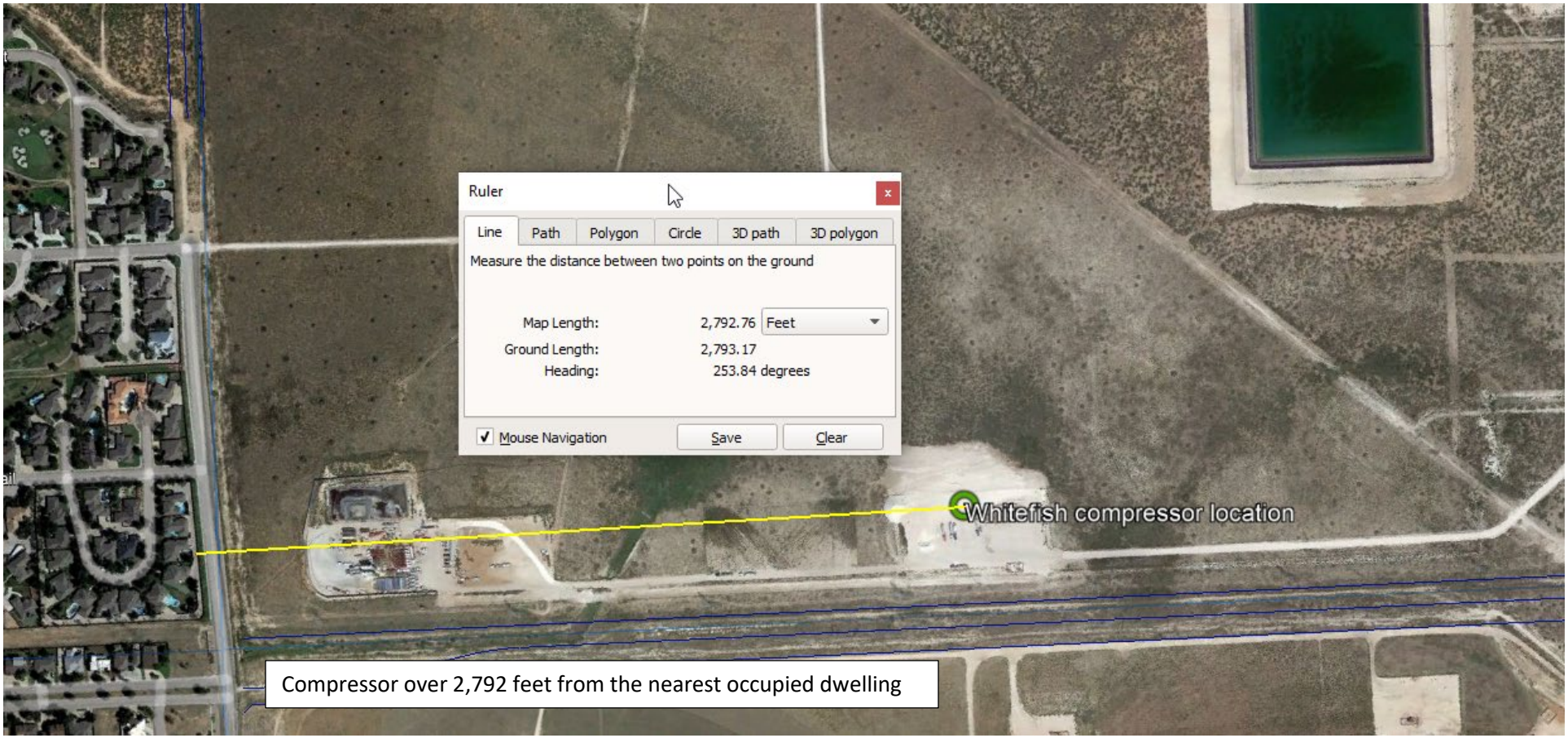
Thank you, Mr. Jenkins, for considering this request and please let me know if you have any questions or need any additional information.

Sincerely,

Shanna Spence
Surface Landman
Diamondback E&P LLC
432.221.7416
sspence@diamondbackenergy.com

Exhibit A




Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the distance between two points on the ground
Map Length:
2,792.76
Feet
Ground Length:
2,793.17
Heading:
253.84 degrees
Mouse Navigation
Save
Clear
Whitefish compressor location
Compressor over 2,792 feet from the nearest occupied dwelling

Whitefish Electric Compressor Noise Modeling Report

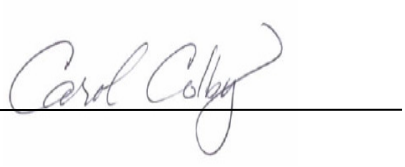
March 4, 2022

Prepared for:

Diamondback Energy Inc.
515 Central Park Drive, Suite 500
Oklahoma City, OK 73105

Prepared by:

Behrens and Associates, Inc.
13806 Inglewood Avenue
Hawthorne California, 90250



Carol Colby
Acoustical Engineer



Jason Peetz
Engineering Manager

1. Introduction

The purpose of this report is to provide a noise assessment of the operations associated with the proposed Whitefish Electric Compressor pad (32° 3'38.99"N, 102° 8'48.97"W) located approximately 0.5 miles east of Midland Drive in Midland, Texas. The noise assessment includes a modeling analysis of an electric compressor package. This report provides the predicted operational noise levels and an assessment of the noise impact in dBA. The location of the Whitefish Electric Compressor site and surrounding area is shown in Figure 1-1.

To assess the operational noise levels of the proposed Whitefish Electric Compressor pad, file data and manufacture noise level data was utilized in the noise modeling. The noise model was developed using SoundPLAN 8.0 software.

The following is provided in this report:

- A brief introduction of the fundamentals of noise
- A discussion of noise modeling methodology
- An assessment of the predicted operational noise levels



Figure 1-1 Whitefish Electric Compressor Pad Location

2. Noise Fundamentals

Sound is most commonly experienced by people as pressure waves passing through air. These rapid fluctuations in air pressure are processed by the human auditory system to produce the sensation of sound. The rate at which sound pressure changes occur is called the frequency. Frequency is usually measured as the number of oscillations per second or Hertz (Hz). Frequencies that can be heard by a healthy human ear range from approximately 20 Hz to 20,000 Hz. Toward the lower end of this range are low-pitched sounds, including those that might be described as a "rumble" or "boom". At the higher end of the range are high-pitched sounds that might be described as a "screech" or "hiss".

2.1 Environmental Noise

Environmental noise generally derives, in part, from a combination of distant noise sources. Such sources may include common experiences such as distant traffic, wind in trees, and distant industrial or farming activities. These distant sources create a low-level "background noise" in which no particular individual source is identifiable. Background noise is often relatively constant from moment to moment but varies slowly from hour to hour as natural forces change or as human activity follows its daily cycle.

Superimposed on this low-level, slowly varying background noise is a succession of identifiable noisy events of relatively brief duration. These events may include the passing of single-vehicles, aircraft flyovers, screeching of brakes, and other short-term events. The presence of these short-term events causes the noise level to fluctuate. Typical indoor and outdoor A-weighted sound levels are shown in Figure 2-1.

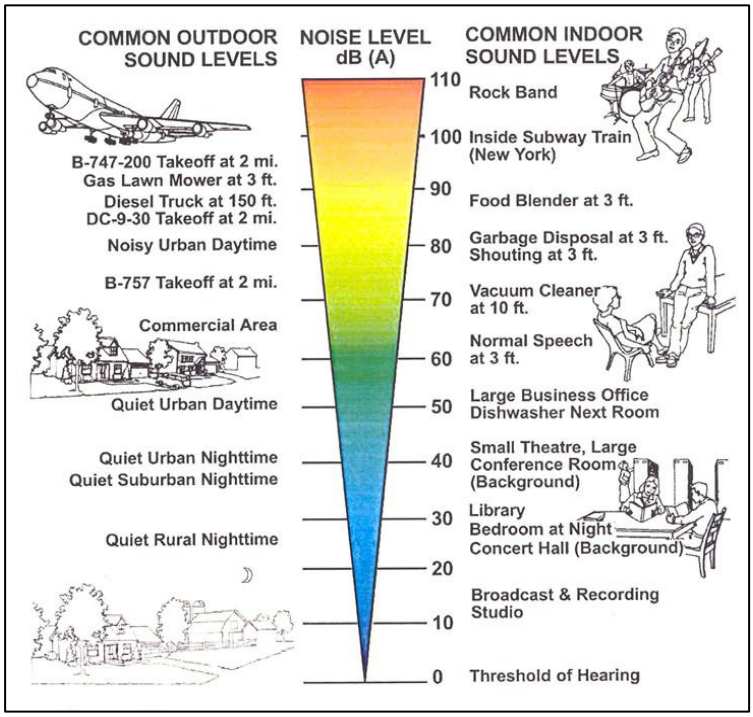


Figure 2-1 Typical Indoor and Outdoor A-Weighted Sound Levels

2.2 Relative Loudness of Environmental Noise

Published data exists describing how humans generally respond to changes in relative loudness. Table 2-1, adapted from the Highway Traffic Noise: Analysis and Abatement Guidance (revised December 2011) published by the Federal Highway Administration, shows typical responses to changes in relative loudness.

Table 2-1 Decibel Changes, Loudness, and Relative Loudness[1]

Sound Level Change	Relative Loudness
0 dB(A)	Reference
-3 dB(A)	Barely Perceptible Change
-5 dB(A)	Readily Perceptible Change
-10 dB(A)	Half as Loud
-20 dB(A)	1/4 as Loud
-30 dB(A)	1/8 as Loud

The table describes reductions in noise levels, but the opposite holds true for increases in noise level.

[1] Table adapted from FHWA Highway Traffic Noise: Analysis and Abatement Guidance, revised December 2011

3. Ambient Sound Level Survey

3.1 Ambient Survey Procedure

Three Type 1 sound level meters were utilized to conduct an ambient sound level survey near the Whitefish Electric compressor site. Each sound level meter conforms to Type 1 as per ANSI S1.4 Specification for Sound Level Meters with a tolerance of approximately ±1.5 dBA. The microphones associated with the sound level meters were placed approximately 5 feet above the ground and at least 10 feet from any reflective surfaces at the locations shown in Figure 1-1. Each sound level meter was calibrated before the measurement period. The instrumentation details are presented in Table 3-1.

Table 3-1 Instrumentation Details

Location	Instrument	Manufacturer/Model	Serial Number
1	Sound Level Meter	SVANTEK SVAN 971 Sound Level Meter	44598
2	Sound Level Meter	SVANTEK SVAN 971 Sound Level Meter	40386
3	Sound Level Meter	SVANTEK SVAN 971 Sound Level Meter	51621

The sound level monitoring period began on Thursday, September 9, 2021 with the meters programmed to continuously monitor and record A-weighted sound levels. The monitoring period ended on September 10, 2021.

3.2 Ambient Survey Results

The measured 24-hour average A-weighted sound levels for Location 1, Location 2 and Location 3 were 62.7 dBA, 62.1 dBA and 52.8 dBA respectively. The daytime period measured noise levels are 64.4 dBA, 60.3 dBA and 53.9 dBA at Locations 1, 2 and 3, respectively. The nighttime period noise levels are 55.6 dBA, 64.1 dBA and 50.2 dBA, respectively. These levels are shown in Table 3-2.

Table 3-2 Measured Average Ambient Sound Levels for September 9, 2021

Time	Location 1 (1- hr dBA L_{eq})	Location 2 (1- hr dBA L_{eq})	Location 3 (1- hr dBA L_{eq})
24-hour Average dBA L_{eq}	62.7	62.1	52.8
Daytime Average dBA L_{eq}	64.4	60.3	53.9
Nighttime Average dBA L_{eq}	55.6	64.1	50.2

The A-weighted filter is applied to instrument-measured sound levels in effort to account for the relative loudness perceived by the human ear. As the human ear is less sensitive to low frequencies, the A-weighted filter correspondingly discounts low frequency sound observed during measurements and is widely utilized for environmental noise measurements. The measured 24-hour A-weighted sound levels for Location 1, Location 2 and Location 3 can be seen in Appendix C -Ambient Data.

The weather was sourced from a nearby weather station (www.wunderground.com) named Mockingbird Heights (KTXMIDLA36) in Midland Texas. The recorded temperatures for the weather station ranged between 68.4 degrees and 95.7 degrees Fahrenheit for the measurement period. Periods of elevated wind speeds range between 0 mph and

25.1 mph. There were no periods of sustained rainfall recorded. The recorded temperature, wind speed, wind direction, and pressure is displayed graphicly in Appendix B -Weather Data.

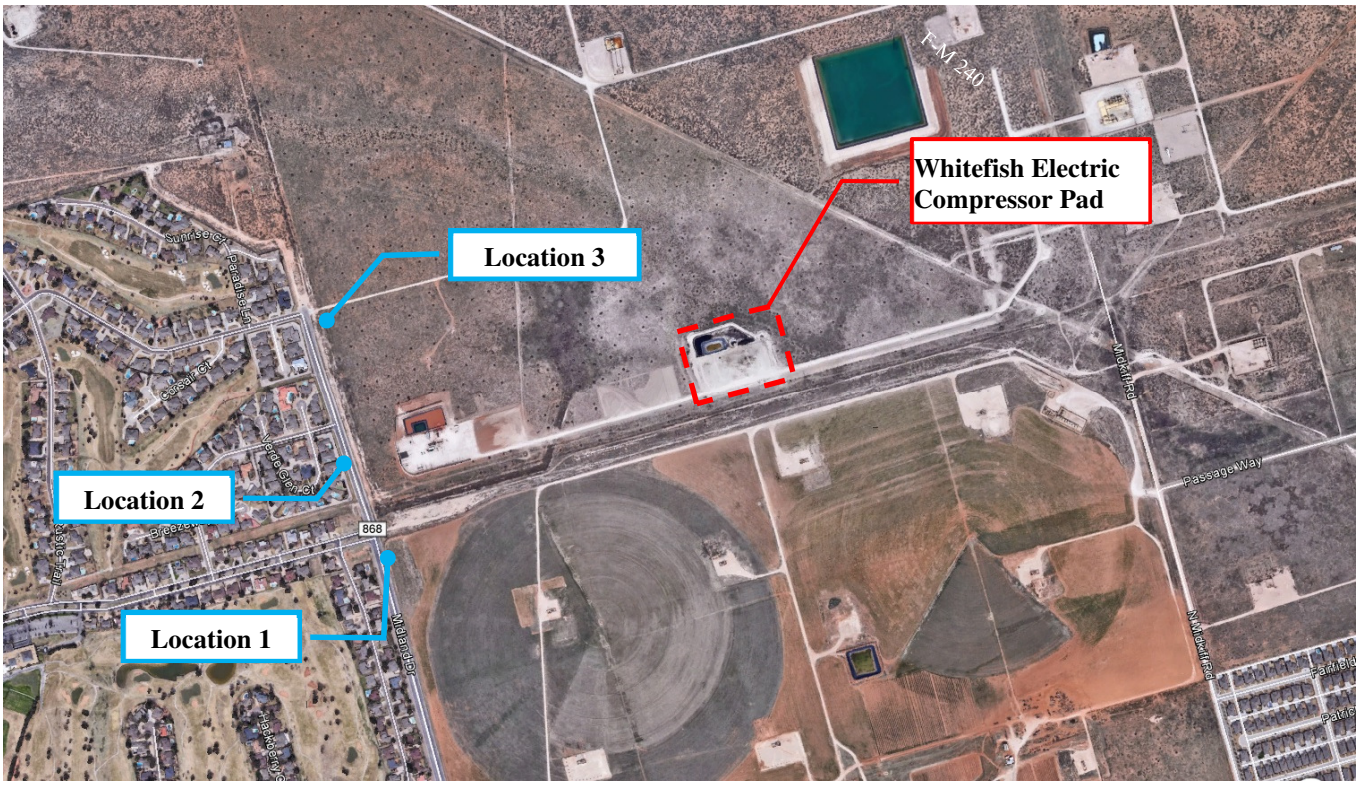


Figure 3-1 Whitefish Electric Compressor Monitoring Locations

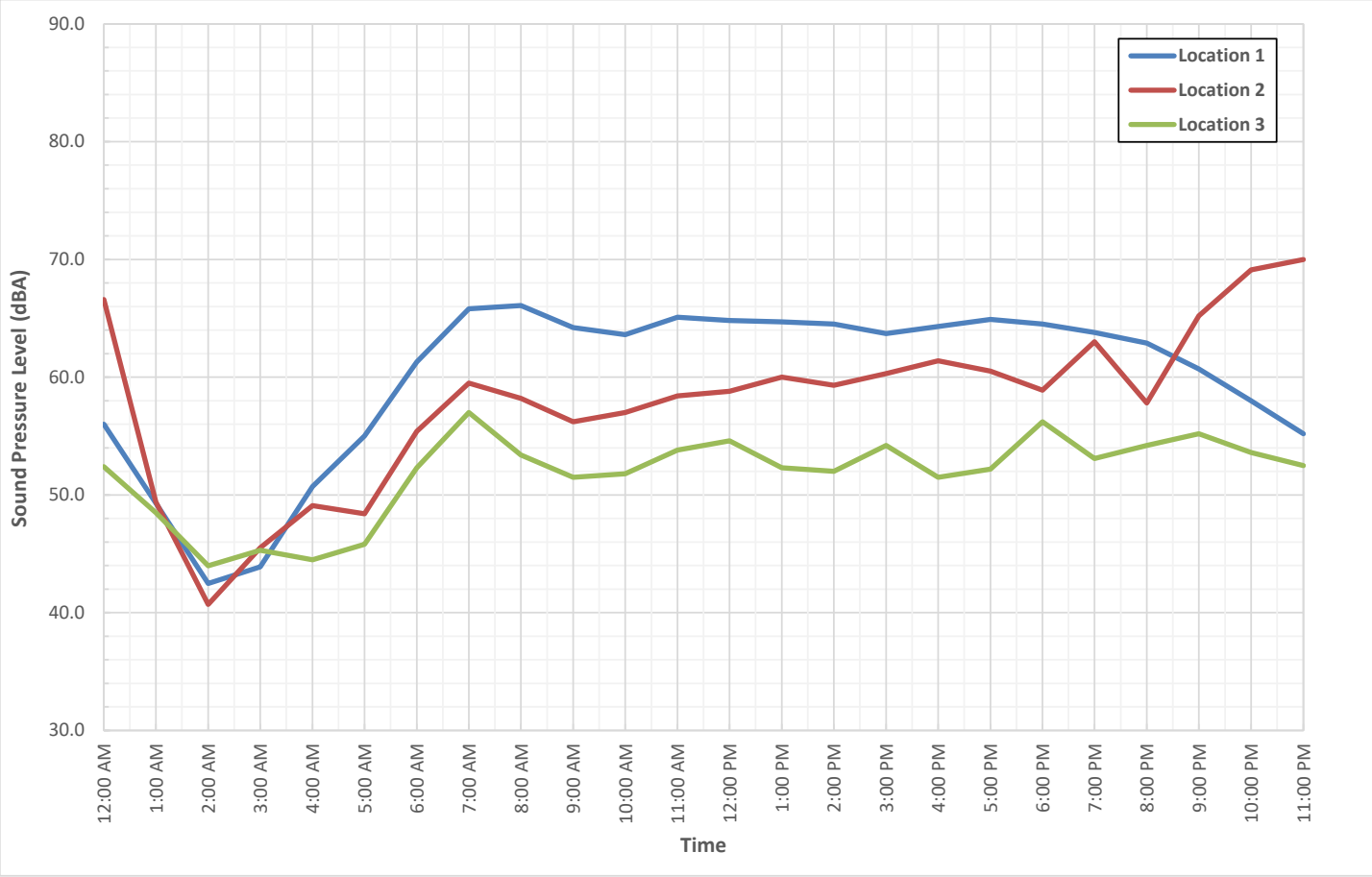


Figure 3-2 24-Hour Ambient Sound Level Survey (Hourly Average dBA Leq)

4. Whitefish Electric Compressor Pad Noise Modeling

4.1 Noise Modeling Methodology

The noise modeling was completed with use of three-dimensional computer noise modeling software. All models in this report were developed with SoundPLAN 8.0 software using the ISO 9613-2 standard. Noise levels are predicted based on the locations, noise levels and frequency spectra of the noise sources, and the geometry and reflective properties of the local terrain, buildings and barriers. To ensure a conservative assessment and compliance with ISO 9613-2 standards, light to moderate winds are assumed to be blowing from the source to receptor. The predicted noise levels represent only the contribution of the compression operations and do not include ambient noise or noise from other facilities. Actual field sound level measurements may vary from the modeled noise levels due to other noise sources such as traffic, other facilities, other human activity, or environmental factors.

Sound level data utilized in the compressor model was based on manufacture data of the electric compressor package in combination with archived sound data of a similarly sized electric compressor. The noise model consists of one electric compressor package with the cooler of the compressor unit facing east. The compressor placement and orientation were directed by Diamond Back Energy. The predicted modeling results are dependent on equipment and mitigation orientation as indicated. The electric compressor package sound power level can be seen in Table 4-1.

Table 4-1 Equipment Sound Power Level (dBA)

Equipment	Quantity	Individual Component Sound Power Level (dBA)
JGA-4 Engine	1	98.6
JGA-4 Compressor	1	101.7
JGA-4 Cooler	1	99.3

4.2 Noise Sensitive Receptors

The noise sensitive receptors have been modeled at the exterior of the nearest occupied structures in the direction of the Whitefish Electric Compressor site. Additionally, two receptors were added at 375 feet south and 250 feet north of the electric compressor per the request of Diamond Back Energy. These two additional receptors were added to represent the noise impact of future residential developments to the north and south of the compressor package. locations of the noise sensitive receptors and surrounding environment can be seen in Figure 4-1.

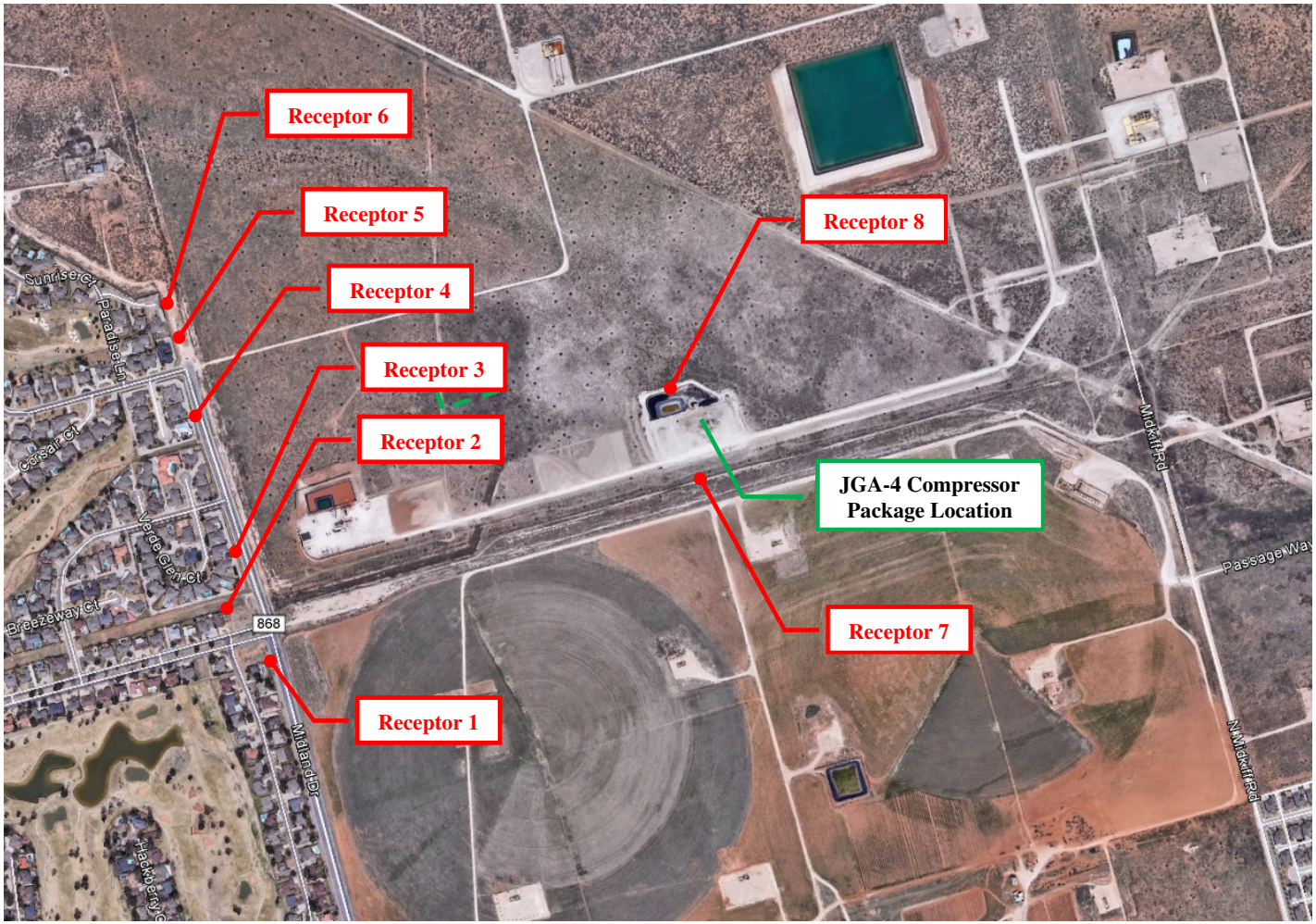


Figure 4-1 Noise Sensitive Receptor Locations

4.3 Unmitigated Noise Modeling Results

The results of the predicted unmitigated noise modeling and the approximate sound level contribution to the measured nighttime ambient sound levels are presented in Table 4-2. The locations in the table correspond to the locations identified in Figure 4-1. The predicted noise levels represent only the contribution of the project operations and do not include ambient noise or noise from other facilities. Figure 4-2 shows the Unmitigated Electric Compressor Noise Contour Map in dBA. The noise contours are provided in 5 dB increments with the color scale indicating the sound level of each contour.

Table 4-2 A-Weighted Unmitigated Noise Modeling Results (dBA)

Receptor	Predicted Electric Compressor Operations Sound Level	Representative Measured Nighttime Ambient Sound Level	Measured Ambient Sound Level plus Operations Sound Level	Increase in Ambient Noise
Location 1	27.9	55.6	55.6	0
Location 2	27.5	55.6	55.6	0
Location 3	25.6	64.1	64.1	0
Location 4	25.6	64.1	64.1	0
Location 5	28.0	50.2	50.2	0
Location 6	27.1	50.2	50.2	0
Location 7 (South 375-ft from compressor)	50.1	50.2	53.2	3.0
Location 8 (North 250-ft from compressor)	52.8	50.2	54.7	4.5

The results of the unmitigated noise modeling indicate that the operational sound pressure levels at the nearest existing residences adjacent to the site range between 25.6 dBA and 28.0 dBA for compression operations. The predicted compressor operations noise levels were compared to the measured nighttime ambient sound levels to determine the noise impact of the compressor operations. The compressor operations will not increase the average ambient nighttime noise levels of the existing residences because the predicted operational noise levels are significantly below the measured nighttime average ambient sound levels.

The results of the unmitigated noise modeling assessment for the south and north receptors (Location 7 and 8) indicate that an increase from ambient at the distances of 375 feet and 250 feet from the compressor, respectively will cause a readily perceptible change in sound. Therefore, sound mitigation has been included to reduce the noise levels specifically to the west and south.

Although Location 8 receptor has been assessed to demonstrate the noise impact of the compressor operations to the north it should be noted that the future residential development will be developed after the Whitefish compressor site installs a masonry block wall along the northern property boundary, which was not included in the modeling. The actual noise levels to the north will be lower than predicted sound levels due to the future inclusion of the masonry wall to the north.

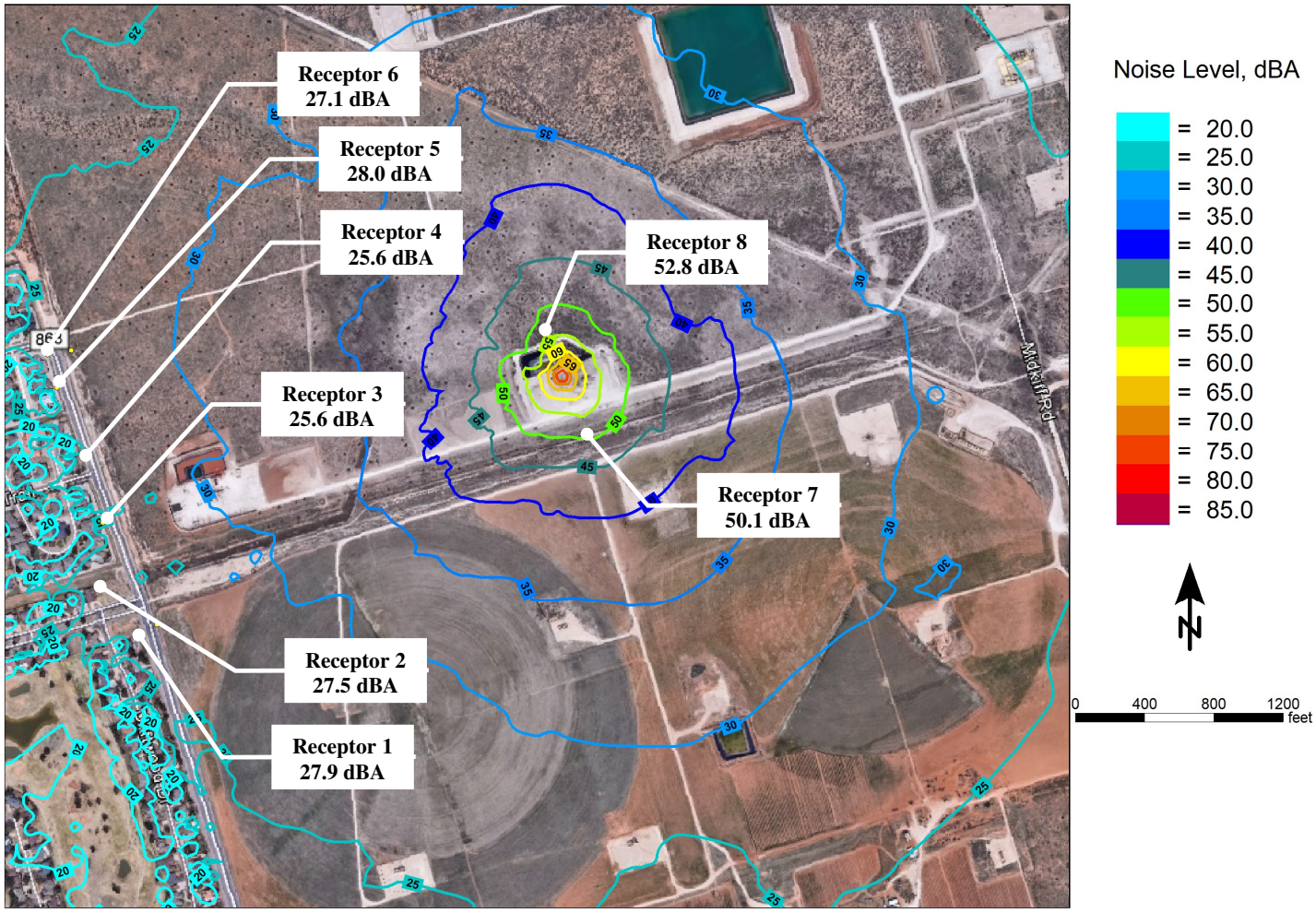


Figure 4-2 Electric Compressor Package Unmitigated Noise Contour Map (dBA)

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April 26, 2022

4.4 Mitigation Recommendations

Permanent noise mitigation for the Whitefish electric compressor package operations has been included in the modeling to reduce the noise levels in the surrounding environment. The noise mitigation included in the modeling is described below:

- Approximately 70 total linear feet of 20-foot-high, Sound Transmission Class (STC) 40 acoustical wall installed on the west and south side of the compressor package.

The layout for the modeled mitigation scenario is shown in Figure 4-3.

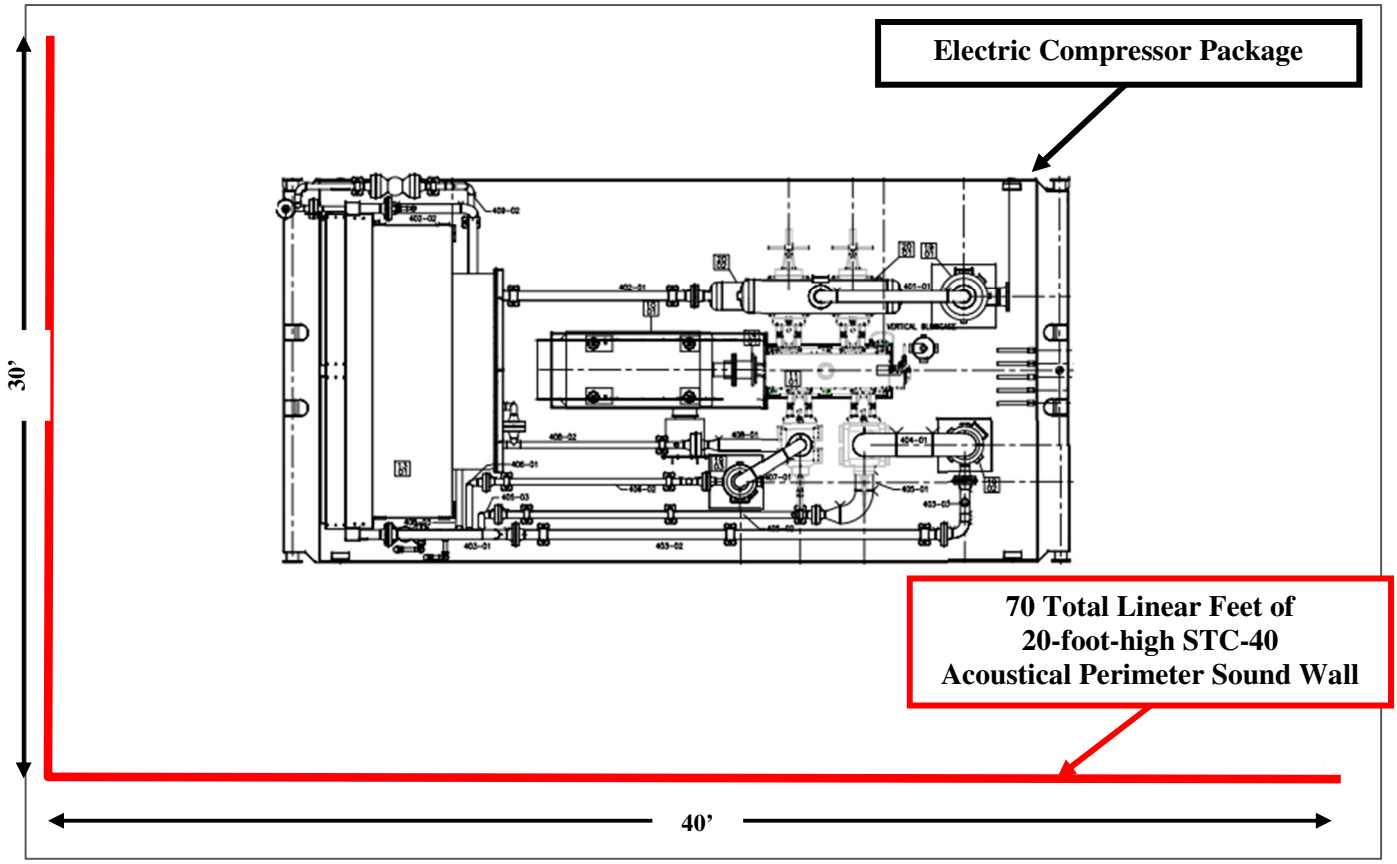


Figure 4-3 Acoustical Wall Layout Around the Whitefish Electric Compressor

4.5 Mitigated Noise Modeling Results

The results of the predicted mitigated noise modeling and the approximate sound level contribution to the measured nighttime ambient sound levels are presented in Table 4-3. The locations in the table correspond to the locations identified in Figure 4-1. The predicted noise levels represent only the contribution of the project operations and do not include ambient noise or noise from other facilities. Figure 4-4shows the Unmitigated Electric Compressor Noise Contour Map in dBA. The noise contours are provided in 5 dB increments with the color scale indicating the sound level of each contour.

Table 4-3 A-Weighted Mitigated Noise Modeling Results (dBA)

Receptor	Predicted Electric Compressor Operations Sound Level	Representative Measured Nighttime Ambient Sound Level	Measured Ambient Sound Level plus Operations Sound Level	Increase in Ambient Noise
Location 1	20.2	55.6	55.6	0
Location 2	20.9	55.6	55.6	0
Location 3	16.8	64.1	64.1	0
Location 4	19.9	64.1	64.1	0
Location 5	22.6	50.2	50.2	0
Location 6	23.2	50.2	50.2	0
Location 7 (South 370-ft from compressor)	38.2	50.2	50.5	0.3
Location 8 (North 250-ft from compressor)	52.8	50.2	54.7	4.5

The results of the mitigated noise modeling indicate that the operational sound pressure levels at the assessed receptors range between 16.8 dBA and 52.8 dBA for compression operations. The predicted compressor operations noise levels were compared to the measured nighttime ambient sound levels to determine the noise impact of the compressor operations. With the mitigation measures detailed the compressor operations will not increase the average ambient nighttime noise levels at receptor Locations 1 through 6 because the predicted operational noise levels are significantly below the measured nighttime average ambient sound levels. There is a minimal increase at receptor Location 7 of 0.3 dBA, but it falls within the barely perceptible range at 375 feet.

There is an increase in the ambient sound level at receptor Location 8, because mitigation was not modeled to the north of the compressor operations per the request of Diamond Back Energy.

Although Location 8 receptor has been assessed to demonstrate the noise impact of the compressor operations to the north it should be noted that the future residential development will be developed after the Whitefish compressor site installs a masonry block wall along the northern property boundary, which was not included in the modeling. The actual noise levels to the north will be lower than predicted sound levels due to the future inclusion of the masonry wall to the north.

With the mitigation measured detailed in the report the sound levels of the Whitefish compression operations can be reduced by up to 11.9 dBA.

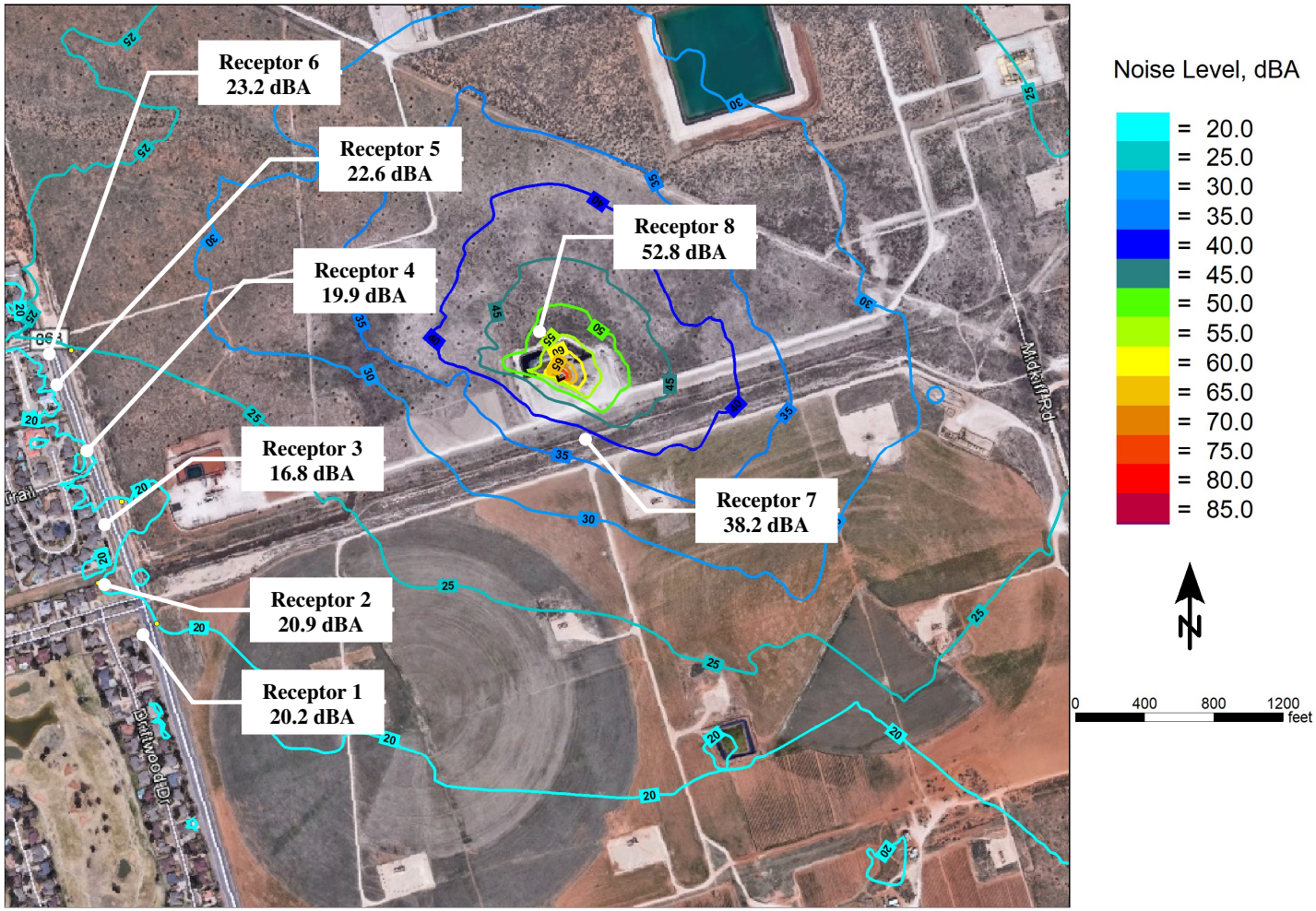


Figure 4-4 Electric Compressor Package Mitigated Noise Contour Map (dBA)

5. Conclusion

An ambient sound level survey was conducted on Thursday, September 9, 2021. The monitoring period ended on September 10, 2021. The measured 24-hour average sound levels for Location 1, Location 2 and Location 3 were 62.7 dBA, 62.1 dBA and 52.8 dBA respectively. The daytime period measured noise levels are 64.4 dBA, 60.3 dBA and 53.9 dBA at Locations 1, 2 and 3, respectively. The nighttime period noise levels are 55.6 dBA, 64.1 dBA and 50.2 dBA, respectively.

A noise model representing the proposed operations at the Whitefish Electric Compressor pad was created to assess the predicted operational noise levels associated with compressor operations. The results of the unmitigated noise modeling indicate that the operational sound pressure levels at the nearest residences adjacent to the site range between 25.6 dBA and 28.0 dBA for compression operations. The results of the unmitigated noise modeling indicate that the operational sound pressure levels at the additional two receptors at 375 feet to the south and 250 feet to the north will be 50.1 dBA and 52.8 dBA, respectively for the compression operations.

The predicted compressor operations noise levels were compared to the measured nighttime ambient sound levels to determine the noise impact if any of the compressor operations. The compressor operations will not increase the average ambient nighttime noise levels at receptor Locations 1 through 6 because the predicted operational noise levels are significantly below the measured nighttime average ambient sound levels. There is a minimal increase at receptor Location 7 of 0.3 dBA, but it falls within the barely perceptible range at 375 feet.

There is an increase in the ambient sound level at receptor Location 8, because mitigation was not modeled to the north of the compressor operations per the request of Diamond Back Energy.

Although Location 8 receptor has been assessed to demonstrate the noise impact of the compressor operations to the north it should be noted that the future residential development will be developed after the Whitefish compressor site installs a masonry block wall along the northern property boundary, which was not included in the modeling. The actual noise levels to the north will be lower than predicted sound levels due to the future inclusion of the masonry wall to the north.

With the mitigation measured detailed in the report the sound levels of the Whitefish compression operations can be reduced by up to 11.9 dBA.



Appendix A - Glossary of Acoustical Terms

Ambient Noise
The all-encompassing noise associated with a given environment at a specified time, usually a composite of sound from many sources both near and far.

Average Sound Level
See Equivalent-Continuous Sound Level

A-Weighted Sound Level, dB(A)
The sound level obtained by use of A-weighting. Weighting systems were developed to measure sound ina way that more closely mimics the ear's natural sensitivity relative to frequency so that the instrument is less sensitive to noise at frequencies where the human ear is less sensitive and more sensitive at frequencies where the human ear is more sensitive.

C-Weighted Sound Level, dBC
The sound level obtained by use of C-weighting. Follows the frequency sensitivity of the human ear at very high noise levels. The C-weighting scale is quite flat and therefore includes much more of the low-frequency range of sounds than the A and B scales. In some jurisdictions, C-weighted sound limits are used to limit the low-frequency content of noise sources.

Community Noise Equivalent Level (CNEL)
A 24-hour A-weighted average sound level which takes into account the fact that a given level of noise may be more or less tolerable depending on when it occurs. The CNEL measure of noise exposure weights average hourly noise levels by 5 dB for the evening hours (between 7:00 pm and 10:00 pm), and 10 dB between 10:00 pm and 7:00 am, then combines the results with the daytime levels to produce the final CNEL value. It is measured in decibels, dB.

Day-Night Average Sound Level (Ldn)
A measure of noise exposure level that is similar to CNEL except that there is no weighting applied to the evening hours of 7:00 pm to 10:00 pm. It is measured in decibels, dB.

Daytime Average Sound Level
The time-averaged A-weighted sound level measured between the hours of 7:00 am to 7:00 pm. It is measured in decibels, dB.

Decibel (dB)
The basic unit of measurement for sound level.

Direct Sound
Sound that reaches a given location in a direct line from the source without any reflections.

Divergence
The spreading of sound waves from a source in a free field, resulting in a reduction in sound pressure level with increasing distance from the source.

Energy Basis
This refers to the procedure of summing or averaging sound pressure levels on the basis of their squared pressures. This method involves the conversion of decibels to pressures, then performing the necessary arithmetic calculations, and finally changing the pressure back to decibels.

Equivalent-Continuous Sound Level (Leq)
The average sound level measured over a specified time period. It is a single-number measure of time-varying noise over a specified time period. It is the level of a steady sound that, in a stated time period and at a stated location, has the same A-Weighted sound energy as the time-varying sound. For example, a person who experiences an Leq of 60 dB(A) for a period of 10 minutes standing next to a busy street is exposed to the same amount of sound energy as if he had experienced a constant noise level of 60 dB(A) for 10 minutes rather than the time-varying traffic noise level.

Fast Response
A setting on the sound level meter that determines how sound levels are averaged over time. A fast sound level is always more strongly influenced by recent sounds, and less influenced by sounds occurring in the distant past, than the corresponding slow sound level. For the same non-steady sound, the maximum fast sound level is generally greater than the corresponding maximum slow sound level. Fast response is typically used to measure impact sound levels.

Field Impact Insulation Class (FIIC)
A single number rating similar to the impact insulation class except that the impact sound pressure levels are measured in the field.

Field Sound Transmission Class (FSTC)
A single number rating similar to sound transmission class except that the transmission loss values used to derive this class are measured in the field.

Flanking Sound Transmission
The transmission of sound from a room in which a source is located to an adjacent receiving room by paths other than through the common partition. Also, the diffraction of noise around the ends of a barrier.

Frequency
The number of oscillations per second of a sound wave

Hourly Average Sound Level (HNL)
The equivalent-continuous sound level, Leq, over a 1-hour time period.

Impact Insulation Class (IIC)
A single number rating used to compare the effectiveness of floor/ceiling assemblies in providing reduction of impact-generated sound such as the sound of a person's walking across the upstairs floor.

Impact Noise
The noise that results when two objects collide.

Impulse Noise
Noise of a transient nature due to the sudden impulse of pressure like that created by a gunshot or balloon bursting.

Insertion Loss
The decrease in sound power level measured at the location of the receiver when an element (e.g., a noise barrier) is inserted in the transmission path between the sound source and the receiver.

Inverse Square Law
A rule by which the sound intensity varies inversely with the square of the distance from the source. This results in a 6dB decrease in sound pressure level for each doubling of distance from the source.

L_n Sound Level
Time-varying noise environments may be expressed in terms of the noise level that is exceeded for a certain percentage of the total measurement time. These statistical noise levels are denoted L_n, where n is the percent of time. For example, the L_{50} is the noise level exceeded for 50% of the time. For a 1-hour measurement period, the L_{50} would be the noise level exceeded for a cumulative period of 30 minutes in that hour.

Masking
The process by which the threshold of hearing for one sound is raised by the presence of another sound.

Maximum Sound Level (Lmax)
The greatest sound level measured on a sound level meter during a designated time interval or event.

NC Curves (Noise Criterion Curves)
A system for rating the noisiness of an occupied indoor space. An actual octave-band spectrum is compared with a set of standard NC curves to determine the NC level of the space.

Noise Reduction
The difference in sound pressure level between any two points.

Noise Reduction Coefficient (NRC)
A single number rating of the sound absorption properties of a material. It is the average of the sound absorption coefficients at 250, 500, 1000, and 2000 Hz, rounded to the nearest multiple of 0.05.

Octave
The frequency interval between two sounds whose frequency ratio is 2. For example, the frequency interval between 500 Hz and 1,000 Hz is one octave.

Octave-Band Sound Level
For an octave frequency band, the sound pressure level of the sound contained within that band.

One-Third Octave
The frequency interval between two sounds whose frequency ratio is 2^(1/3). For example, the frequency interval between 200 Hz and 250 Hz is one-third octave.

One-Third-Octave-Band Sound Level
For a one-third-octave frequency band, the sound pressure level of the sound contained within that band.

Outdoor-Indoor Transmission Class (OITC)
A single number rating used to compare the sound insulation properties of building façade elements. This rating is designed to correlate with subjective impressions of the ability of façade elements to reduce the overall loudness of ground and air transportation noise.

Peak Sound Level (Lpk)
The maximum instantaneous sound level during a stated time period or event.

Pink Noise
Noise that has approximately equal intensities at each octave or one-third-octave band.

Point Source
A source that radiates sound as if from a single point.

RC Curves (Room Criterion Curves)
A system for rating the noisiness of an occupied indoor space. An actual octave-band spectrum is compared with a set of standard RC curves to determine the RC level of the space.

Real-Time Analyzer (RTA)
An instrument for the determination of a sound spectrum.

Receiver
A person (or persons) or equipment which is affected by noise.

Reflected Sound
Sound that persists in an enclosed space as a result of repeated reflections or scattering. It does not include sound that travels directly from the source without reflections.

Reverberation
The persistence of a sound in an enclosed or partially enclosed space after the source of the sound has stopped, due to the repeated reflection of the sound waves.

Room Absorption
The total absorption within a room due to all objects, surfaces and air absorption within the room. It is measured in Sabins or metric Sabins.

Slow Response
A setting on the sound level meter that determines how measured sound levels are averaged over time. A slow sound level is more influenced by sounds occurring in the distant past that the corresponding fast sound level.

Sound
A physical disturbance in a medium (e.g., air) that is capable of being detected by the human ear.

Sound Absorption Coefficient
A measure of the sound-absorptive property of a material.

Sound Insulation
The capacity of a structure or element to prevent sound from reaching a receiver room either by absorption or reflection.

Sound Level Meter (SLM)
An instrument used for the measurement of sound level, with a standard frequency-weighting and standard exponentially weighted time averaging.

Sound Power Level
A physical measure of the amount of power a sound source radiates into the surrounding air. It is measured in decibels.

Sound Pressure Level
A physical measure of the magnitude of a sound. It is related to the sound's energy. The terms sound pressure level and sound level are often used interchangeably.

Sound Transmission Class (STC)
A single number rating used to compare the sound insulation properties of walls, floors, ceilings, windows, or doors. This rating is designed to correlate with subjective impressions of the ability of building elements to reduce the overall loudness of speech, radio, television, and similar noise sources in offices and buildings.

Source Room
A room that contains a noise source or sources

Spectrum
The spectrum of a sound wave is a description of its resolution into components, each of different frequency and usually different amplitude.

Tapping Machine
A device used in rating different floor constructions against impacts. It produces a series of impacts on the floor under test, 10 times per second.

Tone
A sound with a distinct pitch

Transmission Loss (TL)
A property of a material or structure describing its ability to reduce the transmission of sound at a particular frequency from one space to another. The higher the TL value the more effective the material or structure is in reducing sound between two spaces. It is measured in decibels.

White Noise
Noise that has approximately equal intensities at all frequencies.

Windscreen
A porous covering for a microphone, designed to reduce the noise generated by the passage of wind over the microphone.

Appendix B - Weather Data

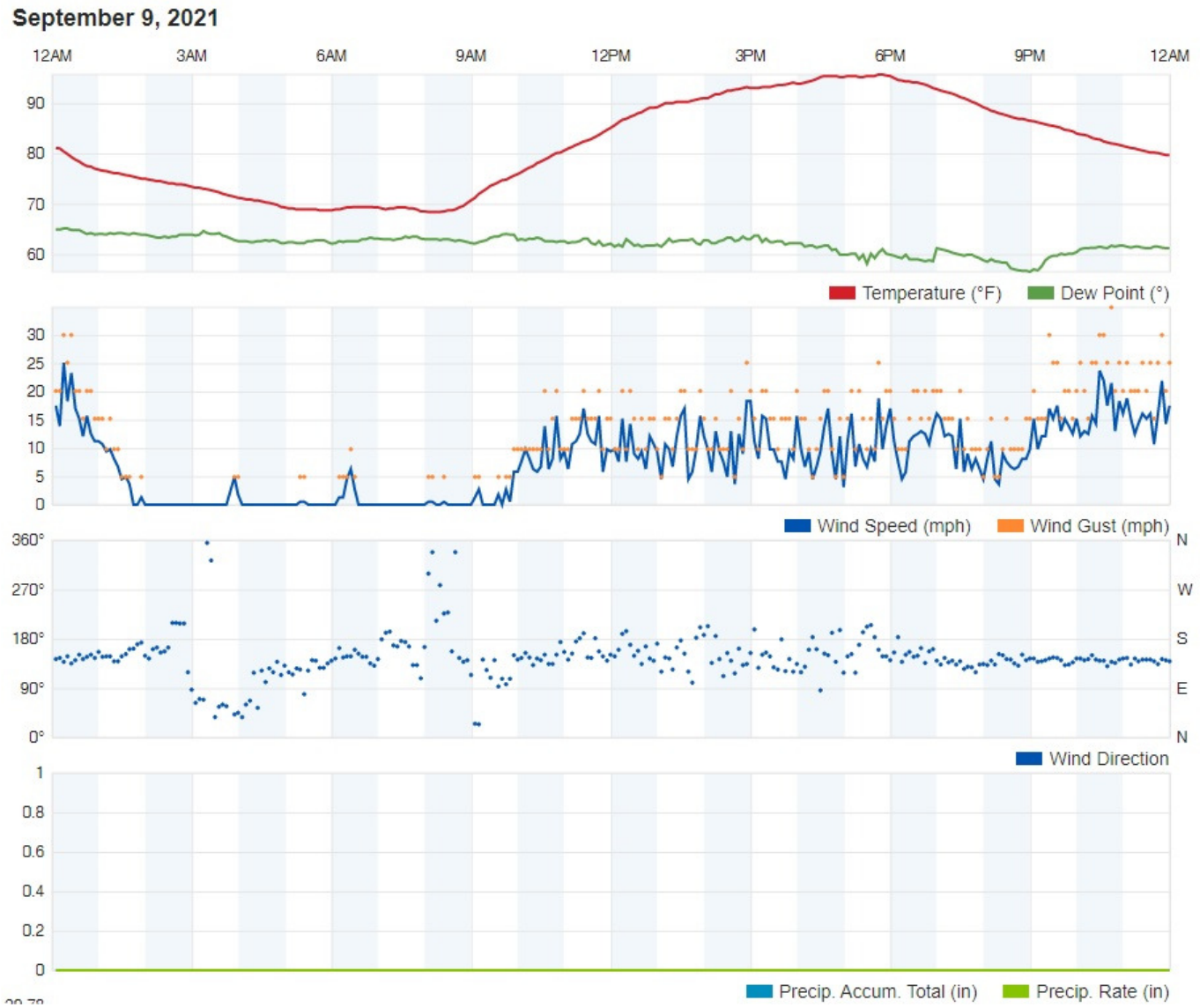


Figure B-5-1 Weather History for Mockingbird Heights Weather Station September 9, 2021 (Midland, Texas)

Appendix C - Ambient Data

Table C-5-1 Recorded Hourly Average Ambient Sound Levels 9/9/2021 (1-hr dBA L_{eq})

Time	Location 1 (1- hr dBA L_{eq})	Location 2 (1- hr dBA L_{eq})	Location 3 (1- hr dBA L_{eq})
12:00 AM	56.0	66.6	52.4
1:00 AM	49.3	49.4	48.5
2:00 AM	42.5	40.7	44.0
3:00 AM	43.9	45.5	45.3
4:00 AM	50.7	49.1	44.5
5:00 AM	55.0	48.4	45.8
6:00 AM	61.3	55.4	52.3
7:00 AM	65.8	59.5	57.0
8:00 AM	66.1	58.2	53.4
9:00 AM	64.2	56.2	51.5
10:00 AM	63.6	57.0	51.8
11:00 AM	65.1	58.4	53.8
12:00 PM	64.8	58.8	54.6
1:00 PM	64.7	60.0	52.3
2:00 PM	64.5	59.3	52.0
3:00 PM	63.7	60.3	54.2
4:00 PM	64.3	61.4	51.5
5:00 PM	64.9	60.5	52.2
6:00 PM	64.5	58.9	56.2
7:00 PM	63.8	63.0	53.1
8:00 PM	62.9	57.8	54.2
9:00 PM	60.7	65.2	55.2
10:00 PM	58.0	69.1	53.6
11:00 PM	55.2	70.0	52.5
24-hour Average dBA L_{eq}	**62.7**	**62.1**	**52.8**
Daytime Average dBA L_{eq}	**64.4**	**60.3**	**53.9**
Nighttime Average dBA L_{eq}	**55.6**	**64.1**	**50.2**

Exhibit C

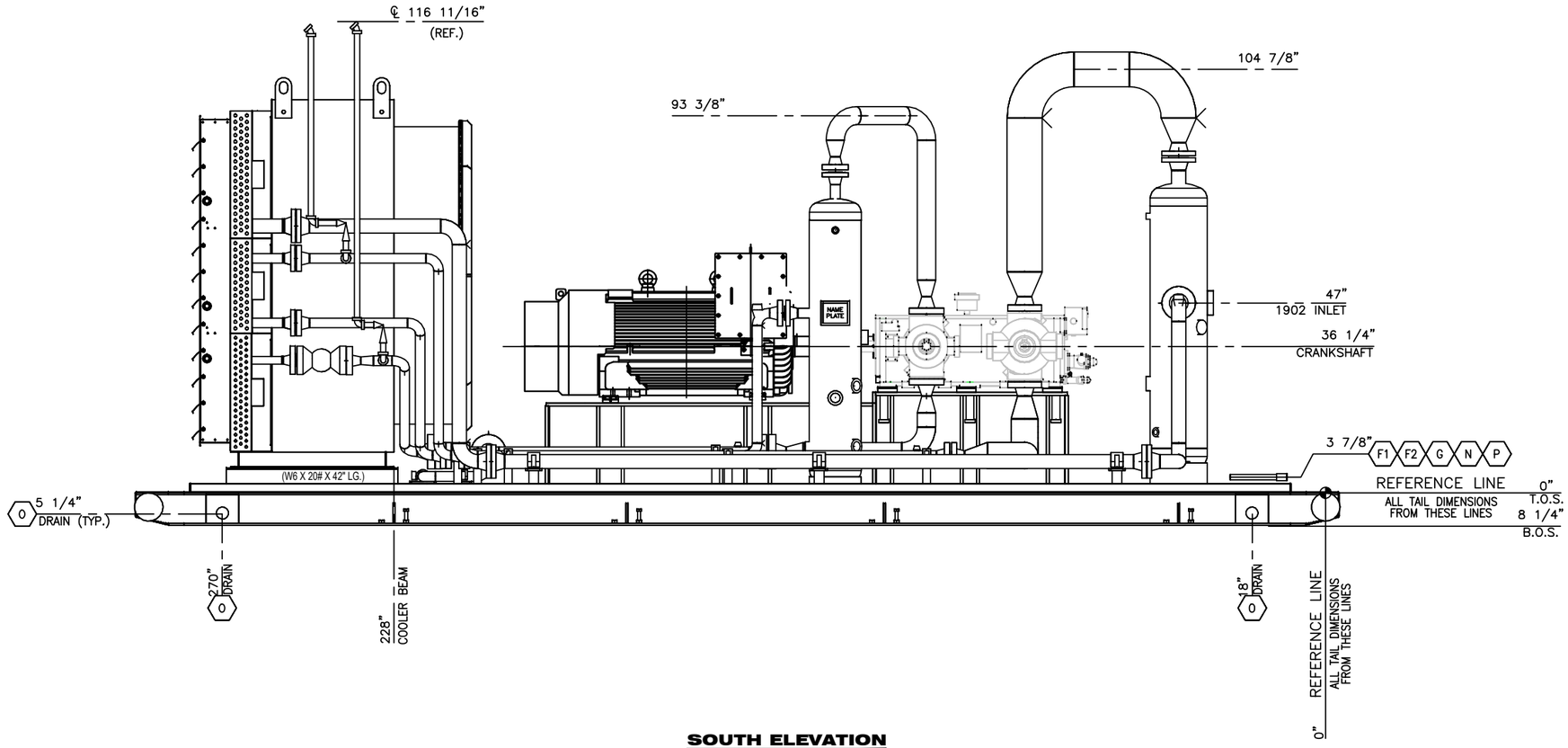
Compressor Size and Specification

Electric 450HP, 3-Stage

- The physical size--Height-9 foot 8 inches; Length-24 foot; Width-12 foot 6 inches
- The compressor will be fenced in with fire resistant tarp and a metal roof- Height 15 foot; Length 24 foot; Width 20 foot
- The power source of the compressor: Existing Oncor power. Compressor will replace ESP.
- The horsepower of the compressor: 450HP
- The noise of the compressor was evaluated by Behrens and Associates, Inc. Environmental Noise Control: See Acoustic Impact Study
- The manufacturer of the compressor: TOPS LLC (Total Operations & Production Services)

Exhibit D

FABRICATION REFERENCE



SOUTH ELEVATION

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	SP	DA	DA	08/2/21

SEC Energy
PRODUCTS & SERVICES

JOB No.: K-00052	ITEM TAG No.:
DRAWN BY: SP	CHECKED BY: GB
DATE 07/16/21	SCALE 3/4"-1'-0" D

GENERAL ARRANGEMENT
SOUTH ELEVATION VIEW
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

DWG. No.	SHEET	REV
K-00052-200-002	2 OF 3	0

1901–1ST STAGE SCRUBBER
18" O.D. x 60" S/S
245# MAWP @ 250°F

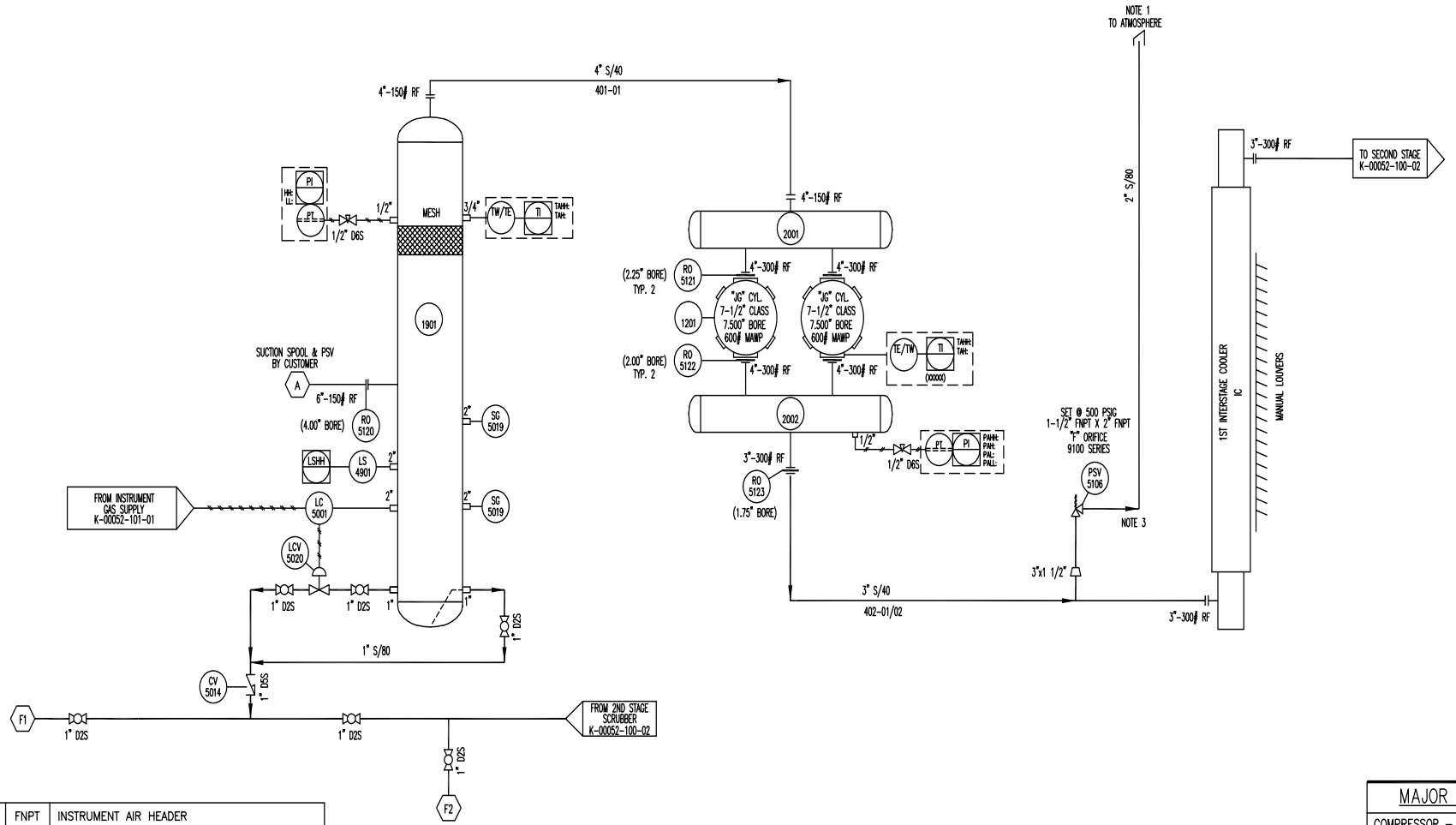
2001–1ST STAGE SUCTION BOTTLE
12.75" O.D. x 50" S/S
245# MAWP @ 250°F

2002–1ST STAGE DISCHARGE BOTTLE
10.75" O.D. x 55" S/S
500# MAWP @ 350°F

1ST INTERSTAGE COOLER SECTION
IC-1
500# MAWP @ 350°F

April 26, 2022

21.42



MARK	QUAN.	SIZE	RATING	TYPE	SERVICE
P	ONE	1"	2000#	FNPT	INSTRUMENT AIR HEADER
O	FOUR	2"	3000#	FNPT	SKID DRAIN
N	ONE	1"	2000#	FNPT	COMPRESSOR LUBE OIL MAKEUP
J	ONE	1"	2000#	FNPT	DRIP POT VENT
G	ONE	1"	2000#	FNPT	COMPRESSOR OIL DRAIN
F2	ONE	1"	2000#	FNPT	HP SCRUBBER DRAIN
F1	ONE	1"	2000#	FNPT	LP SCRUBBER DRAIN
B	ONE	1-1/2"	9600#	RFWN	UNIT DISCHARGE
A	ONE	6"	300#	RFWN	UNIT INLET

CUSTOMER CONNECTION SCHEDULE

NOTES:
1. INSTALL PSV SOCK.
2. BY OTHERS – – – – –
3. WEEP HOLES ON PSV VENT PIPE

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
1	GENERAL REVISION	DA	DA	GB	08/06/21
0	ISSUED FOR CONSTRUCTION	GB	DA	SS	08/02/21

MAJOR EQUIPMENT

COMPRESSOR – ARIEL JGA-4
(2) 7 1/2" "JG" CYL. (7.500" BORE)
(1) 5 1/8" "JG" CYL. (5.125" BORE)
(1) 3 5/8" "JG" CYL. (3.625" BORE)
MOTOR – 450HP
COUPLING – XXX AMR XXX
COOLER – 72-BVVF

PACKET

SEC Energy
PRODUCTS & SERVICES

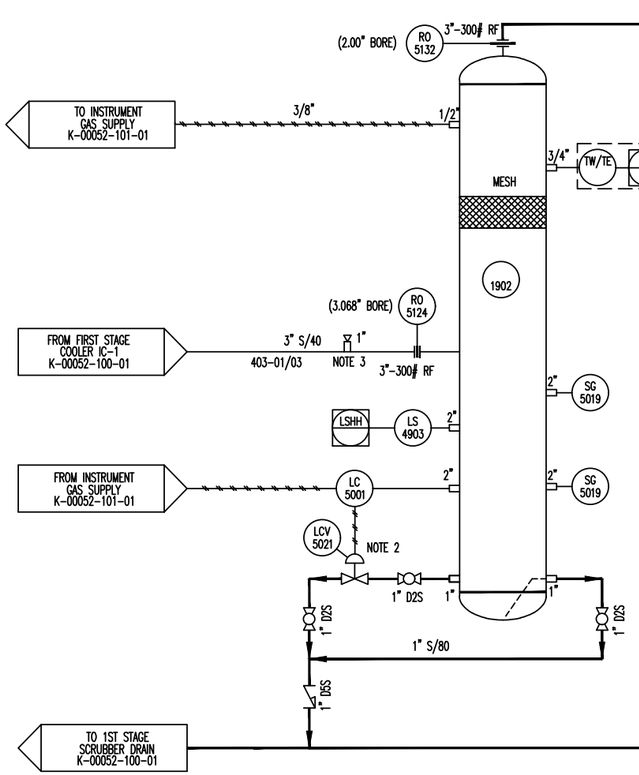
JOB No.: K-00052
DRAWN BY: GB
CHECKED BY: DA
DATE: 06/04/21
SCALE: NONE
D

P&ID
PROCESS
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

DWG. No. K-00052-100-01
SHEET 1 OF 5
REV 1

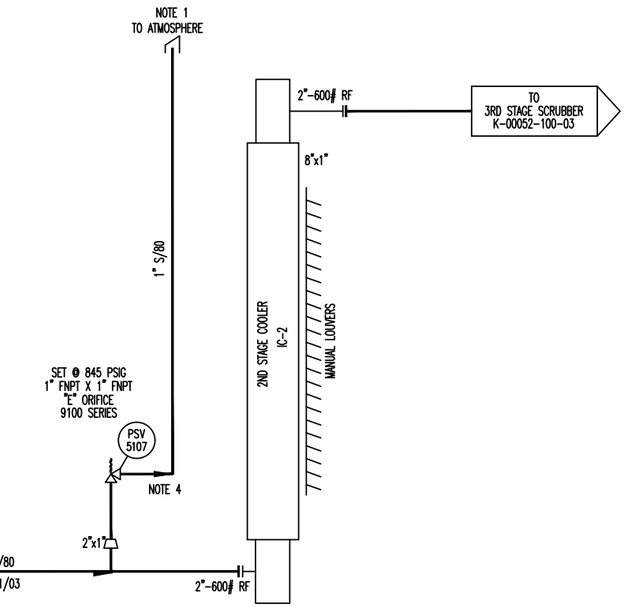
1902–2ND STAGE SCRUBBER

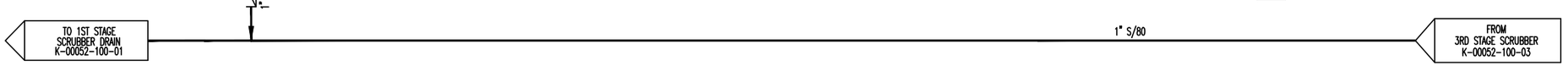
14" O.D. x 60" S/S
500# MAWP @ 250°F



2ND STAGE COOLER SECTION

IC-2
845# MAWP @ 350°F





NOTES:
1. INSTALL PSV SOCK
2. BY OTHERS – — — — –
3. CONNECTION FOR METHANOL INJECTION
4. WEEP HOLES ON PSV VENT PIPE

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	GB	DA	SS	08/02/21

SEC Energy
PRODUCTS & SERVICES

JOB No.: K-00052	ITEM TAG No.:
DRAWN BY: GB	CHECKED BY: DA
DATE 06/04/21	SCALE NONE

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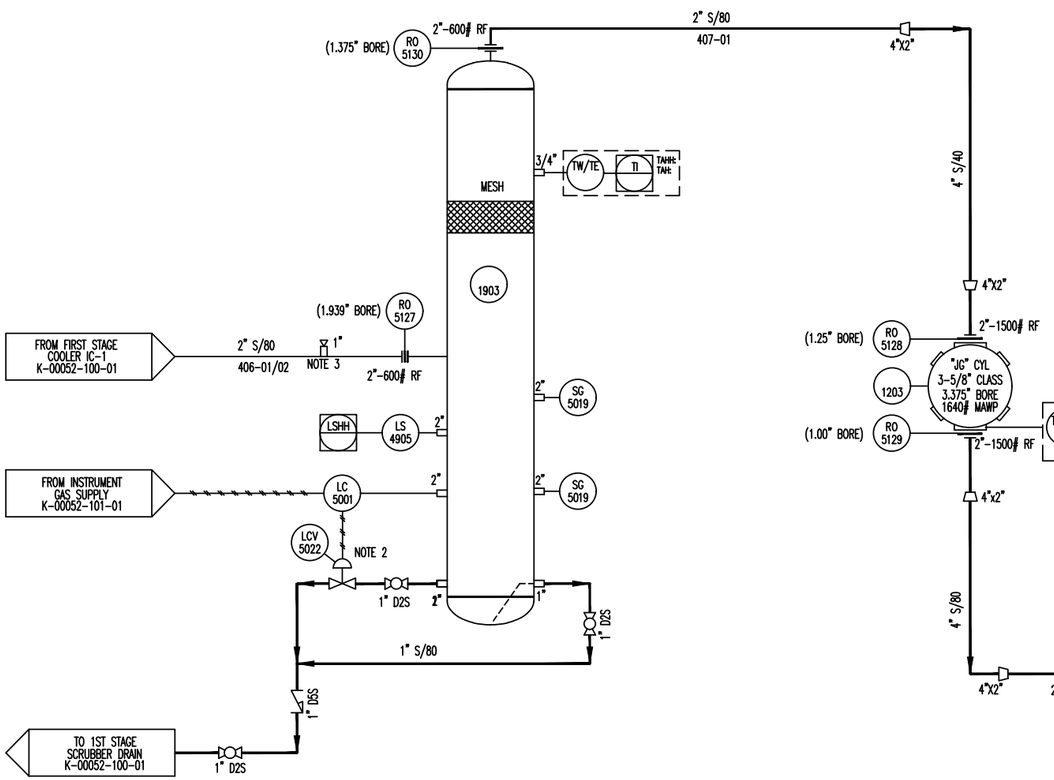
P&ID
COMPRESSOR PROCESS
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

DWG. No.	SHEET	REV
K-00052-100-P02	OF 5	0

PACKET 2
21.43
April 26, 2022

1903–3RD STAGE SCRUBBER

12 3/4" O.D. x 60" S/S
845# MAWP @ 250°F



AFTERCOOLER SECTION

AC
1600# MAWP @ 350°F

NOTES:
1. INSTALL PSV SOCK.
2. BY OTHERS – — — — —
3. CONNECTION FOR METHANOL INJECTION
4. WEEP HOLES ON PSV VENT PIPE

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	GB	DA	SS	08/02/21

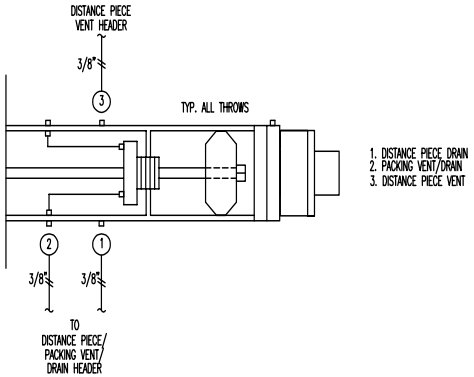
SEC Energy
PRODUCTS & SERVICES

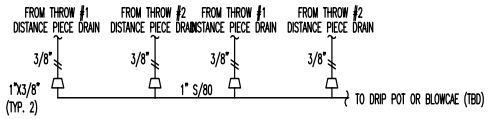
JOB No.: K-00052			
DRAWN BY: GB		CHECKED BY: KDM	
DATE 06/04/21		SCALE NONE	D

P&ID
PROCESS
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

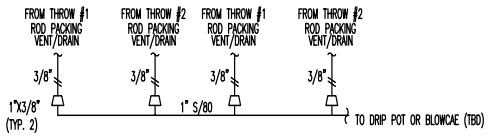
DWG. No.	SHEET	REV
K-00052-100-P02	OF 5	0

PACKET 2
21.44
April 26, 2022

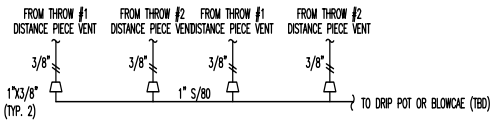




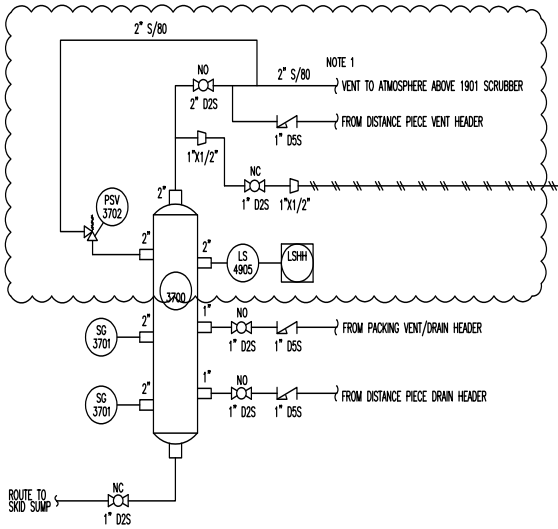
DISTANCE PIECE DRAIN DETAIL



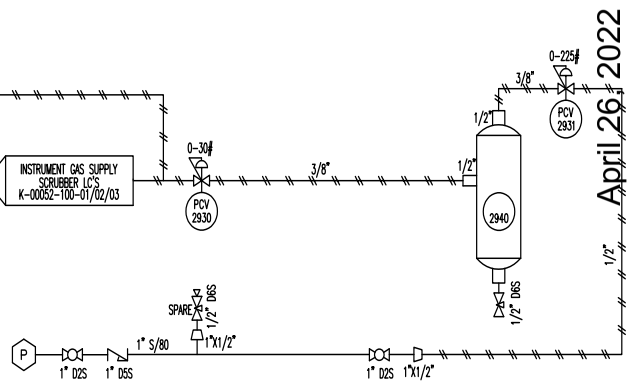
PACKING VENT/DRAIN DETAIL



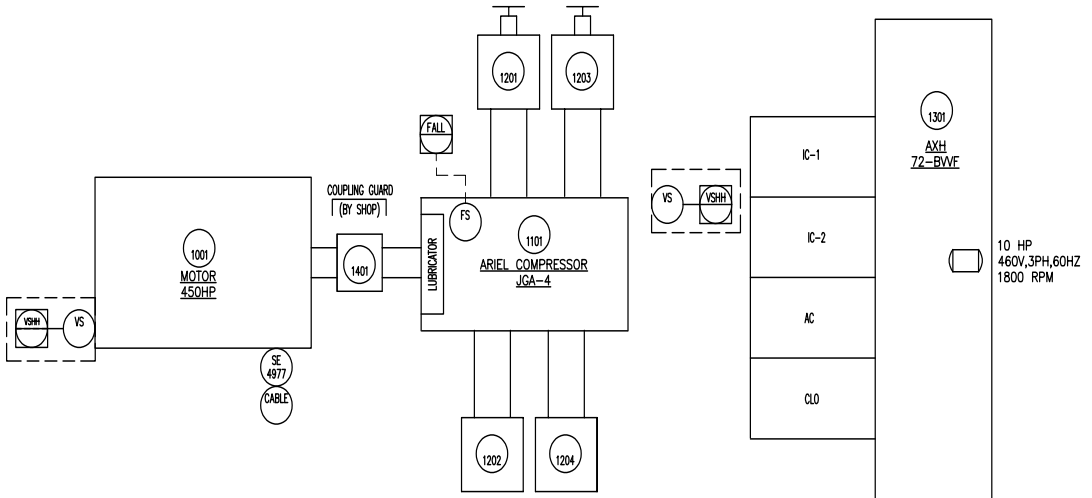
DISTANCE PIECE VENT DETAIL



VERTICAL BLOWCASE DETAIL



INSTRUMENT AIR/GAS SYSTEM



MAJOR EQUIPMENT

21.45

PACKET

NOTES:

1. VENT TO ATMOSPHERE MINIMUM 4 FT ABOVE COMPRESSOR FRAME
2. BY OTHERS – – – – –

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
3	REVISED BLOWCASE DETAIL	GB	SS	DA	09/07/21
2	REVISED PER COMMENTS	GB	DA	SS	08/05/21
1	REVISED PER COMMENTS	GB	DA	SS	08/05/21
0	ISSUED FOR CONSTRUCTION	GB	DA	SS	08/02/21

SEC Energy
PRODUCTS & SERVICES

JOB No.:	K-00052	ITEM TAG No.:	
DRAWN BY:	GB	CHECKED BY:	KDM
DATE	07/09/21	SCALE	NONE

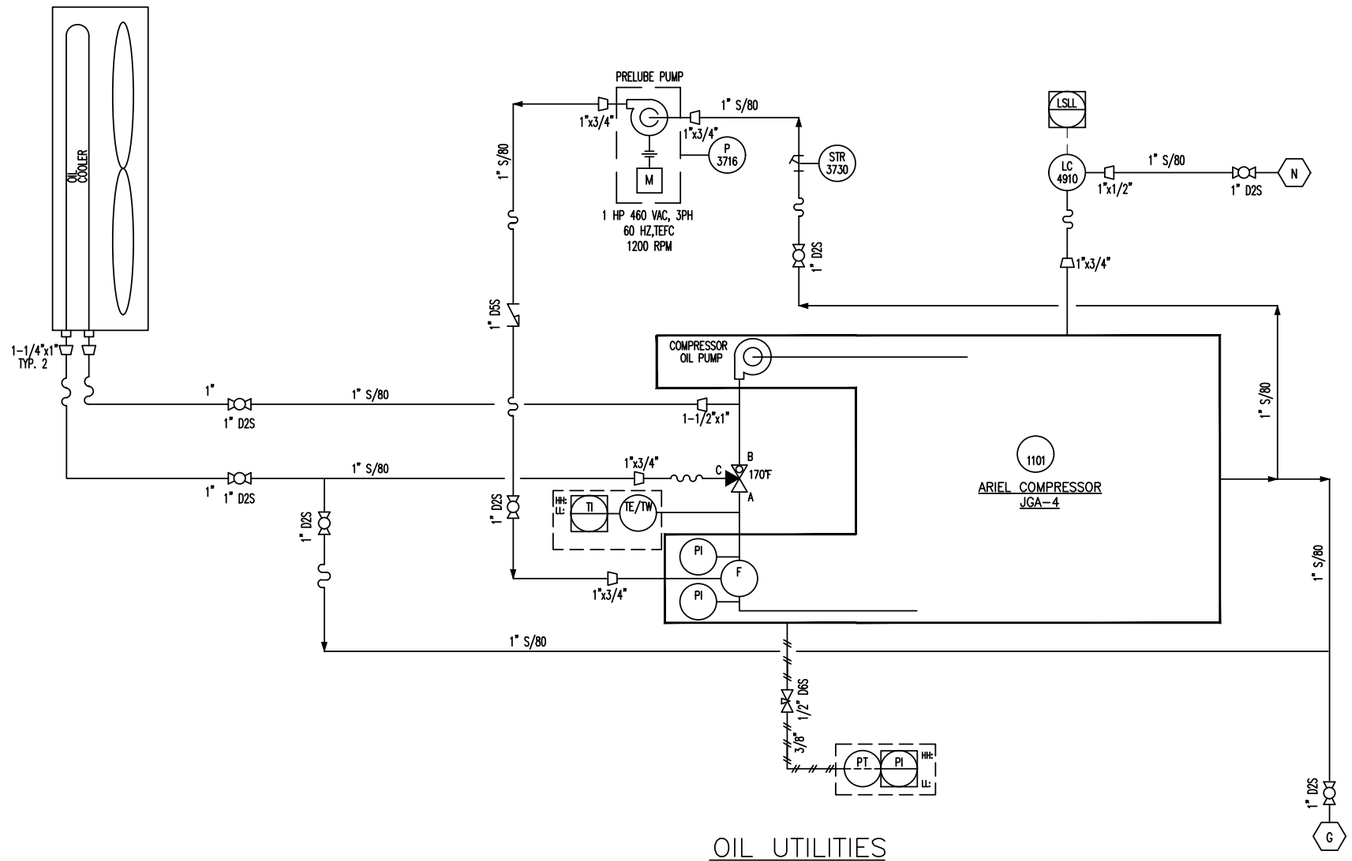
D

P&ID
MAJOR EQUIPMENT
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052-(01-14)

DWG. No.	SHEET	REV
K-00052-101-01	4 OF 5	3

COMPRESSOR LUBE OIL
COOLER SECTION

CLO
300# MAWP @ 350°F



OIL UTILITIES

NOTES:
1. TO MCC BY OTHERS
2. BY OTHERS - - - - -

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	GB	DA	SS	08/02/21

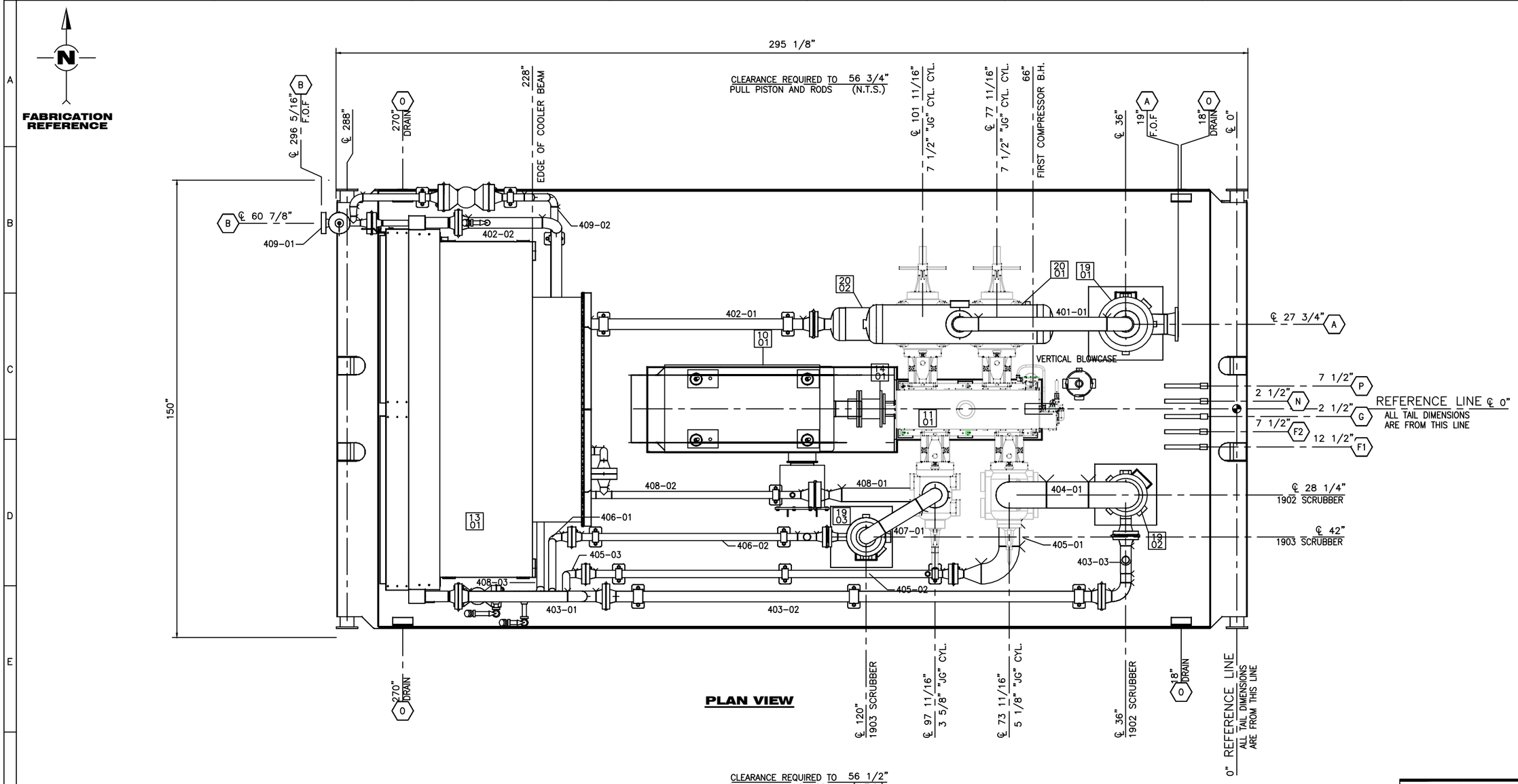
SEC Energy
PRODUCTS & SERVICES

JOB No.: K-00052	ITEM TAG No.:
DRAWN BY: GB	CHECKED BY: KDM
DATE 07/09/21	SCALE NONE D

P&ID
OIL UTILITY
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052-(01-14)

DWG. No.	SHEET	REV
K-00052-102-PA	5 OF 5	0

PACKET
21.46
April 26, 2022



PLAN VIEW

CLEARANCE REQUIRED TO PULL PISTON AND RODS 56 1/2" (N.T.S.)

CUSTOMER CONNECTION SCHEDULE						
MARK	QUAN.	SIZE	RATING	TYPE	SERVICE	℄ ELEV.
A	ONE	6"	300#	RFWN	UNIT INLET	44 1/4"
B	ONE	1 1/2"	600#	RFWN	UNIT DISCHARGE	12 5/16"
F1	ONE	1"	2000#	FNPT	LP SCRUBBER DRAIN	3 7/8"
F2	ONE	1"	2000#	FNPT	HP SCRUBBER DRAIN	3 7/8"
G	ONE	1"	2000#	FNPT	COMPRESSOR OIL DRAIN	3 7/8"
N	ONE	1"	2000#	FNPT	COMPRESSOR LUBE OIL MAKEUP	3 7/8"
O	FOUR	2"	3000#	FNPT	SKID DRAIN BOXES	5 1/4"
P	ONE	1"	2000#	FNPT	INSTRUMENT AIR HEADER	3 7/8"

APPROX. O.A. WIDTH – 12'-6"
O.A. LENGTH OF SKID – 24'-6 5/8"
APPROX. O.A. HEIGHT – 9'-9 7/16"
UNIT WEIGHT W/ COOLER– 63,335 LBS.
APPROX COOLER WEIGHT – 6,400 LBS.

MAJOR EQUIPMENT

COMPRESSOR - ARIEL JGA-4
(2) 7 1/2" "JG" CYL. (7.500" BORE)
(1) 5 1/8" "JG" CYL. (5.125" BORE)
(1) 3 5/8" "JG" CYL. (3.375" BORE)
MOTOR - 450HP
COUPLING - XXX AMR XXX
COOLER - 72-BVVF

DO NOT SCALE DRAWING

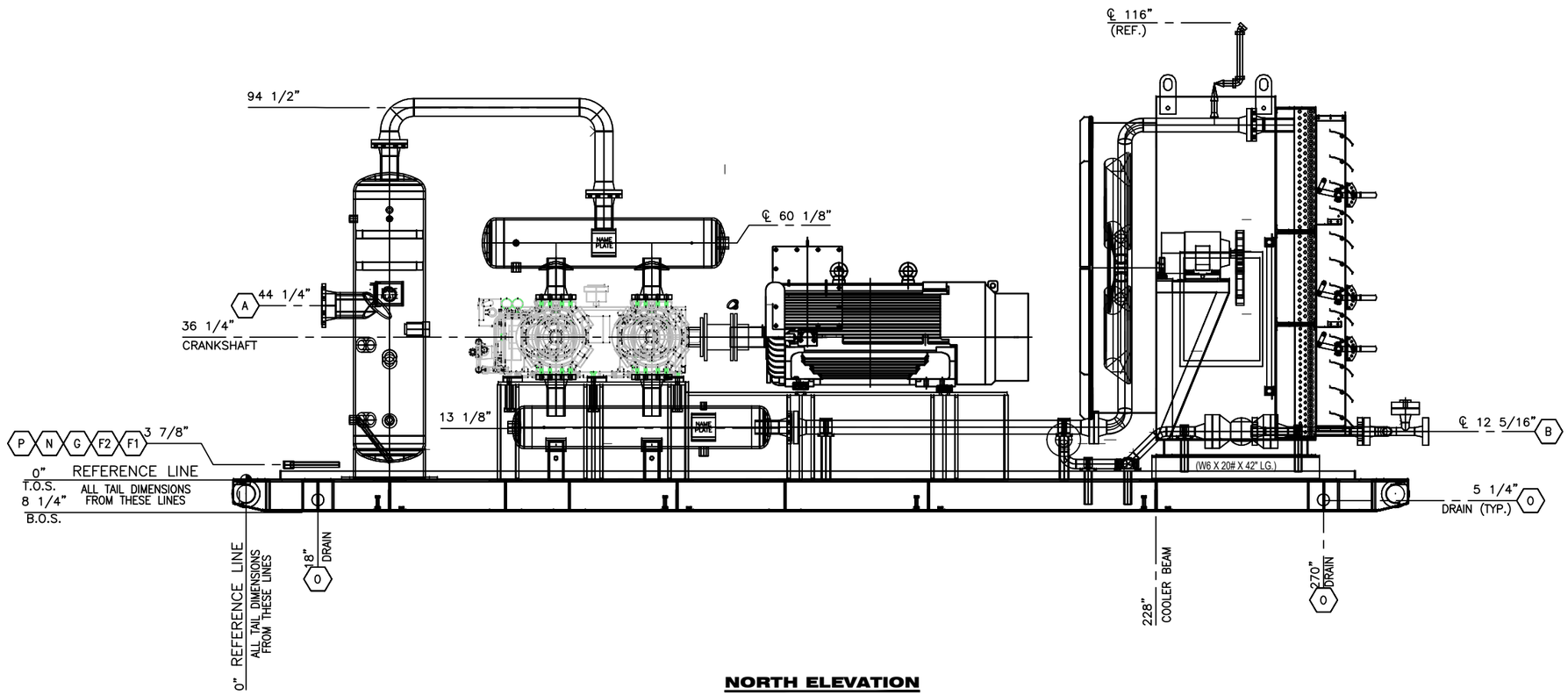
REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	SP	DA	DA	08/2/21

SEC Energy
PRODUCTS & SERVICES

GENERAL ARRANGEMENT
PLAN VIEW
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

JOB No.:	K-00052	ITEM TAG No.:			
DRAWN BY:	SP	CHECKED BY:	GB		
DATE	07/16/21	SCALE	3/4"-1'-0"	D	
DWG. No.	K-00052-200-01	SHEET	1 OF 3	REV	0

FABRICATION REFERENCE



NORTH ELEVATION

DO NOT SCALE DRAWING

REV	DESCRIPTION	DRAWN	CHK'D	APPR	DATE
0	ISSUED FOR CONSTRUCTION	SP	DA	DA	08/02/21

SEC Energy
PRODUCTS & SERVICES

GENERAL ARRANGEMENT
NORTH ELEVATION VIEW
450 HP / ARIEL JGA-4
TOPS LLC
SEC UNIT K-00052 (01-14)

JOB No.: K-00052	ITEM TAG No.:		
DRAWN BY: SP	CHECKED BY: GB		
DATE 07/16/21	SCALE 3/4"-1'-0"	D	

DWG. No. K-00052-200-03 | SHEET 3 OF 3 | REV 0

PACKET 3
21.48
April 26, 2022

DBC
DUBOIS BRYANT & CAMPBELL

Peter T. Gregg
(512) 381-8085
pgregg@dbcllp.com
303 Colorado, Suite 2300
Austin, TX 78701
www.dbcllp.com

December 16, 2021

Via Email - rjenkins@midlandtexas.gov

Ron Jenkins, CPM
Code Administration Division
Oil & Gas Coordinator
City of Midland
P.O. Box 1152
Midland, Texas 79701

Re: Request for Variance regarding Diamondback Proposed Whitefish Compressor

Dear Mr. Jenkins,

This law firm represents Evans I, Ltd.; Evans I Development, Ltd.; the Estate of Gloria R. A. Evans, deceased; and Jonathan J. Evans (the "Evans Owners"), the owners of the approximately 500-acre tract of land located to the immediate south of the location Diamondback Energy, Inc. has proposed for the referenced compressor. The Evans Owners object to the granting of any variance by the City of Midland that would allow for the siting of the compressor at or near the proposed location.

As I believe you know, the compressor would be located essentially on the border of the Evans Owners' property, immediately across the future Greentree Boulevard from the Evans Owners' property. The limited information the Evans Owners have obtained regarding the proposed compressor confirms, based on Diamondback's own study (the October 21, 2021 "Whitefish Electric Compressor Noise Modeling Report"), that there will be noise impacts to the Evans Owners' property. Further, it is the Evans Owners' position that the Diamondback study underrepresents the noise levels and impact actually associated with the proposed compressor. Operation of the compressor at the proposed location would have a substantial adverse impact on the Evans Owners' planned development of their property, which includes development of the property adjacent to the proposed compressor location for residential use. The location and operation of the compressor at the proposed location pursuant to a variance granted by the City Council would have a significant financial impact on the Evans Owners' interest in their property. To avoid that impact, the Evans Owners propose that Diamondback locate the compressor either further to the north away from the Evans Owners' property line or to the Diamondback H well tank battery facility, or to another alternate location that will not result in an impact to the Evans Owners.

The Evans Owners request the opportunity to fully participate in any consideration by the City Council for a variance for the proposed compressor. Please include the undersigned on any future communications relating to the proposed compressor so that the Evans Owners can properly evaluate and protect their interests relating to the proposed variance.

We thank you for your communications with representatives of the Evans Owners on the matter to this point, and we appreciate your efforts to keep us informed and involved going forward.

Regards,



Peter T. Gregg

PTG:agg

cc: Lori Lucas, Evans Owners Representative

WESTERN-T CORPORATION
P.O. BOX 10512
Midland, Texas 79702-7152
(432) 687-2222
(432) 686-3537

March 21, 2022

City of Midland
300 N. Loraine
Midland, TX 79701

RE: Approval of Diamondback E&P LLC Electric Compressor

To Whom It May Concern:

This letter confirms that Western-T Corporation, a Texas Corporation, as owner of the surface estate of Section 8, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas, approves Diamondback E&P LLC's use of an electric compressor for the following wells:

T&P RR CO, SEC 8, A-719, BLK 39, T-1-S:

Well Name	Permit Date	Resolution Number
Bozeman Unit 802WA	7/25/2017	2017-195
Bozeman Unit 803LS	10/9/2018	2017-043
Bozeman Unit 803WA	10/9/2018	2017-045
Bozeman Unit 813WB	7/25/2017	196-2017
Butte Unit 804WA	3/22/2016	2016-079
Butte Unit 804WB	10/9/2018	2018-406
Butte Unit 805WB	10/24/2017	2017-312
Butte Unit 815MS	10/24/2017	2017-312
Missoula Unit 806WB	10/24/2017	2017-315
Whitefish Unit 801LS	8/9/2016	2016-245
Whitefish Unit 812MS	7/25/2017	2017-198

Should you have any questions please contact me by phone at (432) 683-6686 or by email at: david@petroplexenergy.com

Sincerely,

WESTERN-T CORPORATION

By: _____

S. Javaid Anwar, President

April 11, 2022

Lori Evans Lucas
Mockingbird Oil & Gas, LP

479-202-1041
Lemay549@gmail.com

Re: Noise Study Report Review and Analysis – Rev 0
Diamondback Energy – Whitefish Compressor Station
Midland, Texas
SLR Project

TECHNICAL MEMORANDUM

1. BACKGROUND

At your request, SLR International Corporation (SLR) has performed a report review and analysis for the noise study report provided for the proposed Diamondback Energy (Diamondback) Whitefish Compressor Station (Station) in Midland, Texas. You have requested a review and opinion on the accuracy and validity of the Station noise study developed by Behrens and Associates (Behrens) and issued in a report titled "Whitefish Electric Compressor Noise Modeling Report" dated March 4, 2022 (Report).

2. Report Review

The Report includes ambient sound level measurement results, a noise model analysis, impact assessment, and proposed noise mitigation for the Station equipment. A noise impact assessment for a facility requires measurements or estimates of the existing sound levels, prediction of future sound levels due to the proposed facility, and then the prediction of the increase in sound levels due to the proposed facility.

It is our opinion that the impact assessment presented in the Report is not accurate due to several factors including:

- the chosen sound level measurement locations are close to Midland Dr.,
- there were excessive wind speeds during the measurement period,
- there was no analysis of frequency-based sound levels,
- no use of advanced statistics to remove short-term events or wind,
- and the Report noise model was not conservative.

The Report ambient survey data starts on Thursday, September 9 at midnight and continues for 24-hours. The sound levels for the survey are reported on Figure 3-2 of the Report as the hourly equivalent sound levels, L_{eq}. The measured sound levels appear to be completely controlled by a combination of wind noise

SLR International Corporation, 6001 Savoy Drive, Suite 215, Houston, TX 77036
t 713 789 9400 w slrconsulting.com

and noise from traffic on nearby Midland Dr. There is no discussion in the report of audible sounds or of the ambient sound sources that control the acoustic environment at the measurement locations. Without these observations, we have used the shape of the measured sound levels, the recorded wind speed data, and the measurement location proximity to Midland Dr. to conclude that the measurement results are not representative of the actual ambient sound levels for residential areas that are not directly adjacent to Midland Dr., rather they reflect sounds from traffic in close-proximity to the measurement location and wind on the measurement microphone.

Measurement location selection

The ambient measurement locations selected for the survey are shown in Figure 3-1 of the Report. It is difficult to tell from the figure the exact location of the sound level monitors used in the survey, but it appears that all three locations are in the right-of-way of Midland Dr. The monitoring locations appear to be closer to Midland Dr. than the nearby houses. The measured sound levels at all three locations show a pattern typical of traffic noise, with a minimum during the early morning and with a marked increase at about 6:00 am when commuter traffic begins.

The Report includes an impact assessment for two locations located close to the proposed station site, Receptors 7 and 8. The Report erroneously uses the 50.2 dBA nighttime ambient measured at Location 3 to estimate the ambient sound levels at these two Receptors. Receptors 7 and 8 are significantly farther from Midland Dr. than measurement Location 3, and the sound levels from traffic would be expected to be much lower at these Receptors. Without excessive wind and traffic noise, the ambient sound levels at Receptors 7 and 8 would likely be controlled by noise from nearby pump jacks and other oil and gas development. It is difficult to quantify the potential contribution of these sources without field measurements or additional information.

Excessive wind speeds

The Report states that there were periods of elevated wind speeds ranging from 0 mph to 25.1 mph during the 24-hour survey period. **Figure B-5-1** in the Report shows the average and gust wind speed for September 9, 2021.

ANSI standard ANSI/ASA S12.9-2013/ Part 3[1] recommends:

> (b) To minimize the effects of wind on the microphone, sound measurements should not be taken when the wind velocity is greater than 5 m/s (11 mph or 10 knots) at the microphone position when measured at a height of 2 m above the ground.

[1] ANSI / ASA S12.9-2013 / Part 3 "Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present"

.

By comparing the shape of the wind speeds in Figure B-5-1 and the measured hourly sound levels in Figure 3-1, there appears to be a strong correlation between wind speed and the measured sound level.

The lowest reported sound levels at all three locations correspond to periods of low wind and traffic, starting at about 1:00 am and continuing until about 5:00 am. The lowest measured sound levels during this period are about 41 dBA during the 2:00 am hour at Location 2. The sound levels then increase starting about 5:00 or 6:00 am, likely corresponding to increases in morning traffic on Midland Dr. and the increase in the wind speeds starting at about 9:00 am. Any discrepancies between the two figures, or periods in which low wind speeds do not correlate to changes in sound level, are likely explained by traffic noise from nearby Midland Dr. or periods of insect noise.

Lack of frequency based data and advanced statistics

While the Report is extensive in providing background data and modeling analysis, it provides very little in the way of measured sound level data. At each measurement location, the Report provides only the A-weighted hourly equivalent sound level, abbreviated L_{eq}, over the course of 24-hours. Equivalent sound levels, especially long-term levels, can be controlled by a few short-term loud events, such as wind gusts or car passbys. There are advanced statistical metrics such as the L_{90}, the sound level exceeded for 90% of a given measurement period, that would be a better indicator of the long-term ambient or background sound level at the location. In this case, the hourly L_{90} would be a better approximation of what people would consider to be the background or ambient sound level in the area.

Sound levels are composed of sounds in a range of frequencies. The frequency of a sound determines its pitch or tone and the unit of frequency is the cycle per second, designated Hertz (Hz). Most people can hear frequencies from about 20 to 20,000 Hz. By convention and standard, this audible range of sounds is divided into octave bands that are labeled by their center frequency. These octave bands can be further divided into one-third octave bands (each band divided into three parts). The narrower one-third octave bands are useful for identifying and isolating different frequencies of interest.

The use of one-third octave sound level data with a higher resolution, such as 10-second averages, would allow for the identification of the noise sources that contribute to the sound levels. Periods of high wind are typically indicated by elevated sound levels in the low frequency, 31.5 to 125 HZ, octave bands, with a smooth linear decrease as the frequencies increase. Traffic noise is typically controlled by tire road interaction noise, centered at 1,000 Hz. Birds and insects typically make noise at higher frequencies, above 2,000 Hz.

Without frequency data, it is difficult to determine the primary noise sources responsible for the ambient sound levels in area. For instance, insects can be a significant noise source during parts of the year and can control the A-weighted nighttime sound levels. However, they are not active all year, and the ambient sound levels considered in an impact assessment should not include the contribution from insects, if possible, so that the levels more accurately represent the ambient during late fall, winter, or early spring

months when insect noise is not present. Insect noise may explain the sharp increase in sound levels starting at 9:00 pm at Location 2 but without a corresponding increase at Locations 1 and 3.

3. Target Sound Levels

An outdoor sound level of 55 dBA L_{dn} is typically considered compatible with residential land uses for urban and suburban, single family residences with extensive outdoor use.[2] The same standard notes that "For residences in quiet rural areas (e.g., not near busy roads, busy railroads, grain elevators, etc.)" the compatible sound level would be 45 dBA L_{dn}.

The L_{dn} is a 24-hour average sound level that includes a 10 decibel adjustment for sound measured at night, from 10:00 pm until 7:00 am the next morning. For a continuously operating noise source that contributes constant sound over the course of 24-hours, a sound level of 55 dBA L_{dn} is equivalent to a continuous sound of 48.6 dBA L_{eq}. The 55 dBA L_{dn} standard is used by the Federal Energy Regulatory Commission as the limit for noise from natural gas compressor stations engaged in interstate commerce.

The 55 dBA L_{dn} / 48.6 dBA L_{eq} sound level should be the minimum target sound level at nearby residences. Due to the likely low ambient sound levels in the area, however, meeting the FERC 48.6 dBA L_{eq} requirement would likely still cause an increase in sound levels of greater than 10 decibels. A more appropriate target for this area would be the 45 dBA L_{dn} / 38.6 dBA L_{eq} recommended for quiet rural areas.

4. Estimation of Ambient Sound Levels

In order to evaluate the potential impact of the proposed equipment and in the absence of adequate ambient sound level data from the Report, it is necessary to estimate the existing ambient sound levels in the area. The Report includes Figure 2-1 showing "Typical Indoor and Outdoor A-weighted Sound Levels" that lists a sound level of about 38 dBA for "Quiet Suburban Nighttime". The area is a suburban development remote from major highways and for areas not directly adjacent to Midland Dr., the sound levels at night are likely 38 dBA or lower.

The lowest measured one-hour sound level from the survey was about 41 dBA at Location 2. With an hourly average of 41 dBA, there are likely significant periods during the hour with sound levels lower than 41 dBA, with that level set by a few car pass-by events during the hour.

[2] ANSI / ASA S12.9-2007 / Part 5 "Quantities and Procedures for Description and Measurement of Environmental Sound – Part 5: Sound Level Descriptors for Determination of Compatible Land Use" Annex A, Figure A.1.

5. Noise Model Review

SLR developed an independent noise model of the proposed compressor station installation using CadnaA. Input sound level data for the Station equipment was taken from the Report. The Report did not provide any frequency based sound level data for the noise sources, so the frequency spectrum of each source was estimated using typical manufacturer data. The sound power level per octave band is shown in **Table 1**.

The same ISO-9613-2 standard as in the Report was used for all propagation calculations. The overall ground absorption was set at 0.5, to represent the mixed nature of the ground in the area with a mix of hard-packed earth, paved surfaces, and soft ground. The area surrounding the compressor equipment was modeled with a ground absorption of 0.1, to represent the hard-packed gravel on site. The area was modeled as flat, with no significant terrain features and there was no shielding included for structures close to the equipment, other than the proposed noise barrier.

Table 1: Sound Power Levels used in Review Model

	Sound Power Level at Octave Band Center Frequency, dB at Hz									Overall Sound Power Level, dBA
Octave Band Center Frequency, Hz	31.5	63	125	250	500	1000	2000	4000	8000	
Electric Motor	88.3	87.1	93	95.5	95.1	93.9	91.7	86.9	83	**98.6**
Compressor	88.7	94.7	99.7	104.7	99.7	93.7	91.7	90.7	84.7	**101.7**
Cooler	106.3	105.3	104.3	101.3	96.3	94.3	88.3	82.3	76.3	**99.3**

The predicted sound levels from the SLR model are higher than those in the Report. This is likely due to the ground absorption factors used in our model. If the ground absorption in the model was changed to 1.0, or 100% absorptive ground, the predicted sound levels are similar in the SLR and Report model. However, using completely absorptive ground for the mixed surfaces in the area is a non-conservative assumption and is not recommended.

6. Updated Impact Assessment

Table 2 below shows an updated impact assessment using a 38 dBA ambient sound level for the quiet suburban area and the noise model results as reported in the Report for the mitigated equipment. This is essentially Table 4-3 of the Report, updated with an ambient sound level of 38 dBA.

As shown in Figure 4-4 of the report, Receptor 7 does not represent the highest predicted sound level for the property to the south of the station. Because the proposed noise barrier is L shaped, with a wall on the west and south of the compressor, predicted sound levels rise as one moves east along the property line. To represent the worst-case property line location, we added an additional Receptor, designated Receptor 7 Alternate, to the east of Receptor 7. Receptor 7 Alternate is only about 200 feet east of Receptor 7, yet the predicted sound level is about 46 dBA, or about 8 dBA higher than at Receptor 7. **Figure**

1 shows a detail from Report Figure 4-4 showing the location of Receptor 7 Alternate and the higher predicted sound levels there.

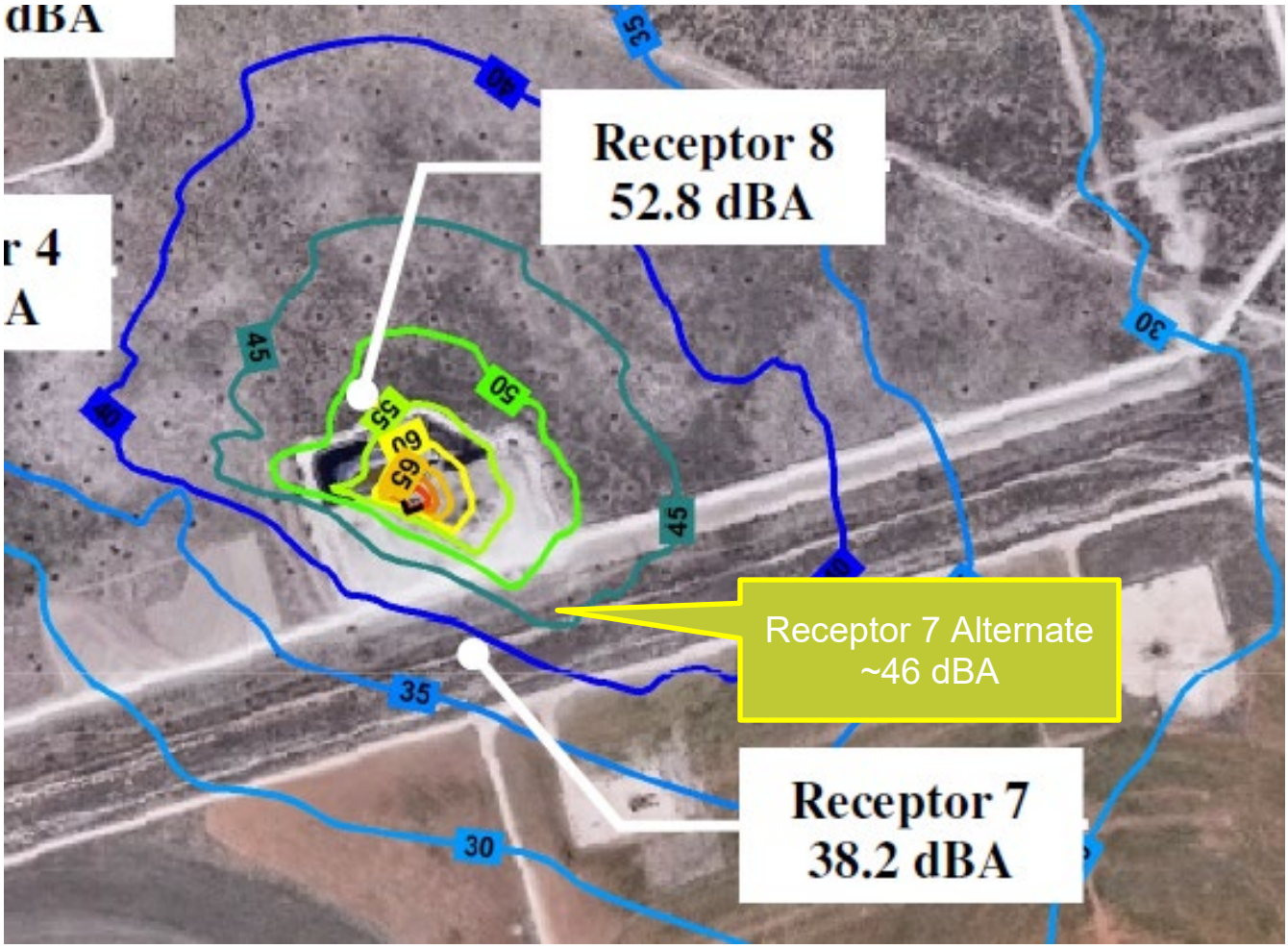


Figure 1: Detail from Report Figure 4-4 showing the Location of Receptor 7, Alternate

Table 2: Noise Impact Assessment, Ambient of 38 dBA
Modified Table 4-3 of the Report, with an Ambient of 38 dBA
All sound levels are overall A-weighted decibels

Receptor	Predicted Electric Compressor Operations Sound Level, Mitigated, from Report	Estimated Ambient Sound Level	Ambient plus Operations Sound Level	Potential Increase in Sound Level
1	20.2	38	38.1	0.1
2	20.9	38	38.1	0.1
3	16.8	38	38.0	0.0
4	19.9	38	38.1	0.1
5	22.6	38	38.1	0.1
6	23.2	38	38.1	0.1
7 (South, 370 feet from compressor)	38.2	38	41.1	**3.1**
7 Alternate (Southeast, 575 feet from compressor)	46*	38	46.6	**8.6**
8 (North, 250-feet from compressor)	52.8	38	52.9	**14.9**

* This sound level estimated from Figure 4-4 of the Report.

Table 3 shows the same assessment for Receptors 7, 7 Alternate, and 8 using the noise model results from the SLR model.

- At Receptor 7, to the south, the SLR model predicts a sound level of about 38.5 dBA, including the effects of the 20 foot tall noise barrier. With an ambient of 38 dBA, this would lead to an increase in sound level of 3.3 dBA.

- At Receptor 7 Alternate, the SLR model predicts a sound level of 48.8 dBA, leading to an increase of 11.1 dBA over a 38 dBA ambient.

- At Receptor 8, the SLR model predicts a sound level of 56.3 dBA at 250 feet north, 3.5 decibels higher than the Report model results. With this higher predicted sound level, the predicted impact increases to a potential change in level of 18.4 dBA to the north.

Table 3: Noise Impact Assessment, Ambient of 38 dBA

All sound levels are overall A-weighted decibels

Receptor	Predicted Electric Compressor Operations Sound Level, SLR Model	Estimated Ambient Sound Level	Ambient plus Operations Sound Level	Potential Increase in Sound Level
7 (South, 370 feet from compressor)	38.5	38	41.3	**3.3**
7 (Southeast, 575 feet from compressor)	48.8	38	49.1	**11.1**
8 (North, 250-feet from compressor)	56.3	38	56.4	**18.4**

At Receptor 7, 370 feet south, the predicted sound levels from the station are similar to the estimated ambient sound level and the predicted increase in sound level is 3.3 dBA. As noted in Table 2-1 of the Report, most people consider a three decibel change of the same sound to be barely perceptible. However, due to the low-frequency nature of noise from reciprocating compressors, with a significant component of the compressor noise at 250 Hz, the compressor will be clearly audible against a suburban background sound level.

The predicted sound levels at Receptor 7 alternate, 575 feet southeast of the compressor, are higher than the 55 dBA L_{dn} / 48.6 dBA L_{eq} level recommended for typical residential land uses. The predicted increase of 11.1 dBA would sound more than twice as loud to most people, and noise from the compressor would dominate the sound levels during periods of low-wind.

In this case, due to the quiet residential nature of the area, and with the goal of limiting the increase in sound levels to less than 3 decibels, a 45 dBA L_{dn} / 38.6 dBA L_{eq} target is recommended. Additional noise mitigation would need to be developed, such as an extended barrier or one that wrapped the compressor skid on the east side as well as the west and south, to achieve the sound level target along the entirety of the adjoining property line to the south of the Station.

Using a more conservative noise model and a more accurate estimate of the ambient sound levels, the predicted impact from the Station at the property line to the south of the Station is significantly higher than as presented in the Report.

Please contact us if you have any questions.

Sincerely,

SLR International Corporation

David M. Jones, P.E., INCE Bd. Cert.
U.S. Acoustical Services Manager

DAVID M. JONES, INCE Board Cert., P.E.

Principal Engineer

EDUCATION

- B.S., Mechanical Engineering, Rice University, 1996

EXPERTISE

- Sound measurement and data analysis
- Computer modelling of complex noise sources and environments
- Evaluation of sound and noise impacts and human perception of noise
- Report preparation for clear communication of analysis methods, results and impacts
- Development and analysis of noise mitigation measures
- Expert witness and presentations in community meetings

TECHNICAL REGISTRATIONS

- Professional Engineer, #91853 - Texas State Board of Registration for Professional Engineers
- Board Certified in Noise Control Engineering, #13003 – Institute of Noise Control Engineering

HEALTH & SAFETY

- IADC Rig Pass with Safe Gulf & Safe Land Training
- Water Survival/HUET/METS/Swing Rope Transfer
- Fire Extinguisher Basic Training

Mr. David Jones has more than 22 years of experience with industrial and environmental noise measurement, noise impact assessments, noise modelling, and noise control design. He has extensive knowledge and experience with the noise issues encountered in the transportation, oil, gas, power, and petrochemical industries.

Mr. Jones has participated in environmental sound level measurements, assessments, and reviews involving federal, state, and local regulations for numerous natural gas pipeline and power generation companies. He has participated in noise control projects involving FERC regulations for the majority of natural gas pipeline companies in North America.

Mr. Jones has provided environmental measurements and noise modelling for hundreds of compressor stations, pump stations, LNG shipping and receiving terminals, gas processing plants, air separation facilities, offshore rigs, and other industrial facilities in the U.S., Canada, the Middle East, Asia, Central and South America, and the Caribbean. He has acted as an expert witness for public commission hearings and legal cases in Texas, Colorado, Kentucky, New Hampshire, West Virginia, Pennsylvania, and Hawaii.

Mr. Jones has been involved with long-term environmental noise monitoring for numerous clients across many different business sectors including transportation, oil and gas, petrochemical, and metal recycling industries. These monitoring projects have taken place in over periods ranging from a few weeks to continuous years of sound level measurements. He has extensive knowledge of currently available monitoring systems, and has provided system specifications to meet client-specific needs, including costing of systems and evaluation of cost trade-offs in system specifications. He has presented a review paper on long-term environmental sound level measurement technologies, and has developed novel hardware and software solutions to environmental measurement problems for short and long-term sound level monitoring problems.

Mr. Jones is Board Certified by the Institute for Noise Control Engineering and is a registered Professional Engineer in the State of Texas.

SELECTED PROJECT EXPERIENCE

- **Driftwood LNG and Driftwood Pipeline (Tellurian Inc., 2016-present)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modeling, noise control treatment design, and Resource Report 9 development for the Driftwood LNG and Driftwood Pipeline projects. These projects involved the development of a liquefied natural gas terminal and associated pipeline and three compressor stations in southern Louisiana.
- **Rover Pipeline Project (Energy Transfer, 2015-2017)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modeling, noise control treatment design, Resource Report development, acoustical performance specifications, and bid review for Energy Transfer's Rover Pipeline Project, an $800M project that included the construction of eight greenfield compressor stations and modifications at two other stations.

- **Broad Run Expansion Project (Kinder Morgan, 2015-2016)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modeling, noise control treatment design, Resource Report development, acoustical performance specifications, and bid review for Kinder Morgan's Broad run Expansion Project, an $800M project that included the construction of approximately four greenfield compressor stations and modifications at two other stations.

- **Mountain Valley Pipeline Project (Equitrans, 2015-present)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modeling, noise control treatment design, Resource Report development, acoustical performance specifications, and bid review for Equitran's Mountain Valley Pipeline Project a massive greenfield pipeline from southwest Pennsylvania to northern Virginia.

- **Bayport Terminal (Port of Houston Authority, 2004 to present)**
  Mr. Jones has led the on-going acoustical monitoring and analysis work for the Port Authority of Houston since 2004. This has included the development of a specification for a continuous monitoring system that was installed by the Port in 2005. Since that time, Mr. Jones has managed the maintenance, service, and calibration of the system as well as the analysis and reporting on the collected sound level data to satisfy regulatory requirements, respond to noise complaints from neighbors, and provide support for recently settled litigation.

- **La Quinta Terminal, Port of Corpus Christi, Texas, 2017**
  Mr. Jones led a study to determine the potential acoustical benefits of noise barriers, berms, and buffer areas regarding future development at the Port of Corpus Christi. He conducted monitoring, diagnostic measurements at a nearby steel mill, computer noise modeling, and optimization for placement of berms, barriers, and buffer areas. He participated in Port of Houston staff meetings and in public hearings regarding the regional noise issues.

- **Phase VIII Expansion Project (Florida Gas Transmission, 2008 to 2011)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modeling, noise control treatment design, noise management plan development, and construction noise monitoring and compliance verification services for Florida Gas Transmission's (FGT) Phase VIII Expansion Project, a $2.5B project that included the construction of approximately 480 miles of pipeline and 214,000 horsepower of mainline compression from Mobile to Miami.

- **Sabine Pass LNG (Cheniere Energy, 2002 - present)**
  Mr. Jones has provided and supervised extensive noise and vibration services for the SPLNG project import and export terminal developments, including: baseline sound level measurements, computer noise modeling, noise control treatment design, Resource Report 9 and EIS development, underwater noise assessments for wharf construction, flaring noise predictions and assessments, and post-construction noise testing and assessment.

- **Rio Grande LNG (Next Decade, 2016 - present)**
  Mr Jones led a full noise model update and review as a client expert second opinion. SLR provided guidance on compliance point selection and on optimized noise mitigation solutions for the RGLNG facility including an evaluation of the impact of potential plot plan modifications.

- **Jordan Cove LNG (Pembina, 2016 - present)**
  Mr. Jones provided and supervised baseline sound level measurements, computer noise modelling, noise control treatment design, and Resource Report 9 development for the Jordan Cove LNG project. This included pile driving and construction noise modelling and impact assessment.

- **Cove Point LNG (Confidential Client, 2012 to 2014)**
  Mr. Jones led and performed a detailed client-expert review and noise model development to establish and verify the client noise mitigation for the Cove Point LNG project. This included detailed noise prediction and modeling of all of the primary LNG process piping in the facility.

- **Port Arthur LNG (Confidential Client, 2019 to 2020)**
  Mr. Jones led and performed a detailed client expert review and model evaluation for the PALNG project. This included noise mitigation design and verification.
- **Lake Charles Liquifaction (Confidential Client, 2019 to 2020)**
  Mr. Jones led and performed a highly detailed client expert review and model evaluation for the LCLNG project. This included noise mitigation design and verification.
- **Hopkinton LNG (2016 - present)**
  Mr. Jones led the noise model development for the acoustical building design for this peaking LNG project in Massachusetts.
- **Corpus Christi LNG (FERC Third party review, 2003 - 2004)**
  Mr. Jones performed the ambient sound level survey work, including pile driving noise monitoring and construction noise assessments, along with noise model development work, for the CCLNG import terminal.
- **Atlantic LNG Trains 1 through 4 (Point Fortin, Trinidad, 2002 to 2006)**
  Mr. Jones led and performed long-term sound level measurement and noise model development for the Atlantic LNG Point Fortin facility. This work included four long-term sound measurement surveys in the community surrounding the facility. Each survey consisted of more than a week of sound level data collection at eight different measurement locations in the community. The data was analyzed to determine the long-term acoustical impact of the facility equipment in the community and the effect of implemented noise control treatments. In addition, detailed noise models were developed of each Train so that the incremental noise impacts of the facility could be predicted.
- **Metal Recycling Facilities (David J. Joseph Companies, 2008 to 2017)**
  Mr. Jones managed and performed community sound level measurements and noise model development to quantify the acoustical impact of metal recycling facilities in Houston, Tampa, and Louisville. The measurements included blast overpressure measurements, ground vibration, and sound.
- **Trains 1 through 4 (Atlantic LNG, Point Fortin, Trinidad, 2002 to 2006)**
  Mr. Jones led and performed long-term sound level measurement and noise model development for the Atlantic LNG Point Fortin facility. This work included four long-term sound measurement surveys in the community surrounding the facility. Each survey consisted of more than a week of sound level data collection at eight different measurement locations in the community. The data was analyzed to determine the long-term acoustical impact of the facility equipment in the community and the effect of implemented noise control treatments. In addition, detailed noise models were developed of each Train so that the incremental noise impacts of the facility could be predicted.
- **Pipe Manufacturing Facility (Axis Pipe and Tube, Bryan, Texas, 2014)**
  Mr. Jones led and performed long-term sound level measurement survey in the community close to a proposed pipe manufacturing facility. Measurement data was collected for five days at eight locations. A detailed indoor room model was developed of the proposed manufacturing facility, using sound level measurements of a similar facility. The indoor model was used to develop am environmental noise impact assessment for the proposed facility.
- **Manufacturing Facility Noise Mitigation, PV Fluid Systems, 2015**
  Mr. Jones was the project lead on a project to measure the sound levels for a manufacturing facility, develop a noise model of the facility, and develop noise mitigation solutions for manufacturing equipment to reduce occupational noise exposure and for neighbouring office spaces.

- **External Auxiliary Power System, Walker Power Systems, 2014**
  Mr. Jones led a team responsible for developing noise mitigation for the Army's external auxiliary power unit (EAPU) for the M1 Abrams tank. The project included sound and vibration testing, prototype development, and manufacturing coordination for the proposed noise mitigation solutions.
- **Cement Unit Noise Control Development, Stewart & Stephenson, 2015**
  Mr. Jones assisted the client's engineering team in developing a noise mitigation solution for a mobile trailer-mounted hydraulic fracturing equipment package. The work scope included measurement, noise modeling, and noise mitigation design.

PUBLICATIONS

- "Impact pile driving noise propagation" Proceedings of Noise-Con 2020, Institute of Noise Control Engineering, November 2020
- "Mitigation of reciprocating engine exhaust noise using resonators", Proceedings of InterNoise 2015, Institute of Noise Control Engineering, August 2015
- "The Modeling and Design of a Reactive Muffler to Reduce a Low Frequency Tone", Proceedings of the SAE 2013 Noise and Vibration Conference, Society of Automotive Engineers, May 2013
- "Low-frequency tonal components in Caterpillar 36 series engine exhausts", Proceedings of InterNoise 2012, Institute of Noise Control Engineering, August 2012
- "A Review of Current Long-Term Environmental Sound Level Measurement Technologies", Proceedings of the 2007 Spring Conference on Environmental and Occupational Noise, Alberta Acoustical Society, May, 22, 2007.
- "Noise Control Techniques in Horizontal Directional Drilling: A Case Study," Proceedings of the 3rd Biennial Spring Conference on Environmental and Occupational Noise, Alberta Acoustical Society, April 16, 2000.

City Council Meeting

Item Number: 22

Meeting Date: April 12 , 2022

To: City Council / City Manager

From: Jeff Pinkstaff, Building Official

Subject: RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 320 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS (DISTRICT: 1) (DEVELOPMENT SERVICES)

Purpose

Resolution granting a variance to Ordinance 8769, (January 1, 2010 Oil and Gas Well Drilling Ordinance), for Lots 7, 8, 9, and 10, Block 11, Mockingbird Heights Addition, Section 9, City and County of Midland, Texas, (generally located at the northwest corner of the intersection of Wood Drive and Valwood Drive) by permitting construction of residential buildings where no portion of any structure is closer than 320 feet of an existing oil and gas well (D Evans E1).

Recommended City Council Action:

Approve

Fiscal Impact:

NA

Discussion:

Ordinance 8769 states from the application filing date of the oil and gas well permit, any building permit for construction of a building within 500 feet of the well, requires a distance variance.

The applicant, Chase Dunnam representing Newton Engineering is developing a property in Lots 7, 8, 9, and 10, Block 11, Mockingbird Heights Addition, Section 9, City and County of Midland, Texas, (generally located at the northwest corner of the intersection of Wood Drive and Valwood Drive), that lies within 500 feet of previously permitted oil and gas wells. Newton Engineering is requesting this variance on behalf of D Evans 1 LTD, to allow a reduction in the radius from 500 feet to 320 feet for the development of this property. Note that Mr. Evans is also the surface owner where the permitted D Evans E1 well is located. Upon granting of the requested variance, building permits can be issued for the allowed distance.

The Operator of the D Evans E1 well is Diamondback Energy and is aware of the variance request before the council.

The ordinance states, “In no event shall a building permit be issued by the City of Midland for any private residence or commercial building to be constructed, either in whole or in part, within three hundred (300) feet of a previously permitted but undrilled Oil and Gas Well or one hundred thirty-five (135) feet of an existing oil and gas well or within one hundred fifty (150) feet of a previously permitted tank battery.”

Previously, variances have been granted for other properties within the city limits to allow permits to be issued for residences and commercial buildings as close as 135 feet of existing oil and gas well. Therefore staff recommends approval of this variance.

Attachments: Signed request letter, Exhibit, Aerial

City Manager’s Office

RESOLUTION NO. _____

RESOLUTION GRANTING A VARIANCE FOR LOTS 7, 8, 9, AND 10, BLOCK 11, MOCKINGBIRD HEIGHTS ADDITION, SECTION 9, CITY AND COUNTY OF MIDLAND, TEXAS (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WOOD DRIVE AND VALWOOD DRIVE), BY PERMITTING CONSTRUCTION OF RESIDENCES WHERE NO PORTION OF ANY STRUCTURE IS CLOSER THAN 320 FEET OF AN OIL AND GAS WELL; AND AUTHORIZING ISSUANCE OF BUILDING PERMITS

WHEREAS, pursuant to Section 6-1-23(H)(2)(c) of the City Code of Midland, Texas, the owner of the property described in Section One hereof has applied for a variance in order to receive building permits for the construction of residences where no portion of any structure is closer than 320 feet of an oil and gas well; and

WHEREAS, the City Council finds and determines that granting a variance for such purpose will not present a health or safety risk to the applicant or subsequent occupants of the structures;

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

SECTION ONE. That a variance is hereby granted for Lots 7, 8, 9, and 10, Block 11, Mockingbird Heights Addition, Section 9, City and County of Midland, Texas, by permitting construction of residences where no portion of a structure is closer than 320 feet of an oil and gas well.

SECTION TWO. That the Building Official is hereby authorized and directed to issue building permits to the applicant and to other appropriate parties, entities, individuals, successors or assigns for such purpose with the following notation: "This building permit is issued for a structure to be constructed on a lot or tract located within 500 feet of a previously permitted Oil and Gas Well, but no portion of the structure shall be closer than 320 feet of a previously permitted Oil and Gas Well."

On motion of Council member _____, seconded by Council member

_____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the _____ day of _____, A.D., 2022, by the following vote:

Council members voting "AYE":

Council members voting "NAY":

_____
Patrick N. Payton, Mayor

ATTEST:

_____
Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

_____
Robert Patrick, City Manager

APPROVED AS TO CONTENT
AND COMPLETENESS:

_____
Charles Harrington, Director of Development Services

APPROVED ONLY AS TO FORM:

_____
John Ohnemiller, City Attorney



VICINITY MAP
NTS

LEGEND

EXISTING UNDERGROUND ELECTRIC

EXISTING FLOW LINE

GRAPHIC SCALE
0 50' 100'
(IN FEET)
1 inch = 50 ft.

NEWTON ENGINEERING, PC
2900 E. 8th St.
Odessa, Texas 79761
(432) 580-0707
F-13856
4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0580

D EVANS
#E1

EX. CRUDE FLOW LINE

EX. UNDERGROUND ELECTRIC

EX. LEASE ROAD

20' RIGHT OF WAY

EX. 30" WATER LINE

135' RADIUS

320' RADIUS

500' RADIUS

20' ALLEY

MOCKINGBIRD HEIGHTS
SECTION 9

WOOD DRIVE
(60' ROW)

CLAREWOOD DRIVE
(60' ROW)

VALWOOD DRIVE
(60' ROW)

PACKET

22.5

April 26, 2022

MOCKINGBIRD HEIGHTS
MIDLAND, TX

500' WELL VARIANCE EXHIBIT

NO.	REVISION	DATE

Project No.	22-ME02251
Date:	APR 2022
Drawn By:	CBD
Checked By:	JMN
Scale:	

Sheet: 01

NEWTON ENGINEERING, PC
ENGINEERS, CONSULTANTS, PLANNERS
F-13856
4501A Santa Rosa Dr.
Midland, Texas 79707
(432) 770-0499
2500 E. 8th St.
Odessa, Texas 79761
(432) 935-0707

April 19, 2022

Jeff Pinkstaff
Building Official
City of Midland
300 N. Loraine Street
Midland, TX, 79701

Re: 320’ Well Variance for Diamondback Energy’s D Evans E1 well near Lots 7, 8, 9, and 10, Block 11, Mockingbird Heights, Section 9.

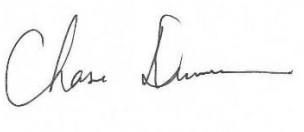
Dear Mr. Pinkstaff,

On behalf of Evans 1, LTD, we are requesting that the City of Midland consider a request to develop up to 320’ from the D Evans E1 oil well. The details of this request are provided below.

Well Name	API Number	Requested Lot Setback
D Evans E1	32938180	320'

The use of the lots will be single family homes, conforming to the zoning of the site. The lots were platted in 2007 as part of a larger development. Due to these lots being within 500’ of the oil well, they have never been built on. An exhibit showing the D Evans E1 oil well, the four lots, and the radii from the oil well accompanies this letter. It is now in the interest of the owner to open these lots up to development, and it is for this reason that we respectfully request that the City of Midland consider a variance to allow building permits within 500’ of the well while maintaining a buffer distance of at least 320’ from the well.

Sincerely,



Chase Dunnam, E.I.T.


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City Council Meeting

Item Number: 23

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Kelly Martinez, Senior Planner

Subject: Motion granting Prince Signs, LLC'S appeal and reversing the Building Official's denial of a sign permit for Lot 9, Block 2, Lonestar Business Park, Section 3, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of Occidental Parkway and North State Highway 349) (DISTRICT 1) (DEVELOPMENT SERVICES)

Purpose:

The applicant, Prince Signs, LLC, is requesting a variance to the allowed area for a pole sign that exceeds the maximum sign area, a wall sign that faces residential use, and the cumulative area of all signs exceeding the maximum sign area.

Recommended City Council Action:

Deny

Fiscal Impact:

No City funds are required to process this request.

Discussion:

Per the proposed sign plans, the applicant is requesting to place a 30-foot pole sign off North State Highway 349. The total area of the pole is 292 square feet.

The request does not meet the requirements per the City of Midland Zoning Ordinance Section 11-7a-7.- Sign Standards.

(3) In the NS District and less restrictive district, except for buildings in the C-1 District:

(j) On property with multiple street frontages, the length of each street frontage shall be

used to calculate total sign area according to subparagraphs h and i above, provided that the cumulative area of all signs shall not exceed 360 square feet, and that no one sign shall exceed 180 square feet in area.

Sign A exceeds the allowable sign area allowed for one sign by 112 feet. In addition, Sign E is not compliant with our sign code. Sign E will be located on the eastern portion of the property facing residential. Per our sign code 11-7-7a, no sign shall be permitted on the rear of the building where said sign would be adjacent to a residential use. Although there is a 6-foot wooden panel fence, the sign in question will be placed above that protected layer and light will permeate through to the residential homes. Furthermore, the cumulative area of all signs shall not exceed 360 square feet. The applicant is proposing six signs with a cumulative sign area of 415 feet, which exceeds the maximum allowed area by 55 feet.

Planning:

As this request represents a deviation from the existing sign regulations and no hardships have been shown to exist, staff would recommend denial of this application for a variance to the allowed area for a pole sign that exceeds the maximum sign area, a wall sign that faces residential use, and the cumulative area of all signs exceeding the maximum sign area.

Attachments:

Appeal Request
Building Official's Denial Letter
Application
Proposed Signs
Maps

Morris William Jr.

City Manager's Office

MIDLAND
Code Administration

PERMANENT SIGN
PERMIT APPLICATION

1. PROJECT INFORMATION

Project Address: 349 @ Occidental Midland, TX 79705	Project Description: Gas Station w/ Carwash
Name of Business: Kent Kwik 326	
Valuation of Job: $ 80,000.00	Zoning: LR
Property Line Setbacks: Front _____ Side _____ Rear _____	Property Easements: Yes _____ No _____

Lot/Tract:	Block:	Subdivision/Survey:	Lot Size: (sq. ft.)

Type of Work: New Construction ✓ Additional _____ Repair Existing _____	Engineering Required: _____
Sign Type: Pole/Pylon ✓ Monument _____ Directional _____ Wall ✓ LED ✓ Other _____	
Illumination: Internal: ✓ External _____ None ✓	Proposed Sign Area: _____ Facade: Height: _____ Width: _____

Number of Signs: 6	Height Above Grade: _____	Overhang Permitted: _____	Other: _____

2. BUILDING OWNER INFORMATION

Name: The Kent Companies	Address: 2408 N. Big Spring St. Midland, TX	
Phone: 432-520-4000	Fax:	Email:

3. SIGNAGE / CONTRACTOR INFORMATION

Name: Prince Signs LLC	Address: 4432 Cunningham Rd. Houston, TX 77041	
Phone: 281-345-4488	Fax:	Email: permits@princesigns.com

4. PLEASE READ CAREFULLY

- Attach three (3) copies of the Signage Site Plan and Signage Elevations showing building dimensions and square footages of the signage areas.
- All signs with lighting must have an Underwriters Laboratory label affixed to cabinet and electrical.
- Be advised incomplete applications may be rejected, denied or cause permit processing delays.
- This permit becomes null and void if work authorized is not commenced within 180 days of issuance or if work is suspended or abandoned for a period of 180 days at any time after work is commenced.
- I hereby certify that I am the property owner or their authorized agent, and have the owner's consent to apply for the permit requested and receive all subsequent communications and business related to this application. I further certify that the information provided is true and correct to the best of my knowledge. This work shall comply with all provisions of laws and ordinances, whether specified or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any federal, state or local law regulating construction or the performance of construction.

Signature of Applicant:	Date: 3/22/2022
Printed Name of Applicant: Shannon Walker	Phone: 281-345-4488
Email: permits@princesigns.com	Fax: N/A

Code Administration Division
Development Services Department
300 N. Loraine Street - P.O. Box 1152 - Midland, Texas 79702
Office: 432-685-7390 - Fax 432-686-1609

Ver: 9/6/18

DENIAL SIGN REVIEW LETTER
Sent via Electronic Mail

April 4, 2022

Prince Signs LLC
6931 Signat Dr.
Houston, TX 77041

RE: 6914 N HWY 349

Mr. Ezzi:

The plan review for the building permit for this project has been completed. The following comments or conditions that must be addressed prior to completion of the review and issuance of the building permit. Should you or the design consultants need further clarification regarding these comments or conditions, please contact the appropriate department or staff member.

Planning Division- Kelly Martinez- 432-685-7915 kmartinez@midlandtexas.gov

Date: 04/01/2022
Status: Denied

DENIED: In the NS District and less restrictive districts, on property with multiple street frontages, the length of each street frontage shall be used to calculate total sign area according to subparagraphs h and i above, provided that the cumulative area of all signs shall not exceed 360 square feet, and that no one sign shall exceed 180 square feet in area. 1. Sign A exceeds the 180 square that is allowed for one sign. Please clarify whether the height is 30 feet or 45 feet. The plans state both. 2. Directional sign exceeding 4 sq ft count against total signage allowed on property. 3. No wall sign shall be permitted on the rear of the building where said sign would be adjacent to a residential use. Sign E is not allowed facing residential use. 4. Freestanding menu boards for drive-through service that do not exceed 32 square feet in area and six feet in height shall not be counted against the allowable total. Since Sign F does not meet this criteria therefore Sign F will count against allowable signage on the property. 5. Sign A looks to be on a utility easement. No permanent structures are allowed on that easement. Will need approval from utility department. 6. All signs combined exceed the allowable signage allowed on this property.

Code Administration – Claudia Sarinana – 432-685-7396 csarinana@midlandtexas.gov

Date: 04/04/2022

Sincerely,

Claudia Sarinana
Residential Plan Examiner
City of Midland, TX
Code Administration
432-685-7396
csarinana@midlandtexas.gov

Kelly Martinez

From: Permits <permits@princesigns.com>
Sent: Tuesday, April 5, 2022 9:30 AM
To: Kelly Martinez
Subject: 6914 N Hwy 349 - KK326
Attachments: DENIAL SIGN REVIEW LETTER.docx; KK326 - Utility Plan Drwaing.pdf; 2035 - KK 326 - Exterior Signage Permit Packet.pdf

Hi Kelly,
Good morning. I have received our denial letter and would like to review some items with you to see what we can do to get this project approved, hopefully without a variance. However, if needed, I want to get started right now.

Sign A: This is the new standard C78 for KK locations. It is 30' OAH. Is there any way to get it approved without a variance and without changing the design? If not, please advise on what is needed to apply for a variance. See attached utility plan. It is out of all easements.

Thank you,



$

From: Claudia Sarinana <csarinana@midlandtexas.gov>
Sent: Monday, April 4, 2022 5:07 PM
To: Permits <permits@princesigns.com>
Subject: 6914 N Hwy 349

Please SEE ATTACHED LETTER

Fodxgld#Vdubqdqd
Uhvlghqwldd#Sodqv#Hxdp lghu#
76509;80:6<9

fvdulqdqdC p lgoalggwh{dvtjry



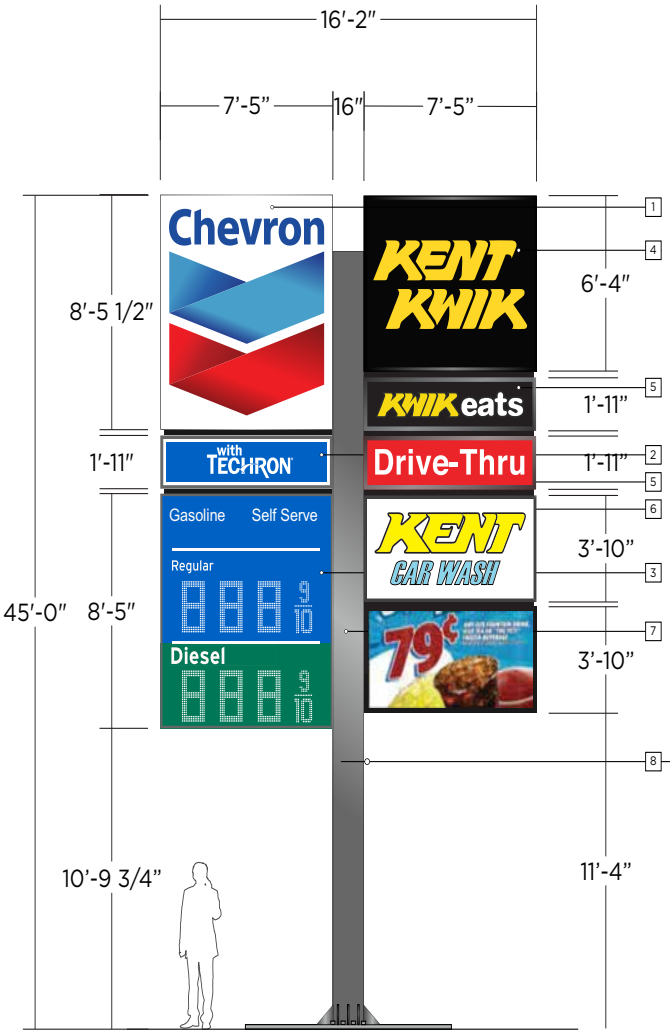
CAUTION: This email originated from outside your organization — exercise caution when opening attachments or clicking links, especially from unknown senders.

KENT KWIK

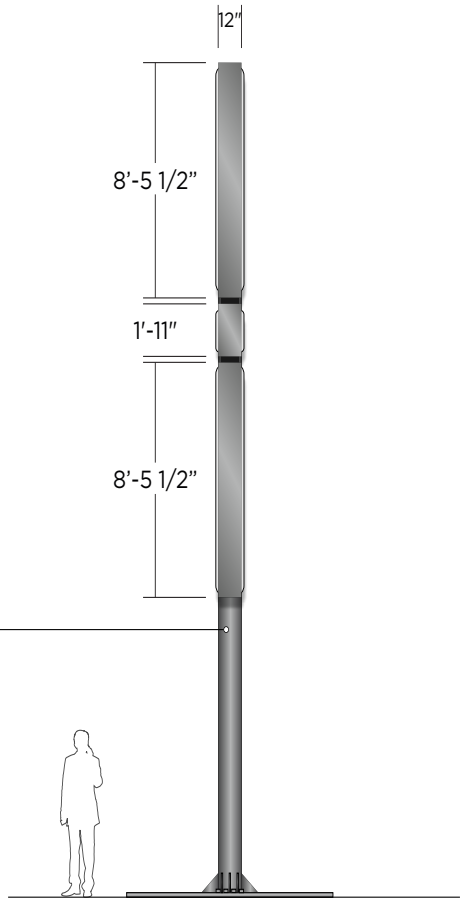
KENT KWIK 326 EXTERIOR - MIDLAND,TX

Big Spring & Occidental , Midland, TX 79705

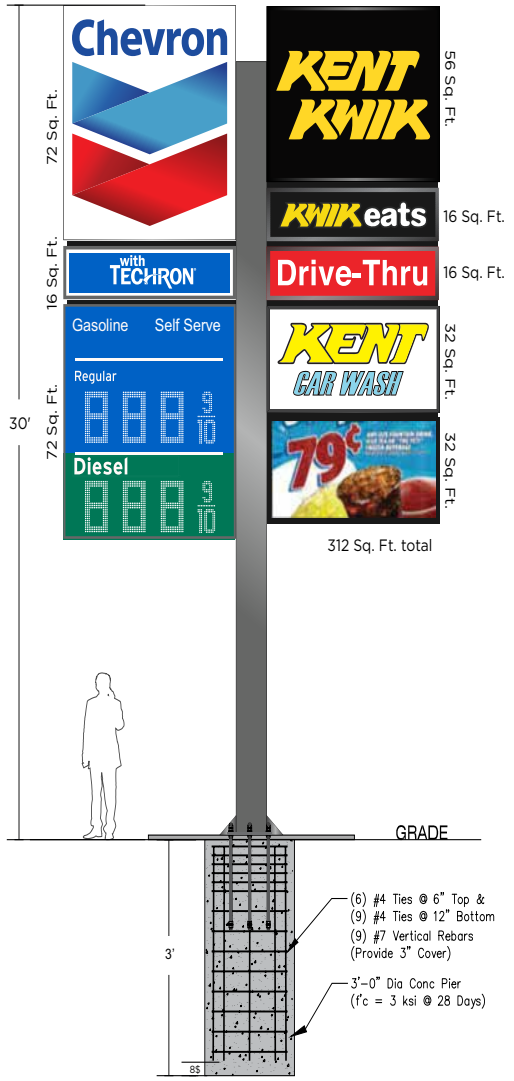
PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION



1 GAS PRICER SIGN (TYPE C78) - SIDE A (1 Total)
SCALE: 3/16"=1'



2 GAS PRICER SIGN (TYPE C78) - SIDE VIEW
SCALE: 3/16"=1'



3 GAS PRICER SIGN (TYPE C78) - FOOTING DETAILS
SCALE: 3/16"=1'

1. Fabricated cabinet with pan-formed translucent white [P1] polycarbonate face, [C1] blue "Chevron" letters copy to be embossed, chevrons to be digitally printed to match brand specifications. Cabinet to be internally illuminated.
2. Fabricated cabinet with pan-formed translucent white [P1] polycarbonate face, with embossed face with white letters and [C1] blue background. Cabinet to be internally illuminated.
3. Fabricated cabinet with pan-formed translucent white [P1] polycarbonate face, with embossed face with white letters and [C1] blue and [C4] green background. Cabinet to feature white LED numerals and to be internally illuminated.
4. Fabricated cabinet with pan-formed translucent white [P1] polycarbonate face, with embossed logo to match [C2] yellow with [C3] black background. Cabinet to be internally illuminated.
5. Fabricated cabinet with pan-formed translucent white [P1] polycarbonate face, with white letters with [C5] red background. Cabinet to be internally illuminated.
6. Programmable digital message center Details TBD.
7. 16"x12"x3/8" Steel support pole as specified by engineer. Pole to be painted [C6] gray
8. Contour white address vinyl to be applied directly to steel pole.

NOTES

1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/o control power by others.
2. Final materials and dimensions TBD per structural engineering requirements

PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION
6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 713-785-4488

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PACKET

PROJECT INFORMATION
CLIENT
The Kent Companies
Big Spring & Occidental ,
Midland, TX 79705
PROJECT
KK 326
PROJECT #
2035
PROJECT MGR
Tracy Swisher
DESIGNER
A. Cody

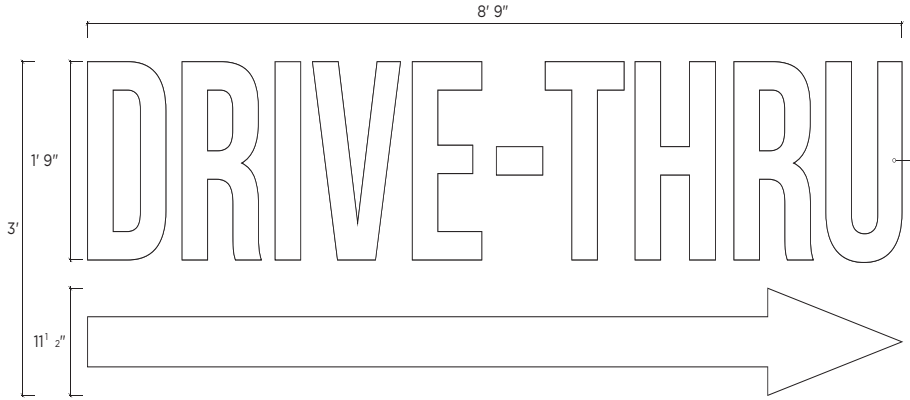
SHEET DETAILS
Exterior Sign
A
SCALE: AS NOTED

MATERIALS & FINISHING SCHEDULES
23.9

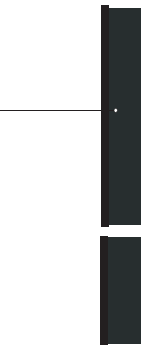
ISSUE
DATE DESCRIPTION
April 26, 2022

RUNNING SHEET NUMBER
1

ELECTRICAL REQUIREMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895



1 WALL SIGN DETAIL - DRIVE-THRU 27 SQFT
SCALE: 3/4"=1'

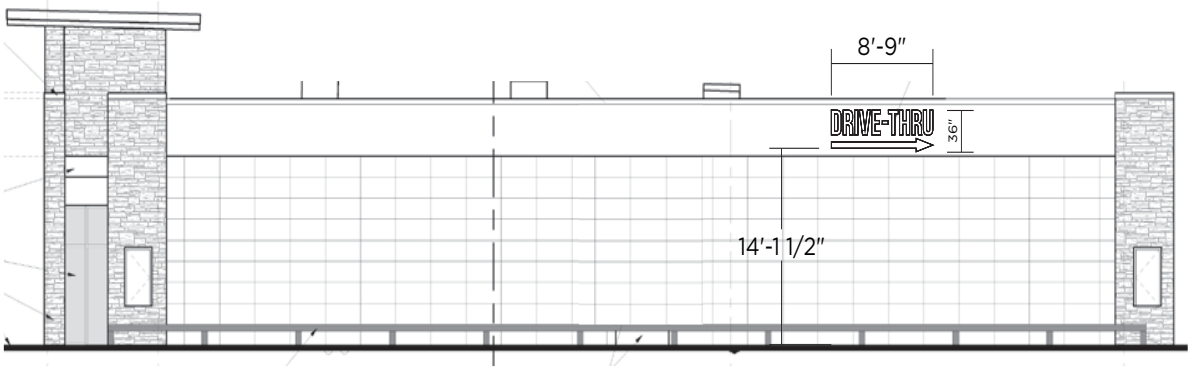


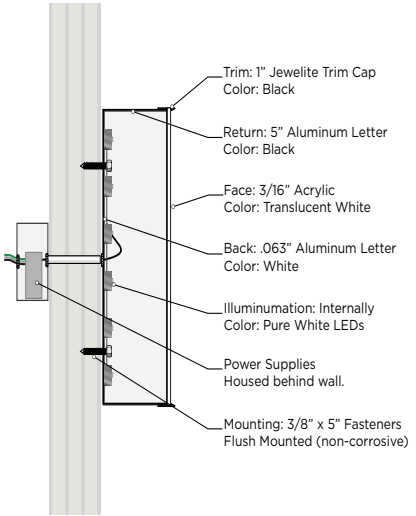
2 WALL SIGN DETAIL - SIDE VIEW
SCALE: 3/4"=1'

1. Fabricated channel letters with 5" black returns. Channel letters to have [A1] translucent white acrylic faces.

NOTES

1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/off control power by others.
2. Final materials and dimensions TBD per structural engineering requirements





4 ILLUMINATED CHANNEL LETTERS
SCALE: NTS

PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION
6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 281-345-4488

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PROJECT INFORMATION
CLIENT
The Kent Companies
Big Spring & Occidental ,
Midland, TX 79705

PROJECT: KK 326
PROJECT #: 2035
PROJECT MGR: Tracy Swisher
DESIGNER: A. Cody

SHEET DETAILS
Exterior Sign B
SCALE: AS NOTED

MATERIALS & FINISHING SCHEDULES
23.10

ISSUE
DATE DESCRIPTION
April 26, 2022

RUNNING SHEET NUMBER
2

ELECTRICAL REQUIRMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895
PRIMARY ELECTRICAL TO LED POWER SUPPLY TO/SUPPLIED BY OTHERS
SECONDARY LOAD - 84 W/A



1 WALL SIGN DETAIL - REAR ENTRANCE
SCALE: 3/4"=1'-0"

2 WALL SIGN DETAIL - SIDE VIEW
SCALE: 3/4"=1'

32 Sq. Ft. total

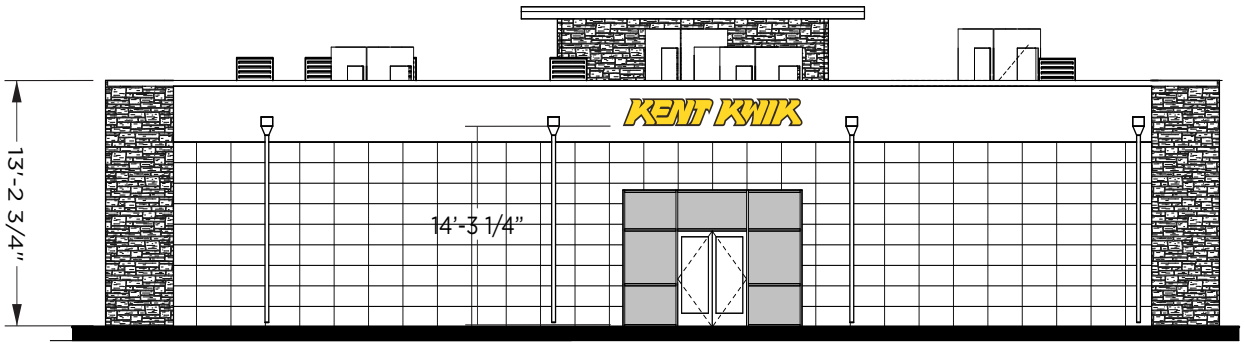
Routed [A2] aluminum panel to be mounted flat against the wall with fasteners.

2. Fabricated channel letters with 5" returns painted MP Standard Black. Channel Letters to have [A1] translucent white acrylic faces with first surface applied digitally printed [V1] vinyl.

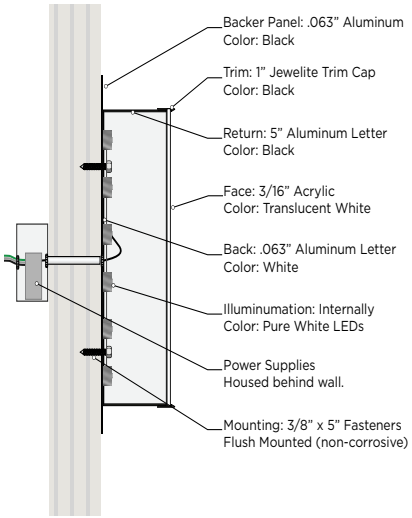
NOTES

1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/o control power by others.

2. Studs and construction grade adhesive will be used, as necessary.



3 WALL SIGN - NORTH ELEVATION
SCALE: 3/32"=1'



4 ILLUMINATED CHANNEL LETTERS WITH SHADOW

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PROJECT INFORMATION

CLIENT
The Kent Companies
Big Spring & Occidental ,
Midland, TX 79705

PROJECT: KK 326
PROJECT #: 2035
PROJECT MGR: Tracy Swisher
DESIGNER: A. Cody

SHEET DETAILS

Exterior Sign C

SCALE: AS NOTED

MATERIALS & FINISHING SCHEDULES

23.11

ISSUE

DATE: April 26, 2022
DESCRIPTION:

RUNNING SHEET NUMBER

4

ELECTRICAL REQUIREMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895
PRIMARY ELECTRICAL TO LED POWER SUPPLY/SUPPLIES BY OTHERS
SECONDARY LOAD - 66 AMPS

DETAILS:
1. Routed [A2] aluminum backer panel to be mounted flat against the wall with fasteners

2. Fabricated channel letters with 5" Black returns, aluminum backing, and [A1] translucent white acrylic faces with first surface applied [V1] translucent vinyl. Channel letters will be attached to [A2] backer panel.

2.2. Fabricated channel letters with 5" Black returns, aluminum backing, and [A1] translucent white acrylic faces with first surface applied [V2] translucent vinyl.

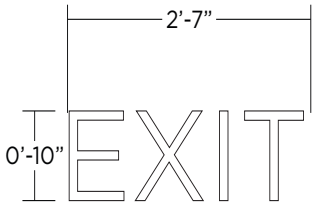
NOTES:
1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/o control power by others.

2. Studs and construction grade adhesive will be used, as necessary.



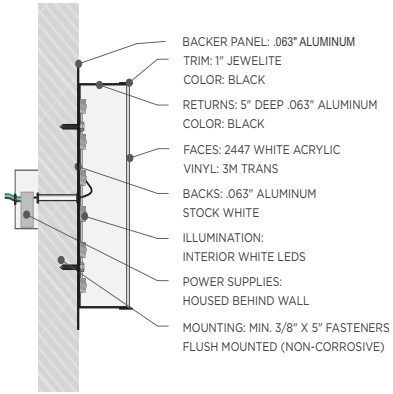
1 SIGN DETAILS - ILLUMINATED CHANNEL LETTERS
SCALE: 3/4" = 1'-0"

32 Sq. Ft. total



3 EXIT VINYL
SCALE: 3/4" = 1'-0"

3 Sq. Ft. total



2 FACE LIT CHANNEL LETTERS - TYPICAL DETAIL
SCALE: NTS



PRINCE SIGNS
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6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 281-345-4488

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PROJECT INFORMATION		SHEET DETAILS		MATERIALS & FINISHING SCHEDULES	ISSUE		RUNNING SHEET NUMBER
CLIENT The Kent Companies Big Spring & Occidental , Midland, TX 79705		Exterior Sign	D		DATE	DESCRIPTION	5
PROJECT KK 326	PROJECT # 2035	SCALE: AS NOTED		23.12	April 26, 2022		
PROJECT MGR Tracy Swisher	DESIGNER A. Cody						

ELECTRICAL REQUIREMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895



1 SIGN DETAILS - ILLUMINATED CHANNEL LETTERS
SCALE: 3/4" = 1'-0"

32 Sq. Ft. total



3 ENTRANCE VINYL
SCALE: 3/4" = 1'-0"

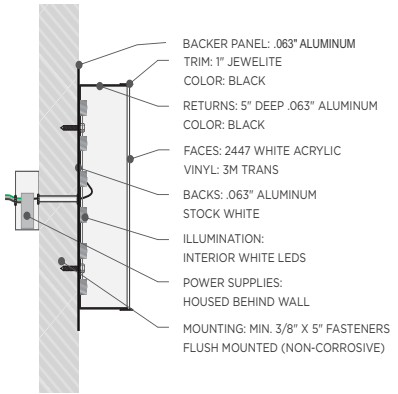
7 Sq. Ft. total

DETAILS:
1. Routed [A2] aluminum backer panel to be mounted flat against the wall with fasteners
2. Fabricated channel letters with 5" Black returns, aluminum backing, and [A1] translucent white acrylic faces with first surface applied [V1] translucent vinyl. Channel letters will be attached to [A2] backer panel.

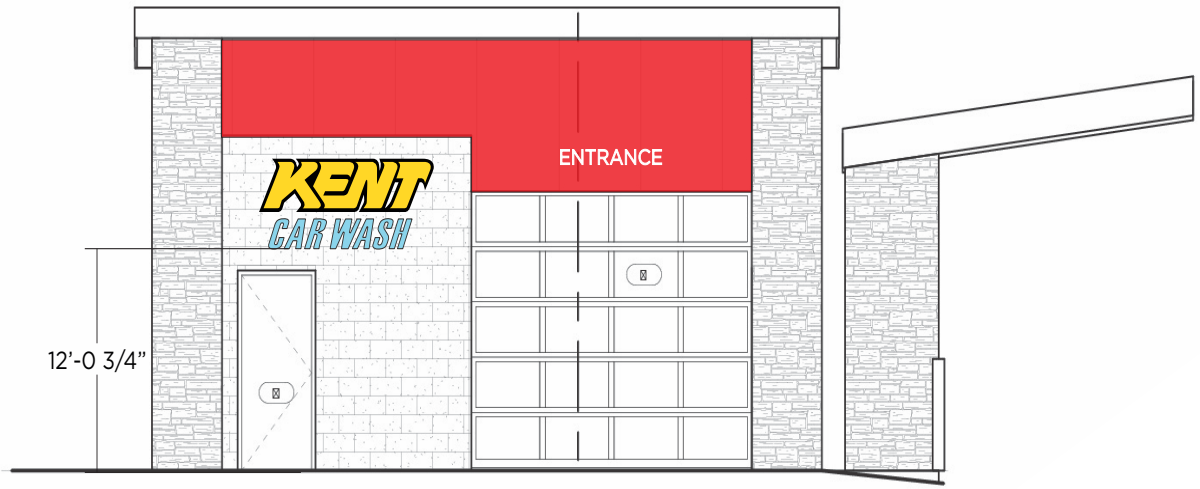
2.2. Fabricated channel letters with 5" Black returns, aluminum backing, and [A1] translucent white acrylic faces with first surface applied [V2] translucent vinyl.

3. Plotter cut decal vinyl [V3] flushed paste to wall.

NOTES:
1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/o control power by others.
2. Studs and construction grade adhesive will be used, as necessary.



3 FACE LIT CHANNEL LETTERS - TYPICAL DETAIL
SCALE: NTS



4 PROPOSED ELEVATION - FRONT
SCALE: 1/8" = 1'-0"

PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION
6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 281-345-4488

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PROJECT INFORMATION
CLIENT
The Kent Companies
Big Spring & Occidental ,
Midland, TX 79705
PROJECT: KK 326
PROJECT #: 2035
PROJECT MGR: Tracy Swisher
DESIGNER: A. Cody

SHEET DETAILS
Exterior Sign E
SCALE: AS NOTED

MATERIALS & FINISHING SCHEDULES
23.13

ISSUE
DATE DESCRIPTION
April 26, 2022

RUNNING SHEET NUMBER
6

ELECTRICAL REQUIRMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895
PRIMARY ELECTRICAL TO LED POWER SUPPLY SUPPLIED BY OTHERS
SECONDARY LOAD .66 KVA

DETAILS:

1. MENU BOARD (TANDEM)
   Digitally printed [V1] vinyl with [L1] UV clear gloss laminate to be applied to first surface routed [A1] acrylic panel. [V2] white diffuser to be applied to second surface of [A1] acrylic.

NOTES:
1. Studs and construction grade adhesive will be used, as necessary.

2. Print to match PMS colors.

NOTES:
1. QTY1 - 120V/20A Circuit. Primary electrical to LED supplies and day/night on/o control power by others.

2. Studs and construction grade adhesive will be used, as necessary.



24 Sq. Ft. total

1 SOFT TOUCH MENU BOARD (TANDEM) (1) - FRONT VIEW
SCALE: 3/4" = 1"



8 Sq. Ft. total

2 HOURS POLICY SIGN (1) - FRONT VIEW
SCALE: 1" = 1"

PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION
6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 281-345-4488

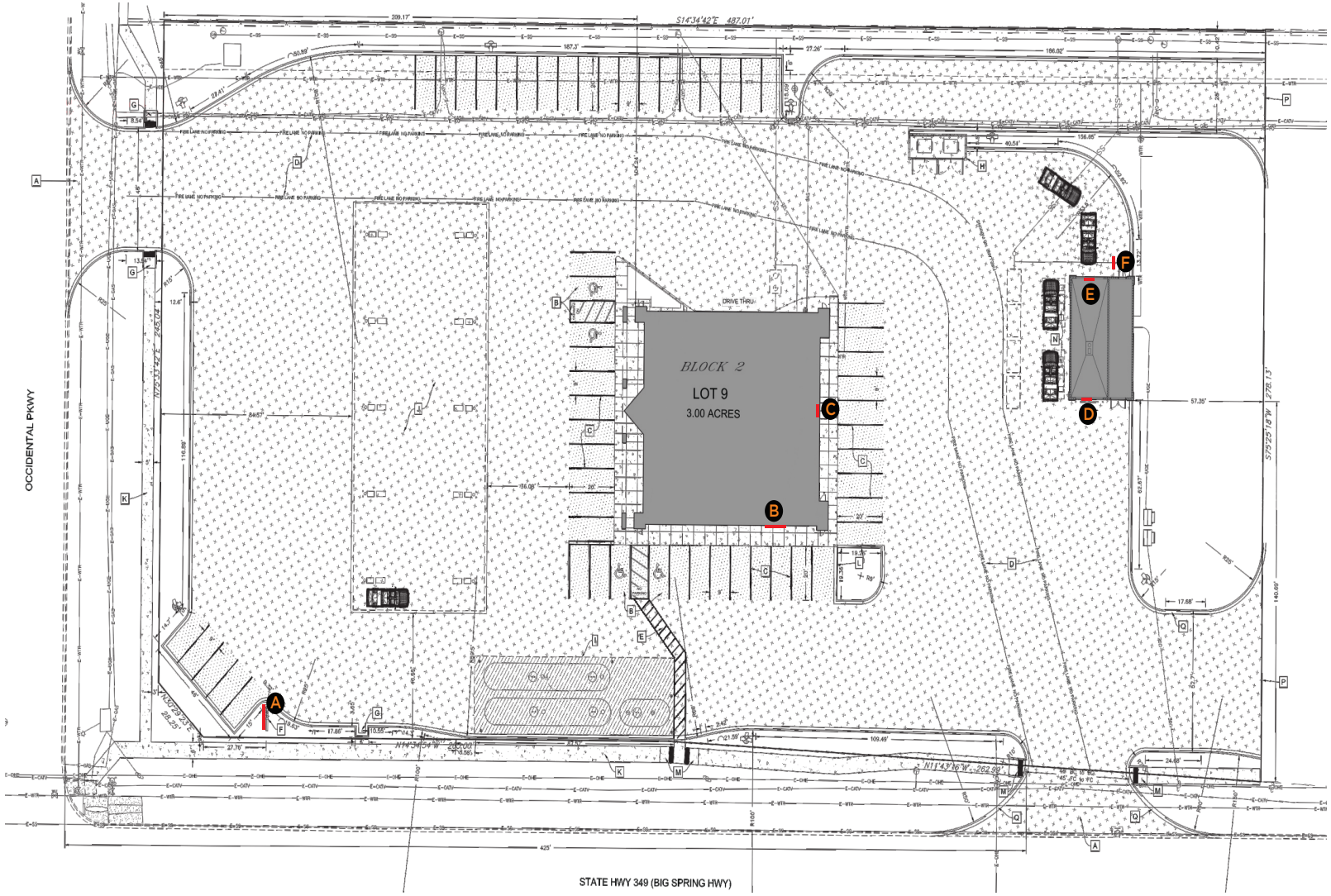
PACKET

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PROJECT INFORMATION	SHEET DETAILS	MATERIALS & FINISHING SCHEDULES	ISSUE	RUNNING SHEET NUMBER
CLIENT The Kent Companies Big Spring & Occidental , Midland, TX 79705	Exterior Sign F	23.14	DATE DESCRIPTION April 26, 2022	7
PROJECT KK 326 PROJECT # 2035	SCALE: AS NOTED			
PROJECT MGR Tracy Swisher DESIGNER A. Cody				

ELECTRICAL REQUIRMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895



PRINCE SIGNS
DESIGN | FABRICATION | INSTALLATION

6432 Cunningham Rd Houston, TX 77041
info@princesigns.com 281-345-4488

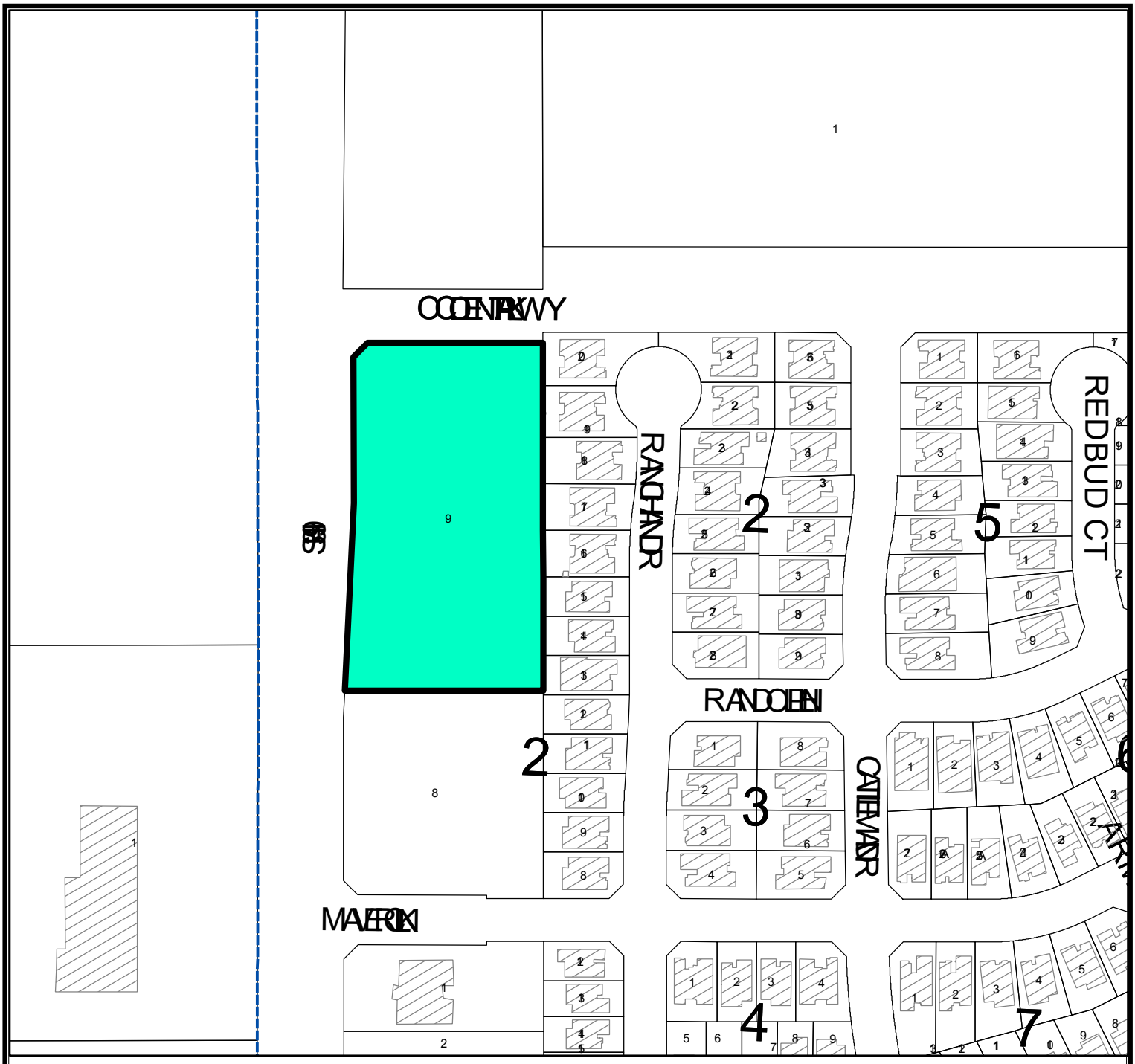
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PACKET

PROJECT INFORMATION		SHEET DETAILS	MATERIALS & FINISHING SCHEDULES	ISSUE	RUNNING SHEET NUMBER
CLIENT The Kent Companies Big Spring & Occidental , Midland, TX 79705		SITE PLAN	23.15	DATE DESCRIPTION April 26, 2022	8
PROJECT KK 326	PROJECT # 2035	SCALE: AS NOTED			
PROJECT MGR Tracy Swisher	DESIGNER A. Cody				

ELECTRICAL REQUIRMENTS
PRIMARY CIRCUIT
120VOLT/20AMP
TOTAL AMP DRAW
1.1 AMP
TSCL#: 18895



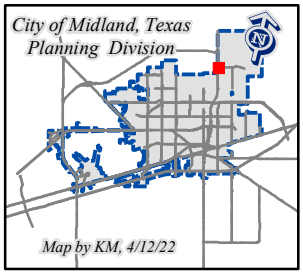
LOCATION MAP

SGN-042698-2022 **Scale: 1" = 200'**

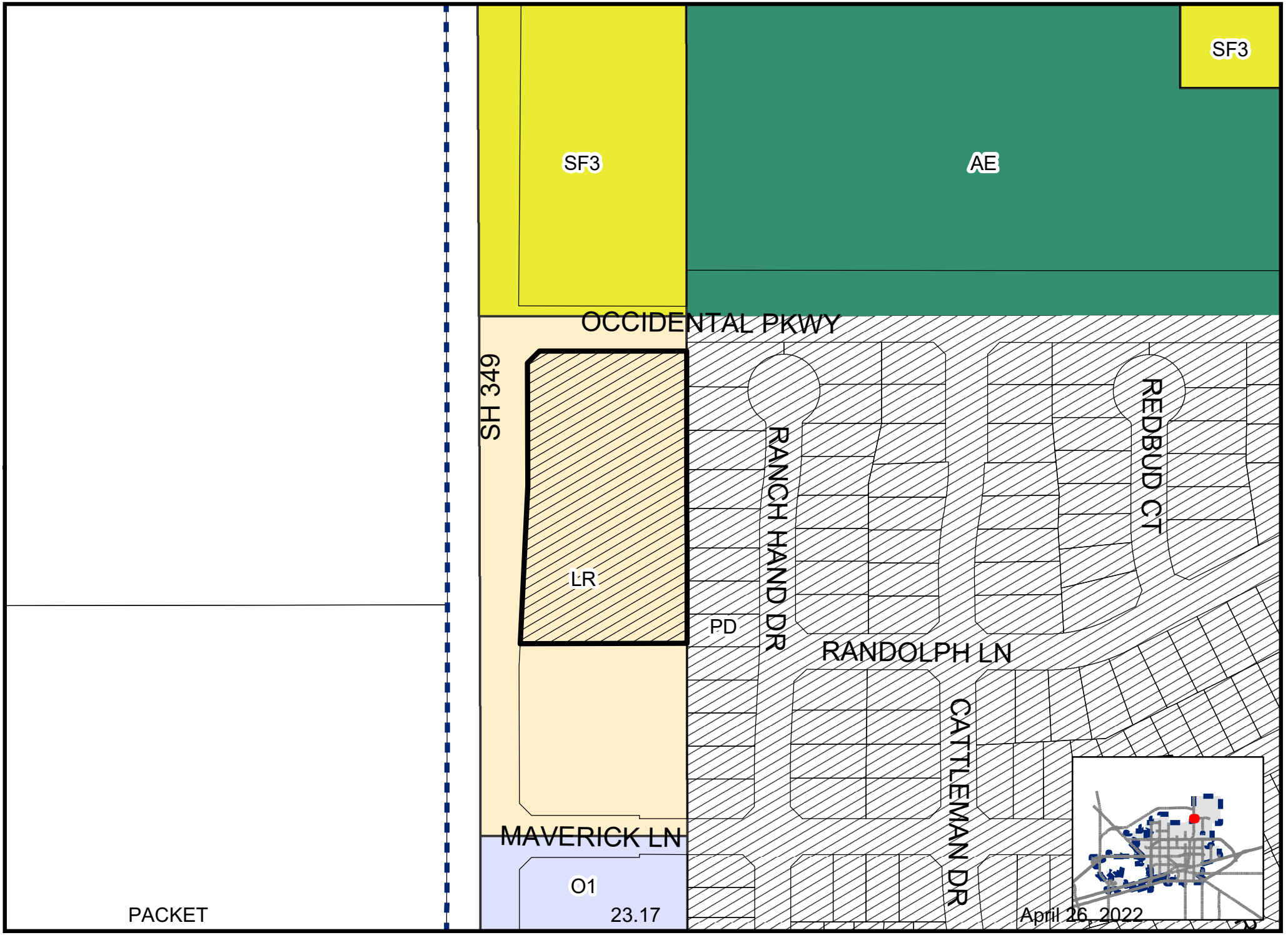
Motion granting Prince Signs, LLC appeal and reversing the Building Official's denial of a sign permit for Lot 9, Block 2, Lonestar Business Park, Section 3, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Occidental Parkway and N State Highway 349. (Council District 1)

LEGEND

- CITY LIMITS
- PARCEL
- PRIVATE BLDGS



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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.



Map By KM, 4/12/22

SGN-04698-2022

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

BOARDS AND COMMISSIONS OF THE CITY OF MIDLAND
April 26, 2022

AIRPORT PLANNING AND DEVELOPMENT BOARD
(Advisory)
(Membership-10; Terms - 3 Years expiring 3-3-4.)

	Appt Date	Term Expires	Eligibility Expires
Scooter Brown	09/16	Sept 30 2022	Sept 30 2022
Wes Reeves	08/15*	Sept 30 2023	Sept 30 2023
Justin Kuethe	09/19	Sept 30 2022	Sept 30 2025
Nick McClure	09/19	Sept 30 2022	Sept 30 2025
Gena Linebarger	09/20	Sept 30 2023	Sept 30 2026
(VACANT)	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.

Eligibility Requirements: Resident of Midland County

ANIMAL SERVICES ADVISORY COMMISSION
(Advisory)
(Membership - 7; Terms - 4 Years)

	Appt Date	Term Expires	Eligibility Expires
Leah Lewis (daily operations)	09/17	Sept 30 2025	Does not expire??
Dr. (Erickson) Lee (Veterinarian)	05/14	Sept 30 2022	Sept 30 2022
Alyson Dial	09/18	Sept 30 2022	Sept 30 2026
Dr. J. Annette Jensen (Veterinarian)	04/20	Sept 30 2024	Sept 30 2028
Tasha Sport	04/20	Sept 30 2024	Sept 30 2028
Sharla Hotchkiss	04/20	Sept 30 2024	Sept 30 2028
Robert “Robin” Donnelly (County)	11/13	Sept 30 2025	Sept 30 2025

Leah Lewis (Liasion)
Dan Corrales (Council Liaison)

Eligibility Requirements: 1 License Veterinarian, 1 Animal Shelter Employee, 1 Animal Welfare Organization Representative, 1 County or Municipal Official, 2 Citizens

BUILDING AND FIRE CODE REVIEW COMMITTEE/CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS

(Membership – 9; Terms – 6 Years)

Shall consist of two architects, a fire protection contractor or specialist, a general contractor, an electrical contractor, a homebuilder, a plumbing and mechanical contractor, a structural engineer, a City Council Liaison

	Appt Date	Term Expires	Eligibility Expires
Ryan Almand (Electrical Contractor)	12/18	Sept 30 2024	Sept 30 2030
Jay Bradford (Architect)	12/18	Sept 30 2024	Sept 30 2030
T.J. McClure (Architect)	12/18	Sept 30 2024	Sept 30 2030
Laurence Oeth (Structural Engineer)	12/18	Sept 30 2024	Sept 30 2030
Gary Glasscock (General Contractor)	12/18	Sept 30 2024	Sept 30 2030
Robert Anderson (Homebuilder)	12/18	Sept 30 2024	Sept 30 2030
Dean Kelly (Plumbing & Mechanical Contractor)	04/22	Sept 30 2028	Sept 30 2034
Kenneth Whiting (Fire Protection)	04/22	Sept 30 2028	Sept 30 2034
Jeff Pinkstaff (Liaison)	12/18	Sept 30 2024	Sept 30 2030
Dan Corrales (Council Liaison)			

Eligibility Requirements: Members shall reside within the City.

CAPITAL IMPROVEMENT ADVISORY COMMITTEE

(Advisory)

(Membership – 7)

A minimum of 40% must be representative of real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.)

	Appt Date
Carl Craigo	10/19
Walter Pate	06/18
Mark Payne	06/18
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)

	Appt Date	Term Expires	Eligibility Expires
Joey Hopkins	10/18	Sept 30 2022	Sept 30 2022
Alex Singh	10/18	Sept 30 2022	Sept 30 2022
Becky Wisdom	10/18	Sept 30 2022	Sept 30 2022
Brandon Ofield	09/20	Sept 30 2022	Sept 30 2024
Clint Williamson	04/21	Sept 30 2023	Sept 30 2025
Ellen K. Ramsey	10/18	Sept 30 2023	Sept 30 2023
Vicky Hailey	09/21	Sept 30 2023	Sept 30 2025
Amy Turner (Liaison)			
Lori Blong (Council Liaison)			

Eligibility Requirements: Members shall be thoroughly familiar with Chapter 351, “Municipal Hotel Occupancy Taxes”, 1 Member Representative of Hotel/Motel Association.

MIDLAND CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Five Directors, Elected by Local Taxing Entities.
City Nominates/Cast Vote for one Director
(Terms - 2 Years)

	Appt Date	Term Expires
Robert McNaughton	11/15	Dec 31 2024

MIDLAND DEVELOPMENT CORPORATION

(Membership - 7; Terms -3 Years - Staggered)

	Appt Date	Term Expires	Eligibility Expires
Chase Gardaphe	01/22	Jan 14 2025	Jan 14 2025
Barry Simpson	01/22	Jan 14 2025	Jan 14 2025
Stephen Lowery	01/17	Jan 14 2023	Jan 14 2023
P Lourcey Sams	04/20	Jan 14 2023	Jan 14 2026
Jill Pennington	04/20	Jan 14 2023	Jan 14 2026
Brad Bullock	04/21	Jan 14 2024	Jan 14 2027
Lucy Sisniega	02/22	Jan 14 2025	Jan 14 2028

Amy Turner (Liaison)
Lori Blong (Council Liaison)

Eligibility Requirements: No director or employee shall be related to a current City Council member.

MIDLAND DOWNTOWN PARK CONSERVANCY BOARD

(Membership - 7; City Appoints 3 Seats; Terms -3 Years - Staggered)
(Resolution of appointment is made each February and each appointment must be ratified by the Conservancy Board in March at their annual meeting)

	Appt Date	Term Expires	Eligibility Expires
Barry Beal Jr.	08/18	Sep 30 2024	Sep 30 2024
David Byrd	08/18	Sep 30 2023	Sep 30 2023
Sharla Hotchkiss	07/20*	Sep 30 2025	Sep 30 2025

MIDLAND HIGHER EDUCATION FACILITIES CORPORATION

(Membership - 7; Terms - 2 Years Staggered)

	Appt Date	Term Expires	Eligibility Expires
Steve Jones	**09/08***	**Jan 1 2010**	**Jan 1 2012**
Cathy Oestmann	**11/05***	**Jan 1 2010**	**Jan 1 2010**
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2007**	
Vacancy		**Jan 1 2009**	
Curt Kamradt	**11/05***	**Jan 1 2014**	**Jan 1 2014**

Sharla Hotchkiss (Liaison)

MIDLAND HOUSING AUTHORITY COMMISSION

(Membership - 5; Terms - 2 Years expiring 3 even & 2 odd.)
Appointments Made by Mayor (LGC 392.031)

	Appt Date	Term Expires
Wes Gotcher	09/20	Oct 2022
Robert Lehrer	09/20	Oct 2022
Latoya Mayberry	06/21	Oct 2023
Sylvestor Cantu	09/18*	Oct 2023
Cheryl Wadley (Resident Commissioner)	11/19	Oct 2023

Isaac Garnett (Staff Liasion)

Eligibility Requirements: No member may be an officer or employee of the City of Midland.

MIDLAND-ODESSA URBAN TRANSIT DISTRICT BOARD

(Decision Making)
(Membership – 12 with 6 appointed by Midland; Terms - 2 Years Staggered; Can serve 3 terms)

	Appt Date	Term Expires	Eligibility Expires
E. J. Baldridge	10/18	Sept 30 2022	Sept 30 2024
Iris Foster	06/18*	Sept 30 2022	Sept 30 2024
Joseph Sanchez	12/19	Sept 30 2023	Sept 30 2025
Jack Ladd	07/20	Sept 30 2022	Sept 30 2026
Daniel Norwood	04/21	Sept 30 2023	Sept 30 2027
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
Scott Bowden (Real Estate)	10/19	Sept 30 2022	Sept 30 2025
Ross Klabon (Petroleum Eng.)	10/19	Sept 30 2022	Sept 30 2025
Court Adkins (Petroleum Eng.)	09/17	Sept 30 2023	Sept 30 2023
Rhett Bullock (Petroleum Eng.)	09/21	Sept 30 2024	Sept 30 2026
Cameron Willmann (Real Estate)	10/21	Sept 30 2024	Sept 30 2026

Ron Jenkins (Liaison)

Eligibility Requirements: 3 Petroleum Engineers or Geologists and 2 with Property Development or Real Estate Experience.

PARKS AND RECREATION COMMISSION

(Advisory)
(Membership - 9; Terms - 3 Years expiring 3-3-3.)

	Appt Date	Term Expires	Eligibility Expires
Connie Ferguson	09/16	Sept 30 2022	Sept 30 2022
Stephanie Martin	10/16	Sept 30 2022	Sept 30 2022
Laura Smith	10/19	Sept 30 2022	Sept 30 2025
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)

Eligibility Requirements: Resident Citizen, Taxpayer and Qualified Voter.

PERMIAN BASIN COMMUNITY CENTER FOR MH/MR (PermiaCare)

(Decision Making)
(Membership - 2 (City); Terms - 2 Years)

	Appt Date	Term Expires
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)

Eligibility Requirements: Board consists of two City Council members and one other member who is not a City employee.

PLANNING AND ZONING COMMISSION

(Advisory & Decision Making)
(Membership - 7; Terms - 3 Years)

	Appt Date	Term Expires	Eligibility Expires
Chase Gardaphe	01/14*	Sept 30 2022	Sept 30 2022
Karmen Bryant	02/19*	Sept 30 2022	Sept 30 2025
Diane Williams	09/17	Sept 30 2023	Sept 30 2023
Lucy Sisniega	09/20	Sept 30 2023	Sept 30 2026
Stacey Jo Grosse	09/20	Sept 30 2023	Sept 30 2026
Zachary Deck	09/20	Sept 30 2023	Sept 30 2026
Adrian Carrasco	09/21	Sept 30 2024	Sept 30 2027
ALTERNATES:			
Emily Holeva	09/20	Sept 30 2023	Sept 30 2026
Beverly Dillow	09/21	Sept 30 2024	Sept 30 2027

Elizabeth Shaughnessy (Liaison)

Eligibility Requirements: Resident citizen of City of Midland, owner of real property within the City Limits and qualified Voter.

ZONING BOARD OF ADJUSTMENT AND AIRPORT ZONING BOARD OF ADJUSTMENT

(Decision Making)
(Membership - 5; Terms - 2 Years expiring 3 odd & 2 even.)

	Appt Date	Term Expires	Eligibility Expires
Reed Claybrook	03/19*	Sept 30 2022	Sept 30 2024
Derek Whiting	01/18*	Sept 30 2023	Sept 30 2023
E.J. Baldridge	02/18	Sept 30 2023	Sept 30 2023
Robert Gray	01/21	Sept 30 2024	Sept 30 2026
James Gerety	04/21	Sept 30 2024	Sept 30 2026
ALTERNATES: (not applicable to Airport Zoning)			
James Robert Franklin		Sept 30 2021	
VACANCY		**Sept 30 2020**	
VACANCY		**Sept 30 2020**	
VACANCY		**Sept 30 2020**	

Jeff Pinkstaff (Staff Liaison)

AIRPORT PLANNING & DEVELOPMENT BOARD
(Advisory; Membership - 10: Terms - 3 Years Expiring 3-3-4)
Ex-Officio Members are the City Manager and the City Attorney. The Secretary is the Director of Aviation.
September 2020 - August 2021

MEMBER	TERM EXPIRES	ATTENDANCE	MEETINGS ATTENDED	TOTAL MTGS	ELIGIBLE	NOTES
Beverly Dillow	Sept 30 2024					
Dave Joyner	Sept 30 2024					
Scooter Brown	Sept 30 2022	100%	8	8		
Wes Reeves	Sept 30 2023	88%	7	8		
Justin Kuethe	Sept 30 2022	63%	5	8		
Nick McClure	Sept 30 2022	88%	7	8		
Gena Linegarger	Sept 30 2023	75%	6	8		
VACANT	Sept 30 2023					
Benjamin Fietz	Sept 30 2023	75%	6	8		
Robert Richards	Sept 30 2024					
Applicants Name	Additional Boards Applying to	COUNCIL NOTES				
Robert Gary Gray (D1)						
Ken Sapien (D1)						
Reggie Lawrence (D1)	CDHMAB, MDC, PBA					
Winston Kelly (D3)						
Wesley Webb (D4)						

David Goll (D1)
Laura Retzer (D3)
Aaron Kinsey (D4)
Garrett Donnelly (D3)
Rolando Diaz Jr. (D4)
James Linderman (D3)
Eric Westphal (D3)
Adam James (D1)

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: 2/23/2022

Name: James Linderman

Phone: 432-853-1757 **(Home)**

Address: 2400 Stanolind Ave

432-853-1757 **(Business)**

Midland TX 79705

Email: jlinderman5337@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 15 **years.**

Occupation: Airline Pilot

Professional and/or Community Activities:

Pilot for Southwest Airlines

What is your personal vision for the City?

I would like for Midland to continue to be a place that people like to move to, and a expand as a hub for travel throughout the United States.

Please specify any time constraints you may have.

I usually work on 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:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I would like to help guide the development of our airport, using my local aviation background, as well as bring my airline experience to the board.

What contribution would you most like to make?

Help make our airport as efficient as possible as well as expand the travel experience available to fellow citizens of the Permian Basin.

Additional pertinent information or references:

I have been involved in Permian Basin aviation since I moved here from San Angelo in 2007. Having worked at Basin Aviation, Deer Horn Aviation, and now a 4 year employee of Southwest Airlines, I feel I have a unique position to lend to the city to make our airport the best it can be.

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail or fax:

City of Midland
City Secretary's Office
PO Box 1152
Midland, TX 79702
FAX: (432) 685-7433

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: _____

Name: Robert Gary Gray

Phone: 4323527552 **(Home)**

Address: 4309 Greenville Dr.

4322215103 **(Business)**

Midland TX 79707

Email: garygray@me.com

(City) (State) (Zip)

I am ✓ I am not ___ a U.S. Citizen

(I did graduate from Leadership Midland in the 1990's)

Please tell us about yourself:

Are you a graduate of Midland 101? ___ yes ✓ no

I have lived in Midland 25 **years.**

Occupation: Business owner / Physical Therapist

Professional and/or Community Activities:

Teen Flow Board of Directors (current), Midland Children's Rehab Center, Medical Advisory Board (current),

Green Tree Country Club Board of Governors (current) and past President, American Cancer Society (previous),

Texas Board of Physical Therapy Examiners (2006-2019, 6 years as Chair), radio broadcaster for MISD varsity football (current)

What is your personal vision for the City?

A thriving City that is attractive to businesses, entrepreneurs, and familes. To attain such we must improve all aspects of our

environment and community including housing, schools, recreation and certainly the airport and all it involves.

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov**)**

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I find myself traveling 30-40 times per year from MAF and feel that my input from a traveler/user perspective would have value.

What contribution would you most like to make?

Participation in prudent decision making that benefits all users, employees, contractors and tennants of the Midland airport.

Additional pertinent information or references:

Reference - Mayor Patrick Payton

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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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Print Application

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PLEASE TYPE OR PRINT CLEARLY:

Date: 4/5/2022

Name: ERIC WESTPHAL

Phone: 432 349 6149 **(Home)**

Address: 508 WEST WALL, STE 1100

432 617 1338 **(Business)**

MIDLAND TX 79701

Email: ERIC.WESTPHAL@FROSTBANK.C

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 44 **years.**

Occupation: BANKING

Professional and/or Community Activities:

CURRENTLY TREASURER OF MIDL. COMMUNITY DEVELOPMENT CORPORATION-AFFORDABLE HOUSING IN MIDLAND

PREVIOUSLY CHAIRMAN COURT APPOINTED SPECIAL ADVOCATES OF WEST TEXAS

PREVIOUSLY CHAIRMAN JUNIOR ACHIEVEMENT OF MIDLAND

What is your personal vision for the City?

TO CONTINUE TO SEE GROWTH AND DEVELOPMENT OF BUSINESS, RETAIL AND RESIDENTIAL SEGMENTS IN MIDLAND

IN ORDER TO GENERATE FURTHER ECONOMIC DIVERSIFICATION DESPITE BEING INTIMATELY TIED TO THE O&G

BUSINESS.

Please specify any time constraints you may have.

NONE AT THIS TIME.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

AIRPORT PLANNING AND DEVELOPMENT BOARD

Please tell us why you are interested in serving on this board or commission.

OUR AIRPORT IS AN INTERGRAL PART OF THE ECONOMIC VIABILITY OF MIDLAND AS WELL AS THE SURROUNDING

AREAS. IT IS CRITICALLY IMPORTANT FOR THE FURTHER DEVELOPMENT OF MIDLAND AS A HUB FOR BUSINESS.

What contribution would you most like to make?

I BELIEVE THAT I CAN ADD VALUE TO THIS BOARD AND TO THE DEVELOPMENT OF THE AIRPORT WITH MY MANY YEARS OF RESIDENCY ALONG WITH MY 30+ YRS AS A BANKER IN MIDLAND BY PROVIDING INSIGHTS INTO WAYS THE AIRPORT MIGHT CONTRIBUTE TO THE ECONOMIC VIABILITY OF MIDLAND. OUR AIRPORT IS IMPORTANT TO THIS AREA.

Additional pertinent information or references:

REFERENCE: WESLEY BOWNDS - PERMIAN BASIN REGIONAL PRESIDENT- FROST BANK

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



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City of Midland
City Secretary's Office
PO Box 1152
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FAX: (432) 685-7433

Submit Via Email

Print Application

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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: 09/20/2021

Name: David Goll

Phone: 4327708101 **(Home)**

Address: 4006 Westminister Dr _____ **(Business)**

MIDLAND TX 79707 **Email:** DAVEGOLL@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 17 **years.**

Occupation: Corporate Pilot & Pilot Examiner

Professional and/or Community Activities:

The great Midland College is what brought me to Midland almost 18 years ago. I worked 8 years as a Flight Instructor when MC had the flight school at Airpark. Recently, I've managed and flown a small jet for private individuals in Midland for 10 years. I also serve the public by being an FAA designated Pilot Examiner. The local flying community can come to me for pilot testing services.

What is your personal vision for the City?

I believe the future will have much more small commuter and charter type flights. Planes with 6 seats or less. I also envision some unmanned aerial vehicles(drones) hauling cargo and things. I think Amazon and others will be doing this. I would be able to provide the council with professional advice on what I believe is best for Midlanders and the airport system.

Please specify any time constraints you may have.

I should have very few constraints as my company usually flys Thursday - Mondays.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov)*

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I believe I could serve my community by helping to advise the City Council on what is going to be good and bad for both Midland International Airport and Midland Airpark. I have good knowledge of FAA regulations that would help the city on airport matters.

What contribution would you most like to make?

I can contribute my professional opinion on what I think is best for the airports. I also know most of the inspectors at our local FAA office in Lubbock and I am in good relation with them.

Additional pertinent information or references:

I know previous board members Bill Dingus and Robin Donnelly

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail or fax:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

Submit Via Email

Print Application

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

As an applicant for a City board, commission, or committee, please be advised that all information on this application is subject to the Texas Open Records Act and will be available to the public.

PLEASE TYPE OR PRINT CLEARLY:

Date: 9/20/2021

Name: Garrett Donnelly

Phone: 432-559-3684 **(Home)**

Address: 10 Amhurst Ct.

432-683-6293 **(Business)**

Midland TX 79705

Email: gdonnelly@eastlandoil.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 35 **years.**

Occupation: Vice President - Oil and Gas Operator

Professional and/or Community Activities:

Commissioner on Texas Historical Commission, Advistory Board for Texas Tech Health Science Center, Board Member for Safe Place

What is your personal vision for the City?

I would like to see a growing city capable of continuing our leadership position in the Energy Industry.

Please specify any time constraints you may have.

None

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

My family has been in aviation for many years and I am interested in learning more about the Airports role in West Texas.

_____

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:

_____

_____

_____

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Signature of Applicant

_____

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MIDLAND
Feel the Energy!

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 10/2/2021

Name: Rolando Diaz Jr.

Phone: 512-800-4513 (Home)

Address: 3112 Callaway Dr.

(Business)

Midland, TX 79707

Email: roydiazemc.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: ER Physician

Professional and/or Community Activities:

I am active in the GA and corporate aviation community. I also function as a AME under the FAA and perform aviation medical exams & knows. I am the dept chair for the Emergency Dept @ MCH in Odessa.

What is your personal vision for the City?

As the city continues to see population growth, I'd like to see commensurate growth within our city airports. These are major business hubs for our area and should be appropriately supported.

Please specify any time constraints you may have.

I have monthly meetings @ the Hospital I must attend. These are 2nd Wednesday of each month in the morning & Third Thursday of the month @ 6:30 pm. Other than those listed, and my ER shifts, I am fairly flexible.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Airport Board

Please tell us why you are interested in serving on this board or commission.

I'd like to positively influence the decisions and management of the airport I am passionate about and devote of my time and attention to.

What contribution would you most like to make?

I'd like to bring my aviation medical background and expertise to the table to help positively influence and management decisions.

Additional pertinent information or references:

I am currently an Airline pilot with a plane based @ KMAF. I am heavily involved with education @ MCH and an assistant clinical professor with Texas Tech University.

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/15/2021

Name: Winston Kelly

Phone: 432-853-7000 **(Home)**

Address: 2610 Inwood Ct

432-853-7000 **(Business)**

Midland TX 79705

(City) (State) (Zip)

Email: WinstonKelly@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 30 **years.**

Occupation: Petroleum Engineer & Private Pilot

Professional and/or Community Activities:

2012 Leadership Midland Graduate. Midland Young Life Christian Ministry former campaign leader. West Texas Geological Society member. Society of Petroleum Engineers member. Current Quail Point HOA President (5 yrs). First Presbeterian Church member. Midland High School grad 2003. University of Oklahoma Petroleum Engineering Degree. Instrument Rated Private Pilot, Jet Owner.

What is your personal vision for the City?

To make Midland a first class city that not only thrives as an elite business climate but also in friendly and family oriented values. A city that uses it capabilties wisely & can rise to meet current and future challenges by focusing on public safety, education & health, transportation and infrastructure, and the overall quality of all Midlanders.

Please specify any time constraints you may have.

No time constraints. I am able and willing to meet whenever for any amount of time as necessary.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning & Development Board

Please tell us why you are interested in serving on this board or commission.

As an insturment rated private pilot for over 16 years I have a deep passion and interest in aviation.

What contribution would you most like to make?

I would like to be a fresh young mind capable of fairly listening & understanding tasks, then making the correct educated decisions that benefit long term goals. I can do this by applying my skills learned in the oil & gas industry as well as experience in major development projects, I have experience serving on nonprofit & commercial boards and work professionally with others.

Additional pertinent information or references:

Wes Reeves - Fellow Pilot & Aviation colleague

Jeff Salehi - Business Partner

Wes Perry - Family Friend & Character Reference

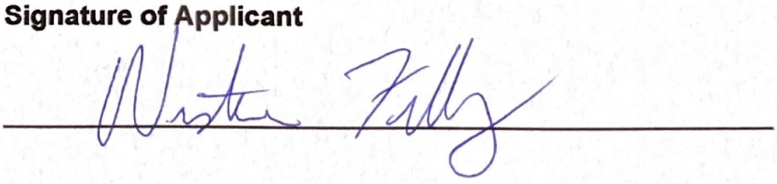
(2) Name of Board/Commission:

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: 9/18/2021

Name: Aaron Kinsey

Phone: 979.492.0424 **(Home)**

979.492.0424 **(Business)**

Address: 4404 San Pedro Ct

Midland Texas 79707

(City) (State) (Zip)

Email: aaron.kinsey@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 3 **years.**

Occupation: CEO of American Patrols (Aerial Patrol Company)

Professional and/or Community Activities:

CEO of American Patrols, the Permian Basin's largest aerial patrol service (flying 100+ flights per week); President of Skywest Airport; Partner in Bear Capital, small business investment firm; former VP of a San Antonio-based commercial real estate company; Former Air Force pilot/officer (9+ years); active member of Redeemer Church of Midland

What is your personal vision for the City?

A place where freedom, families and businesses flourish. Continued development of local resources to improve quality of life while maintaining small town, West Texas hospitality.

Please specify any time constraints you may have.

Full time job that can be flexible for required meetings.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov)

(1) Name of Board/Commission:

Permian Basin Airport Board

Please tell us why you are interested in serving on this board or commission.

I am an active user of the local airports for traveling as a citizen and also a professional user due to my locally-based aviation company.

What contribution would you most like to make?

Ensure that the community's voice portrayed to city leadership. Help bring aviation, commercial real estate, and finance experience

experience to the city's airports.

Additional pertinent information or references:

Pilot certifications: FAA Airline Transport Pilot including 737 type rating, Certified Flight Instructor for Instruments and Multi-Engine

Flight Exp.: >3,000 hrs of flight time including >950 instructor hrs; Business Exp.: executive in aviation and real estate industries

Personal References: Butch Morgan, Nick McClure

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

Submit Via Email

Print Application

AARON G. KINSEY
4404 San Pedro Ct, Midland, TX 79707
979.492.0424 | aaron.kinsey@gmail.com

experience

2018-present **AMERICAN PATROLS, INC.** **MIDLAND, TX**
Chief Executive Officer
American Patrols, Inc. has been providing aerial production patrol service in the West Texas and Southeast New Mexico area since 1987. We are the largest aerial patrol service in the Permian Basin area, for over 70 oil companies. Our efficient and low-cost service alerts operating companies to various types of leaks in the field while the leak is still small, thus minimizing cleanup costs and avoiding issues with environmental agencies.

- Led company through tripling of size in a three-year period
- Responsible for leadership of company, focusing on internal functions including finance, recruiting, training

2018-present **BEAR CAPITAL, LLC** **AUSTIN, TX**
Partner
Privately held investment firm focused on investments in micro-cap operating companies.

2017-2018 **SANTIKOS ENTERPRISES** **SAN ANTONIO, TX**
Vice President of Real Estate
Developed agile, 6-person team responsible for acquisitions, dispositions, leasing, and asset management for $450M portfolio consisting of retail, multi-family, hotel, industrial, and special use properties.

- Created enterprise-wide strategic planning framework and associated performance objectives for operations
- Negotiated corporate debt refinance including term loan and revolver (approx. a sixth of overall capitalization)
- Led leased space increase from 82% to 89% across a five-property, 700,000 sf retail center portfolio
- Underwrote three multi-family joint venture developments, two hotel value-add deals, and one medical office building for diversification of investment portfolio

summer 2016 **METLIFE REAL ESTATE INVESTORS** **MORRISTOWN, NJ**
Graduate Intern, Risk Research and Analytics
Performed research support, ad hoc reporting, and underwriting for a diversified real estate portfolio comprising $49B of commercial mortgages and $17B of equity investments.

- Assisted with underwriting for $23.5M multi-family preferred equity transaction and $20M retail acquisition
- Developed retail benchmarking database to assist underwriters in evaluation of over 250 nationwide retailers

2005-2014 **UNITED STATES AIR FORCE**
Instructor Training Flight Commander **SAN ANTONIO, TX**
Managed training program with 4 syllabi to develop 173 Air Force flight training instructors per year.

- Instructed officers on communication skills to a professional teaching environment in "train the trainer" role

Assistant Director of Squadron Flight Operations **COLUMBUS, MS**
Managed budgeting, resource planning, and daily operations of $61M flying program. Supervised 7 personnel to develop 216 pilots per year in #1 of 21 AF flight training squadrons.

- Supervised daily flights of base's $1.27B fleet; rated in top 3% of 261 junior officers
- Streamlined processes to overcome 50% instructor shortfall, transforming 46-person unit from worst to squadron benchmark within 4 months; graduated 69 students; ranked #1 of 8 Flight Commanders by supervisor

Assistant Flight Commander & Executive Officer **LITTLE ROCK, AR**
Commanded 6-person crew on $35M C-130. Executed 566 combat flights in Afghanistan/Iraq. Promoted to Captain.

education

2015-2017 **HARVARD BUSINESS SCHOOL** **BOSTON, MA**
Master in Business Administration, May 2017. Elected Harvard Business School Student Senator. Veterans Club CFO. Free Enterprise Club Co-President. Republican Club Co-President. Immersion experience in China.

2000-2005 **TEXAS A&M UNIVERSITY** **COLLEGE STATION, TX**
Master of Science degree in Finance. Bachelor of Business Administration degree, *summa cum laude*, in Accounting. Certificate in Leadership Study and Development. Deputy Corps Commander, Texas A&M Corps of Cadets. Mays Business Fellow and Professional Program in Accounting. Gathright Scholar (top academic performer in college).

personal

Enjoy swimming, music, and family. MavPac Fitness Winner. Texas A&M Distinguished Young Alumnus. Active in local church. San Antonio Chamber of Commerce Leadership San Antonio - Class 43.

APPLICATION FOR CITY OF MIDLAND BOARDS/COMMISSIONS/COMMITTEES

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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/27/2021

Name: Reggie Lawrence

Phone: 432.770.0881 **(Home)**

Address: 4721 Timber Lane

_____ **(Business)**

Midland TX 79707

Email: Reggie@LawrenceTX.com

(City) (State) (Zip)

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☑ **yes** ☐ **no**

I have lived in Midland 18 **years.**

Occupation: Self Employed

Professional and/or Community Activities:

Business owner 2000-Present. City Development Advisory Committee 2010-2014. City of Midland Planning & Zoning Commissioner 2013-Present; Chair 2020-2021. Midcities Community Church member 1987-2013; Stonegate 2013-Present. Permian Basin Petroleum Association 2010-Present.

What is your personal vision for the City?

Over the years, as time seems to move faster, I've realized how slowly things have changed for our city. There are many decisions that need to be methodically made in order for time to move into place and bring to fruition the outcome of decisions. Without explanation, this statement may seem negative, but it is not. I see now, how and why, it is so important to have good leadership.

Please specify any time constraints you may have.

I'm 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:

Midland Development Corporation; Airport Planning and Development Board; Personnel Board of Appeals

Citizens Development and Hotel/Motel Advisory Board

Please tell us why you are interested in serving on this board or commission.

Being in business for most of my life, I have learned to appreciate large budgets and understand how to navigatate through rough financial times while maintaining the financial viability of a business.

What contribution would you most like to make?

A healthy vibrant city.

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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PO Box 1152

Midland, TX 79702

FAX: (432) 685-7433

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PLEASE TYPE OR PRINT CLEARLY:

Date: 9/20/2021

Name: Laura Retzer

Phone: 4323126762 **(Home)**

Address: 3217 Durant Drive

4326847755 **(Business)**

Midland TX 79705

Email: retzerml@sbcglobal.net

(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 10 **years.**

Occupation: Business Manager

Professional and/or Community Activities:

I am the Business Manager for COM Aquatics, Inc. since 2013 and oversee all aspects of operations at COM Aquatics.

I volunteer with Breaking Bread Ministries, Keep Midland Beautiful, High Sky Children's Ranch, and for MISD PTA organizations.

I am a native West Texan, born in Odessa Texas, and have been back in Midland since 2011.

What is your personal vision for the City?

Midland is a vibrant and growing place. I hope that the city continues to develop quality programs for our residents, top notch schooling for our children, and employment opportunities for families who want to plant roots in Midland.

Please specify any time constraints you may have.

I work full time, and am active with my daughter's school and extracurricular activities. However, with notice, I am able to effectively manage 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:

Airport Planning and Development Board.

Please tell us why you are interested in serving on this board or commission.

I'd like to help with the planning and development of the Midland airport, as this is a key component for the City of Midland. I believe the airport has a lot to contribute to the citizens of Midland, and can offer a great first impression to visitors of Midland.

What contribution would you most like to make?

Assist with the growth and development of the airport and associated properties, and secure the airport's place in the heart of the community by showcasing all it has to offer to citizens of the Permian Basin and visitors to the area.

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: 6/3/2021

Name: Ken Sapien

Phone: 432-934-4084 **(Home)**

Address: 5010 Whitman Dr.

432-561-5780 **(Business)**

Midland Texas 79705

(City) (State) (Zip)

Email: KenSapien@BeyondET.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 20 **years.**

Occupation: Executive -VP and Principal (engineering)

Professional and/or Community Activities:

Involved in Rotary, Assoiated General Contractors, American Society of Professional Engineers, Permian Basin Petroleum Associatic

Permiasn Basin Pipeliners Association. Have coached youth sports and developed a small company to mentor athletes throught the

recruiting process.

What is your personal vision for the City?

My vision would be for Midland to propser organically, with Safe communities, recreational offerings, a thriving economy and life long

learning oppurtunities that creat a synergy where all Midlanders can live healthy lives and continuously reinvent and prosper.

Please specify any time constraints you may have.

As an owner, I have the ability to make my own schedule, if im proactive about upcoming endeavors.

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:

Any Available

Please tell us why you are interested in serving on this board or commission.

I would like to give back to this community as much as it has given to me. I believe I have good judgement and the

necessary skills to become an important assest to the board and serving its mission.

What contribution would you most like to make?

any contribution that would help the board or the commission to meet it's vision and goals

Additional pertinent information or references:

Served on the BOD for RRC Power and Energy (Bill Bong 512.538.8882), Beyond Engineering(Winter Yao 512.767.2809)

RRC Surveying (Gary Box 575.602.2424) and Calibration Solutions(Reggie Regimand 512.218.5988)

other refrences Andrew Mellen 432.262.0999, Dianne Anderson 432.684.4560

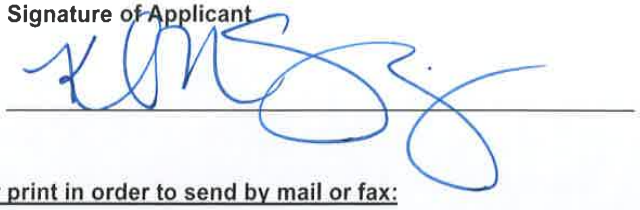
(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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Signature of Applicant



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MIDLAND
Feel the Energy!

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PLEASE TYPE OR PRINT CLEARLY:

Name: Welsey Webb

Address: 5913 Mile High Ln.

Midland (City) TX (State) 79706 (Zip)

Date: 9/20/2021

Phone: 432-889-3472 **(Home)**

432-247-5654 **(Business)**

Email: wes@macstexasbbq.com

I am [✔] **I am not** [ ] **a U.S. Citizen**

Are you a graduate of Midland 101? [ ] **yes** [✔] **no**

Please tell us about yourself:

I have lived in Midland 30 **years.**

Occupation: Owner/Managing Partner of Mac's BBQ & Catering

Professional and/or Community Activities:

Honored to own and operate a successful business in Midland called Mac's BBQ & Catering. We have been blessed to cater and dontate food to almost every local charity and non profit in West Texas, as well as local law enforcement and first responders. I'm an Eagle Scout from local troop 232 in Midland and currently enrolled in Leadership Midland through the Chamber of Commerce

What is your personal vision for the City?

My vision is to personally help Midland grow and still maintain the close knit feel of the community, I remember growing up in. I would like to see unity in the community and see people working together for the better good of our great city. Midland is constantly growing and it's important that we all work together to help everyone achieve their goals.

Please specify any time constraints you may have.

Nothing, unless George Bush, George Strait or Nolan Ryan request a catering from Mac's.

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at www.midlandtexas.gov**)**

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

I'm currently working on my private pilot certificate at Midland Airpark. Both my parents had their private pilot certificates when I was younger and I would like to see my daughter be able to get her private pilot certificate one day from Midland Airpark. Air travel is very

important to Midland and the money it brings to the city from Midland Airpark to Midland International is important for our community.

What contribution would you most like to make?

I would like to know that my daughter would one day fly as a private pilot out of Midland and know that I had a role in help making positive and impactful decisions for generations to come, for not only pilots in Midland/Odessa, but passengers as well.

Additional pertinent information or references:

Lissa Wagner - Said she would write a letter if needed

Nick McClure

Jared Blong

(2) Name of Board/Commission:

What contribution would you most like to make?

Additional pertinent information or references:

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PLEASE TYPE OR PRINT CLEARLY:

Date: 4/19/2022

Name: Adam James

Phone: 432-664-6438 **(Home)**

Address: 4216 Timberglen Pl

432-563-1514 **(Business)**

Midland (City) Texas (State) 79707 (Zip)

Email: adam.james@airkingaviation.com

I am ☑ **I am not** ☐ **a U.S. Citizen**

Please tell us about yourself:

Are you a graduate of Midland 101? ☐ **yes** ☑ **no**

I have lived in Midland 20 **years.**

Occupation: Aircraft Maintenance Manager

Professional and/or Community Activities:

Flying, growing my knowledge in all things aviation, and assisting the local aviation community in any way that I can.

What is your personal vision for the City?

I would like to see local businesses and the community as a whole grow without losing that personal touch that makes Midland such a wonderful place to call home.

Please specify any time constraints you may have.

Work related responsibilities from 8 a.m. to 5 p.m. that can be flexible as needed

Please list below the Board(s) or Commission(s) on which you are interested in serving:

(You can find a complete and current list on the City's website at *www.midlandtexas.gov*)

(1) Name of Board/Commission:

Airport Planning and Development Board

Please tell us why you are interested in serving on this board or commission.

Everything I do on a day to day basis revolves around the local airports. I have always had true passion for aviation and that passion has driven me to pursue a career in this field for the last 10 years.

What contribution would you most like to make?

I believe I can offer a fresh perspective and new ideas to the issues that local airports are facing.

Additional pertinent information or references:

I manage AirKing Aviation, a company based at Midland International Airport since 2014 - Owner Paul Armstrong 432-934-5334

Reference: David Fields (Local Business Owner) 432-307-5010 Reference: Chris Tyler (Local Business Owner) 432-208-8603

Reference: John Morrow (Local Business Owner) 432-940-5155

(2) Name of Board/Commission:

N/A

What contribution would you most like to make?

N/A

Additional pertinent information or references:

N/A

Applications are maintained on file in the City Secretary's office for a period of one year. Should you need additional information, please call us at 432-685-7430.

Signature of Applicant



Applications may be submitted online via email or print in order to send by mail:

City of Midland

City Secretary's Office

PO Box 1152

Midland, TX 79702

Print Application

City Council Meeting

Item Number: 25

Meeting Date: April 26, 2022

To: City Council / City Manager

From: Tina Jauz, Assistant City Manager

Subject: RECESS AND RECONVENE AT 6:00 P.M. TO HOLD A PUBLIC HEARING TO DISCUSS THE REDISTRICTING OF CITY OF MIDLAND COUNCIL MEMBER DISTRICTS BASED ON 2020 CENSUS DATA, INCLUDING EXAMPLE PLANS AND AMENDMENTS, TO DEVELOP A PLAN FOR THE FUTURE ADOPTION; AND TO RECEIVE PUBLIC COMMENT WITH REGARD TO THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES (DISTRICT: ALL) (CITY MANAGER)

Purpose:

Recess and reconvene at 6:00 p.m. to hold a public hearing to discuss the redistricting of City of Midland council member districts based on 2020 Census data, including example plans and amendments, to develop a plan for future adoption; and to receive public comment with regard to the redrawing of council member district boundaries.

Recommended City Council Action:

Directional / Informational

Fiscal Impact:

None

Discussion:

According to the 2020 United States Census data, the City of Midland Council Member Districts are not of sufficiently equal population and must be redrawn to comply with the one-person, one-vote principle established by the United States Constitution. Redistricting is required when there is a population deviation of more than 10 percent between the most populous and least populous district. City of Midland Council District 1 is the most populous and District 3 is the least populous district. The deviation between these two districts is 32.17 percent. As a result, redistricting is needed to balance the single-member districts. The City

Council is considering new boundaries for its member districts. The purpose of the public hearing is to discuss potential options for the drawing of those new boundaries in compliance with the law for the project. Members of the public are allowed to provide comments and submit their own redistricting plans for the council to consider.

Morris William Jr.

City Manager's Office

Plan Name: Midland City:Council Districts - Plan A

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/3/2022 5:32:56 PM

District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	33,010	33,123	-0.34%	10,062	30.48%	18,992	57.53%	1,881	5.70%	845	2.56%	145	0.44%	39	0.12%	120	0.36%	927	2.81%
2	32,175	33,123	-2.86%	22,169	68.90%	4,424	13.75%	4,584	14.25%	321	1.00%	104	0.32%	13	0.04%	105	0.33%	452	1.40%
3	33,880	33,123	2.29%	10,906	32.19%	18,874	55.71%	1,818	5.37%	902	2.66%	168	0.50%	27	0.08%	134	0.40%	1,051	3.10%
4	33,427	33,123	0.92%	12,020	35.96%	17,137	51.27%	1,630	4.88%	1,354	4.05%	129	0.39%	48	0.14%	114	0.34%	998	2.99%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 5.15%

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan A

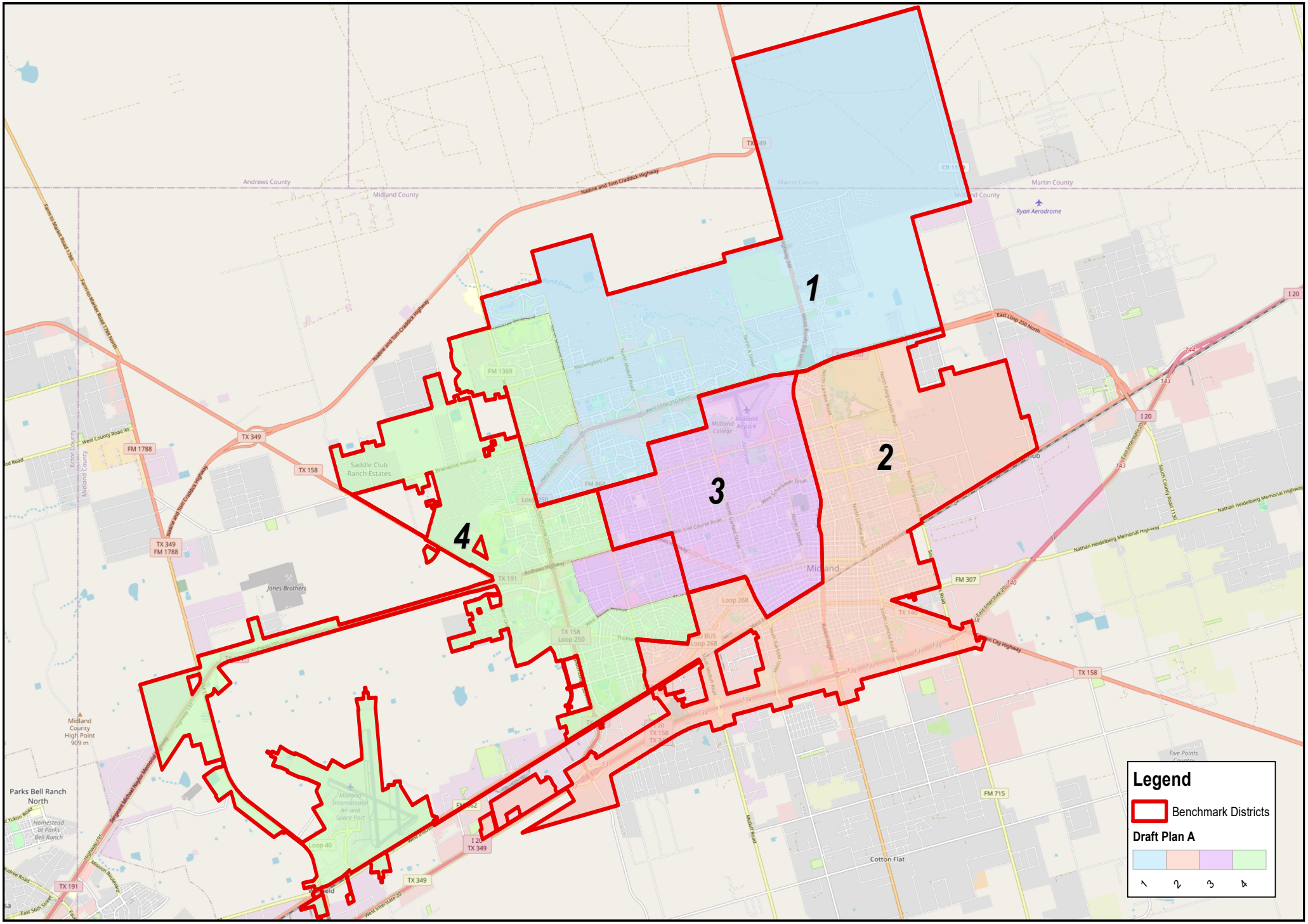
Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/3/2022 5:32:56 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	24,531	6,885	28.07%	14,919	60.82%	1,300	5.30%	631	2.57%	108	0.44%	26	0.11%	100	0.41%	563	2.30%
2	22,723	15,087	66.40%	3,487	15.35%	3,505	15.42%	204	0.90%	79	0.35%	8	0.04%	67	0.29%	285	1.25%
3	25,257	7,358	29.13%	14,973	59.28%	1,363	5.40%	617	2.44%	135	0.53%	14	0.06%	99	0.39%	698	2.76%
4	23,931	7,912	33.06%	13,051	54.54%	1,163	4.86%	947	3.96%	99	0.41%	40	0.17%	61	0.25%	658	2.75%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.



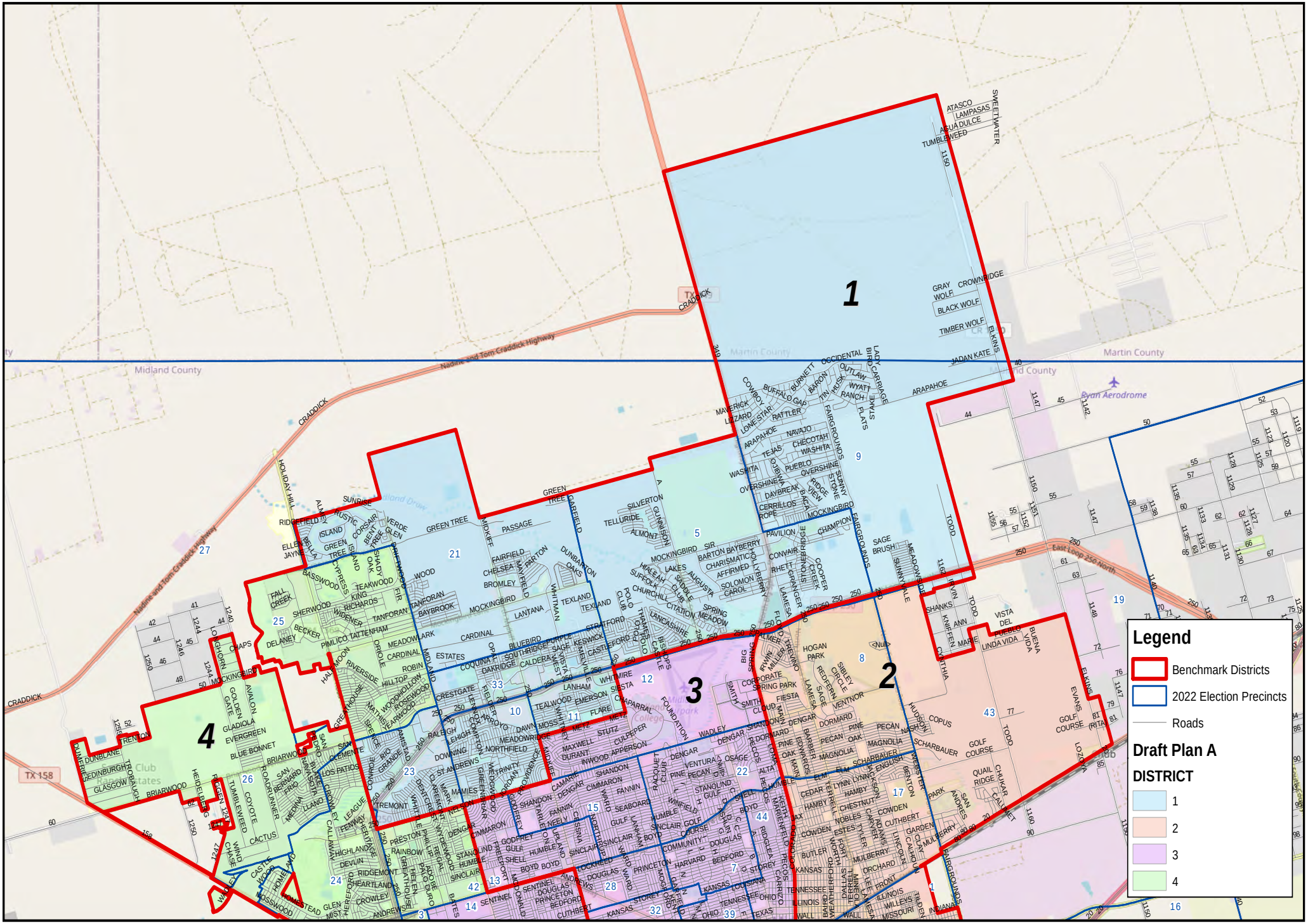
0 1 2 4 Miles

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan A

© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

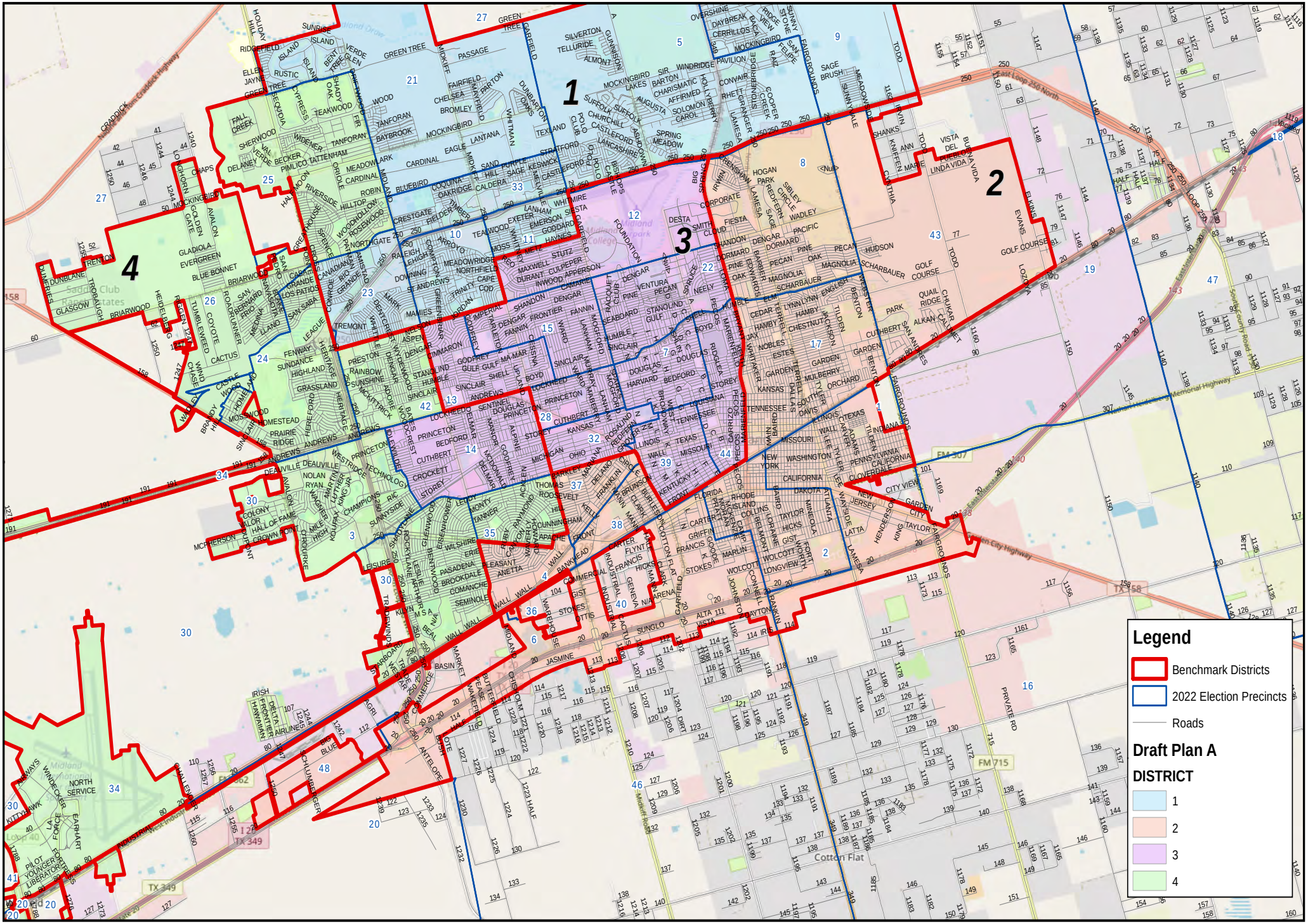


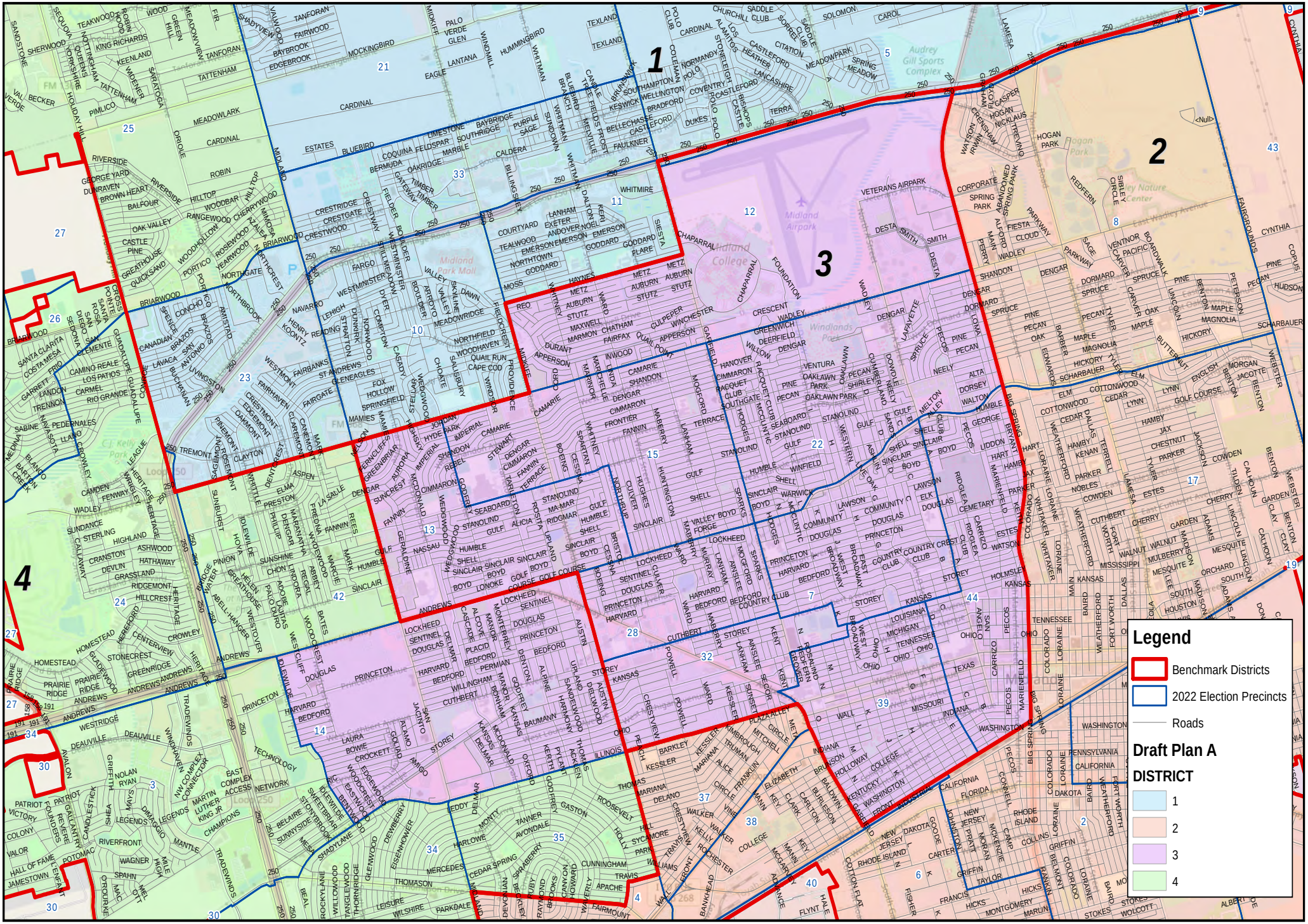
Midland City Council Districts
2022 Draft Plan A
District 1

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau


Legend
Benchmark Districts
2022 Election Precincts
Roads
Draft Plan A
DISTRICT
1
2
3
4
1
2
3
4
Midland City Council Districts
2022 Draft Plan A
District 2
0
0.75
1.5
3
Miles
Created: 2/7/2022
Differences between the Benchmark Boundary and the 2021 Census Geography.
April 26, 2022
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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



0 0.35 0.7 1.4 Miles

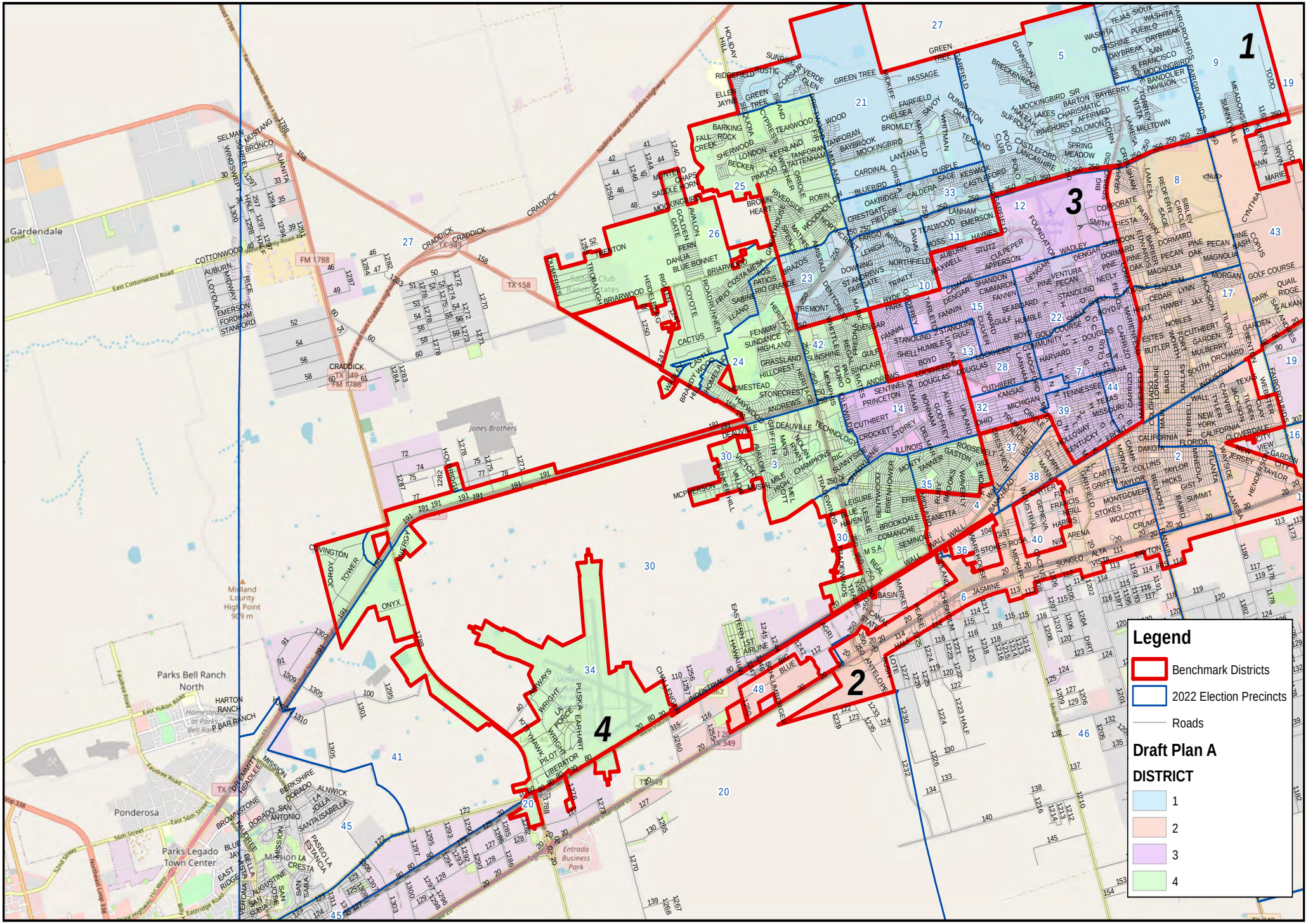
Midland City Council Districts
2022 Draft Plan A
District 3

April 26, 2022

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



PACKET 25.9

0 0.75 1.5 3 Miles

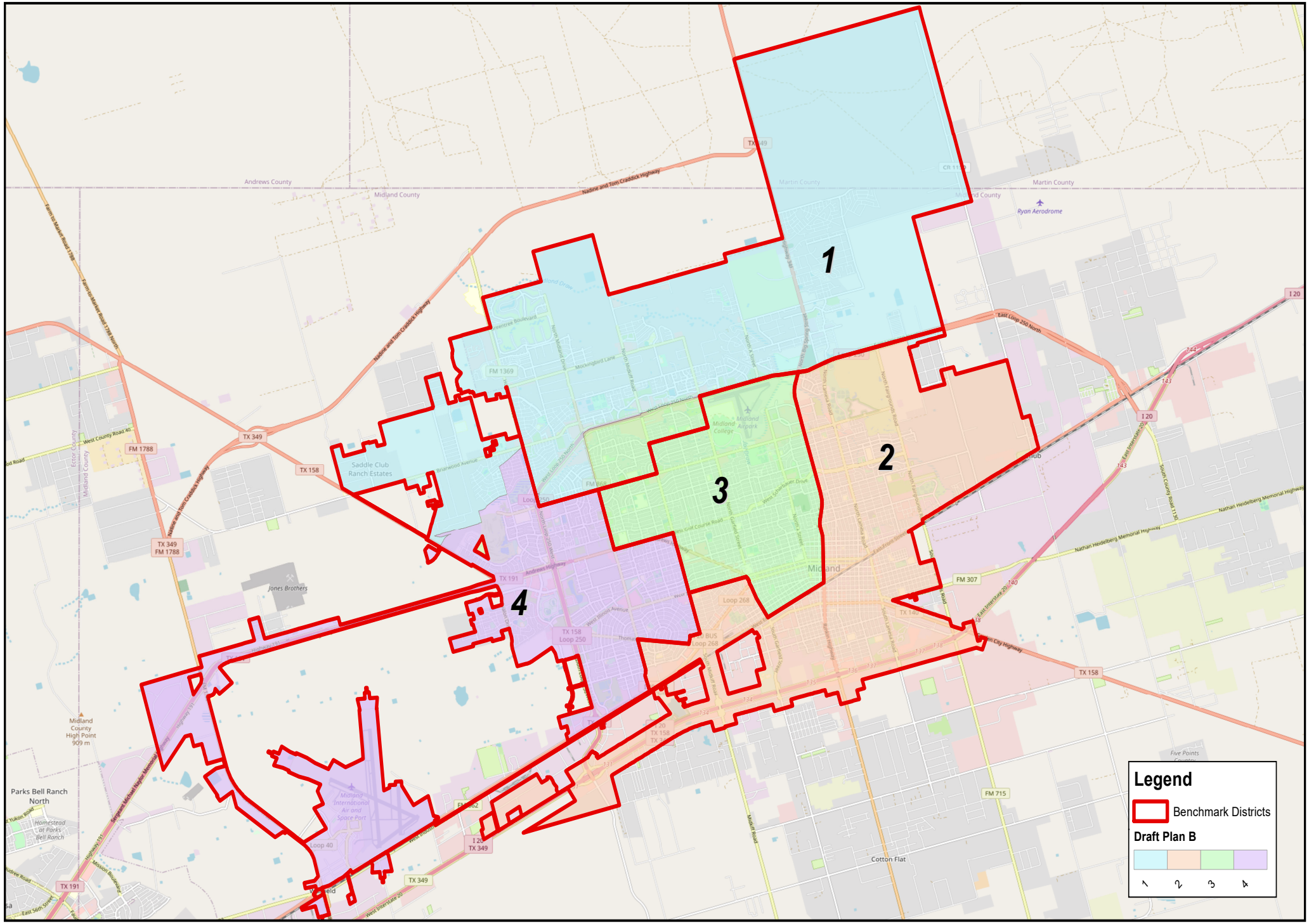
Midland City Council Districts
2022 Draft Plan A
District 4

April 26, 2022

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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0 1 2 4 Miles

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan B

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

Plan Name: Midland City:Council Districts - Plan B

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/3/2022 5:34:56 PM

District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	33,492	33,123	1.11%	9,482	28.31%	20,276	60.54%	1,603	4.79%	845	2.52%	112	0.33%	25	0.07%	115	0.34%	1,037	3.10%
2	32,175	33,123	-2.86%	22,169	68.90%	4,424	13.75%	4,584	14.25%	321	1.00%	104	0.32%	13	0.04%	105	0.33%	452	1.40%
3	33,354	33,123	0.70%	10,043	30.11%	19,405	58.18%	1,736	5.20%	840	2.52%	175	0.52%	34	0.10%	141	0.42%	980	2.94%
4	33,471	33,123	1.05%	13,463	40.22%	15,322	45.78%	1,990	5.95%	1,416	4.23%	155	0.46%	55	0.16%	112	0.33%	959	2.87%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 3.98%

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan B

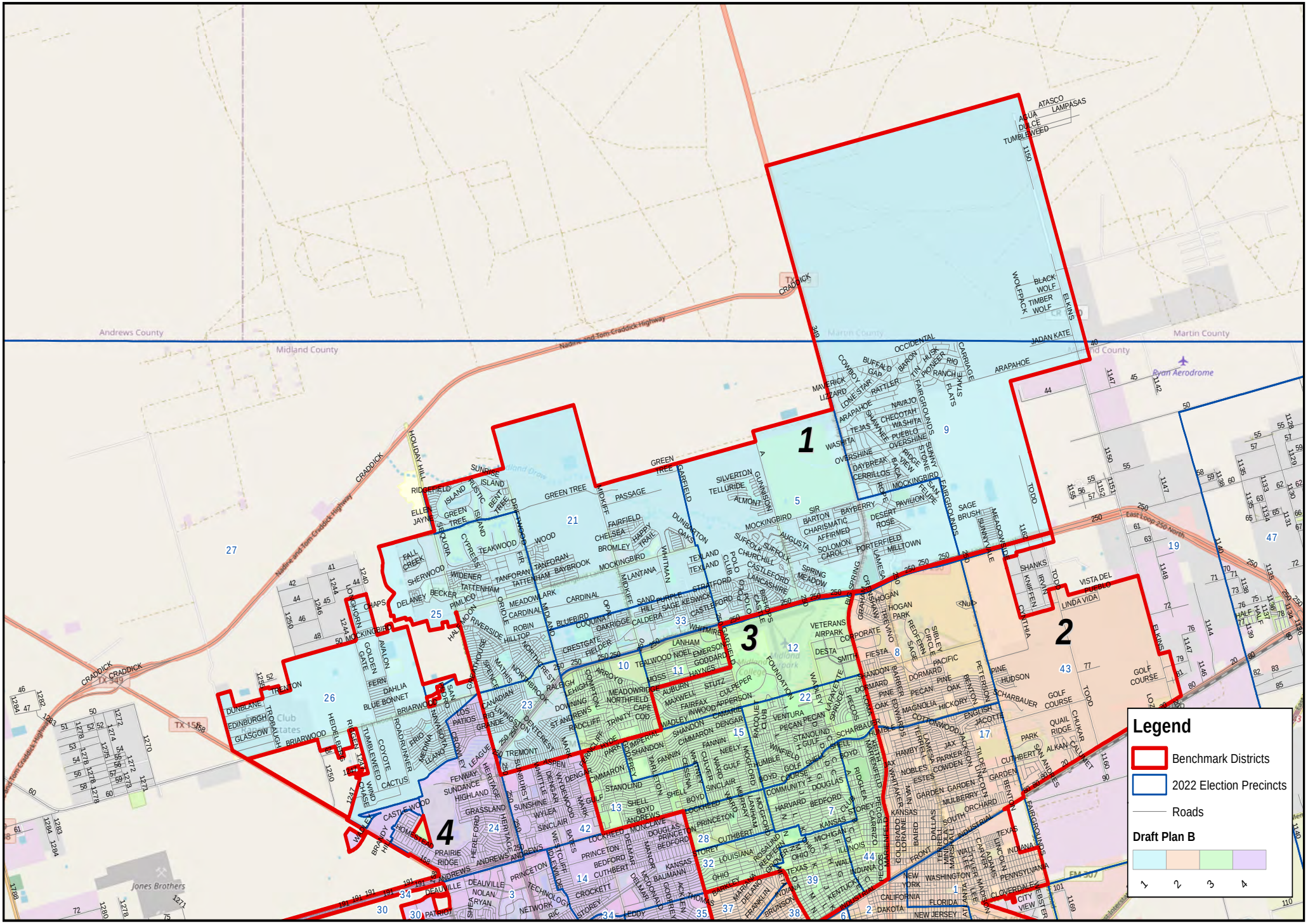
Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/3/2022 5:30:33 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	24,387	6,363	26.09%	15,538	63.71%	1,075	4.41%	624	2.56%	83	0.34%	13	0.05%	80	0.33%	612	2.51%
2	22,723	15,087	66.40%	3,487	15.35%	3,505	15.42%	204	0.90%	79	0.35%	8	0.04%	67	0.29%	285	1.25%
3	25,159	6,889	27.38%	15,425	61.31%	1,316	5.23%	592	2.35%	143	0.57%	20	0.08%	112	0.45%	662	2.63%
4	24,173	8,903	36.83%	11,980	49.56%	1,435	5.94%	979	4.05%	116	0.48%	47	0.19%	68	0.28%	645	2.67%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.



0 0.75 1.5 3 Miles

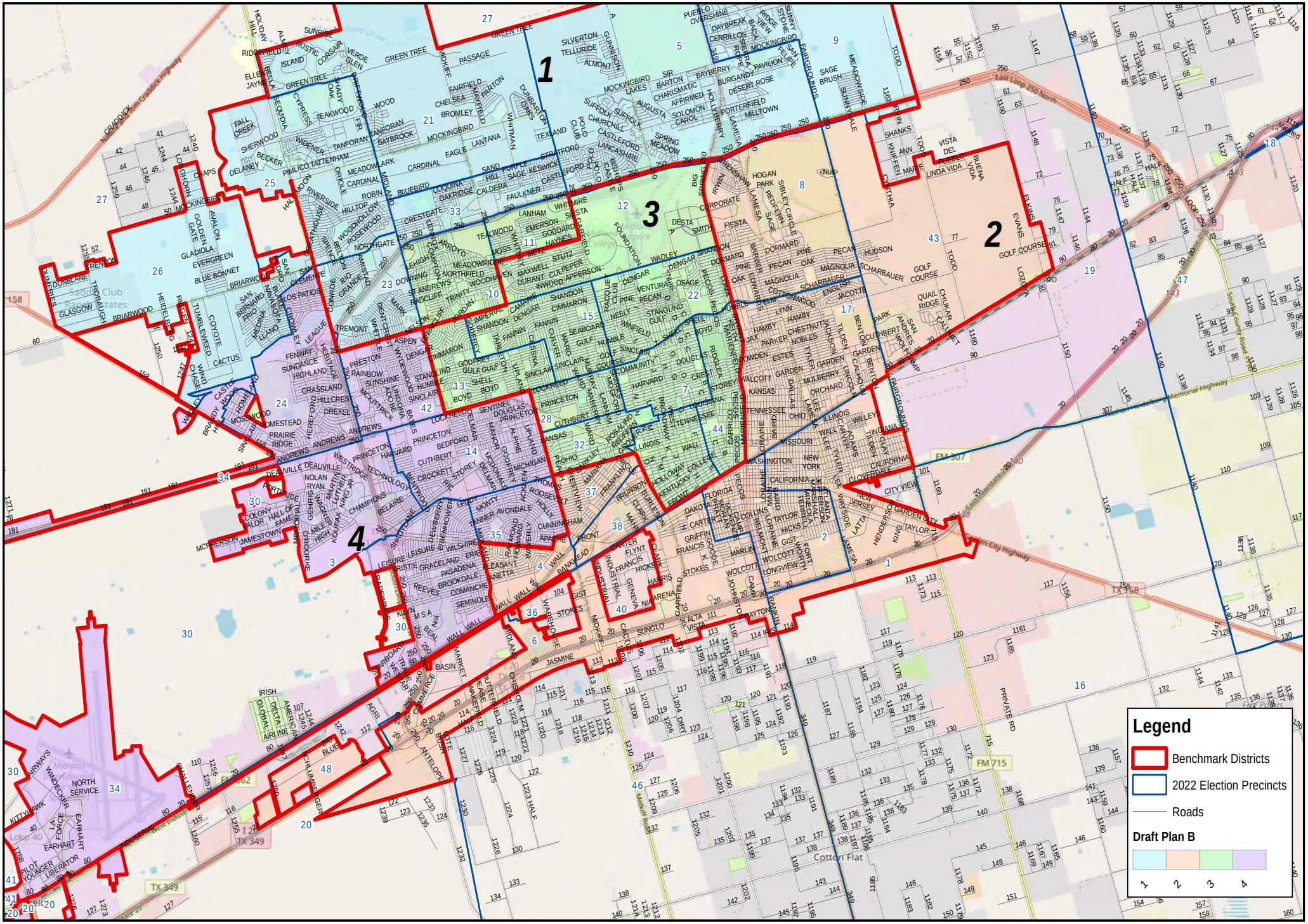
Midland City Council Districts
2022 Draft Plan B
District 1

April 26, 2022

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



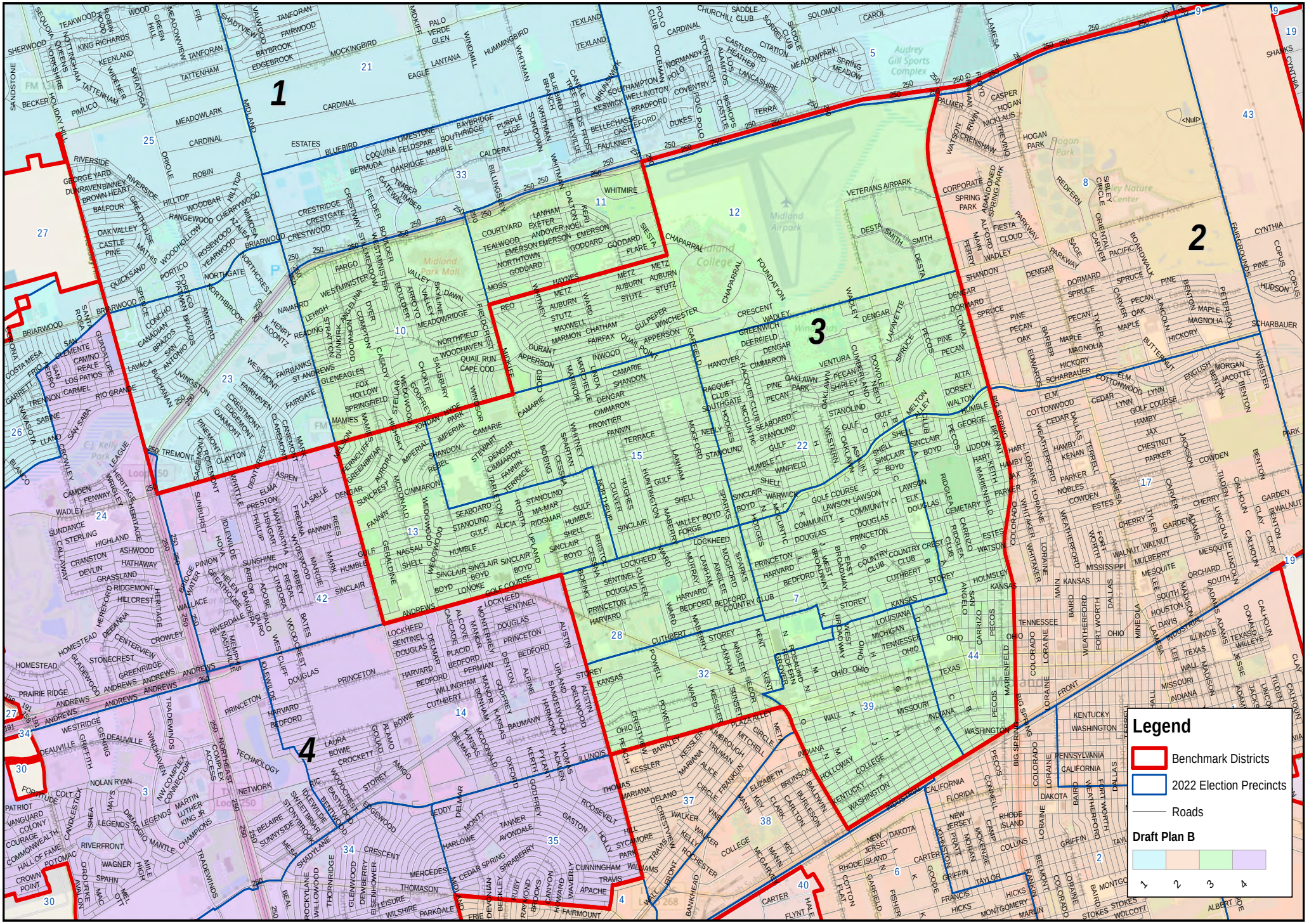
0 0.75 1.5 3 Miles

Midland City Council Districts
2022 Draft Plan B
District 2

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



0 0.35 0.7 1.4 Miles

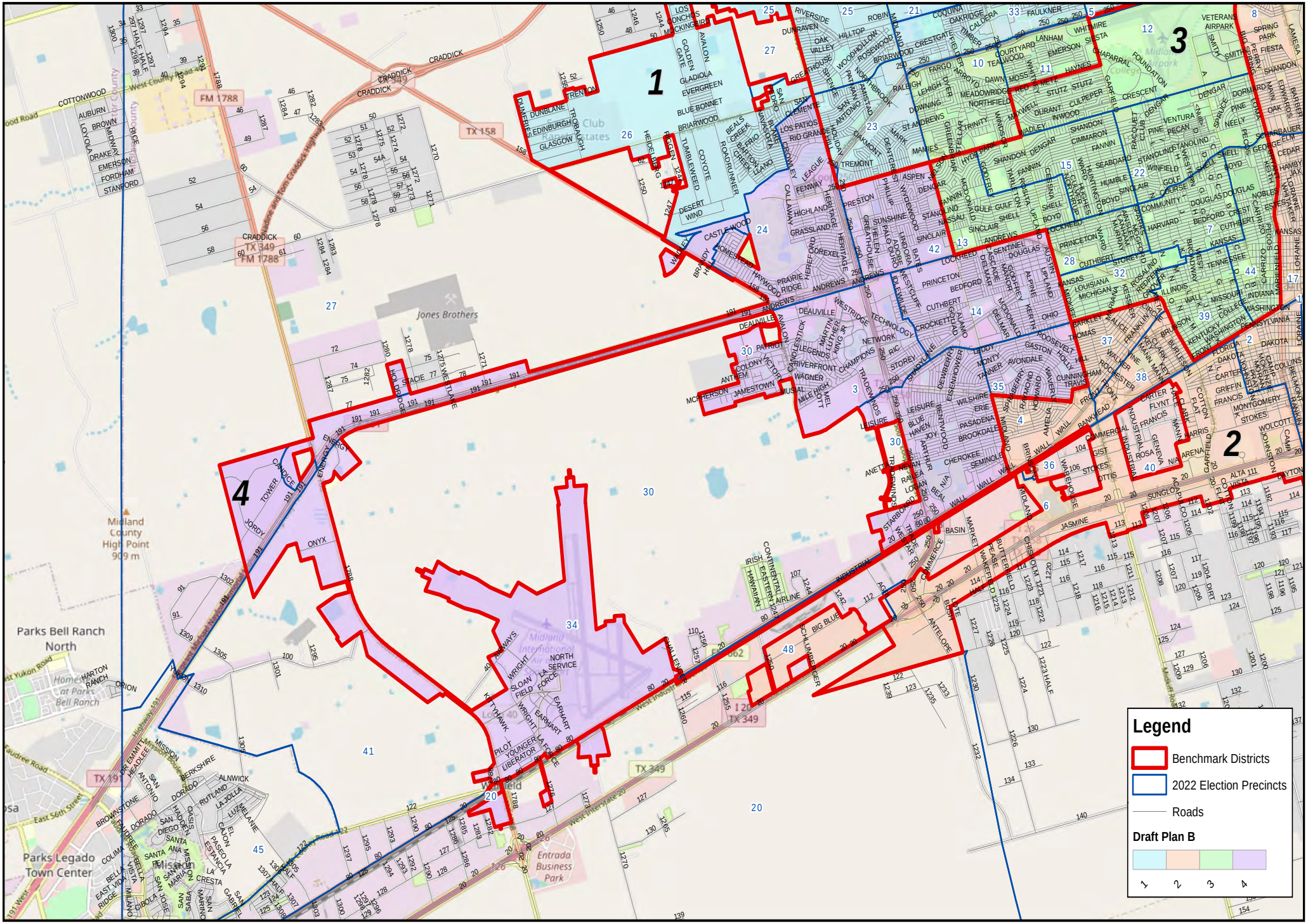
Midland City Council Districts
2022 Draft Plan B
District 3

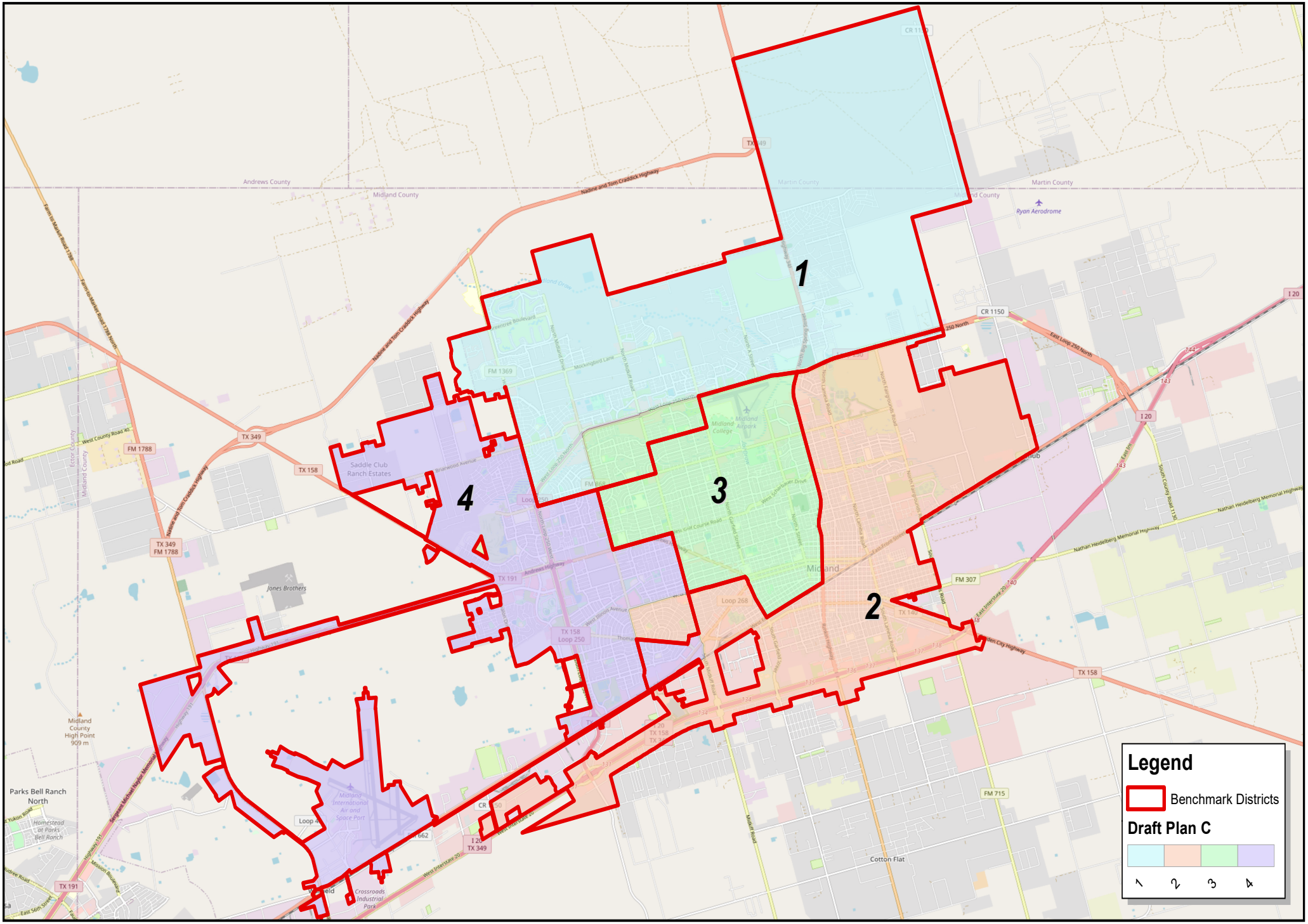
April 26, 2022

Created: 2/7/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau


1
2
3
4
Legend
Benchmark Districts
2022 Election Precincts
Roads
Draft Plan B
1
2
3
4
Midland International Air & Space Port
Midland County High Point 909 m
Parks Bell Ranch North
Parks Legado Town Center
Entrada Business Park
Jones Brothers
Wildfield
Home at Parks Bell Ranch
Midland Country Club
Ranch Estates
FM 1788
TX 158
TX 349
TX 191
CRADDICK
COTTONWOOD
AUBURN
BROWN
LOYOLA
MIDWAY
DRAKE
EMERSON
FORDHAM
STANFORD
RICE
DUNBLANE
EDINBURGH
GLASGOW
TRENTON
LOS CONCHOS
MOCKINGBIRD
GOLDEN GATEN
AVALON
GLADIOLA
EVERGREEN
BLUE BONNET
BRIARWOOD
BEALS CREEK
B. FRIO
CARRIZO CREEK
LLANO
TUMBLEWEED
COYOTE
ROADRUNNER
DESERT WIND
CASTLEWOOD
HOMESTEAD
HEIDELBERG
REGEN
WALDEN
BRADY
HUNDY
RIVERSIDE
DUNRAVEN
ROBIN
MIDLAND
OAK VALLEY
HILLTOP
WOODHOLLOW
ROSEWOOD
CRESTGATE
GREENHOUSE
SPRUCE
PATRICIA
NORTHBROOK
RALEIGH
LEHIGH
DYER
ARROYO
DAWN
MEADOWRIDGE
NORTHFIELD
MAXWELL
DURANT
CULPEPER
INWOOD
WADLEY
SHANDON
CIMMARON
FANNIN
SEABOARD
HUMBLE
SINCLAIR
GULF
SHELL
BOYD
LOCKHEED
PRINCETON
CUTHBERT
STORE
KANSAS
LOUISIANA
MICHIGAN
ILLINOIS
MISSOURI
INDIANA
OHIO
TENNESSEE
WASHINGTON
PENNSYLVANIA
KENTUCKY
FLORIDA
DAKOTA
CARTER
GRIFFIN
FRANCIS
MONTGOMERY
STOKES
WOLCOTT
JOHNSTON
CLAYTON
LORRAINE
BEDFORD
CREST
HARVARD
DOUGLAS
NOBLES
WINFIELD
STANOLIND
VENTURA
PINE
PECAN
OAK
NEELY
SCHARBAUER
GEORGE
CEDAR
HAWBY
JAX
LORAINE
VETERANS AIRPARK
SPRING PARK
FIESTA
SHANDON
LAMESA
EDWARDS
BARBER
MAIN
DORMARD
DENGAR
SPENCER
CRESCENT
FOUNDATION
CHAPARRAL
GARFIELD
LANHAM
EMERSON
SIESTA
COURTYARD
TEAKWOOD
WHITMIRE
FAULKNER
OAKRIDGE
CALDERA
COQUINA
SMITH
BIG SPRING
PERRY
FIESTA
LAMESA
SHANDON



Midland City Council Districts
2022 Draft Plan C

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

Plan Name: Midland City:Council Districts - Plan C

Demographics Report - Detailed 2020 Census Voting Age Population

Plan Last Edited on: 3/28/2022 4:05:22 PM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	22,755	6,074	26.69%	14,330	62.98%	1,054	4.63%	574	2.52%	82	0.36%	13	0.06%	75	0.33%	554	2.43%
2	24,292	15,896	65.44%	4,060	16.71%	3,566	14.68%	267	1.10%	90	0.37%	10	0.04%	76	0.31%	326	1.34%
3	25,159	6,889	27.38%	15,425	61.31%	1,316	5.23%	592	2.35%	143	0.57%	20	0.08%	112	0.45%	662	2.63%
4	24,236	8,383	34.59%	12,615	52.05%	1,395	5.76%	966	3.99%	106	0.44%	45	0.19%	64	0.26%	662	2.73%
TOTALS:	96,442	37,242	38.62%	46,430	48.14%	7,331	7.60%	2,399	2.49%	421	0.44%	88	0.09%	327	0.34%	2,204	2.29%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

Plan Name: Midland City:Council Districts - Plan C

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 3/28/2022 4:05:22 PM

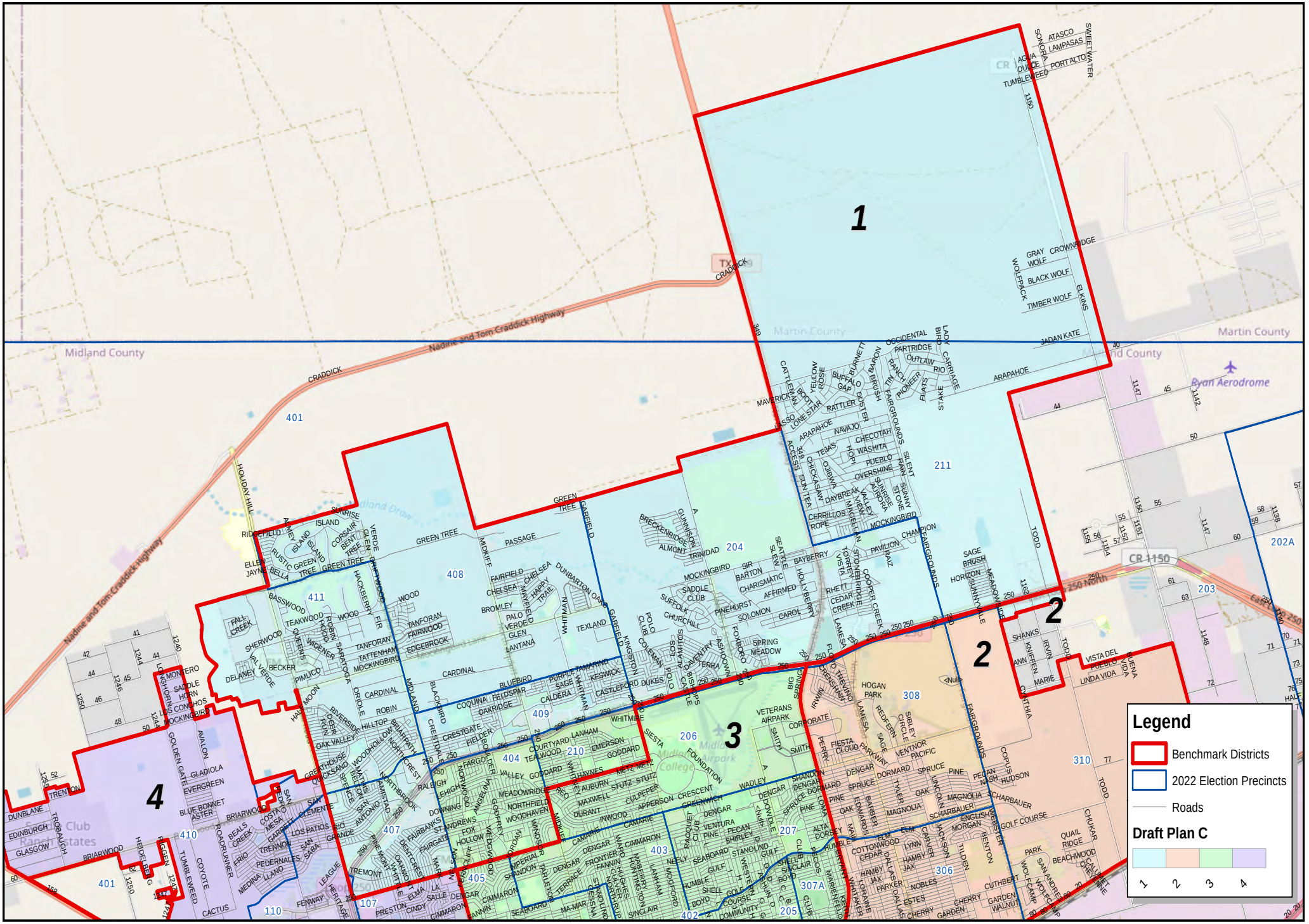
District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	31,075	33,123	-6.18%	8,982	28.90%	18,575	59.77%	1,567	5.04%	772	2.48%	111	0.36%	25	0.08%	106	0.34%	938	3.02%
2	34,308	33,123	3.58%	23,381	68.15%	5,111	14.90%	4,665	13.60%	402	1.17%	118	0.34%	16	0.05%	120	0.35%	492	1.43%
3	33,354	33,123	0.70%	10,043	30.11%	19,405	58.18%	1,736	5.20%	840	2.52%	175	0.52%	34	0.10%	141	0.42%	980	2.94%
4	33,755	33,123	1.91%	12,751	37.78%	16,336	48.40%	1,945	5.76%	1,408	4.17%	142	0.42%	52	0.15%	106	0.31%	1,018	3.02%
TOTAL:	132,492			55,157	41.63%	59,427	44.85%	9,913	7.48%	3,422	2.58%	546	0.41%	127	0.10%	473	0.36%	3,428	2.59%

Ideal Size: 132492 / 4 = 33123

Total Population: 132,492

Overall Deviation: 9.76%

Some percentages may be subject to rounding errors.



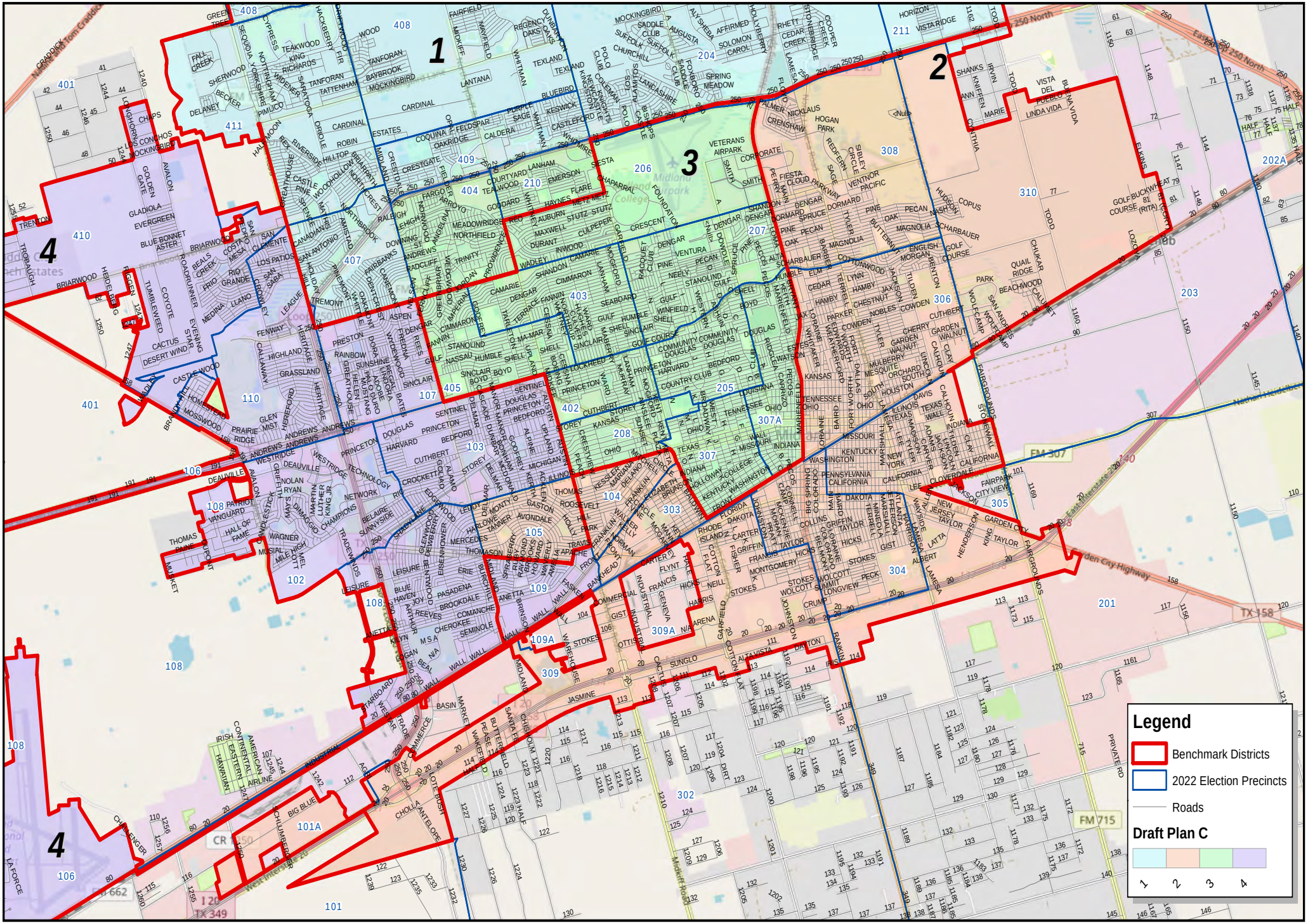
0 0.5 1 Miles

Midland City Council Districts
2022 Draft Plan C
District 1

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau



0 0.5 1 Miles

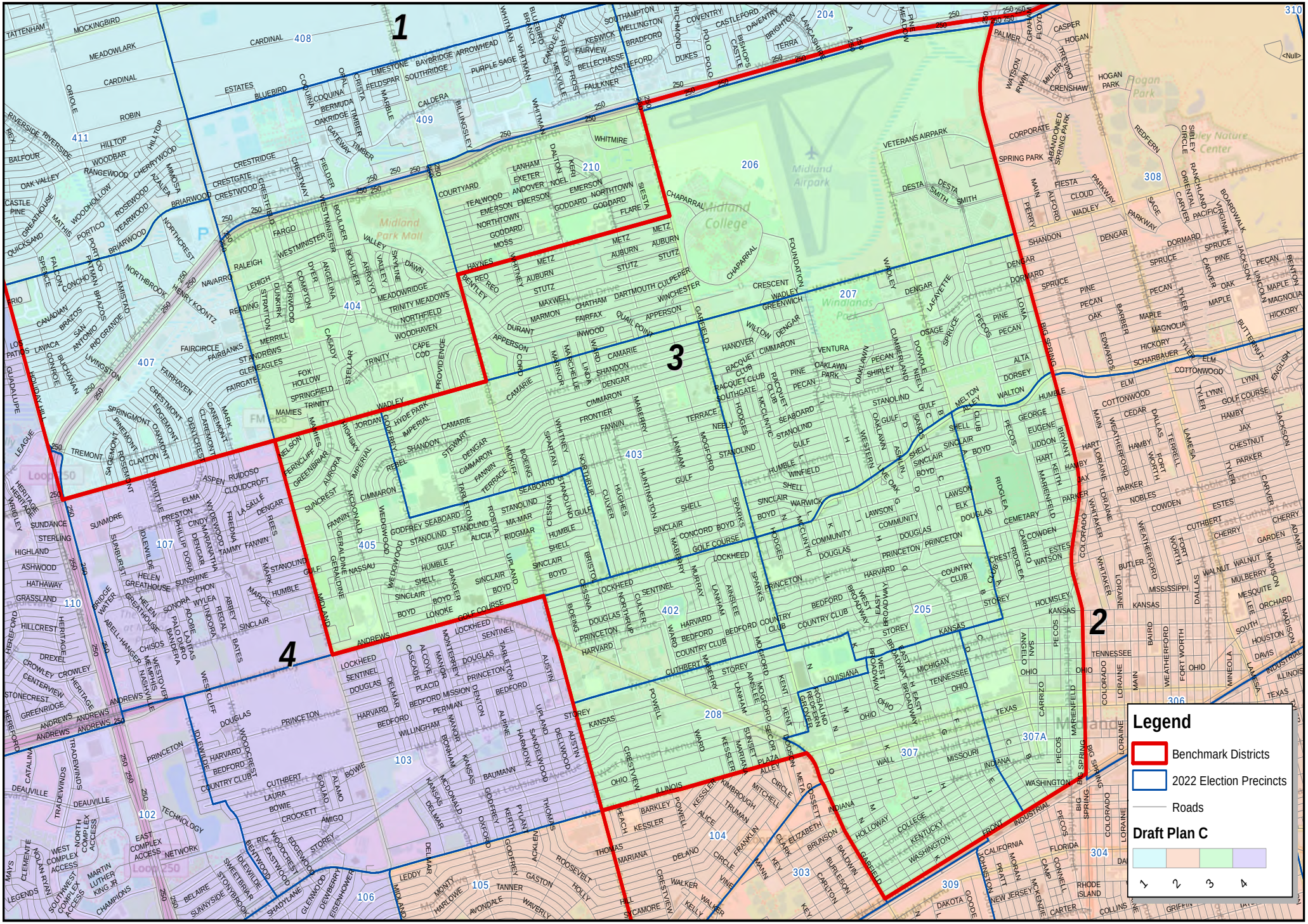
Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan C
District 2

April 26, 2022

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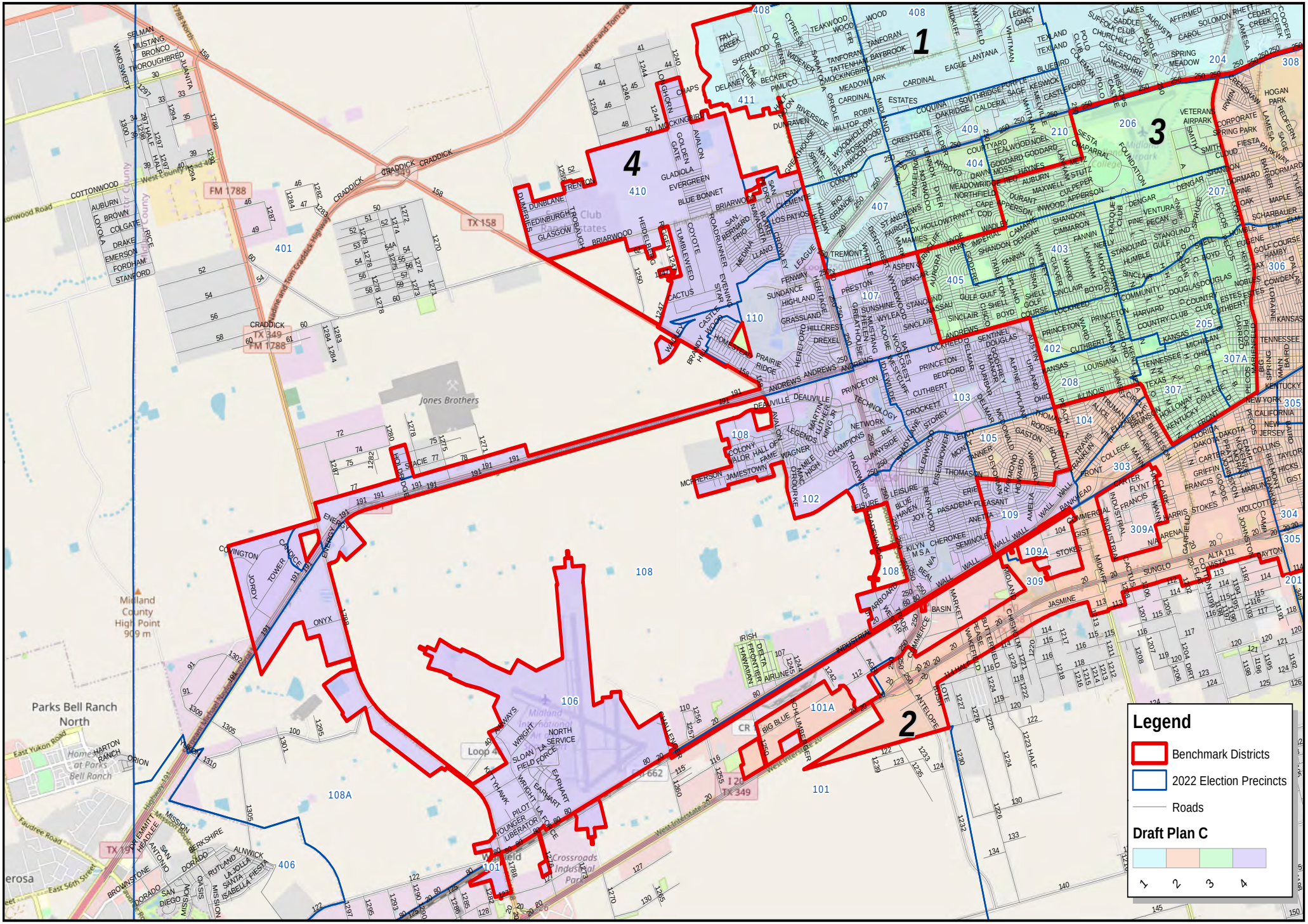
0 0.3 0.6 1.2 Miles

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

Midland City Council Districts
2022 Draft Plan C
District 3

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PACKET 25.23 April 26, 2022

0 0.5 1 2 Miles

Midland City Council Districts
2022 Draft Plan C
District 4

Created: 3/28/2022

Differences between the Benchmark Boundary and the 2021 Census Geography.

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