CITY COUNCIL REGULAR AGENDA

Tuesday, January 24, 2023

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, January 24, 2023, at 5:30 PM at the City Council Chambers Located at 307 East 4th Street, Big Spring, Texas. **We welcome the public to attend the meeting via telecommunication. Citizens will be able to view the City Council Meeting on Our Local Channel 17 through Suddenlink or on Our Website http://mybigspring.com/224/Channel-17-Live.**

CITY COUNCIL MEETING ETIQUETTE

Gentlemen are requested to remove their hats inside the City Council Chambers. As a courtesy to those in attendance, please place your cell phone on "Silent" or "Vibrate." Please, no talking during the meetings. Take all conversations outside so that others can hear.

Thank you!

Open Session

1. Call to Order — Moore
2. Invocation — Moore
3. Pledge of Allegiance to the United States Flag and to the Texas State Flag — Moore

Public Comment

Public Comment – Members of the public are entitled to speak on any topic. Additionally, members of the public may comment on any action item before or during its consideration. Speakers are Requested to Stand at the Podium and State Their Name and Address. Speakers Should Fill out the Form at the Podium and Turn it into the City Secretary. Please Do Not Exceed Five (5) Minutes.

4. **Public Comment** — Moore

Announcements, Presentations and Public Hearings

Public Hearings – The Council will take Input on Items Requiring Public Hearing Items **Prior** to any Action.

5.	**Presentation** - Receiving the Accepted Donation from Scott Emerson to the Animal Control Shelter		Moore
6.	**PUBLIC HEARING** – Consideration and Possible Action Concerning Abatement of Public Nuisance, at **1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2 MOUNTAINVIEW ADDITION** – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720	11-77	Hagen
7.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **2509 OLD HWY 80, BIG SPRING, TEXAS 79720 - LTS 8-9, BK 4, LINCOLN ADDITION** - OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720	78-126	Hagen
8.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **2714 LYNN, BIG SPRING, TEXAS 79720 - LTS 12, BK 10, KENTWOOD ADDITION** - OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720	127-194	Hagen
9.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 - 2 ACRES TR OF SC 44, BK 32 IN 60X140 579 BLK** - OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720	195-236	Hagen
10.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **510 SOUTH BENTON, BIG SPRING, TEXAS 79720 - LT 6, BK4, PORTER ADDITION** - OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720	237-279	Hagen
11.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **109 NE 10th STREET, BIG SPRING, TEXAS 79720 - SE/4 OF SC 42, BK32, WILLIAM B CURRIE ADDITION** - OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720	280-321	Hagen
12.	**PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **201 NE 2ND**	322-370	Hagen

STREET, BIG SPRING, TEXAS 79720 - LT 6, BK 116, ORIGINAL TOWN ADDITION - OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

13. **PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **203 NE 2ND STREET, BIG SPRING, TEXAS 79720 - LT 5, BK 116, ORIGINAL TOWN ADDITION** - OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720 — 371-404 — Hagen

14. **PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 - W/2 OF LT 5, BK 4, MAY THIXTON ADDITION** - OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 — 405-459 — Hagen

15. **PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 - LT 2, BK 19, COLE AND STRAYHORN ADDITION** - OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 — 460-514 — Hagen

16. **PUBLIC HEARING** - Consideration and Possible Action Concerning Abatement of Public Nuisance, at **1001 SYCAMORE, BIG SPRING, TEXAS 79720 - LT 1, BK 1, HIGHLAND PARK ADDITION** - OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720 — 515-571 — Hagen

City Manager's Report

17. City Manager's report on the following items: — Darden

- Update on Large Item Pickup, District 1 - Jan. 18, 2023
- Update on the Animal Shelter
- Update on the Warning Siren - Station 4
- Update on Right-of-Way Cleanup on MLK
- Howard County Day - January 26, 2023
- EDA Grant Kickoff Meeting
- COVID Update

Consent Items

18.	Approval of the City Council Minutes of the Regular Meeting of January 10, 2023.	572-582	Davis
19.	Acknowledge Receipt of the Big Spring Economic Development Corporation Board of Director's Minutes for the Regular Meetings of November 15, 2022 and December 20, 2022.	583-586	Mark Willis
20.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing Rescue Equipment (Boots) for the Fire Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	587-589	Ferguson
21.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the EMS Fund Budget for the Purpose of Additional Education for the EMS Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	590-592	Ferguson
22.	Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Landfill Enterprise Fund Budget for the Purpose of Wood Chipping at the Big Sandy Landfill; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	593-594	Bowles
23.	Final Reading of an Ordinance of the City Council of the City of Big Spring, Texas Amending Chapter 2 of the Big Spring City Code Entitled “Administration,” Article VII “Boards and Commissions,” Division 5 “Traffic Commission,” Section 2-300 by Amending Subsection (D) and Adding a New Subsection (E); in Order to Render Inactive the Said Board and Release the Members of the Board for Potential Consideration for Service on Other Boards; Providing for Severability; and Providing for an Effective Date	595-596	Bowles

24.	Final Reading of an Ordinance of the City of Big Spring, Texas Amending Chapter 28, “Health,” of the Big Spring Code, Article V, "Municipal Ambulance Services," Section 28-135 Entitled “Ambulance Fees” to Update Fees For Basic Ambulance Services; Providing for Severability; Providing for Publication; and Providing an Effective Date.	597-612	Ferguson
25.	Final Reading of a Resolution of the City Council of the City of Big Spring, Texas, Amending Resolution 031-2022 to Authorize and Appoint the City Manager to Submit an Application to the Public Safety Office for the “Bullet-Resistant Shield Grant Program, FY2023” to Secure Funding for 30 Street Level Bullet-Resistant Shields; Provide Written Assurance that in an Event of Loss or Misuse of Grant Funds the City Council Will Return All Funds to the Office of the Governor; and Providing for an Effective Date	613-614	Williams
26.	Final Reading of a Resolution Calling for a General Election to be Held on May 6, 2023 for the Purpose of Electing One Person to Serve as City Council Member for District One and One Person to Serve as City Council Member for District Three; Providing for the Conduct of the Election; Designating Several Polling Places Within the City; Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; and Providing for Severability	615-616	Davis

Vouchers

27.	Vouchers for 01/12/23	$ 3,670,953.84		Ornelas
	Vouchers for 01/19/23	$ 691,372.03		
	Manual Ck.	$ 256,338.11		

Bids

28.	Consideration and Possible Action on Awarding the Sale of Tax Properties by Texas Communities Group as Follows (Items 29-34):		Darden
29.	Parcel R000002408, 603 E. 16th Street to Rosa Elia Avila in the amount of $1,550.00	617-624	Darden
30.	Parcel R000008301, 601 Goliad Street to Land4Less in the amount of $908.00	625-631	Darden
31.	Parcel R000008783 & R000008784, 209 NE 2nd Street to	632-	Darden

	Kevin Quezada in the amount of $300.00	639	
32.	Parcel R000008938, 1900 Wasson Road to Cinthia & Fortino Quezada in the amount of $3,055.00	640-647	Darden
33.	Parcel R0000010059, 108 N. Benton Street to Rosa Elia Avila in the amount of $2,500.00	648-655	Darden
34.	Parcel R0000010060, 200 N. Benton Street to Rosa Elia Avila in the amount of $2,500.00	656-663	Darden
35.	Consideration and Possible Action on Awarding a Bid for a John Deere Z950m Zero Turn Mower for the Parks Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents	664	Medina
36.	Consideration and Possible Action on Awarding a Bid for a John Deere Gator for the Cemetery Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents	665	Medina
37.	Consideration and Possible Action on Awarding a Bid for a Vertical Baler for the Sanitation Department and Authorizing the City Manager or His Designee to Execute any Necessary Documents	666	Medina
38.	Consideration and Possible Action on Awarding a Bid for Golf Carts and Range Picker for the Golf Course and Authorizing the City Manager or His Designee to Execute any Necessary Documents	667-668	Medina
	New Business		
39.	City Manager Appointment to the Civil Service Commission - Raul Marquez Jr.		Darden
40.	Acknowledge Receipt of the Investment Report for the Quarter Ending December 30, 2022	669-670	S. Smith
41.	Acknowledge Receipt of the Quarterly Financial Report	671-689	S. Smith
42.	Consideration and Possible Action Authorizing Event Funding Requests from CVB for Together Trail Race.	690-697	Lewis
43.	First Reading of a Resolution Authorizing Continued Participation with the Steering Committee of Cities Served by Oncor; and Authorizing the Payment of Ten Cents Per Capita	698-710	Medina

	to the Steering Committee to Fund Regulatory and Legal Proceedings and Activities Related to Oncor Electric Delivery Company, LLC.; and Providing an Effective Date		
44.	First Reading of a Resolution of the City Council of the City Of Big Spring, Texas Supporting the Proposed Project for the Texas Department Of Housing And Community Affairs 2023 Competitive (9%) Housing Tax Credit (“HTC”),” The Trails at Big Spring” Project in the City of Big Spring and Pledging $250 in Permit, Inspection, and Water and Wastewater Tapping Fees Towards the Project; and Providing an Effective Date	711-716	Bowles
45.	First Reading of a Resolution to Disallow the Concealed or Open Carrying of a Handgun by a Holder of a License to Carry into the Room or Rooms in which any Meeting of the City Council is Meeting	717-719	Moore
46.	First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing a Zero Turn Mower for the Parks Department; Providing for Severability; Providing for Publication; and Providing an Effective Date	720-721	Lewis
47.	First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Ongoing Litigation; Providing for Severability; Providing for Publication; and Providing an Effective Date	722-723	Medina
48.	First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transferring Funds within the Airpark Fund Budget for the Purpose of Purchasing a HVAC Unit for the Airpark Terminal Building; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date	724-726	Feeley
49.	First Reading of an Ordinance Amending Chapter 2 of the Big Spring City Code Entitled "Administration," Article VII "Boards and Commissions," Division 2 "Aviation Advisory	727-728	Feeley

	Board" Section 2-261 by Adding a New Subsection (G) in Order to Render Inactive the Said Board and Release the Members of the Board for Potential Consideration for Service on Other Boards; Providing for Severability; and Providing an Effective Date		
50.	First Reading of an Ordinance Repealing Subsection 12-44(4) of the Big Spring City Code and Substituting a New Section 12-50 of Chapter 12 of the Big Spring City Code to Adopt with Amendments the 2023 National Electrical Code; Providing for a Penalty; Providing for Severability; Providing for Repeal; and Providing an Effective Date.	729-743	Bowles
51.	Consideration and Possible Action to Approve an Aircraft Disposal and Settlement Agreement with the Owner of an Inoperable Cessna Aircraft at the BIg Spring Wrinkle-McMahon Airport and Authorizing the City Manager or His Designne to Execute any Necessary Documents	744-746	Feeley
52.	Consideration and Possible Action to Approve a Water Supply Agreement Between the City of Big Spring and the City of Coahoma and Authorizing the Mayor or His Designee to Execute any Necessary Documents	747-756	Darden

Council Input

53. Input

Executive Session

54. **Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act: Section 551.071, Texas Government Code, to Receive Attorney Advice and Consultation; and Section 551.072 Texas Government Code, "Deliberation Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person: — Moore

    - Lease of Permian Holdings, LP, of 5 Acres at Big Spring Wrinkle McMahon Airport;
    - Leases of Municipal Corrections Finance, L.P. (Geo), 3700 Wright Ave ("Airpartk"), 3711 Wright Ave. ("Cedar Hill") and 2001 Rickabaugh Ave. ("Flightline"),

Big Spring, Texas

55. **Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation and Potential Litigation.

56. **Adjourn** into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations: Moore

    - Development Agreement for Southeast Corner of East Marcy Drive and South Goliad Street

57. **Reconvene** into Open Session and Take any Necessary Action on Executive Session Items Moore

a. Consideration and Possible Action to approve Estoppel and Recognition Agreements among City of Big Spring, Landlord, Municipal Corrections Finance, L.P., Alter Domus Products Corp., and Ankura Trust Company Relating to Leases at 3700 Wright Ave ("Airpark"), 3711 Wright Ave. ("Cedar Hill"), and 2001 Rickabaugh Ave ("Flightline"), Big Spring, Texas. Hagen

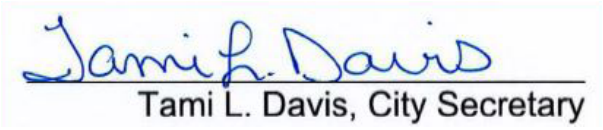
b. Consideration and Possible Approval for an Amendment to Flightline Lease with Geo to allow the City to Re-Lease the Firing Range to another Party. Hagen

58. **ADJOURN** Moore

The City Council reserves the right to meet in executive session on any agenda item should the need arise pursuant to Chapter 551, Subchapter D of the Texas Government Code, or the Texas Disciplinary Rules of Professional Conduct.

I hereby certify that this agenda was posted on the official bulletin board at the City of Big Spring, City Hall Building, located outside 310 Nolan Street. Given by order of the City Council and **Posted on Friday, January 20, 2023 at 6:20 p.m.** in accordance with Title 5, Texas Government Code and Chapter 551.

In addition, this agenda and supporting documents are posted on the City of Big Spring's Website, www.mybigspring.com, in accordance with legal requirements.



THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATION OR A HEARING IMPAIRED PERSON WISHING TO HAVE AN INTERPRETER SHOULD REQUEST SERVICES AT LEAST 48 HOURS PRIOR TO THE SCHEDULED MEETING BY CONTACTINGTAMI DAVIS AT 432-264-2513 OR EMAIL: TDAVIS@MYBIGSPRING.COM.

1400 STATEPARK DRIVE

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 1400 STATEPARK DRIVE

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is KALEB SMITH. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1400 STATEPARK DRIVE**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **5-6** , Block **2** in the Mount View Addition of Big Spring, Howard County, Texas, also known as **1400 STATEPARK DRIVE**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **EARL D. KOLDEN** is the owner of the property located at the above-described premises and their mailing address is **1400 STATEPARK DRIVE**, Big Spring, Howard County, Texas, as shown in **Exhibit A-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT A -1

Ownership

KOLDEN EARL D

1400 STATE PARK
BIG SPRING, TX 79720-4042

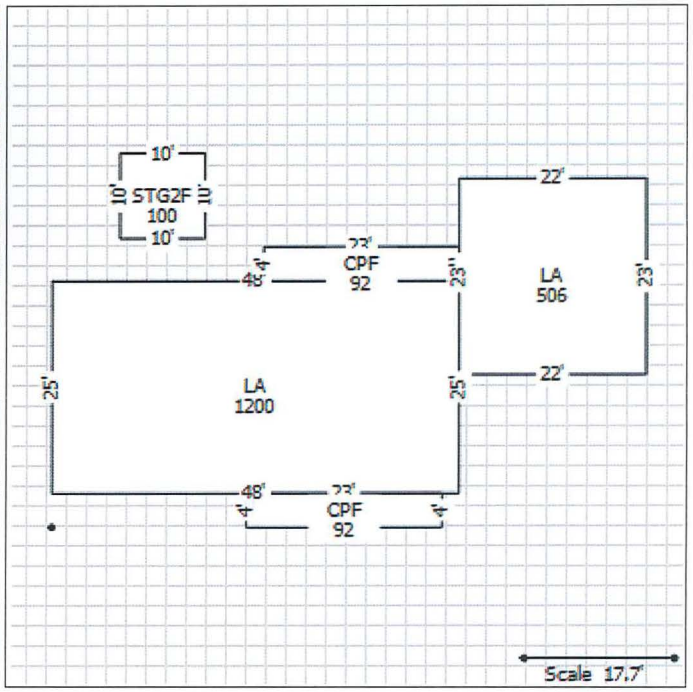
Exemptions/Deed

Legal Information

LEGAL: LTS 5-6 BK 2 MOUNTAIN VIEW 100X140 216 0.321 ACRES
SITUS: 1400 STATE PARK
ACRES:0.321
ALT:7516
XREF:7516.1

UNCERTIFIED





Appraisal Coding

Appr By	JD	Appr Dt	03/03/21
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
LA-LIVING AREA	Y	1957/NA	RS2F	1,200	74.38	89,256	0	AV -41%		0%	0%	0%	100%	0%	-41.0%	52,661
CPF-COVERED PORCH FR	Y	1957/NA	RS2F	92	11.16	1,026	0	AV -41%		0%	0%	0%	100%	0%	-41.0%	605
CPF-COVERED PORCH FR	Y	1957/NA	RS2F	92	11.16	1,026	0	AV -41%		0%	0%	0%	100%	0%	-41.0%	605
LA-LIVING AREA	Y	1957/NA	RS2F	506	74.38	37,636	0	AV -41%		0%	0%	0%	100%	0%	-41.0%	22,205
STG2F-AVG QUALITY ST	Y	1957/NA	RS2F	100	11.00	1,100	0	AV -41%		0%	0%	0%	100%	0%	-41.0%	649
* EXTRA FEATURES							14630									8632
				======		=======	======									=======
				1,990		130,044	14,630									85,357

SQFT MA: 1706 MKT CSF MA: 52.378 CSF IMPR: 50.033

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
BFP-MASONARY	0
FET-FRAME	0
GRT-GABLE	0
PFN-PIER AND BE	0
2BT-2 BATHS	8,632
MHC-MOIST AIR	0
CRM-COMPOSITION	0
	======
	8,632

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	100.0 FF/100.0 RF/140.0 DF LOTS	40.0		40.00		0%		Y	4,000	A1						
									=======							======
									4,000							0

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	85,357	A1	-6,431	91,788	A1
Land Homesite +	4,000	A1	0	4,000	A1
Total Market =	89,357		-6,431	95,788	
Assessed =	89,357		-6,431	95,788	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	89,357	.3275450		292.68
02B CITY OF BIG SPRING	0	89,357	.6731630		601.52
03B BIG SPRING ISD	0	89,357	1.0160000		907.87
052 HOWARD COLLEGE	0	89,357	.2367770		211.58
** ESTIMATED TOTAL					=======
					2,013.65

Nbh Coding	Misc Coding
HSAPPNOT17	
HSAPPNOT18	
HSAPPNOT19	
HSAPPNOT20	
HSAPPNOT21	
WEST22	

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
1400 STATEPARK DRIVE CASE NOTES

"This record, attached as **Exhibit A-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit A-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT A -2

TASK #: 113452 ORIG. DATE: 1

TASK CODE: INSPECT SUBSTANDARD DUE DATE: 1

PROPERTY: 1400 STATE PARK DR

NOTES

Incident Notes:

Task #: 113452 - INSPECT SUBSTANDARD - 12/07/2022

Task #: 113453 - SUBSTANDARD BLD - 12/07/2022

There is a broken window on the north side of the house.

TASK #: 112685 ORIG. DATE:
TASK CODE: INSPECT ACCUMULATED DUE DATE: 1
PROPERTY: 1400 STATE PARK DR

NOTES

Incident Notes:

Task #: 112685 - INSPECT ACCUMULATED - 9/23/2022
10/5/22 Did an inspection today and the property has only gotten worse.
Property owner has not tried to make any contact with me.
12/7/22 We keep receiving many complaints about this property. I am
turning the case over to legal to get ready for abatement.

Task #: 112686 - ACCUMULATED ITEMS - 9/23/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH

"With regard to the photographs in **Exhibits A-3 and A-4** I am familiar with and recognize the scene depicted in the photographs. On September 8, 2022 and October 5, 2022 , I inspected the property described as:

> Lot **5-6** , Block **2** in the Mount View Addition of Big Spring, Howard County, Texas, also known as **1400 STATEPARK DRIVE**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT A -3


2022. 9. 8 14:30


2022. 9. 8 14:30


2022. 9. 8 14:30


2022. 9. 8 14:30


2022. 9. 8 14:30


WE
RECYCLE
2022. 9. 8 14:30


2022. 9. 8 14:31


2022. 9. 8 14:31


2022. 9. 8 14:32


2022. 9. 8 14:32


2022. 9. 8 14:32


2022. 9. 8 14:32


2022. 9. 8 14:32


2022. 9. 8 14:33

EXHIBIT A -4


2022. 10. 5 13:13


2022. 10. 5 13:13


2022. 10. 5 13:13


KOLDEN 1400
2022. 10. 5 13:13


2022. 10. 5 13:14


2022. 10. 5 13:14


2022. 10. 5 13:14


2022. 10. 5 13:14


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:15


2022. 10. 5 13:16


2022. 10. 5 13:16


2022. 10. 5 13:16


2022. 10. 5 13:16


2022. 10. 5 13:16

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit A-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit A-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 19TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT A -5

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1400 STATE PARK DR
Lot: 5-6 BK: 2 MOUNTAIN VIEW 216

September 23, 2022 Case No: 71159

EARL D KOLDEN
1400 STATE PARK DR
BIG SPRING TX 79720-4042

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (tree limbs, tree trimmings, scrap metal, scrap plastic, scrap wood, tires, trash, furniture, vehicle parts, bottles, cans, TVs, clothes, and tons of accumulated items) that need to be removed from the property. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1400 STATE PARK DR
Lot: 5-6 BK: 2 MOUNTAIN VIEW 216

September 23, 2022 Case No: 71158

EARL D KOLDEN
1400 STATE PARK DR
BIG SPRING TX 79720-4042

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be

personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith
Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1400 STATE PARK DR
Lot: 5-6 BK: 2 MOUNTAIN VIEW 216

September 23, 2022 Case No: 71153

EARL D KOLDEN
1400 STATE PARK DR
BIG SPRING TX 79720-4042

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,



Kaleb Smith
Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720
Lot: 5-6 BK 2: MOUNTAIN VIEW 216 ADDITION

January 13, 2023

EARL D. KOLDEN
1400 STATEPARK DRIVE
BIG SPRING, TX 79720-4042

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 304.13 Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is a broken window on the north side of the house. Window will need to be repaired or boarded up as a temporary fix. The premises is littered with tree limbs, tree trimmings, scrap metal, scrap plastic, scrap wood, tires, trash, furniture, vehicle parts, bottles, cans, TVs, clothes, and several other accumulated items that need to be removed from the property. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This property has overgrown weeds or plant growth in excess of 12 inches that need maintenance.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith
City of Big Spring, Texas

EXHIBIT A -6

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362092

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service was electronically notified by the shipper on January 15, 2023 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if/when available.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Pre-Shipment

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

January 15, 2023

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 13, 2023**, attached as **Exhibit B-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on January 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT A -7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

2509 OLD WEST HIGHWAY 80

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 2509 OLD WEST HIGHWAY 80

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **2509 OLD WEST HIGHWAY 80**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

> Lot **8-11**, Block **4** in the LINCOLN 627 & 628 Addition of Big Spring, Howard County, Texas, also known as **2509 OLD WEST HIGHWAY 80**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **LEONOR MONTEZ / LEONOR RIOS** is the owner of the property located at the above-described premises and their mailing address is **2509 OLD WEST HIGHWAY 80**, Big Spring, Howard County, Texas, as shown in **Exhibit G-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT G -1

HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000006311 Geo ID : B4170001700

Ownership

MONTEZ LEONOR

ATTN: % LEONOR RIOS
1401 NOLAN
BIG SPRING, TX 79720-4606

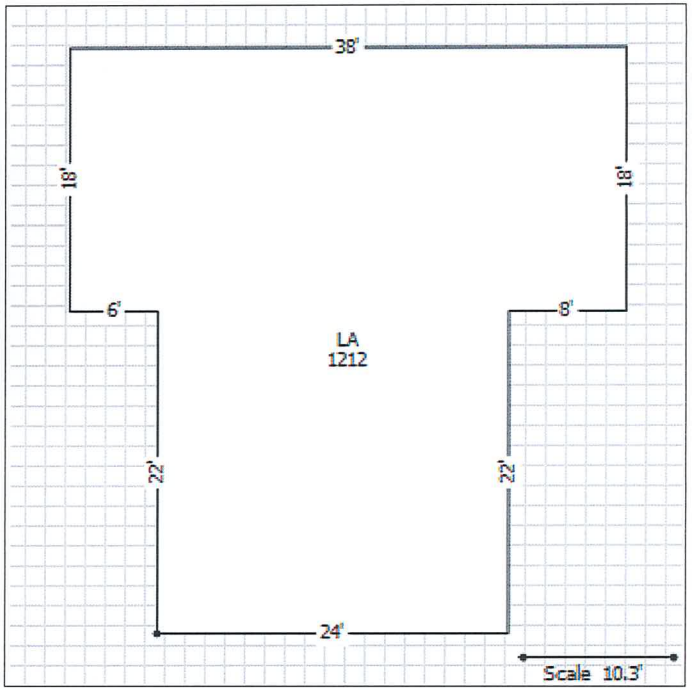
Exemptions/Deed

Legal Information

LEGAL: LTS 8-9 BK 4 LINCOLN 50X130 627 0.149 ACRES
SITUS: 2509 OLD HWY 80
ACRES:0.149
ALT:6311
XREF:6311.1

UNCERTIFIED





Appraisal Coding

Appr By	CT	Appr Dt	01/20/21
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%		Value
LA-LIVING AREA	Y	1950/NA	RS3F	1,212	97.34	117,976	0	VP -90%		0%	0%	0%	100%	0%	-90.0%	*	11,798
				1,212		117,976	0										11,798

SQFT MA: 1212 MKT CSF MA: 11.384 CSF IMPR: 9.734 LOC CODE: WEST

Feature Code	Cpsf / Value

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	50.0 FF/50.0 RF/130.0 DF LOTS	40.0		40.00		0%		Y	2,000	A1						
									2,000							0

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	11,798	A1	-2,880	14,678	A1
Land Homesite +	2,000	A1	0	2,000	A1
Total Market =	13,798		-2,880	16,678	
Assessed =	13,798		-2,880	16,678	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	13,798	.3275450		45.19
02B CITY OF BIG SPRING	0	13,798	.6731630		92.88
03B BIG SPRING ISD	0	13,798	1.0160000		140.19
052 HOWARD COLLEGE	0	13,798	.2367770		32.67
** ESTIMATED TOTAL					310.93

Nbh Coding	Misc Coding
MULTI NOTE20NEW	WEST22

User PERMITS2 Print Date 12/9/2022 12:15:19 PM Property ID : R000006311 Geo ID : B4170001700 Quick Link :

Ownership

MONTEZ LEONOR

ATTN: % LEONOR RIOS
1401 NOLAN
BIG SPRING, TX 79720-4606

Exemptions/Deed

METES AND BOUNDS

Legal Information

LEGAL: LTS 10-11 BK 4 LINCOLN 50X130 628 0.149 ACRES
SITUS: 2509 OLD HWY 80
ACRES:0.149
ALT:6312
XREF:6312.1

UNCERTIFIED

Appraisal Coding

Appr By BS Appr Dt 08/09/17
Check By Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition %	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value

Feature Code	Cpsf / Value

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	50.0 FF/50.0 RF/130.0 DF LOTS	40.0		40.00		0%		N	2,000	C1						
									2,000							0

Comments

	2023	Ptd	Change +/-	Prior	2022	Ptd
Land Non Homesite +	2,000	C1	0	2,000		C1
Total Market =	2,000		0	2,000		
Assessed =	2,000		0	2,000		

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	2,000	.3275450		6.55
02B CITY OF BIG SPRING	0	2,000	.6731630		13.46
03B BIG SPRING ISD	0	2,000	1.0160000		20.32
052 HOWARD COLLEGE	0	2,000	.2367770		4.74
** ESTIMATED TOTAL					45.07

Nbh Coding

MULTI

Misc Coding

WEST22

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
2509 OLD WEST HIGHWAY 80 CASE NOTES

"This record, attached as **Exhibit G-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit G-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT G -2

TASK #: 112812 ORIG. DATE: 1

TASK CODE: INSPECT ACCUMULATED DUE DATE: 1

PROPERTY: 2509 OLD W HWY 80 BARN

NOTES

Incident Notes:

Task #: 112812 - INSPECT ACCUMULATED - 10/07/2022

10/14/2022 Leonor Rios called and said her son has been using the property to store trash from his work because he hasn't had time to go to the dump. They will start cleaning it up though. She asked for an extension so I gave her until the end of the month, 10/31/2022. Phone# [redacted]

11/3/2022 Leonor Rios called and said her son has not been off work but should be soon and they will work on cleaning it up. I inspected the property and found that no progress has been made to this point. I informed her that they still have some time to get the property cleaned up but I will be starting the process of sending the case to the legal department.

12/9/2022 The property is still a mess and I am turning in the case for abatement.

Task #: 112813 - ACCUMULATED ITEMS - 10/07/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH

"With regard to the photographs in **Exhibits G-3, and G-4** I am familiar with and recognize the scene depicted in the photographs. On Septermber 27, 2022, and November 7, 2022 , I inspected the property described as:

> Lot **8-11**, Block **4** in the LINCOLN 627 & 628 Addition of Big Spring, Howard County, Texas, also known as **2509 OLD WEST HIGHWAY 80**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT G -3


2022. 9.27 13:38


2022. 9. 27 13:38


2022. 9. 27 13:38


2022. 9. 27 13:39


2022. 9. 27 13:39


2022. 9. 27 13:39


2022. 9.27 13:39


2022. 9. 27 13:39


FORD
2022. 9. 27 13:40


2022. 9. 27 13:40


FORD
2022. 9. 27 13:40


2509
RIOS
2022. 9. 27 13:40

EXHIBIT G -4


2022. 11. 7 14:10


2022. 11. 7 14:11


2022. 11. 7 14:11


2022. 11. 7 14:11

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit G-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit G-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT G -5

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

2509 OLD W HWY 80
Lot: 8-11 BK: 4 LINCOLN 627 & 628

October 7, 2022 Case No: 71231

LEONOR MONTEZ
ATTN: LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (scrap metal, scrap plastic, scrap wood, appliances, water heaters, furniture, tree trimmings, tires, a hot tub, a junk vehicle, trash, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International

Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

2509 OLD W HWY 80
Lot: 8-11 BK: 4 LINCOLN 627 & 628

October 7, 2022 Case No: 71230

LEONOR MONTEZ
ATTN: LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith
Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

2509 OLD W HWY 80
Lot: 8-11 BK: 4 LINCOLN 627 & 628

October 6, 2022 Case No: 71227

LEONOR MONTEZ
ATTN: LEONOR RIOS
1401 NOLAN ST
BIG SPRING TX 79720-4606

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith
Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

2509 OLD WEST HIGHWAY 80, BIG SPRING, TEXAS 79720
Lot: 8-9 BK 4: LINCOLN ADDITION

January 13, 2023

LEONOR MONTEZ
LEONOR RIOS
1401 NOLAN STREET
BIG SPRING, TEXAS 79720

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.
Sec. 304.18 Building Security	Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with scrap metal, scrap plastic, scrap wood, tree trimmings, water heaters appliances, hot tub, junk vehicle, toolbox, furniture, tires, various accumulated items that need to be removed from the property. This premises has overgrown weeds and plant growth in excess of 12 inches that need to be mowed. This accumulation provides harborage for rodents and	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT G-6

USPS Tracking®

FAQs >

Remove X

Tracking Number:

9489009000276442362030

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 6:00 pm on January 17, 2023 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Left with Individual

BIG SPRING, TX 79720
January 17, 2023, 6:00 pm

See All Tracking History

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

Track Another Package

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit G-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT G-7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

2714 LYNN

CODE OFFICER: JACOB LEOS

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF JACOB LEOS
CONCERNING 2714 LYNN

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

"My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **2714 LYNN**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

_____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **12**, Block **10** in the Kentwood Addition of Big Spring, Howard County, Texas, also known as **2714 LYNN**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **DONALD DEEN BOOTH** is the owner of the property located at the above-described premises and their mailing address is **2714 LYNN**, Big Spring, Howard County, Texas, as shown in **Exhibit J-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

Notary Public, State of Texas

EXHIBIT J-1

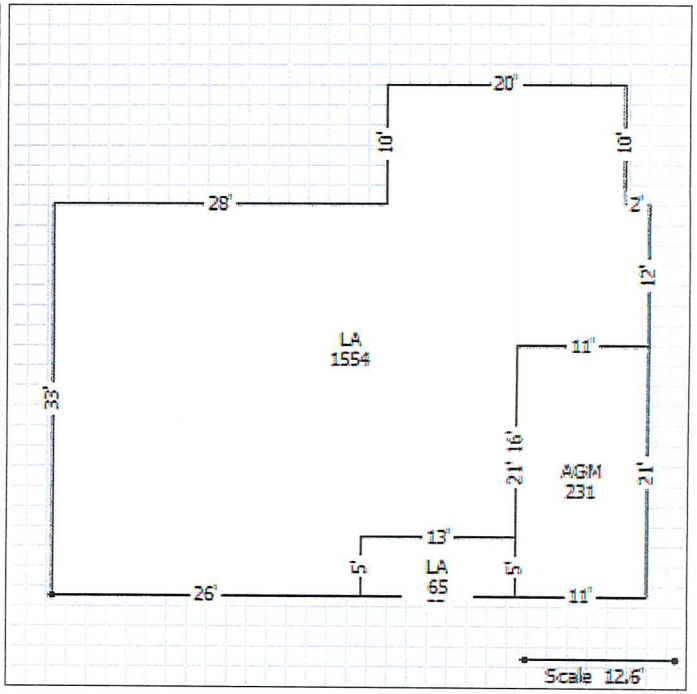
Ownership

BOOTH DONALD DEEN

3309 DAWN CIRCLE
MIDLAND, TX 79707-3614

Exemptions/Deed





Legal Information

LEGAL: LT 12 BK 10 KENTWOOD IRR 275 BLK/TRACT 32 1S 0.185 ACRES
SITUS: 2714 LYNN
ACRES:0.185
ALT:5948
XREF:5948.1

Appraisal Coding

Appr By TG Appr Dt 02/10/21
Check By * Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
LA-LIVING AREA	Y	1961/NA	RS3M	1,554	98.41	152,929	0	FA -66%		0%	0%	0%	100%	0%	-66.0%	51,996
LA-LIVING AREA	Y	1961/NA	RS3M	65	98.41	6,397	0	FA -66%		0%	0%	0%	100%	0%	-66.0%	2,175
AGM-ATTACHED GARAGE	Y	1961/NA	RS3M	231	31.49	7,274	0	FA -66%		0%	0%	0%	100%	0%	-66.0%	2,473
* EXTRA FEATURES							14630									4974
				======		=======	======									=======
				1,850		166,600	14,630									61,618

SQFT MA: 1619 MKT CSF MA: 41.951 CSF IMPR: 38.059 LOC CODE: KS

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
CRM-COMPOSITION	0
GRT-GABLE	0
SFN-SLAB	0
VET-VENEER	0
WHC-WINDOW UNIT	0
2BT	4,974
	======
	4,974

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF24	63.0 FF/63.0 RF/128.0 DF LOTS	100.0		100.00		0%		Y	6,300	A1						
									=======							======
									6,300							0

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	61,618	A1	-35,196	96,814	A1
Land Homesite +	6,300	A1	0	6,300	A1
Total Market =	67,918		-35,196	103,114	
Assessed =	67,918		-35,196	103,114	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	67,918	.3275450		222.46
02B CITY OF BIG SPRING	0	67,918	.6731630		457.20
03B BIG SPRING ISD	0	67,918	1.0160000		690.05
052 HOWARD COLLEGE	0	67,918	.2367770		160.81
** ESTIMATED TOTAL					=======
					1,530.52

Nbh Coding	Misc Coding
NOTE20CORR	KS22

User PERMITS2 Print Date 12/2/2022 3:07:52 PM Property ID : R000005948 Geo ID : B4080024500 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
2714 LYNN CASE NOTES

"This record, attached as **Exhibit J-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit J-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT J-2

TASK #: 113317
TASK CODE: INSPECT ACCUMULATED
PROPERTY: 2714 LYNN DR

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:
ON 10/31/22 & 11/30/22 INSPECTED AND TOOK PICTURES OF PROPERTY.
10/31/22- BACKYARD FENCE MISSING A SECTION EXPOSING THE VIEW OF A BIG PILE OF RUBBISH (TRASH, PAPER, CARDBOARD, MAGAZIINES, FABRIC, ETC), SCRAP WOOD, LOTS OF CONTAINERS, WOOD PALETS, SECTIONS OF FENCING, AND MANY MORE ITEMS. THE FRONT YARD- SEVERAL BUNDLES OF CHAIN LINK FENCING (SCATTERED IN YARD), BUCKETS, METAL BARREL, 3X CRAFTSMAN RIDING LAWNMOWERS (SCATTERED IN YARD), METAL SHEET MATERIAL PILE (DIRECTLEY ON GROUND), PLASTIC BINS, BLUE/GRAY TARP (ON GROUND), AND SEVERAL OTHER ITEMS.

Task #: 113317 - INSPECT ACCUMULATED - 12/01/2022
10/31/22 AND 11/30/22 INSPECTED PROPERTY. ON 11/30/22 BACK YARD- FENCE THAT WAS LEANING OVER AND MISSING SECTIONS ON 10/31/22 HAS BEEN WORKED ON WITHOUT A PERMIT AND THE SECTIONS MISSING WERE ADDED WITHOUT A PERMIT. FRONT YARD- POLES LAYING ON SIDE OF HOUSE (ON GROUND) SHEET METAL LEANING ON HOUSE, TUB. WINDOW (LEANING ON HOUSE), CHAINLINK FENCE BUNDLES, SHEET METAL PILE (ON GROUND), TARP ON GROUND, GRAY PLASTIC TRASH BIN FULL OF STUFF, WOOD SCRAPS/BOARDS,BUILD MATERIAL (ON GROUND)RIDING LAWNMOWERS AND SEVERAL OTHER ITEMS.

Task #: 113318 - ACCUMULATED ITEMS - 12/01/2022
WILL SEND NOTICE, IF PROBLEM PERSISTS WILL SEND TO LEGAL DEPT FOR FURTHER ACTION.

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS

"With regard to the photographs in **Exhibits J-3, J-4, J-5, J-6 and J-7** I am familiar with and recognize the scene depicted in the photographs. On September 6, 2022, September 19, 2022, October 31, 2022, November 22, 2022 and November 30, 2022 , I inspected the property described as:

> Lot **12**, Block **10** in the Kentwood Addition of Big Spring, Howard County, Texas, also known as **2714 LYNN**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT J-3


9/ 6/2022 13:58


9/ 6/2022 13:58


9/ 6/2022 13:58


9/ 6/2022 13:58


9/ 6/2022 13:59

EXHIBIT J-4


9/19/2022 12:23


9/19/2022 12:23


9/19/2022 12:23


9/19/2022 12:24

EXHIBIT J-5


CRAFTSMAN
10/31/2022 10:12


10/31/2022 10:12


10/31/2022 10:13


CRAFTSMAN
HDGardenTractor
10/31/2022 10:13


10/31/2022 10:13


10/31/2022 10:15


6
10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


10/31/2022 10:16


BREYERS
Newsweek
10/31/2022 10:16


10/31/2022 10:17


10/31/2022 10:17

EXHIBIT J-6


11/22/2022 15:12


11/22/2022 15:16


11/22/2022 15:17


11/22/2022 15:17

EXHIBIT J-7


11/30/2022 16:41


11/30/2022 16:41


11/30/2022 16:41


11/30/2022 16:41


11/30/2022 16:41


11/30/2022 16:41


11/30/2022 16:41

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY JACOB LEOS

"The document in **Exhibit J-8** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit J-9** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT J-8

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

2714 LYNN DR
Lot: 12 BK: 10

December 1, 2022

Case No: 71539

DONALD DEEN BOOTH
3309 DAWN CIRCLE
MIDLAND TX 79707-3614

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
THER ARE SEVERAL ITEMS ON PROPERTY (INCLUDING POLES LAYING ON SIDE OF HOUSE, SHEET METAL, TUB, WINDOW, CHAINLINK FENCE BUNDLES, SHEET METAL PILE, TARP ON GROUND, GRAY PLASTIC TRASH BIN, WOOD SCRAPS/BOARDS, BUILD MATERIAL, RIDING LAWNMOWERS AND SEVERAL OTHER ITEMS) THAT NEEDS TO BE REMOVED OR TAKEN FROM PUBLIC VIEW. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS. IF PROBLEM PERSISTS, CRIMINAL CHARGES WILL BE FILED.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,



Code Compliance
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

2714 LYNN DR
Lot: 12 BK: 10

December 1, 2022

Case No: 71541

DONALD DEEN BOOTH
3309 DAWN CIR
MIDLAND TX 79707-3614

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

2714 LYNN, BIG SPRING, TEXAS 79720
Lot: 12 BK 10: KENTWOOD ADDITION

January 13, 2023

DONALD DEEN BOOTH
3309 DAWN CIRCLE
MIDLAND, TX 79707

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with poles laying on side of house, sheet metal, tub, window, chainlink fence, bundles, sheet metal pile, tarp on ground, gray plastic trash bin, wood scraps/boards, build material riding lawnmowers and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds nd plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	Jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Melissa Garcia on behalf of Jacob Leos

Code Official
City of Big Spring, Texas

EXHIBIT J-9

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362108

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service was electronically notified by the shipper on January 15, 2023 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if/when available.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Pre-Shipment

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

January 15, 2023

Text & Email Updates ∨

Return Receipt Electronic ∨

USPS Tracking Plus® ∨

Product Information ∨

See Less ∧

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit J-10**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT J-10

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

209 CIRCLE DRIVE

CODE OFFICER: MALISSA GARCIA

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF MALISSA GARCIA
CONCERNING 209 CIRCLE DRIVE

BEFORE ME, the undersigned authority, on this day, personally appeared **MALISSA GARCIA**, who, being by me duly sworn, deposed as follows:

"My name is **MALISSA GARCIA**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **209 Circle Drive**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.



Notary Public, State of Texas

STATE OF TEXAS §

§

COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **SC44**, Block **32 1 N 579** of Big Spring, Howard County, Texas, also known as **209 CIRCLE DRIVE**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **ARBOH GROUP, LLC** is the owner of the property located at the above-described premises and his mailing address is **209 CIRCLE DRIVE**, Big Spring, Howard County, Texas, as shown in **Exhibit K-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

Notary Public, State of Texas

EXHIBIT K -1

Ownership

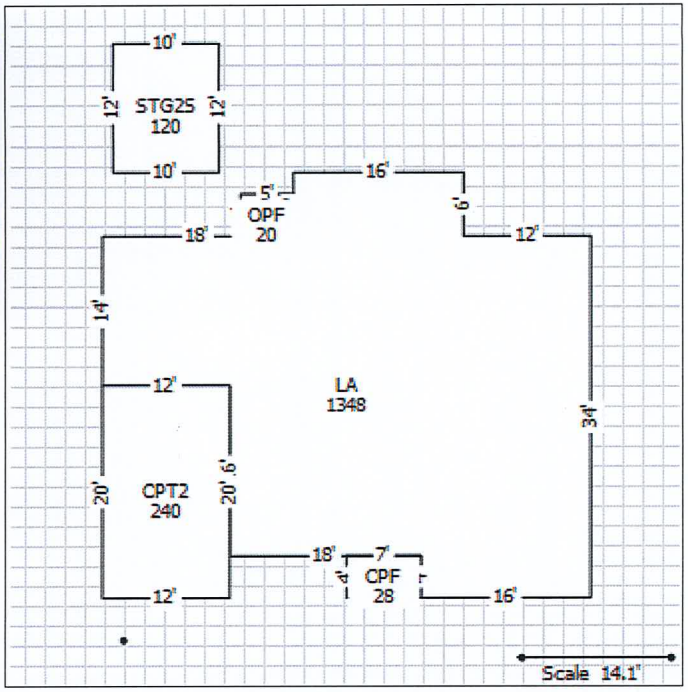
ARBOH GROUP, LLC

1015 RIVER ROCK WAY
CARROLLTON, TX 75010

Exemptions/Deed

INST: 202000000552
VOL: 1888
PAGE: 498
DATE: 1/13/2020





Legal Information

LEGAL: 2 ACRES TR OF SC 44 BK 32 1N 60X140 579 BLK/TRACT 32 1N 0.193 ACRES ACQ 01132020
SITUS: 209 CIRCLE
ACRES:0.193
ALT:47031
XREF:47031.1

NOT CERTIFIED

Appraisal Coding

Appr By	TRISTAN	Appr Dt	09/08/20
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
1/13/20		1888	498	202000000552	1/13/20	++++++	++++++	ARBOH GROUP, LLC	ARSIAGA DIANE
2/28/07		1039	337	0	2/28/07	++++++	++++++	ARSIAGA DIANE	VASQUEZ RAUL
6/6/06		1010	331	0	2/28/07	++++++	++++++	VASQUEZ RAUL	SECRETARY OF HOUSING &

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%		Value
LA-LIVING AREA	Y	1960/NA	RS3F	1,348	99.18	133,695	0	AV -39%		0%	0%	0%	100%	0%	-39.0%	*	81,554
CPF-COVERED PORCH FR	Y	1960/NA	RS3F	28	14.88	417	0	AV -39%		0%	0%	0%	100%	0%	-39.1%	*	254
CPT2-CARPORT AVERAGE	Y	1960/NA	RS3F	240	9.79	2,350	0	AV -39%		0%	0%	0%	100%	0%	-39.0%	*	1,434
STG2S-AVG QUALITY ST	Y	1960/NA	RS3F	120	10.67	1,280	0	FA -67%		0%	0%	0%	100%	0%	-67.0%	*	422
OPF-OPEN PORCH / PAT	Y	1960/NA	RS3F	20	5.95	119	0	AV -39%		0%	0%	0%	100%	0%	-38.7%	*	73
				1,756		137,861	0										83,737

SQFT MA: 1348 MKT CSF MA: 65.245 CSF IMPR: 62.119

Feature Code	Cpsf / Value
AST-1 STORY	0
CRM-COMPOSITION	0
FET-FRAME	0
GRT-GABLE	0
1BT-1 BATH	0
AHC-CEN HT AIR	0
AUT-ALL	0
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	60.0 FF/60.0 RF/140.0 DF LOTS	70.0		70.00		0%		Y	4,200	A1						0
									4,200							

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	83,750	A1	0	83,750	A1
Land Homesite +	4,200	A1	0	4,200	A1
Total Market =	87,950		0	87,950	
Assessed =	87,950		0	87,950	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	87,950	.3275450		288.08
02B CITY OF BIG SPRING	0	87,950	.6731630		592.05
03B BIG SPRING ISD	0	87,950	1.0160000		893.57
052 HOWARD COLLEGE	0	87,950	.2367770		208.25
** ESTIMATED TOTAL					1,981.95

Nbh Coding	Misc Coding
EXRME2021	BSISDEN

User PERMITS2 Print Date 8/16/2022 9:23:21 AM Property ID : R000047031 Geo ID : 51444000600 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
209 CIRCLE DRIVE CASE NOTES

"This record, attached as **Exhibit K-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit K-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

Melissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.



Notary Public, State of Texas

EXHIBIT K -2

TASK #: 111298 ORIG. DATE:
TASK CODE: REINSP ACCUMLTD ITEM DUE DATE:
PROPERTY: 209 CIRCLE DR

NOTES

Incident Notes:

Task #: 110096 - INSPECT ACCUMULATED - 1/25/2022
5-25-2022 WENT BY AND NOTHING HAS BEEN DONE AND NOBODY HAS CONTACTED ME.WILL SEND SECOND ROUND OF NOTICE

Task #: 110097 - ACCUMULATED ITEMS - 1/25/2022

Task #: 111298 - REINSP ACCUMLTD ITEM - 5/26/2022
8-4-2022 nothing has been done will send to legal for complaint

Task #: 111299 - ACCUMULATED ITEMS - 5/26/2022

Task #: 111300 - COMPLAINT REQUEST - 5/26/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY MALISSA GARCIA

"With regard to the photographs in **Exhibits K-3 through K-4** I am familiar with and recognize the scene depicted in the photographs. On May 24, 2022 and June 30, 2022, I inspected the property described as:

> Lot **SC44**, Block **32 1 N 579** of Big Spring, Howard County, Texas, also known as **209 CIRCLE DRIVE**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

NOTARY PUBLIC STATE OF TEXAS
MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Miranda Barela
Notary Public, State of Texas

EXHIBIT K-3


CRAFTSMAN
5/24/2022 14:46


5/24/2022 14:43


5/24/2022 14:43


CRAFTSMAN
5/24/2022 14:46


5/24/2022 14:46

EXHIBIT K-4


6/30/2022 10:20

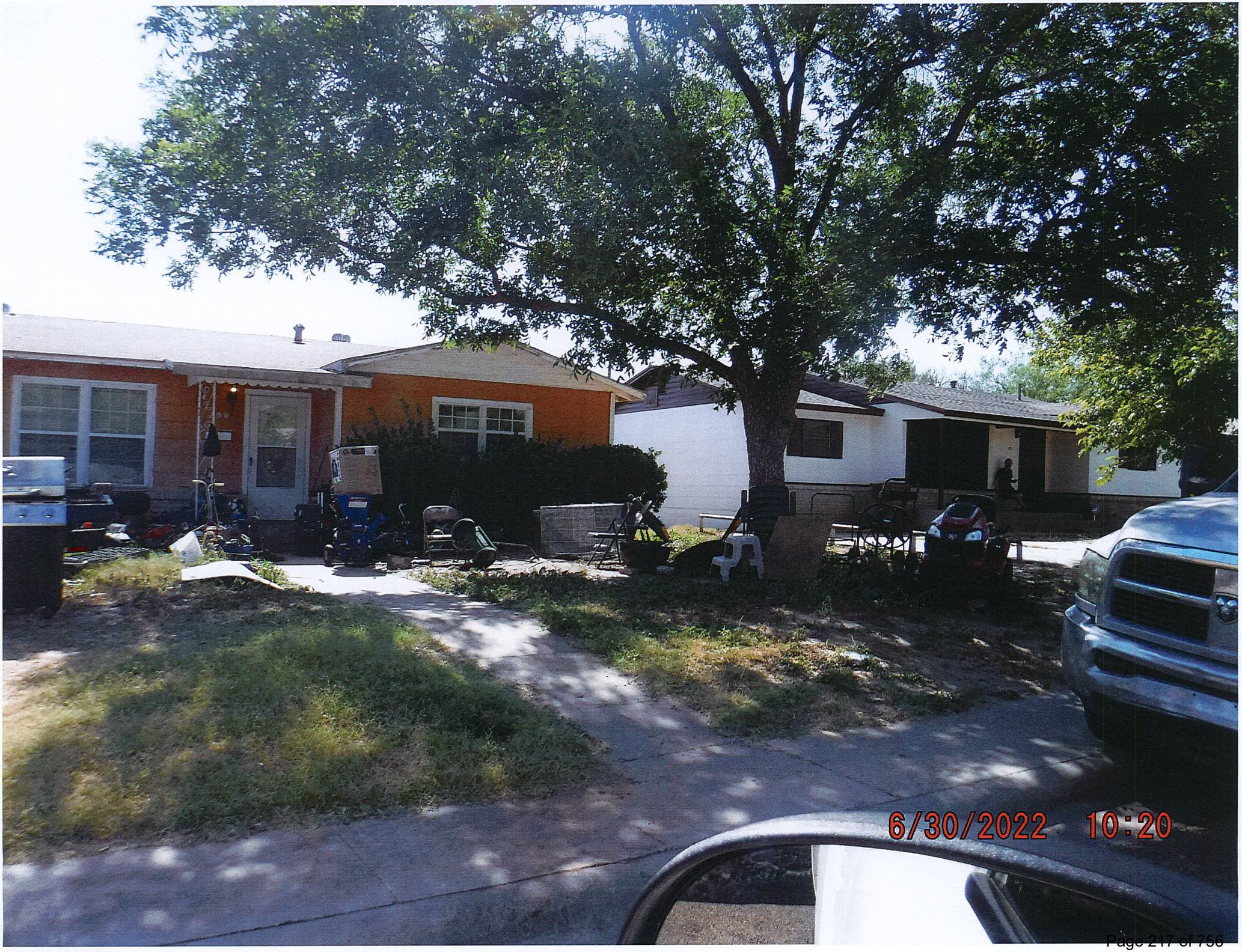

6/30/2022 10:18


6/30/2022 10:19


6/30/2022 10:20


6/30/2022 10:20


6/30/2022 10:20


6/30/2022 10:20

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY MALISSA GARCIA

"The document in **Exhibit K-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit K-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

Malissa Garcia
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT K-5

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

209 CIRCLE DR
Lot: SC44 BK: 32 1 N 579

May 26, 2022 Case No: 69811

LEONARD GRAY VAN
209 CIRCLE DR
BIG SPRING TX 79720-3321

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (toilet, lawn mowers, metal frames and several accumulated items) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

MALISSA GARCIA	Code Compliance
Name	*Department*
(432)816-4913	mgarcia@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

https://codes.iccsafe.org/codes/i-codes.

Sincerely,

M. Garcia

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

209 CIRCLE DR
Lot: SC44 BK: 32 1 N 579

June 30, 2022 Case No: 70717

ARBOH GROUP LLC
1015 RIVER ROCK WAY
CARROLLTON TX 75010

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (toilet, lawn mowers, metal frames and several accumulated items) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

MALISSA GARCIA	Code Compliance
Name	*Department*
(432)264-2506	mgarcia@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

https://codes.iccsafe.org/codes/i-codes.

Sincerely,

M. García

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING TEXAS

Code Enforcement

217 E. 3rd St. Big Spring, TX 79720. Ph 432-264-2505

June 30, 2022 Complaint No: 70718

ARBOH GROUP LLC
1015 RIVER ROCK WAY
CARROLLTON TX 75010

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:
209 CIRCLE DR
Lot: SC44 BK: 32 1 N 579

Dear ARBOH GROUP LLC:

You, as owner/occupant of the above referenced property, are in violation of **Chapter 13** of the Health and Sanitation Code, specifically **Article 1, Section 36-63 et seq.**, thereof which reads as follows:

Sec 36-63 **Accumulations of Lumber, Boxes, Barrels, Etc.**

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks or stones or similar materials that may be permitted to remain thereon, and that may be used as a harborage by rats, unless the same are placed on open racks and elevated not less than eighteen (18) inches above the ground with a clear intervening space beneath, to prevent the harborage of rats. (Ord. of 09-11-45, _ 10)

This is your notice, pursuant to and in accordance with the Code of Ordinances of the City, to correct, remedy or remove the following unsightly, objectionable or unsanitary conditions from the above referenced premises within ten (10) days of receipt of this notice.

Sec. 36-26 **Penalty for Violation of this Article**

In addition to the other remedies contained in this Article, in the event the owner or persons having possession or control of such property shall fail or refuse to abate such condition, that person shall be guilty of a misdemeanor and upon conviction shall be punishable by fine not exceeding five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense. (Ord. of 03-11-97)

If this matter has been taken care of before receipt of this letter, please notify this office.

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,
M. Garcia
Code Enforcement/City of Big Spring

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

209 CIRCLE DRIVE BIG SPRING, TEXAS 79720
Lot:2 ACRES TR OF SC44 BK 32 1 N 60X140 579

January 13, 2023

ARBOH GROUP, LLC
209 Circle Drive
Carrolton, TX 75010

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with structural debris, bikes, tires, trash, furniture, trailers, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Malissa Garcia	Code Compliance
Name	*Department*
432-264-2506	mgarcia@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Malissa Garcia

Malissa Garcia
Code Official
City of Big Spring, Texas

EXHIBIT K-6

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362085

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service was electronically notified by the shipper on January 15, 2023 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if/when available.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Pre-Shipment

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

January 15, 2023

Text & Email Updates ∨

Return Receipt Electronic ∨

USPS Tracking Plus® ∨

Product Information ∨

See Less ∧

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit K-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on **JANUARY 20, 2023**.

This notice was also published in the Big Spring Herald on **JANUARY 14, 2023.**"

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT K-7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

510 SOUTH BENTON

CODE OFFICER: JACOB LEOS

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF JACOB LEOS
CONCERNING 510 SOUTH BENTON

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

"My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **510 SOUTH BENTON**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.



_____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **6**, Block **4** in the Porter Addition of Big Spring, Howard County, Texas, also known as **510 SOUTH BENTON**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **DOROTHY THOMAS** is the owner of the property located at the above-described premises and their mailing address is **510 SOUTH BENTON**, Big Spring, Howard County, Texas, as shown in **Exhibit H-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

Notary Public, State of Texas

EXHIBIT H -1

HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000009047 Geo ID : B5070003700

Ownership

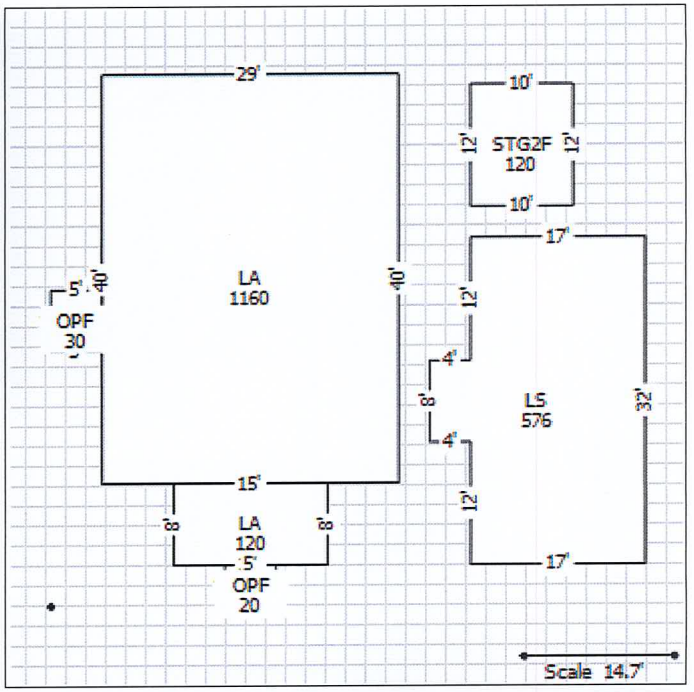
THOMAS DOROTHY

706 OHIO
BIG SPRING, TX 79720

Exemptions/Deed

INST: 2021-00002577
VOL: 1982
PAGE: 22
DATE: 3/31/2021





Legal Information

LEGAL: LT 6 BK 4 PORTER 50X140 402 ACQ 03312021 BLK/TRACT 4 0.161 ACRES
SITUS: 510 BENTON
ACRES:0.161
ALT:9047
XREF:9047.1

UNCERTIFIED

Appraisal Coding

Appr By JD Appr Dt 03/01/21
Check By Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
3/31/21		1982	22	2021-00002577	3/31/21	++++++	++++++	THOMAS DOROTHY	SCAGGS CAROL
8/8/12		1284	653	0	8/8/12	++++++	++++++	SCAGGS CAROL	MARTINEZ SARA
8/19/09		1149	125	0	8/8/12	++++++	++++++	MARTINEZ SARA	FIELDS NANCY

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
LA-LIVING AREA	Y	1925/NA	RS2F1.5	1,160	74.82	86,791	0	PO -90%		0%	0%	0%	100%	0%	-90.0%	8,679
LA-LIVING AREA	Y	1925/NA	RS2F1.5	120	74.82	8,978	0	PO -90%		0%	0%	0%	100%	0%	-90.0%	898
LS-2ND FLOOR	Y	1925/NA	RS2F1.5	576	71.83	41,372	0	PO -90%		0%	0%	0%	100%	0%	-90.0%	4,137
STG2F-AVG QUALITY ST	Y	1925/NA	RS2F1.5	120	11.00	1,320	0	PO -90%		0%	0%	0%	100%	0%	-90.0%	132
OPF-OPEN PORCH / PAT	Y	1925/NA	RS2F1.5	30	4.49	135	0	PO -90%		0%	0%	0%	100%	0%	-89.6%	14
OPF-OPEN PORCH / PAT	Y	1925/NA	RS2F1.5	20	4.49	90	0	PO -90%		0%	0%	0%	100%	0%	-90.0%	9
* EXTRA FEATURES							14630									1463
				2,026		138,686	14,630									15,332

SQFT MA: 1856 MKT CSF MA: 9.338 CSF IMPR: 8.261 LOC CODE: MC

Feature Code	Cpsf / Value
AUT-ALL	0
BST-11/2 STORIE	0
CRM-COMPOSITION	0
EHC-WALL	0
FET-FRAME	0
GRT-GABLE	0
PFN-PIER AND BE	0
2BT-2 BATHS	1,463
	1,463

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	50.0 FF/50.0 RF/140.0 DF LOTS	40.0		40.00		0%		Y	2,000	A1						0
									2,000							

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	15,332	A1	0	15,332	A1
Land Homesite +	2,000	A1	0	2,000	A1
Total Market =	17,332		0	17,332	
Assessed =	17,332		0	17,332	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	17,332	.3275450		56.77
02B CITY OF BIG SPRING	0	17,332	.6731630		116.67
03B BIG SPRING ISD	0	17,332	1.0160000	2012	176.09
052 HOWARD COLLEGE	0	17,332	.2367770		41.04
** ESTIMATED TOTAL					390.57

Nbh Coding	Misc Coding
EXRME2022	MC22

User PERMITS2 Print Date 9/9/2022 1:33:37 PM Property ID : R000009047 Geo ID : B5070003700 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
510 SOUTH BENTON CASE NOTES

"This record, attached as **Exhibit H-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit H-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT H -2

INCIDENT #: 69604 ORIG. DATE:

INCIDENT CODE: 300-0006 ACCUML ITEM

PROPERTY: 510 S BENTON ST

NOTES

Incident Notes:

Task #: 109728 - INSPECT ACCUMULATED - 1/03/2022

9/7/22 INSPECTED PROPERTY LOCATED ACROSS THE STREET FROM SCHOOL. CASE OPEN SINCE 1/03/22 NOTHING HAS BEEN DONE AND NO CONTACT HAS BEEN MADE. WILL FILE COMPLAINT WITH LEGAL DEPT. A VERY LARGE PILE OF SCRAP WOOD AND OTHER ITEMS ON PROPERTY.

Task #: 109729 - ACCUMULATED ITEMS - 1/03/2022

Task #: 112548 - REINSP ACCUMLTD ITEM - 9/07/2022

Task #: 112549 - ACCUMULATED ITEMS - 9/07/2022

INCIDENT #: 71091 ORIG. DATE:

INCIDENT CODE: 300-0001 WEEDY LOT

PROPERTY: 510 S BENTON ST

NOTES

Incident Notes:

9/7/22 OVERGROWN WEEDS ON PROPERTY NEXT TO SCHOOL. WILL SEND NOTICE TO CUT.

Task #: 112551 - INSPECT WEEDL LOT - 9/07/2022

Task #: 112552 - WEEDY LOT LTR - 9/07/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS

"With regard to the photographs in **Exhibits H-3, and H-4** I am familiar with and recognize the scene depicted in the photographs. On January 3, 2022, and September 7, 2022 , I inspected the property described as:

> Lot **1**, Block 1 in the Highland Park Addition of Big Spring, Howard County, Texas, also known as **510 SOUTH BENTON**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT H -3


2022 1 3 10:30


2022. 1. 3 10:30


2022. 1. 3 10:32


2022. 1. 3 10:32


2022. 1. 3 10:32


2022. 1. 3 10:30

EXHIBIT H -4


9/ 7/2022 13:06


9/ 7/2022 13:06


BELTON
9/ 7/2022 13:07


9/ 7/2022 13:06

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY JACOB LEOS

"The document in **Exhibit H-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit H-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT H -5

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:
510 S BENTON ST
Lot: 6 BK: 4 PORTER 402

January 3, 2022 Complaint No: 69604

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

Dear DOROTHY SUBLET THOMAS:

An inspection of the property located at **510 S BENTON ST** was conducted to determine the presence of accumulated items. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF ACCUMULATION REQUIRED

The inspection revealed that an accumulation of items exists at the above-referenced property. You are required to remove the following rubbish, garbage, or any other objectionable, unsightly and/or unsanitary accumulation from public view no later than the seventh (7th) day after the date of this notice:

There are several items (mattress, wood/boards, and other items) on the property that needs to be removed and taken out of public view. If problem persists a citation will be issued.

PENALTY

Should you fail to remove the above-described accumulation as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of not less than $250 for the first offense, and not less than $500 for subsequent offenses. Each day that the violation continues is a separate offense. This penalty is separate from any abatement action that the City may perform.

REMOVAL OF ACCUMULATION BY CITY

If you fail to remove the above-described accumulation, the City will enter upon the premises

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:
510 S BENTON ST
Lot: 6 BK: 4 PORTER 402

January 3, 2022 Complaint No: 69603

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

Dear DOROTHY SUBLET THOMAS:

An inspection of the property located at **510 S BENTON ST** was conducted to determine the presence of weeds. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF WEEDS REQUIRED

The inspection revealed weeds exist on the above-described property that: 1) have grown to more than 12 inches in height; 2) create an unsanitary condition or become a breeding place for mosquitos, rodents, vermin, or other disease-carrying pests regardless of the height of the growth; or 3) endanger property or is liable to be a fire hazard. You are required to remove the weeds from the property, including the weeds between the property line and the curb of adjacent streets where curb line has been established and also to the center of adjacent alleys, no later than the seventh (7th) day after the date of this notice:

Lot is overgrown. Needs to be mowed. This is the only notice you will get for the next 12 months. If problem persists a citation will be issued.

PENALTY

Should you fail to remove the weeds as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of not less than $250 for the first offense, and not less than $500 for subsequent offenses. Each day that the violation continues is a separate offense. This penalty is separate from any abatement action that the City may perform.

REMOVAL OF WEEDS BY CITY

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:
510 S BENTON ST
Lot: 6 BK: 4 PORTER 402

January 3, 2022 Complaint No: 69603

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

Dear DOROTHY SUBLET THOMAS:

An inspection of the property located at **510 S BENTON ST** was conducted to determine the presence of weeds. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF WEEDS REQUIRED

The inspection revealed weeds exist on the above-described property that: 1) have grown to more than 12 inches in height; 2) create an unsanitary condition or become a breeding place for mosquitos, rodents, vermin, or other disease-carrying pests regardless of the height of the growth; or 3) endanger property or is liable to be a fire hazard. You are required to remove the weeds from the property, including the weeds between the property line and the curb of adjacent streets where curb line has been established and also to the center of adjacent alleys, no later than the seventh (7th) day after the date of this notice:

Lot is overgrown. Needs to be mowed. This is the only notice you will get for the next 12 months. If problem persists a citation will be issued.

PENALTY

Should you fail to remove the weeds as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of not less than $250 for the first offense, and not less than $500 for subsequent offenses. Each day that the violation continues is a separate offense. This penalty is separate from any abatement action that the City may perform.

REMOVAL OF WEEDS BY CITY

BIG SPRING TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:
510 S BENTON ST
Lot: 6 BK: 4 PORTER 402

January 3, 2022 Complaint No: 69603

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

Dear DOROTHY SUBLET THOMAS:

An inspection of the property located at **510 S BENTON ST** was conducted to determine the presence of weeds. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF WEEDS REQUIRED

The inspection revealed weeds exist on the above-described property that: 1) have grown to more than 12 inches in height; 2) create an unsanitary condition or become a breeding place for mosquitos, rodents, vermin, or other disease-carrying pests regardless of the height of the growth; or 3) endanger property or is liable to be a fire hazard. You are required to remove the weeds from the property, including the weeds between the property line and the curb of adjacent streets where curb line has been established and also to the center of adjacent alleys, no later than the seventh (7th) day after the date of this notice:

Lot is overgrown. Needs to be mowed. This is the only notice you will get for the next 12 months. If problem persists a citation will be issued.

PENALTY

Should you fail to remove the weeds as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of not less than $250 for the first offense, and not less than $500 for subsequent offenses. Each day that the violation continues is a separate offense. This penalty is separate from any abatement action that the City may perform.

REMOVAL OF WEEDS BY CITY

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

510 S BENTON ST
Lot: 65 BK: 4 PORTER 402

September 7, 2022 Case No: 71091

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
THIS PROPERTY NEEDS TO BE MOWED. YOU ARE RESPONSIBLE FROM YOUR PROPERTY LINE TO MIDDLE OF ALLEY EASEMENT AND CURB LINE TO AT LEAST 3 FEET INTO STREET. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS. IF PROBLEM PERSISTS CRIMINAL CHARGES WILL BE FILED.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos Code Compliance

the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

510 S BENTON ST
Lot: 65 BK: 4 PORTER 402

September 7, 2022 Case No: 69604

DOROTHY SUBLET THOMAS
706 OHIO ST
BIG SPRING TX 79720-1036

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (large pile of wood scraps and other items) on the property that needs to be removed and taken out of public view. It is asked that property be maintained on a regular basis. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	jleos@mybigspring.com
Phone	*E-mail*

Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,



Code Compliance
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

510 SOUTH BENTON, BIG SPRING, TEXAS 79720
Lot: 6 BK 4: PORTER ADDITION

January 13, 2023

DOROTHY SUBLET THOMAS
706 OHIO STREET
BIG SPRING

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 111.1.5 Hazardous structure or premises	Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The shed in the backyard is substandaard. The premises is littered with structural debris, remnants from fire, tires, trash, furniture, rubbish, weeds higher than 12 inches, and other accumulation and unsanitary matter that is required to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Melissa Garcia on behalf of Jacob Leos

Jacob Leos
Code Official
City of Big Spring, Texas

EXHIBIT H-6

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276209461341

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your package will arrive later than expected, but is still on its way. It is currently in transit to the next facility.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Out for Delivery

Preparing for Delivery

Moving Through Network

In Transit, Arriving Late

November 26, 2022

Departed USPS Regional Facility

MIDLAND TX DISTRIBUTION CENTER
November 23, 2022, 12:36 am

See All Tracking History

Feedback

Text & Email Updates

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362115

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service was electronically notified by the shipper on January 15, 2023 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if/when available.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Pre-Shipment

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

January 15, 2023

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit H-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT H-7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

109 NORTHEAST 10TH STREET

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 109 NORTHEAST 10TH STREET

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **109 NORTHEAST 10TH STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **SE/4 OF SC 42**, Block **32 1N** in the William B Currie Addition of Big Spring, Howard County, Texas, also known as **109 NORTHEAST 10TH STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **DAVID WARD** is the owner of the property located at the above-described premises and their mailing address is **109 NORTHEAST 10TH STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit E-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT E -1

HOWARD COUNTY APPRAISAL DISTRICT (2022)

Property ID : R000046973 Geo ID : 51442037000

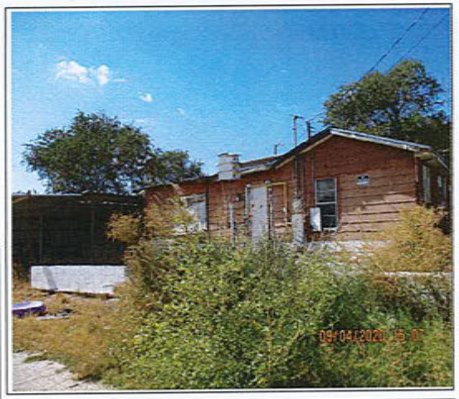
Ownership

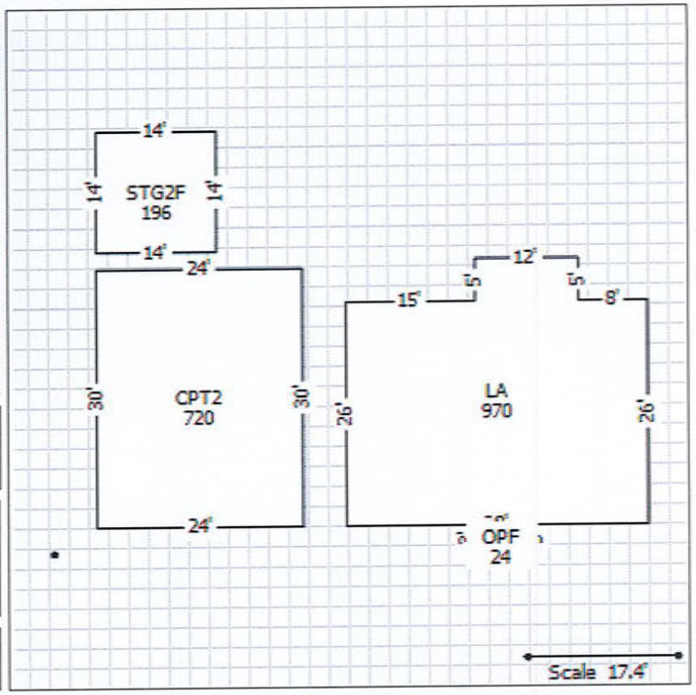
WARD DAVID

880 HWY 6 SOUTH APT 4065
HOUSTON, TX 77079

Exemptions/Deed

INST: 2017-00006179
VOL: 1632
PAGE: 364
DATE: 6/7/2017





Legal Information

LEGAL: SE/4 OF SC 42 BK 32 1N TR 42 WILLAM B CURRIE 65X80 180 BLK/TRACT 32 1N 0.119
ACRES ACQ 06072017
SITUS: 109 NE 10TH
ACRES:0.119
ALT:46973
XREF:46973.1

NOT CERTIFIED

Appraisal Coding

Appr By	CLARISSA	Appr Dt	09/04/20
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
6/7/17		1632	364	2017-00006179	6/7/17	++++++	++++++	WARD DAVID	AUSBIE JAMAICA
5/31/17		1630	421	2017-00005833	5/31/17	++++++	++++++	AUSBIE JAMAICA	YOUNG DAVID

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%		Value
LA-LIVING AREA	Y	1960/NA	RS2F	970	90.48	87,766	0 PO	-72%		0%	0%	0%	100%	0%	-72.0%	*	24,574
CPT2-CARPORT AVERAGE	Y	1960/NA	RS2F	720	9.79	7,049	0 PO	-72%		0%	0%	0%	100%	0%	-72.0%	*	1,974
OPF-OPEN PORCH / PAT	Y	1960/NA	RS2F	24	5.43	130	0 PO	-72%		0%	0%	0%	100%	0%	-72.3%	*	36
STG2F-AVG QUALITY ST	Y	1960/NA	RS2F	196	11.00	2,156	0 PO	-72%		0%	0%	0%	100%	0%	-72.0%	*	604
				======		=======	======										=======
				1,910		97,101	0										27,188

SQFT MA: 970 MKT CSF MA: 31.328 CSF IMPR: 28.029

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
CRM-COMPOSITION	0
DHC-CEN HEAT	0
FET-FRAME	0
GRT-GABLE	0
SFN-SLAB	0
1BT-1 BATH	0
	======
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF12	80.0 FF/80.0 RF/65.0 DF LOTS	40.0		40.00		0%		Y	3,200	A1						
									=======							======
									3,200							0

Comments

	2022	Ptd	Change +/-	Prior	2021	Ptd
Impr Homesite +	27,188	A1	-438	27,626		A1
Land Homesite +	3,200	A1	0	3,200		A1
Total Market =	30,388		-438	30,826		
Assessed =	30,388		-438	30,826		

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	30,388	.3275450		99.53
02B CITY OF BIG SPRING	0	30,388	.6731630		204.56
03B BIG SPRING ISD	0	30,388	1.0160000	2008	308.74
052 HOWARD COLLEGE	0	30,388	.2367770		71.95
** ESTIMATED TOTAL					=======
					684.78

Nbh Coding	Misc Coding
MULTI	BSISD_NE BSI_MAP2

User PERMITS2 Print Date 7/12/2022 2:52:36 PM Property ID : R000046973 Geo ID : 51442037000 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
109 NORTHEAST 10TH STREET CASE NOTES

"This record, attached as **Exhibit E-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit E-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT E -2

TASK #: 111995 ORIG. DATE:
TASK CODE: REINSP ACCUMLTD ITEM DUE DATE:
PROPERTY: 109 NE 10TH ST

NOTES

Incident Notes:

Task #: 111626 - INSPECT ACCUMULATED - 6/15/2022
6/27/2022 Went by and nothing had been done.
6/29/2022 Missed call from David Ward in the morning. He left his phone [redacted]. Called him back in the afternoon and he claims random people must be dumping on his property. Said he is talking to lawyer to get rid of property. Said he will try to get it cleaned up but he doesn't think he can afford to. I sent him our contractor list to the email he gave me: [redacted]
7/7/2022 Re-inspected and nothing had been done.

Task #: 111627 - ACCUMULATED ITEMS - 6/15/2022

Task #: 111995 - REINSP ACCUMLTD ITEM - 7/12/2022
7/19/2022 Drove by property and noticed it had been worked on. Called David Ward to see when it would be finished up and he said it should be done this week. I told him I would inspect the property again on Monday.

Kaleb T. Smith

From: Kaleb T. Smith
Sent: Wednesday, June 29, 2022 2:48 PM
To: [redacted]
Subject: Contractor List
Attachments: COBS MOW LIST.xls

Attached is a list of the contractors we use to clean up properties.
If you have any questions please feel free to call 432-264-2504 or email me at ksmith@mybigspring.com.

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH

"With regard to the photographs in **Exhibits E-3, D-4, and D-5** I am familiar with and recognize the scene depicted in the photographs. On June 13, 2022, June 27, 2022, and July 7, 2022 , I inspected the property described as:

> Lot **SE/4 OF SC 42**, Block **32 1N** in the William B Currie Addition of Big Spring, Howard County, Texas, also known as **109 NORTHEAST 10TH STREET**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT E -3


6/13/2022 15:20


ASSING
6/13/2022 15:21


ASSING
6/13/2022 15:21

EXHIBIT E -4


NO TRESPASSING
6/27/2022 10:42


ASSING
6/27/2022 10:41


6/27/2022 10:41

EXHIBIT E -5


O
ASSING
7/ 7/2022 11:03


NO TRESPASSING
7/ 7/2022 11:04


7/ 7/2022 11:03

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit E-7** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT E -6

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

109 NE 10TH ST
Lot: SE/4 OF SC 42 BK: 32 1N WILLIAM B CURRIE TR 42 180

June 15, 2022 Case No: 70592

DAVID WARD
880 HWY 6 SOUTH APT 4065
HOUSTON TX 77079

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
You have several items (toolbox, furniture, tires, and tons of accumulated items) that need to be removed from public view. This is the only notice you'll get for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at

https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

109 NE 10TH ST
Lot: SE/4 OF SC 42 BK: 32 1N WILLIAM B CURRIE TR 42 180

June 15, 2022 Case No: 70591

DAVID WARD
880 HWY 6 SOUTH APT 4065
HOUSTON, TX 77079

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Enforcement

217 E. 3rd St. Big Spring, TX 79720. Ph 432-264-2505

June 15, 2022

Complaint No: 70593

DAVID WARD
880 HWY 6 SOUTH APT 4065
HOUSTON TX 77079

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:
109 NE 10TH ST
Lot: SE/4 OF SC 42 BK: 32 1N WILLIAM B CURRIE TR 42 180

Dear DAVID WARD:

You, as owner/occupant of the above referenced property, are in violation of **Chapter 13** of the Health and Sanitation Code, specifically **Article 1, Section 36-63 et seq**., thereof which reads as follows:

Sec 36-63 **Accumulations of Lumber, Boxes, Barrels, Etc.**

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks or stones or similar materials that may be permitted to remain thereon, and that may be used as a harborage by rats, unless the same are placed on open racks and elevated not less than eighteen (18) inches above the ground with a clear intervening space beneath, to prevent the harborage of rats. (Ord. of 09-11-45, _ 10)

This is your notice, pursuant to and in accordance with the Code of Ordinances of the City, to correct, remedy or remove the following unsightly, objectionable or unsanitary conditions from the above referenced premises within ten (10) days of receipt of this notice.

Sec. 36-26 **Penalty for Violation of this Article**

In addition to the other remedies contained in this Article, in the event the owner or persons having possession or control of such property shall fail or refuse to abate such condition, that person shall be guilty of a misdemeanor and upon conviction shall be punishable by fine not exceeding five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense. (Ord. of 03-11-97)

If this matter has been taken care of before receipt of this letter, please notify this office.

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Code Enforcement/City of Big Spring

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

109 NORTH EAST 10TH , BIG SPRING, TEXAS 79720
Lot: SE/4 OF SC 42 BK 32: WILLIAM B. CURRIE ADDITION

January 13, 2023

DAVID WARD
880 HWY 6 SOUTH APT 4065
HOUSTON, TX 79720-4606

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.
Sec. 304.18 Building Security	Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with toolbox, furniture, tires, various accumulated items that need to be removed from the property. This premises has overgrown weeds and plant growth in excess of 12 inches that need to be mowed. This accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. Door needs to be repaired or boarded up as a temporary fix.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private

persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT E -7

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362061

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

The U.S. Postal Service was electronically notified by the shipper on January 15, 2023 to expect your package for mailing. This does not indicate receipt by the USPS or the actual mailing date. Delivery status information will be provided if/when available.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Pre-Shipment

Pre-Shipment Info Sent to USPS, USPS Awaiting Item

January 15, 2023

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit D-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

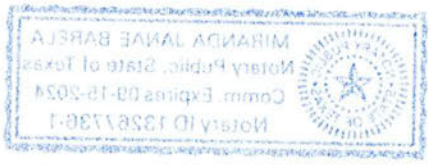

MIRANDA JANE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 132617736-1

EXHIBIT E -8

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

201 NORTHEAST 2ND STREET

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 201 NORTHEAST 2ND STREET

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **201 NORTHEAST 2ND STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **6**, Block **116** in the Original Town Addition of Big Spring, Howard County, Texas, also known as **201 NORTHEAST 2ND STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **FRANK GARZA JR** is the owner of the property located at the above-described premises and their mailing address is **201 NORTHEAST 2ND STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit B-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT B -1

HOWARD COUNTY APPRAISAL DISTRICT (2022)

Property ID : R000008788 Geo ID : B4830091900

Ownership

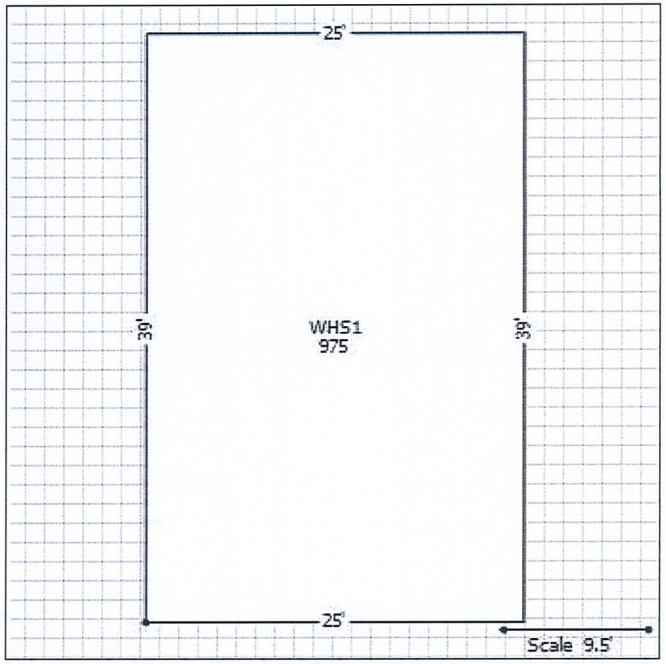
GARZA FRANK JR

807 ROSEMONT
BIG SPRING, TX 79720

Exemptions/Deed

INST: 2016-00009435
VOL: 1573
PAGE: 83
DATE: 9/23/2016





Legal Information

LEGAL: LT 6 BK 116 ORIGINAL TOWN 50X140 0083 ACQ 09232016 0.161 ACRES
SITUS: 201 NE 2ND
ACRES:0.161
ALT:8788
XREF:8788.1

NOT CERTIFIED

Appraisal Coding

Appr By	WA	Appr Dt	04/18/21
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
9/23/16		1573	83	2016-00009435	9/23/16	++++++	++++++	GARZA FRANK JR	GARZA ISABEL
10/18/07			0	0	10/18/07	++++++	++++++	GARZA ISABEL	GARZA FRANK
N/A					1/1/00	++++++	++++++	GARZA FRANK JR	GARZA ISABEL

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition %	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
WHS1-STEEL FRAME WAR	N	1970/NA	WHS1	975	27.00	26,325	0	CPO -65%	0%	0%	0%	100%	0%	-65.0%	9,214
				======		=======	======								=======
				975		26,325	0								9,214

CSF IMPR: 9.45 LOC CODE: OT

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
GRT-GABLE	0
IRM-METAL ROOF	0
NHC-NONE	0
SET-STRUC STL	0
SFN-SLAB	0
0BT-RR	0
	======
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF24	50.0 FF/50.0 RF/140.0 DF LOTS	100.0		90.00	FCT,	-10%	-500	N	4,500	F1						
									=======							======
									4,500							0

Comments

	2022	Ptd	Change +/-	Prior	2021	Ptd
Impr Non Homesite +	9,214	F1	6,582	2,632	F1	
Land Non Homesite +	4,500	F1	0	4,500	F1	
Total Market =	13,714		6,582	7,132		
Assessed =	13,714		6,582	7,132		

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	13,714	.3275450		44.92
02B CITY OF BIG SPRING	0	13,714	.6731630		92.32
03B BIG SPRING ISD	0	13,714	1.0160000		139.33
052 HOWARD COLLEGE	0	13,714	.2367770		32.47
** ESTIMATED TOTAL					=======
					309.04

Nbh Coding
MULTI
22F

Misc Coding
BSISD_NE
BSI_MAP2
OT22

User PERMITS2 Print Date 7/13/2022 3:49:18 PM Property ID : R000008788 Geo ID : B4830091900 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
201 NORTHEAST 2ND STREET CASE NOTES

"This record, attached as **Exhibit B-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit B-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT B -2

TASK #: 112065 ORIG. DATE:
TASK CODE: REINSP ACCUMLTD ITEM DUE DATE:
PROPERTY: 201 NE 2ND ST

NOTES

Incident Notes:

Task #: 111947 - INSPECT ACCUMULATED - 7/08/2022
7/18/2022 Inspected property and nothing had been done to resolve violation.

Task #: 111948 - ACCUMULATED ITEMS - 7/08/2022

Task #: 112065 - REINSP ACCUMLTD ITEM - 7/19/2022
9/2/2022 Inspected property and found that nothing had been done. There is now somebody living there in a tent. They had a generator running to power something inside the tent.

EXHIBIT B -3


2022. 9. 2 10:34


2022. 9. 2 10:34


2022. 9. 2 10:34


2022. 9. 2 10:34


2022. 9. 2 10:35


FARMALL
2022. 9. 2 10:35


2022. 9. 2 10:35


2022. 9. 2 10:35


2022. 9. 2 10:35


2022. 9. 2 10:36


2022. 9. 2 10:36

EXHIBIT B -4



















STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit B-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit B-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT B -5

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

201 NE 2ND ST
Lot: 116 BK: ORIGINAL TOWN 6 0083

July 8, 2022 Case No: 70765

FRANK GARZA JR
807 ROSEMONT ST
BIG SPRING TX 79720-3760

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
You have several items (tires, scrap wood, scrap metal, scrap plastic, and tons of accumulated items) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

201 NE 2ND ST
Lot: 116 BK: ORIGINAL TOWN 6 0083

July 8, 2022 Case No: 70763

FRANK GARZA JR
807 ROSEMONT ST
BIG SPRING TX 79720-3760

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed to the curb. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING TEXAS

Code Enforcement

217 E. 3rd St. Big Spring, TX 79720. Ph 432-264-2505

July 8, 2022

Complaint No: 70764

FRANK GARZA JR
807 ROSEMONT ST
BIG SPRING TX 79720-3760

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 13 AT:
201 NE 2ND ST
Lot: 116 BK: ORIGINAL TOWN 6 0083

Dear FRANK GARZA JR:

You, as owner/occupant of the above referenced property, are in violation of **Chapter 13** of the Health and Sanitation Code, specifically **Article 1, Section 36-63 et seq**., thereof which reads as follows:

Sec 36-63 **Accumulations of Lumber, Boxes, Barrels, Etc.**

It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks or stones or similar materials that may be permitted to remain thereon, and that may be used as a harborage by rats, unless the same are placed on open racks and elevated not less than eighteen (18) inches above the ground with a clear intervening space beneath, to prevent the harborage of rats. (Ord. of 09-11-45, _ 10)

This is your notice, pursuant to and in accordance with the Code of Ordinances of the City, to correct, remedy or remove the following unsightly, objectionable or unsanitary conditions from the above referenced premises within ten (10) days of receipt of this notice.

Sec. 36-26 **Penalty for Violation of this Article**

In addition to the other remedies contained in this Article, in the event the owner or persons having possession or control of such property shall fail or refuse to abate such condition, that person shall be guilty of a misdemeanor and upon conviction shall be punishable by fine not exceeding five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense. (Ord. of 03-11-97)

If this matter has been taken care of before receipt of this letter, please notify this office.

It is the sincere hope of the City that you will cooperate with us in helping to make Big Spring an attractive, healthful place in which to live.

Sincerely,

Code Enforcement/City of Big Spring

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

201 NORTHEAST 2ND STREET, BIG SPRING, TEXAS 79720
Lot: 6 BK 116: ORIGINAL TOWN ADDITION

January 13, 2023

FRANK GARZA JR
807 ROSEMONT STREET
BIG SPRING, TX 79720-3760

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with tires, scrap wood, scrap metal, scrap plastic and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds nd plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT B -6

USPS Tracking®

FAQs >

Remove X

Tracking Number:

9489009000276442362078

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item is being held at the BIG SPRING, TX 79720 post office at 3:53 pm on January 17, 2023. This is at the request of the customer.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivery Attempt
Held at Post Office, At Customer Request
BIG SPRING, TX 79720
January 17, 2023, 3:53 pm

Pre-Shipment Info Sent to USPS, USPS Awaiting Item
January 15, 2023

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 13, 2023**, attached as **Exhibit B-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on January 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C.
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT B -7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

203 NORTHEAST 2ND STREET

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 203 NORTHEAST 2ND STREET

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **203 NORTHEAST 2ND STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

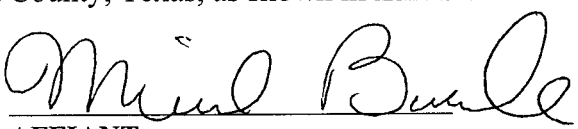
Lot **5**, Block 116 in the Original Town Addition of Big Spring, Howard County, Texas, also known as **203 NORTHEAST 2ND STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **PHILLIP MENDOZA JR** is the owner of the property located at the above-described premises and their mailing address is **203 NORTHEAST 2ND STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit C-1**.

SIGNED on the 20TH day of JANUARY, 2023.



AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

EXHIBIT C -1

Ownership

MENDOZA PHILLIP JR

110 JALICO
BIG SPRING, TX 79720-0000

Exemptions/Deed

VOL: 1302
PAGE: 462
DATE: 11/21/2012

METES AND BOUNDS

Legal Information

LEGAL: LT 5 BK 116 ORIGINAL TOWN 50X140 0082 ACQ 112112 0.161 ACRES
SITUS: 203 NE 2ND
ACRES:0.161
ALT:8787
XREF:8787.1

Appraisal Coding

Appr By DW & AB Appr Dt 11/07/14
Check By LS Check Dt 10/04/17

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
11/21/12		1302	462	0	11/21/12	++++++	++++++	MENDOZA PHILLIP JR	MENDOZA PHILLIP

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition %	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value

Feature Code	Cpsf / Value

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF24	50.0 FF/50.0 RF/140.0 DF LOTS	100.0		90.00	FCT,	-10%	-500	N	4,500	C2						
									=======							======
									4,500							0

Comments

	2022	Ptd	Change +/-	Prior 2021	Ptd
Land Non Homesite +	4,500	C2	0	4,500	C2
Total Market =	4,500		0	4,500	
Assessed =	4,500		0	4,500	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	4,500	.3275450		14.74
02B CITY OF BIG SPRING	0	4,500	.6731630		30.29
03B BIG SPRING ISD	0	4,500	1.0160000		45.72
052 HOWARD COLLEGE	0	4,500	.2367770		10.65
** ESTIMATED TOTAL					=======
					101.40

Nbh Coding

MULTI

Misc Coding

BSISD_NE
BSI_MAP2
OT22

User PERMITS2 Print Date 7/13/2022 3:46:58 PM Property ID : R000008787 Geo ID : B4830091800 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
203 NORTHEAST 2ND STREET CASE NOTES

"This record, attached as **Exhibit C-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit C-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY , 2023 by the above referenced Affiant.



Notary Public, State of Texas

EXHIBIT C -2

TASK #: 111980
TASK CODE: INSPECT ACCUMULATED
PROPERTY: 203 NE 2ND

ORIG. DATE:
DUE DATE:

NOTES

Incident Notes:

Task #: 111980 - INSPECT ACCUMULATED - 7/11/2022
7/21/22 Inspected property and found some of the trash had been picked up,
but there was still many accumulated items in the rear of the property.
Owner has not contacted me. Will give until 7/27/22 to see if any more
progress is made before turning into legal for abatement.
9/2/22 Inspected property and found no more progress had been made.

Task #: 111981 - ACCUMULATED ITEMS - 7/11/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS

"With regard to the photographs in **Exhibits C-3, C-4, and C-5** I am familiar with and recognize the scene depicted in the photographs. On July 21, 2022, September 2, 2022, and July 5, 2022 , I inspected the property described as:

Lot **5**, Block 116 in the Original Town Addition of Big Spring, Howard County, Texas, also known as **203 NORTHEAST 2ND STREET**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT C -3


2022. 7. 21 16:09


2022. 7. 21 16:09

EXHIBIT C -4


2022. 9. 2 10:34


2022. 9. 2 10:34

EXHIBIT C -5







STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY JACOB LEOS

"The document in **Exhibit C-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit C-7** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

_____
AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT C -6

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

203 NE 2ND
Lot: 5 BK: 116 ORIGINAL TOWN 50X140

July 11, 2022

Case No: 70779

PHILLIP MENDOZA JR
110 JALICO RD
BIG SPRING TX 79720-0516

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
You have several items (tires, tree branches, tree trimmings, scrap plastic, and tons of accumulated items) that need to be removed from public view. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

203 NORTHEAST 2ND STREET, BIG SPRING, TEXAS 79720
Lot: 5 BK 116: ORIGINAL TOWN ADDITION

January 13, 2023

PHILLIP MENDOZA JR
110 JALICO ROAD
BIG SPRING, TX 79720

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with tires, tree branches, tree trimmings, scrap plastic and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds and plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT C -7

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362016

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item was picked up at the post office at 4:45 pm on January 18, 2023 in BIG SPRING, TX 79720.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Post Office

BIG SPRING, TX 79720
January 18, 2023, 4:45 pm

See All Tracking History

Feedback

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^

Track Another Package

Enter tracking or barcode numbers

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit C-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on January 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT C -8

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

1604 EAST 16TH STREET

CODE OFFICER: JACOB LEOS

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF JACOB LEOS
CONCERNING 1604 EAST 16TH STREET

BEFORE ME, the undersigned authority, on this day, personally appeared **JACOB LEOS**, who, being by me duly sworn, deposed as follows:

"My name is **JACOB LEOS**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1604 EAST 16TH STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **W/2 OF LT 5**, Block **4** in the May Thixton Addition of Big Spring, Howard County, Texas, also known as **1604 EAST 16TH STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **TANYA GEAN JEWETT** is the owner of the property located at the above-described premises and their mailing address is **1604 EAST 16TH STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit I-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT I-1

Ownership

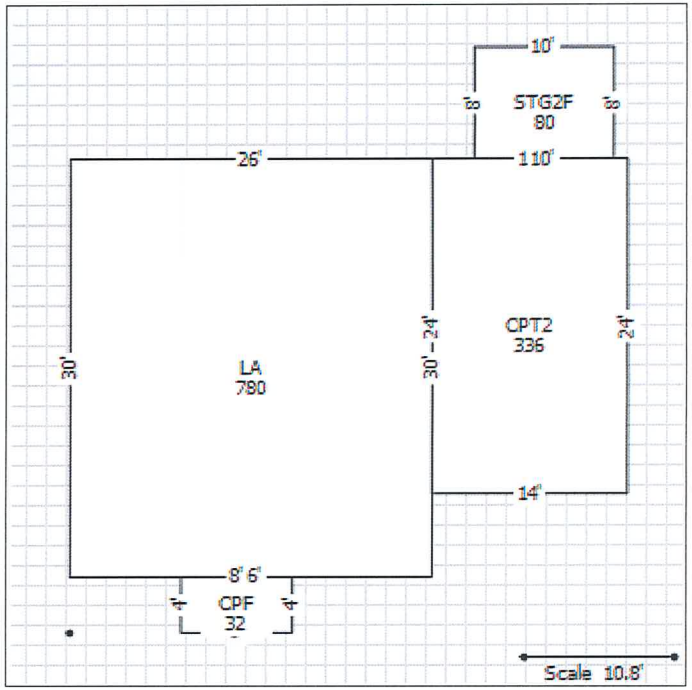
JEWETT TANYA GEAN

1604 E 16TH ST
BIG SPRING, TX 79720

Exemptions/Deed

INST: P-14458
DATE: 8/5/2015





Legal Information

LEGAL: W/2 OF LT 5 BK 4 MAY THIXTON 50X175 937 BLK/TRACT 4 0.201 ACRES ACQ 08052015
SITUS: 1604 E 16TH
ACRES:0.201
ALT:10092
XREF:10092.1

UNCERTIFIED

Appraisal Coding

Appr By CT Appr Dt 02/22/21
Check By Check Dt

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
8/5/15				P-14458	8/5/15	++++++	++++++	JEWETT TANYA GEAN	DYKES BOBBY LYNN ET UX
N/A					1/1/00	++++++	++++++	JEWETT TANYA GEAN	DYKES BOBBY LYNN ET UX

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
LA-LIVING AREA	Y	1954/NA	RS2F	780	93.96	73,289	0	PO -79%		0%	0%	0%	100%	0%	-79.0%	15,391
CPF-COVERED PORCH FR	Y	1954/NA	RS2F	32	14.09	451	0	PO -79%		0%	0%	0%	100%	0%	-78.9%	95
CPT2-CARPORT AVERAGE	Y	1954/NA	RS2F	336	9.79	3,289	0	PO -79%		0%	0%	0%	100%	0%	-79.0%	691
STG2F-AVG QUALITY ST	Y	1954/NA	RS2F	80	11.00	880	0	PO -79%		0%	0%	0%	100%	0%	-79.0%	185
				======		=======	======									=======
				1,228		77,909	0									16,362

SQFT MA: 780 MKT CSF MA: 26.463 CSF IMPR: 20.977 LOC CODE: GD

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
CRM-COMPOSITION	0
FET-FRAME	0
GRT-GABLE	0
PFN-PIER AND BE	0
1BT-1 BATH	0
WHC-WINDOW UNIT	0
	======
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	50.0 FF/50.0 RF/175.0 DF LOTS	70.0		70.00		0%		Y	3,500	A1						
									=======							======
									3,500							0

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	17,141	A1	0	17,141	A1
Land Homesite +	3,500	A1	0	3,500	A1
Total Market =	20,641		0	20,641	
Assessed =	20,641		0	20,641	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	20,641	.3275450		67.61
02B CITY OF BIG SPRING	0	20,641	.6731630		138.95
03B BIG SPRING ISD	0	20,641	1.0160000		209.71
052 HOWARD COLLEGE	0	20,641	.2367770		48.87
** ESTIMATED TOTAL					=======
					465.14

Nbh Coding	Misc Coding
HSAPPNOT19	BSISDE
HSAPPNOT20	GD22
HSAPPNOT21	
HSAPPNOT22	

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
1604 EAST 16TH STREET CASE NOTES

"This record, attached as **Exhibit I-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit I-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT I-2

TASK #: 112875 ORIG. DATE:]
TASK CODE: INSPECT ACCUMULATED DUE DATE:]
PROPERTY: 1604 E 16TH ST

NOTES

Incident Notes:
9/21/22 OBSERVED PROPERTY HAS A LARGE ACCUMULATION OF ITEMS INCLUDING TIRES, TRASH, WOOD, METAL, PLASTIC, FURNITURE, SOFAS, CABINETS, E-WASTE, POLES, TOOLS, CONTAINERS, JUNK, COOLERS, TOOL BOXES AND MANY OTHER ITEMS ON PROPERTY INCLUDING JUNK VEHICLES. WILL SEND NOTICE.

Task #: 112875 - INSPECT ACCUMULATED - 10/14/2022

Task #: 112876 - ACCUMULATED ITEMS - 10/14/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY JACOB LEOS

"With regard to the photographs in **Exhibits I-3, and I-4** I am familiar with and recognize the scene depicted in the photographs. On September 21, 2022, and November 14, 2022 , I inspected the property described as:

> Lot **W/2 OF LT 5**, Block **4** in the May Thixton Addition of Big Spring, Howard County, Texas, also known as **1604 EAST 16TH STREET**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT I-3


9/21/2022 10:06


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


9/21/2022 10:07


BEWARE
NO
TRESPASSING
9/21/2022 10:07


9/21/2022 10:08


9/21/2022 10:08


9/21/2022 10:08


1604
9/21/2022 10:08


9/21/2022 10:08


9/21/2022 10:08


BEWARE
NO
TRESPASSING
9/21/2022 10:08


9/21/2022 10:08

EXHIBIT I-4


11/14/2022 14:40


11/14/2022 14:40


1604
OBJECTS IN MIRROR ARE CLOSER
11/14/2022 14:40


11/14/2022 14:40


11/14/2022 14:40

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY JACOB LEOS

"The document in **Exhibit I-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit I-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT I-5

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1604 E 16TH ST
Lot: 5 BK: 4

October 14, 2022 Case No: 71264

TANYA GEAN JEWETTT
1604 E 16TH ST
BIG SPRING TX 79720-4941

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (INCLUDING TIRES, TRASH, WOOD, METAL, PLASTIC, FURNITURE, SOFAS, CABINETS, E-WASTE, POLES, TOOLS, CONTAINERS, JUNK, COOLERS, TOOL BOXES AND MANY OTHER ITEMS) on the property that needs to be removed and taken out of public view. It is asked that property be maintained on a regular basis. If problem persists, criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	Jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,



Code Compliance
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1604 E 16TH ST
Lot: 5 BK: 4

October 14, 2022

Case No: 71260

TANYA GEAN JEWETTT
1604 E 16TH ST
BIG SPRING TX 79720-4941

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are accumulated items on property that present conditions for rat harborage INCLUDING scrap wood, trash, garbage bags, sofas and many other items. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1604 E 16TH ST
Lots: 5 BK: 4

October 14, 2022 Case No: 71259

TANYA GEAN JEWETTT
1604 E 16TH ST
BIG SPRING TX 79720-4941

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
THIS PROPERTY NEEDS TO BE MOWED. YOU ARE RESPONSIBLE FROM YOUR PROPERTY LINE TO MIDDLE OF ALLEY EASEMENT. IT IS ASKED THAT PROPERTY BE MAINTAINED ON A REGULAR BASIS. IF PROBLEM PERSISTS CRIMINAL CHARGES WILL BE FILED.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos Code Compliance

432-264-2502	jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to

the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720
Lot: W/2 OF LT 5 BK 4: MAY THIXTON ADDITION

January 13, 2023

TANYA GEAN JEWETT
1604 EAST 16TH STREET
BIG SPRING, TX 79720-4941

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with tires, trash, wood, metal, plastic, furniture, sofas, cabinets, e-waste, poles, tools, containers, junk, coolers, tool boxes and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds nd plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Jacob Leos	Code Compliance
Name	*Department*
432-264-2502	Jleos@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which

the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Marissa Garcia on behalf of Jacob Leos

Jacob Leos, Code Enforcement
City of Big Spring, Texas

EXHIBIT I-6

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362054

Copy Schedule a Redelivery (https://tools.usps.com/redelivery.htm)

Latest Update

We attempted to deliver your item at 10:59 am on January 17, 2023 in BIG SPRING, TX 79720 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning January 18, 2023. If this item is unclaimed by February 1, 2023 then it will be returned to sender.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed
Notice Left (No Authorized Recipient Available)
BIG SPRING, TX 79720
January 17, 2023, 10:59 am

Pre-Shipment Info Sent to USPS, USPS Awaiting Item
January 15, 2023

Text & Email Updates ⌄

Schedule Redelivery ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit I-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT I-7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

702 EAST 15TH STREET

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 702 EAST 15TH STREET

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **702 EAST 15TH STREET**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **2**, Block **19** in the Cole & Strayhorn Addition of Big Spring, Howard County, Texas, also known as **702 EAST 15TH STREET**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **OSCAR H. HERNANDEZ** is the owner of the property located at the above-described premises and their mailing address is **702 EAST 15TH STREET**, Big Spring, Howard County, Texas, as shown in **Exhibit F-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT F -1

HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000002412 Geo ID : B2880018200

Ownership

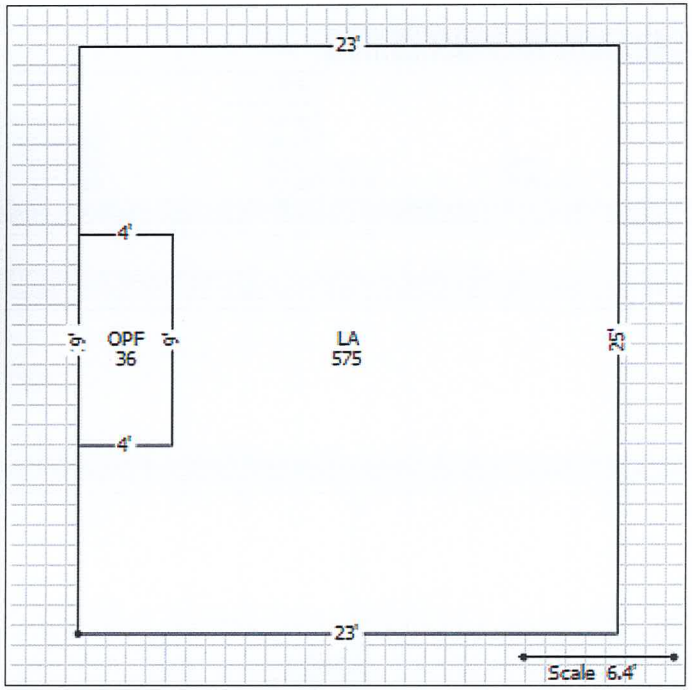
HERNANDEZ OSCAR H

1405 BENTON
BIG SPRING, TX 79720-4635

Exemptions/Deed

VOL: 1156
PAGE: 330
DATE: 10/16/2009





Legal Information

LEGAL: LT 2 BK 19 COLE & STRAYHORN 50X140 777 ACQ 101609 BLK/TRACT 19 0.161 ACRES
SITUS: 702 E 15TH
ACRES:0.161
ALT:2412
XREF:2412.1

NOT CERTIFIED

Appraisal Coding

Appr By	TG/CT	Appr Dt	12/09/20
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
10/16/09		1156	330	0	10/16/09	++++++	++++++	HERNANDEZ OSCAR H	SMITH DORRACE J

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition %	Fn%	Ec%	Cpl%	Loc%	Net Adj%		Value
LA-LIVING AREA	Y	1950/NA	RS2F	575	99.18	57,028	0	VP -90%	0%	0%	0%	100%	0%	-90.0%	*	5,703
OPF-OPEN PORCH / PAT	Y	1950/NA	RS2F	36	5.95	214	0	VP -90%	0%	0%	0%	100%	0%	-90.2%	*	21
				611		57,242	0									5,724

SQFT MA: 575 MKT CSF MA: 28.417 CSF IMPR: 9.955 LOC CODE: GD

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
CRM-COMPOSITION	0
FET-FRAME	0
FRT-FLAT	0
MHC-MOIST AIR	0
PFN-PIER AND BE	0
1BT-1 BATH	0
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	50.0 FF/50.0 RF/140.0 DF LOTS	70.0		70.00		0%		Y	3,500	B2						0
									3,500							

Comments

RECHECK: GB21 SEE IF DEMOLISHED 1/1/2021

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	12,840	B2	0	12,840	B2
Land Homesite +	3,500	B2	0	3,500	B2
Total Market =	16,340		0	16,340	
Assessed =	16,340		0	16,340	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	16,340	.3275450		53.52
02B CITY OF BIG SPRING	0	16,340	.6731630		109.99
03B BIG SPRING ISD	0	16,340	1.0160000		166.01
052 HOWARD COLLEGE	0	16,340	.2367770		38.69
** ESTIMATED TOTAL					368.21

Nbh Coding	Misc Coding
GB19	BSISDE
MULTI	GD22

User PERMITS2 Print Date 8/25/2022 9:19:46 AM Property ID : R000002412 Geo ID : B2880018200 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
702 EAST 15TH STREET CASE NOTES

"This record, attached as **Exhibit F-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit F-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT F -2

TASK #: 112219 ORIG. DATE:
TASK CODE: INSPECT ACCUMULATED DUE DATE:
PROPERTY: 702 E 15TH ST

NOTES

Incident Notes:

Task #: 112219 - INSPECT ACCUMULATED - 8/08/2022
8/25/2022 Inspected property and noticed the tires that were behind the shed had been moved. Other than that there has been no progress made. There were 3 men at the property and looked like they may be installing a fence without a permit. Will inspect further.
I did receive signed receipts from the letters I sent via certified mail.

Task #: 112220 - ACCUMULATED ITEMS - 8/08/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH

"With regard to the photographs in **Exhibits F-3, and F-4** I am familiar with and recognize the scene depicted in the photographs. On July 27, 2022, and August 25, 2022, I inspected the property described as:

> Lot **2**, Block **19** in the Cole & Strayhorn Addition of Big Spring, Howard County, Texas, also known as **702 EAST 15TH STREET**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT F -3


7/27/2022 14:51


7/27/2022 14:51


7/27/2022 14:51


7/27/2022 14:51


7/27/2022 14:51


7/27/2022 14:51


7/27/2022 14:52


7/27/2022 14:53


7/27/2022 14:53


7/27/2022 14:53


7/27/2022 14:53


7/27/2022 14:53

EXHIBIT F -4


2022. 8. 25 11:16


OBJECTS IN MIRROR ARE
CLOSER THAN THEY APPEAR
2022. 8. 25 11:16


2022. 8. 25 11:17


2022. 8. 25 11:17

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit F-5** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit F-6** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT F -5

BIG SPRING TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

702 E 15TH ST
Lot: 2 BK: 19 COLE & STRAYHORN 777

August 8, 2022 Case No: 70890

OSCAR H HERNANDEZ
1405 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (tires, scrap wood, scrap metal, scrap plastic, remnants of burnt structure, furniture, plastic barrels, metal barrels, trash, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Officer
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

702 E 15TH ST
Lot: 2 BK: 19 COLE & STRAYHORN 777

August 8, 2022 Case No: 70891

OSCAR H HERNANDEZ
1405 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be

personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

702 E 15TH ST
Lot: 2 BK: 19 COLE & STRAYHORN 777

August 8, 2022 Case No: 70889

OSCAR H HERNANDEZ
1405 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.4 Weeds	Premises and exterior property not maintained free from weeds or plant growth in excess of 12 inches (not including shrubs, trees or cultivated flowers).

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
Property is overgrown and needs to be mowed. This is the only notice you will receive for the next 12 months. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may proceed with abatement (taking the corrective action for you). If so, the City will send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

ANNUAL NOTICE FOR WEEDS. If a violation covered by this notice occurs before the first anniversary of the date of this notice, and the City had not been informed in writing by the owner of an ownership change, then the City, without further notice, may take the corrective action and charge the abatement costs to the owner and file the lien as above.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance
City of Big Spring, Texas

BIG SPRING TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

VIOLATION OF THE BIG SPRING CITY CODE, CHAPTER 36 AT:
702 E 15TH ST
Lot: 2 BK: 19 COLE & STRAYHORN 777

August 8, 2022 Complaint No: 70892

OSCAR H HERNANDEZ
1405 BENTON
BIG SPRING TX 79720

Sent via: US Certified Mail return receipt requested

Dear OSCAR H HERNANDEZ:

An inspection of the property located at **702 E 15TH ST** was conducted to determine the presence of junked vehicle(s). You are receiving this notice because you are believed to be one or more of the following: property owner, property manager, occupant, the last known registered owner of the vehicle(s), or a lienholder of record of the vehicle(s).

REMOVAL OF JUNKED VEHICLE(S) REQUIRED

The inspection revealed that one or more junked vehicles is located at the above-referenced property. You are required to remove the following junked vehicles from public view no later than the tenth (10th) day after the date of this notice:

White sedan with missing doors, trunk, wheels/tires.

PENALTY

Should you fail to remove the junked vehicle(s) as required by law, a violation may be issued to you, which could result in a fine being assessed against you of up to $500 per day.

HEARING

You have the right to request a hearing to object to the City's intent to declare the junked vehicle(s) as public nuisance. Any request for a hearing must be made by mail or personal delivery to the Office of the City Secretary at 310 Nolan St., Big Spring, Texas 79720 before the tenth (10th) day of the date of this notice.

If you request a hearing, you and any owner, lienholder, property owner/occupant, or witness shall have a right to testify. The City Attorney will represent the City, present the City's evidence, and call the City's witnesses. The vehicle(s) shall be presumed to be inoperable unless demonstrated otherwise.

If a preponderance of the evidence at the hearing shows that the vehicle(s) is a junked vehicle, the hearing office shall make a finding that the vehicle is a junked vehicle and thus constitutes a public nuisance and shall order that the junked vehicle(s) be demolished and disposed of as scrap or salvage. A vehicle that is declared a public nuisance by the hearing office may not be reconstructed or made operable. The hearing office is the City Council.

APPEAL

Any owner, lienholder, or owner/occupant may appeal the determination of the hearing office to any court of competent jurisdiction with ten (10) days of the hearing office's determination. The City shall not abate or remove the junked vehicle(s) declared to be a public nuisance while an appeal is pending.

FAILURE TO REMOVE VEHICLE(S) OR REQUEST A HEARING

If you fail to remove the junked vehicle(s) and you do not request a hearing, the City shall declare the junked vehicle(s) to be a public nuisance and abate and remove the vehicle(s) from the premises. This will terminate your ownership of the junked vehicle(s).

You may view the City's ordinances concerning junked vehicles online by going to https://library.municode.com/tx/big_spring, Big Spring City Code Chapter 36, Article IV. – Abandoned, Inoperative, or Junked Motor Vehicles.

Sincerely,

Code Enforcement Officer
City of Big Spring, Texas

APPLICABLE CITY CODES:

Sec. 36-115. - Definitions.

This article adopts procedures pursuant to Texas Transportation Code Title 7, Chapter 683, Subchapter E on junked vehicles as public nuisances, and their abatement. For the purposes of this article, the following words shall have the meaning hereinafter given:

...

Junked vehicle means a vehicle that is, and is:

1. Visible at any time of the year from a public place or public right-of-way; and
2. Self-propelled; and
3. Is:
   a. Wrecked, dismantled, or partially dismantled, or discarded; or
   b. Inoperable and has remained inoperable for more than:
      i. Seventy-two consecutive hours, if the vehicle is on public property; or
      ii. Thirty consecutive days, if the vehicle is on private property;
4. And is:
   a. A motor vehicle that displays an expired license plate or does not display a license plate;
   b. An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(c)A watercraft that:
(i) Does not have lawfully on board an unexpired certificate of number; and
(ii)Is not a watercraft described by Parks and Wildlife Code § 31.055.
(5) The definition of "junked vehicle" includes a part or parts of such a vehicle.

Sec. 36-116. - Junked vehicles declared a public nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way: is detrimental to the safety and welfare of the public; tends to reduce the value of private property; invites vandalism; creates a fire hazard; is an attractive nuisance creating a hazard to the health and safety of minors; produces urban blight adverse to the maintenance and continuing development of municipalities; and therefore, is a public nuisance.

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720
Lot: 2 BK 9: COLE & STRAYHORN ADDITION

January 13, 2023

OSCAR H. HERNANDEZ
1405 SOUTH BENTON STREET
BIG SPRING, TX 79720-4635

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with tires, scrap wood, scrap metal, scrap plastic, remnants of burnt structure, furniture, plastic barrels, metal barrels, trash and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds and plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which

the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT F -6

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362047

Copy Schedule a Redelivery (https://tools.usps.com/redelivery.htm)

Latest Update

We attempted to deliver your item at 2:54 pm on January 18, 2023 in BIG SPRING, TX 79720 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning January 19, 2023. If this item is unclaimed by February 2, 2023 then it will be returned to sender.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivery Attempt: Action Needed
Notice Left (No Authorized Recipient Available)
BIG SPRING, TX 79720
January 18, 2023, 2:54 pm

Available for Pickup
BIG SPRING, TX 79720
January 18, 2023, 7:41 am

See All Tracking History

Text & Email Updates ⌄

Schedule Redelivery ⌄

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oscar H Hernandez
1405 S Benton St
Big Spring, TX 79720

9590 9402 3650 7335 2339 58

2. Article Number *(Transfer from service label)*

7008 2810 0001 4842 3475

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Oscar Hernandez ☐ Agent ☐ Address

B. Received by *(Printed Name)* C. Date of Deliv

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restri Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmatio
- ☐ Signature Confirmatio Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Recei

USPS TRACKING #

9590 9402 3650 7335 2339 58

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Attn: Kaleb Smith - 300
City of Big Spring
310 Nolan St
Big Spring, TX 79720

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oscar Hernandez
1405 S Benton St
Big Spring, TX 79720

9590 9402 3650 7335 2339 41

2. Article Number *(Transfer from service label)*
7008 2810 0001 4842 3482

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Oscar Hernandez ☐ Agent ☐ Address

B. Received by *(Printed Name)* C. Date of Delive

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail
- ☐ Mail Restricted Delivery 500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restrict Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING #

9590 9402 3650 7335 2339 41

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box*

Attn: Kaleb Smith - 300
City of Big Spring
310 Nolan St
Big Spring, TX 79720

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oscar H Hernandez
1405 S Benton St
Big Spring, TX 79720

9590 9402 3650 7335 2339 41

2. Article Number *(Transfer from service label)*

7008 2810 0001 4842 3482

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Oscar Hernandez ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Oscar H Hernandez
1405 S Benton St
Big Spring, TX 79720

9590 9402 3650 7335 2339 58

2. Article Number *(Transfer from service label)*

7008 2810 0001 4842 3475

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Oscar Hernandez ☐ Agent ☐ Addressee

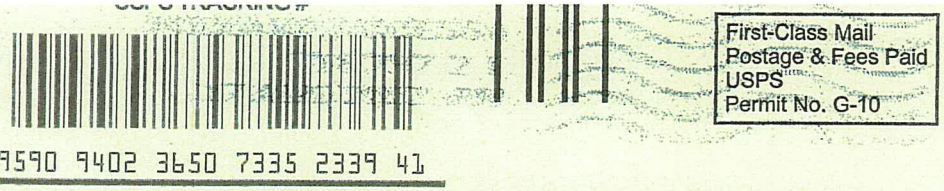
B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

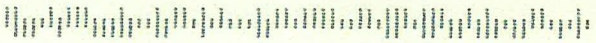


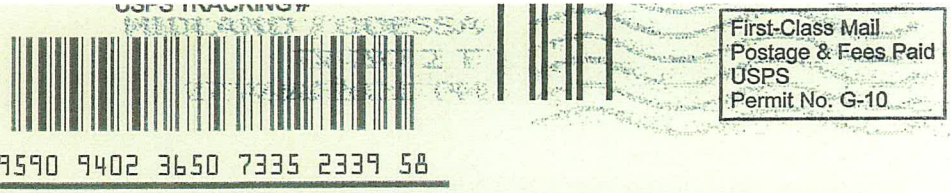
9590 9402 3650 7335 2339 41

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Attn: Kaleb Smith - 300
City of Big Spring
310 Nolan St
Big Spring, TX 79720





9590 9402 3650 7335 2339 58

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Attn: Kaleb Smith - 300
City of Big Spring
310 Nolan St
Big Spring, TX 79720



STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit F-7**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13207736-1

EXHIBIT F -7

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

1001 SYCAMORE

CODE OFFICER: KALEB SMITH

STATE OF TEXAS §
§
COUNTY OF HOWARD §

AFFIDAVIT OF KALEB SMITH
CONCERNING 1001 SYCAMORE

BEFORE ME, the undersigned authority, on this day, personally appeared **KALEB SMITH**, who, being by me duly sworn, deposed as follows:

"My name is **KALEB SMITH**. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

"I am a code compliance official for the City of Big Spring, Texas. In the course of my duties, I inspect properties for compliance with Texas state law and the ordinances of the City of Big Spring. I am an employee of the City of Big Spring and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities. Attached are pages of records relating to the Code Compliance Case for **1001 SYCAMORE**, Big Spring, Texas. These are exact duplicates of original records. The records were made at or near the time of each act, event, or finding set forth. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity. It is the regular practice of the business activity to make the records."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.



Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
CONCERNING THE IDENTITY AND ADDRESS OF
OWNER, LIENHOLDER, OR MORTGAGEE

"I made a reasonable effort to determine the identity and address of an owner, lienholder, or mortgagee of the property described as:

Lot **1**, Block 1 in the Highland Park Addition of Big Spring, Howard County, Texas, also known as **1001 SYCAMORE**, Big Spring, Texas

by searching the following records:

1. county real property records of the county in which the building is located;
2. appraisal district records of the appraisal district in which the building is located;
3. records of the secretary of state;
4. assumed name records of the county in which the building is located;
5. tax records of the municipality; and
6. utility records of the municipality.

Using the above-described records, I verified that **AARON MICHAEL GARRISON** is the owner of the property located at the above-described premises and their mailing address is **1001 SYCAMORE**, Big Spring, Howard County, Texas, as shown in **Exhibit D-1**.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

CRYSTAL RAMIREZ
Notary Public, State of Texas
Comm. Expires 10-21-2024
Notary ID 132739241

EXHIBIT D -1

HOWARD COUNTY APPRAISAL DISTRICT (2023)

Property ID : R000005040 Geo ID : B3770000100

Ownership

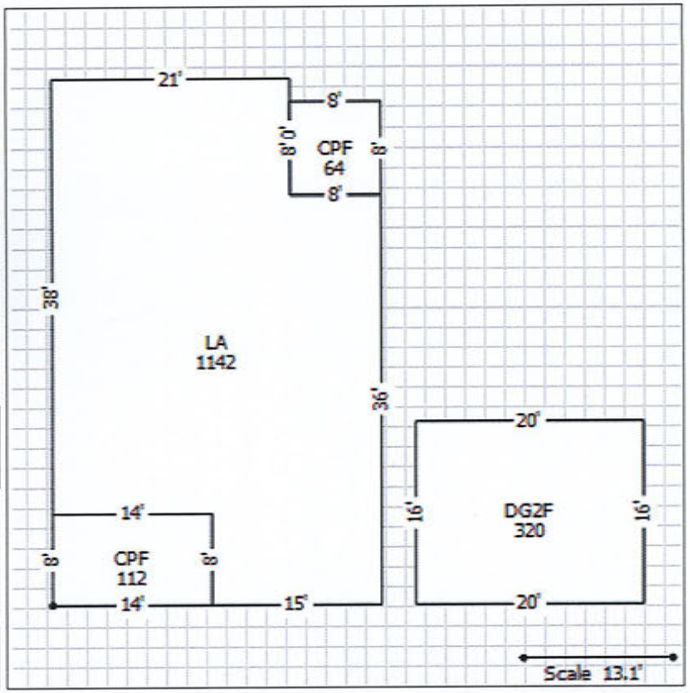
GARRISON AARON MICHAEL

1504 BENTON
BIG SPRING, TX 79720-0000

Exemptions/Deed

VOL: 1160
PAGE: 101
DATE: 11/18/2009





Legal Information

LEGAL: LT 1 BK 1 HIGHLAND PARK 50X125 1184 ACQ 111809 0.143 ACRES
SITUS: 1001 SYCAMORE
ACRES:0.143
ALT:5040
XREF:5040.1

UNCERTIFIED

Appraisal Coding

Appr By	JD	Appr Dt	11/02/21
Check By		Check Dt	

Sale Dt	Type	Vol	Page	Inst	Deed Dt	Price	Value@Sale	Grantee	Grantor
11/18/09		1160	101	0	11/18/09	++++++	++++++	GARRISON AARON MICHAEL	WRIGHT JEREMY L ET UX
5/7/01		0827	411	0	11/18/09	++++++	++++++	WRIGHT JEREMY L ET UX	DELAGARZA JOEL & KELLI
10/30/92		0668	526	0	11/18/09	++++++	++++++	DELAGARZA JOEL ET UX	DELAGARZA JOEL ET UX

Agent	Mortgage	Geo Quad	Aerial	Map Id	Use
		0			

Building Code	Hs	Year/Eff Yr	Class	Sqft	Cpsf	Buildings	Features	Depreciation %	Condition	%	Fn%	Ec%	Cpl%	Loc%	Net Adj%	Value
LA-LIVING AREA	Y	1920/NA	RS3F	1,142	101.79	116,244	0	FA -75%		0%	0%	0%	100%	0%	-75.0%	29,061
CPF-COVERED PORCH FR	Y	1920/NA	RS3F	112	15.27	1,710	0	FA -75%		0%	0%	0%	100%	0%	-75.0%	428
DG2F-DETACHED GARAGE	Y	1920/NA	RS3F	320	54.02	17,286	0	FA -75%		0%	0%	0%	100%	0%	-75.0%	4,322
CPF-COVERED PORCH FR	Y	1920/NA	RS3F	64	15.27	977	0	FA -75%		0%	0%	0%	100%	0%	-75.0%	244
				======		=======	======									=======
				1,638		136,217	0									34,055

SQFT MA: 1142 MKT CSF MA: 32.885 CSF IMPR: 29.82 LOC CODE: KN

Feature Code	Cpsf / Value
AST-1 STORY	0
AUT-ALL	0
CRM-COMPOSITION	0
EHC-WALL	0
FET-FRAME	0
GRT-GABLE	0
PFN-PIER AND BE	0
1BT-1 BATH	0
	======
	0

Land Code	Units / Alt Units	Cpu	Cpu Cd	Mkt Cpu	Adjustment Codes	Adj%	Adj Amt	Hs	Mkt Value	Ptd Prd	Prod Code	Prod Use	Yr Grant	Units	Cpu	Spec Value
LFF18	50.0 FF/50.0 RF/125.0 DF LOTS	70.0		70.00		0%		Y	3,500	A1						
									=======							======
									3,500							0

Comments

	2023	Ptd	Change +/-	Prior 2022	Ptd
Impr Homesite +	34,055	A1	0	34,055	A1
Land Homesite +	3,500	A1	0	3,500	A1
Total Market =	37,555		0	37,555	
Assessed =	37,555		0	37,555	

Entity / Description	Exemption	Txbl Value	Rate Per $100	Frz Yr	Ext. Tax Levy
01H HOWARD COUNTY	0	37,555	.3275450		123.01
02B CITY OF BIG SPRING	0	37,555	.6731630		252.81
03B BIG SPRING ISD	0	37,555	1.0160000		381.56
052 HOWARD COLLEGE	0	37,555	.2367770		88.92
** ESTIMATED TOTAL					=======
					846.30

Nbh Coding

Misc Coding

BSISDEN
KN22

User PERMITS2 Print Date 9/2/2022 1:50:17 PM Property ID : R000005040 Geo ID : B3770000100 Quick Link :

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
1001 SYCAMORE CASE NOTES

"This record, attached as **Exhibit D-2**, was made at or near the time by – or from information transmitted by a person or persons with the City with knowledge.

This record was kept in the course of a regularly conducted business activity of the Code Compliance Department of the City of Big Spring, Texas.

Making this record was a regular practice of that activity.

1. The City uses a computer.
2. The computer is reliable.
3. The City has developed procedures for inserting data into the computer.
4. The procedure has built-in safeguards to ensure accuracy and to identify errors.
5. The City keeps the computer in a good state of repair.
6. I had the computer readout certain data.
7. I used the proper procedures to obtain the readout.
8. The computer was in working order at the time I obtained the readout.
9. I recognize the attached **Exhibit D-2** as the readout."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

Notary Public, State of Texas

NOTARY PUBLIC STATE OF TEXAS
MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

EXHIBIT D -2

09-02-2022 01:59 PM TASK NOTES REPORT

TASK #: 112355 ORIG. DATE:

TASK CODE: INSPECT ACCUMULATED DUE DATE:

PROPERTY: 1001 SYCAMORE ST

NOTES

Incident Notes:

Task #: 112355 - INSPECT ACCUMULATED - 8/18/2022

8/12/2022 Code Official Jacob Leos and I were cutting down a mesquite in the ROW at 1001 Sycamore when 3 people approached from the house. They said they were renting the house for free in exchange for cleaning up the property. They claimed they would have the property cleaned up soon.

8/16/2022 Code Officers Garcia and Reyna talked to them and said the property had to be cleaned up ASAP.

8/17/2022 Code Officer Garcia got information from the people. The mans name was Don Brooks, [redacted] Also spoke to Lisa Edmonds, [redacted]

While driving by, noticed they had erected a makeshift fence without a permit in order to cover the AI that needed to be removed from the garage and side of the house.

Task #: 112356 - ACCUMULATED ITEMS - 8/18/2022

TASK #: 112361 ORIG. DATE:

TASK CODE: INSPECT RODENT CONT DUE DATE:

PROPERTY: 1001 SYCAMORE ST

NOTES

Incident Notes:

Task #: 112361 - INSPECT - 8/18/2022

9/2/2022 Inspected property and found nothing had been done.

Task #: 112362 - RODENT CONTROL - 8/18/2022

TASK #: 112357 ORIG. DATE:
TASK CODE: INSPECT ACCUMULATED DUE DATE:
PROPERTY: 1001 SYCAMORE ST

NOTES

Incident Notes:

Task #: 112357 - INSPECT ACCUMULATED - 8/18/2022
9/2/2022 Inspected property and found nothing had been done.

Task #: 112358 - ACCUMULATED ITEMS - 8/18/2022

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
PHOTOGRAPHS TAKEN BY KALEB SMITH

"With regard to the photographs in **Exhibits D-3, D-4, and D-5** I am familiar with and recognize the scene depicted in the photographs. On July 19, 2022, August 17, 2022, and September 2, 2022 , I inspected the property described as:

> Lot **1**, Block 1 in the Highland Park Addition of Big Spring, Howard County, Texas, also known as **1001 SYCAMORE**, Big Spring, Texas

Each of the photographs is a fair and accurate depiction of the scene at the relevant time."

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT D -3


2022. 7.19 14:10


2022. 7.19 14:11


2022. 7.19 14:12


2022. 7. 19 14:12


2022. 7. 19 15:03


2022. 7.19 15:04

EXHIBIT D -4


130
2022. 8. 17 14:23

EXHIBIT D -5


13C
2022. 9. 2 11:11

2022. 9. 2 11:11


2022. 9. 2 11:11


2022. 9. 2 11:11


2022. 9. 2 11:11

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
NOTICE SENT BY KALEB SMITH

"The document in **Exhibit D-6** presents factual findings from a legally authorized investigation for code compliance. The document is a copy of the official record."

Certified Mail Return for **Exhibit E-7** is also attached.

SIGNED on the 20TH day of JANUARY, 2023.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

EXHIBIT D -6

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022 Case No: 70981

AARON GARRISON
1504 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (mattresses, doors, tree trimmings, scrap wood, scrap metal, scrap plastic, furniture, tires, cardboard, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022

Case No: 70984

AARON GARRISON
1504 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022 Case No: 70980

DON BROOKS
1001 SYCAMORE ST
BIG SPRING TX 79720-3119

Sent via: First Class US Mail

The City of Big Spring has determined that the following section of the **Property Maintenance Code (PMC) of Big Spring** has been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.1 Sanitation	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There are several items (mattresses, doors, tree trimmings, scrap wood, scrap metal, scrap plastic, furniture, tires, cardboard, and tons of accumulated items) that need to be removed from public view. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at

310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Compliance Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION AND ORDER TO ABATE

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022 Case No: 70983

DON BROOKS
1001 SYCAMORE ST
BIG SPRING TX 79720-3119

Sent via: First Class US Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and **Big Spring City Code Chapter 36** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code Sec. 302.5 Rodent Harborage	Structures and exterior property shall be kept free from rodent harborage and infestation.
Big Spring City Code Sec. 36-62. Dumping, accumulating, etc., garbage and trash so as to afford food or harborage for rats.	No garbage, rubbish, waste, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in the city so that the same shall or may afford food for or a harboring or breeding place for rats.
Big Spring City Code Sec. 36.63 Accumulations of lumber, boxes, barrels, etc.	It shall be unlawful for any person to permit to accumulate on any premises, improved or unimproved, or on any open lot or alley in the city any lumber, boxes, barrels, bricks, or stones or similar materials that may be permitted to remain thereon, and that may be used as harborage by rats, unless same are placed on open racks and elevated not less than 18 inches above the ground with a clear intervening space beneath, to prevent the harborage of rats.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
There is an accumulation of items that provide harborage and/or food to rodents and other vermin that needs to be removed from the property. If problem persists criminal charges will be filed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2508	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

FAILURE TO TAKE THE CORRECTIVE ACTION WITHIN THE DEADLINE MAY RESULT IN ABATEMENT BY THE CITY, CHARGING YOU AND/OR PROPERTY OWNER(S) WITH COSTS AND PENALTIES. If you fail to take the corrective action within the deadlines stated above, the City may initiate Proceedings to Abate. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of

the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL. Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Code Official
City of Big Spring, Texas

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION
OF THE BIG SPRING ZONING CODE AT:

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022 Complaint No: 70979

AARON GARRISON
1504 BENTON
BIG SPRING TX 79720

Sent via: First Class US Mail

Dear AARON GARRISON:

An inspection of the property located at **1001 SYCAMORE ST** was conducted to determine the presence of a zoning violation. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF BUILDING, STRUCTURE, OR PART THEREOF

The inspection revealed that a building, structure, or part thereof has been erected, constructed, reconstructed, moved, or structurally altered in violation of the Zoning Code of the City of Big Spring.

You are required to remove the following building, structure, or part thereof from the above-described property: A fence has been constructed without a permit. You must get a permit or remove the fence from the property.

PENALTY

Should you fail to remove the specified building, structure, or part thereof from the above-described property as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of up to $2,000. Each day that the violation continues is a separate offense.

APPLICABLE ZONING CODES

SECTION 1-8. Violations and Penalties

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed $2,000.00 for each offense. Each day a violation occurs is a separate offense.

You may view the City's Zoning Ordinances online by going to https://library.municode.com/tx/big_spring, Big Spring Zoning Ordinance.

Sincerely,

Code Official
City of Big Spring

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2504

NOTICE OF VIOLATION
OF THE BIG SPRING ZONING CODE AT:

1001 SYCAMORE ST
Lot: 1 BK: 1 HIGHLAND PARK

August 18, 2022 Complaint No: 70978

DON BROOKS
1001 SYCAMORE ST
BIG SPRING TX 79720-3119

Sent via: First Class US Mail

Dear DON BROOKS:

An inspection of the property located at **1001 SYCAMORE ST** was conducted to determine the presence of a zoning violation. You are receiving this notice because you are believed to be one or more of the following: property owner, occupant/resident, or agent for the property owner.

REMOVAL OF BUILDING, STRUCTURE, OR PART THEREOF

The inspection revealed that a building, structure, or part thereof has been erected, constructed, reconstructed, moved, or structurally altered in violation of the Zoning Code of the City of Big Spring.

You are required to remove the following building, structure, or part thereof from the above-described property: A fence has been constructed without a permit. You must get a permit or remove the fence from the property.

PENALTY

Should you fail to remove the specified building, structure, or part thereof from the above-described property as required by law, a criminal violation may be issued to you via the Municipal Court, which could result in a fine being assessed against you of up to $2,000. Each day that the violation continues is a separate offense.

APPLICABLE ZONING CODES

SECTION 1-8. Violations and Penalties

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed $2,000.00 for each offense. Each day a violation occurs is a separate offense.

You may view the City's Zoning Ordinances online by going to https://library.municode.com/tx/big_spring, Big Spring Zoning Ordinance.

Sincerely,

Code Official
City of Big Spring

BIG SPRING
TEXAS

Code Compliance

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF VIOLATION, ORDER TO ABATE AND NOTICE OF HEARING

1001 SYCAMORE, BIG SPRING, TEXAS 79720
Lot: 1 BK 1: HIGHLAND PARK ADDITION

January 13, 2023

DON BROOKS
1001 SYCAMORE STREET
BIG SPRING, TX 79720

Sent via: First Class US Mail and Certified Mail

The City of Big Spring has determined that the following section(s) of the **Property Maintenance Code (PMC) of Big Spring** and the **Big Spring Zoning Ordinance** have been violated, constituting a nuisance:

VIOLATION	Description of Violation
Property Maintenance Code	
Sec. 302.1 Sanitation.	The exterior of the property and premises are not maintained in a clean, safe, and sanitary condition.
Sec. 302.4 Weeds	The premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches.
Sec. 302.5 Rodent harborage.	The exterior of the property is not being kept free from rodent harborages.
Sec. 308.1. Accumulation of rubbish or garbage.	Exterior property and premises…shall be free from any accumulation of rubbish or garbage.

The following actions are required to correct these violations within the deadlines.

Corrective Action Required	Deadline for Compliance
The premises is littered with mattresses, doors, tree trimmings, scrap wood, scrap metal, scrap plastic, furniture, tires, cardboard and various other items that need to be removed. The accumulation of these items provide harborage and/or food to rodents and other vermin that need to be removed as well. This premises has overgrown weeds and plant growth in excess of 12 inches that need to be mowed.	Seven (7) days from date of mailing

For further information about this notice, please contact the following person:

Issued by

Kaleb Smith	Code Compliance
Name	*Department*
432-264-2504	ksmith@mybigspring.com
Phone	*E-mail*

The City's goal is voluntary compliance.

FAILURE TO TAKE THE CORRECTIVE ACTION BY THE DEADLINE MAY RESULT IN FINE. Failure to take the corrective action regarding the nuisance(s) by the prescribed deadline(s) may result in a complaint (a criminal charge, Class C Misdemeanor) sworn against you in the Municipal Court of Big Spring alleging the violation. A person found guilty may be convicted by the Court and fined. Each day that a violation continues after due notice has been served is deemed a separate offense. A convicted person may appeal their case to Howard County Court. This punishment is separate from and in addition to any abatement action that the City may perform and cannot result in a lien.

YOU ARE HEREBY NOTIFIED THAT THE CITY HAS INITIATED PROCEEDINGS TO ABATE THE ABOVE-DESCRIBED NUISANCES AT YOUR EXPENSE. This proceeding is held before a hearing board (either City Council or the Board of Adjustment and Appeals). The hearing board will review the case and rule on the City's request to abate the nuisance. If so ordered by the hearing board, the City will abate the nuisance and send you and/or the owner(s) an invoice for the City's costs plus a civil penalty, typically 25% of the amount of the costs. In the event you and/or the owner(s) do not pay the invoice promptly, the City of Big Spring will assess a lien against the property to secure payment for services rendered and the civil penalty. You have the right to appeal the costs, lien, and civil penalty to the District Court. The abatement procedure is separate from and in addition to any charge filed in Municipal Court.

The City Council will serve as the Hearing Board for your case. The hearing is scheduled for **January 24, 2023** at **5:30 p.m.** at the City Council Chambers located at **307 E 4th St., Big Spring, Texas 79720**. You are encouraged to attend this hearing to demonstrate the scope of work that may be required to comply with the Building Codes and the time it will take to reasonably perform the work.

CONDUCT OF THE HEARING. The Structural Standards Ordinance of the Big Spring City Code provides the following concerning the conduct of the hearing:

SECTION 9.02. - Rules; oral evidence; admissibility of evidence; exclusion of evidence; rights of parties.

(a) Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(b) Oral Evidence. Oral evidence shall be taken only on oath or affirmation.

(c) Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.

(d) Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

(e) Rights of Parties. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

(f) The City Attorney shall present the case for the City. If the City Attorney is recused or disqualified, the City Manager shall determine who shall present the case for the City.

YOU HAVE A RIGHT TO APPEAL THE DECISION OF THE HEARING BOARD. If the Code Official's order is upheld by the Hearing Board, you may appeal its ruling to the District Court within thirty (30) days pursuant to Section 8.03 of the Structural Standards Ordinance of the Big Spring City Code. If you fail to appeal the Hearing Board's ruling within that time, such order shall be final.

FAILURE TO COMPLY/ATTACHMENT OF LIEN. If the owner of a premises fails to comply with an order of the Board within the time prescribed, and the City conducts abatement or work, either through an available public agency or by contract or arrangement with private persons, and the cost of such abatement work shall be charged against the real estate upon which

the nuisance is located and shall be a lien on such real estate.

NOTICE TO OWNER: According to the real property records of Howard County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

NOTICE TO EMPLOYEE OF OWNER: If you are an individual employed by the owner of the property, or a company that manages the property on behalf of the owner, you may be personally liable for criminal or civil penalties resulting from the violation under Section 250.003, Texas Local Government Code, unless, not later than the fifth calendar day after this notice you provide the property owner's name, current street address, and telephone number to the Code Compliance Officer who sent this notice.

TRANSFER OF OWNERSHIP UNLAWFUL: Please be advised that until this order is complied with, it shall be unlawful (being a Class C Misdemeanor) to transfer ownership of the property— with conditions and exceptions stated in PMC Sec. 111.6.

RIGHTS AND REMEDIES RESERVED. The City of Big Spring expressly reserves any additional rights and remedies that may be available to it, including but not limited to injunctive or equitable relief.

CITY CODE. The City Code is online at https://library.municode.com/tx/big_spring. *See* Big Spring City Code, Chapter 36, Property Maintenance Code of Big Spring; and 2021 International Property Maintenance Code, available for public inspection at the Office of the City Secretary at 310 Nolan St., Big Spring, Texas and available online for free at https://codes.iccsafe.org/codes/i-codes.

Sincerely,

Kaleb Smith, Code Enforcement
City of Big Spring, Texas

EXHIBIT D -7

USPS Tracking®

FAQs >

Remove ×

Tracking Number:

9489009000276442362023

Copy Add to Informed Delivery (https://informeddelivery.usps.com/)

Latest Update

Your item is being held at the BIG SPRING, TX 79720 post office at 12:02 pm on January 17, 2023. This is at the request of the customer.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivery Attempt
Held at Post Office, At Customer Request
BIG SPRING, TX 79720
January 17, 2023, 12:02 pm

Pre-Shipment Info Sent to USPS, USPS Awaiting Item
January 15, 2023

Text & Email Updates ⌄

Return Receipt Electronic ⌄

USPS Tracking Plus® ⌄

Product Information ⌄

See Less ^



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

BIG SPRING POST OFFICE TX
AUG 19 2022
Postmark Here
79720-9998

Sent To Don Brooks
Street and Apt. No., or PO Box No. 1001 Sycamore St
City, State, ZIP+4® Big Spring, TX 79720

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 1370 0000 4245 2686



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

BIG SPRING POST OFFICE TX
AUG 19 2022
Postmark Here
79720-9998

Sent To Aaron Garrison
Street and Apt. No., or PO Box No. 1504 Benton St
City, State, ZIP+4® Big Spring, TX 79720

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructio

7016 1370 0000 4245 2655

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt;* attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

PS Form **3800,** April 2015 *(Reverse)* PSN 7530-02-000-9047

Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt;* attach PS Form 3811 to your mailpiece; for an electronic return receipt, see a retail associate for assistance. To receive a duplica return receipt for no additional fee, present th USPS®-postmarked Certified Mail receipt to retail associate.
  - Restricted delivery service, which provides delivery to the addressee specified by name, to the addressee's authorized agent.
  - Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
  - Adult signature restricted delivery service, wh requires the signee to be at least 21 years of and provides delivery to the addressee specif by name, or to the addressee's authorized ag (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bea USPS postmark. If you would like a postmark or this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on th Certified Mail receipt, detach the barcoded porti of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your record

PS Form **3800,** April 2015 *(Reverse)* PSN 7530-02-000-9047

STATE OF TEXAS §
§
COUNTY OF HOWARD §

CERTIFICATION
OF POSTING OF PUBLIC HEARING

"The Hearing Board of the City of Big Spring, Texas notice of Public Hearing scheduled for **JANUARY 24, 2023**, attached as **Exhibit D-8**, was posted on or near the front door of each dwelling unit listed in the attached notice on January 20, 2023.

This notice was also published in the Big Spring Herald on JANUARY 14, 2023."

SIGNED on the 20TH day of JANUARY, 2023.

V.C.

AFFIANT

SWORN TO AND SUBSCRIBED before me this 20TH day of JANUARY, 2023 by the above referenced Affiant.

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-15-2024
Notary ID 13267736-1

Notary Public, State of Texas

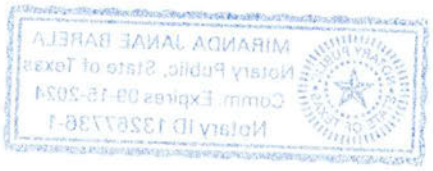

MIRANDA JANAE BARELA
Notary Public, State of Texas
Comm. Expires 09-16-2024
Notary ID 132677738-1

EXHIBIT D -8

BIG SPRING
TEXAS

Code Enforcement

217 E 3rd St., Big Spring, Texas 79720 · Ph. 432-264-2505

NOTICE OF PUBLIC HEARING
CONCERNING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT THE BIG SPRING HEARING BOARD WILL HOLD A PUBLIC HEARING ON **JANUARY 24, 2023** AT **5:30 P.M.**, IN THE CITY OF BIG SPRING COUNCIL CHAMBERS AT 307 E 4TH ST., BIG SPRING, TEXAS 79720 TO CONSIDER ABATEMENT OF PUBLIC NUISANCES ON PROPERTIES IN THE CITY OF BIG SPRING, TEXAS. ALL INTERESTED PERSONS MAY SPEAK, THEN A DETERMINATION WILL BE MADE AND REMEDIAL ACTION ORDERED ON THE FOLLOWING PROPERTIES:

1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720 – LTS 5-6, BK 2, MOUNTAINVIEW ADDITION – OWNER: EARL D KOLDEN, 1400 STATEPARK DRIVE, BIG SPRING, TEXAS 79720

2509 OLD HWY 80, BIG SPRING, TEXAS 79720 – LTS 8-9, BK 4, LINCOLN ADDITION – OWNER: LEONOR RIOS, 2509 OLD HWY 80, BIG SPRING, TEXAS 79720

2714 LYNN, BIG SPRING, TEXAS 79720 - LT 12, BK 10, KENTWOOD ADDITION – OWNER: DONALD DEEN BOOTH, 2509 OLD HWY 80, BIG SPRING, TEXAS.

209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720 – 2 ACRES TR OF SC 44, BK 32 1N 60X140 579 BLK – OWNER: ARBOH GROUP, LLC, 209 CIRCLE DRIVE, BIG SPRING, TEXAS 79720

510 SOUTH BENTON, BIG SPRING, TEXAS 79720 – LT 6, BK 4, PORTER ADDITION – OWNER: THOMAS DOROTHY, 510 SOUTH BENTON, BIG SPRING, TEXAS 79720

109 NE 10TH STREET, BIG SPRING, TEXAS 79720 – SE/4 OF SC 42 BK 32, WILLIAM B CURRIE ADDITION – OWNER: DAVID WARD, 109 NE 10TH STREET, BIG SPRING, TEXAS 79720

201 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 6, BK 116, ORIGINAL TOWN ADDITION – OWNER: FRANK GARZA JR, 201 NE 2ND STREET, BIG SPRING, TEXAS 79720

203 NE 2ND STREET, BIG SPRING, TEXAS 79720 – LT 5, BK 116, ORIGINAL TOWN ADDITION – OWNER: PHILLIP MENDOZA JR, 203 NE 2ND STREET, BIG SPRING, TEXAS 79720

1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720 – W/2 OF LT 5 BK 4, MAY THIXTON ADDITION – OWNER: TANYA GEAN JEWETT, 1604 EAST 16TH STREET, BIG SPRING, TEXAS 79720

702 EAST 15TH STREET, BIG SPRING, TEXAS 79720 – LT 2, BK 19, COLE AND STRAYHORN ADDITION – OWNER: OSCAR H HERNANDEZ, 702 EAST 15TH STREET, BIG SPRING, TEXAS 79720

1001 SYCAMORE, BIG SPRING, TEXAS 79720 – LT 1, BK 1, HIGHLAND PARK ADDITION – OWNER: AARON MICHAEL GARRISON, 1001 SYCAMORE, BIG SPRING, TEXAS 79720

THE CITY OF BIG SPRING HEARING BOARD MEETING IS AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT TAMI DAVIS AT 432-264-2513 OR AT 310 NOLAN, BIG SPRING, TEXAS 79720, AT LEASE FORTY-EIGHT (48) HOURS IN ADVANCE OF THE MEETING.

Building Official, City of Big Spring

STATE OF TEXAS :
COUNTY OF HOWARD :
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a REGULAR AGENDA in the City Council Chambers located at 307 E. 4th St., Big Spring, Texas, at 5:30 PM, January 10, 2023, with the following members present in person:

COUNCIL MEMBER TROY TOMPKINS
MAYOR ROBERT MOORE
COUNCIL MEMBER GLORIA MCDONALD
MAYOR PRO TEM NICK ORNELAS
COUNCIL MEMBER DIANE YANEZ
COUNCIL MEMBER CODY HUGHES

Same and constituting a quorum, for which four Councilmembers must be present; and the following staff in person;

TODD DARDEN	City Manager
JOHN MEDINA	Assistant City Manager
ANDREW HAGEN	City Attorney
SHANE BOWLES	Public Works Director
CHAD WILLIAMS	Police Chief
CRAIG FERGUSON	Fire Chief
MIKE FEELEY	Airpark Director
SANDY SMITH	Finance Director
HAYLEY LEWIS	Community Services Director
TAMI DAVIS	City Secretary
MANDY HAYNES	Municipal Judge

Open Session

Call to Order
Mayor Moore called the meeting to order at 5:30 p.m.

Invocation
Bella Willard with Cornerstone Covenant church gave the invocation.

Pledge of Allegiance to the United States Flag and to the Texas State Flag
Mayor Moore led the Pledge of Allegiance to the United States Flag and to the Texas State Flag.

Public Comment

Public Comment

There was one comment from a citizen regarding an item on the agenda for the collection of delinquent accounts.

Announcements, Presentations and Public Hearings

City Manager's Report

City Manager's report on the following items:

- Update on Large Item Pickup, District 6 - Dec. 21, 2022
- Large Item Pickup, District 1 - Jan. 18, 2023
- City Holiday - Martin Luther King Day, Jan. 16th
- Grant Award for the Water Line Replacement - Runnels St.
- Update on the Effects of our Water System Due to the Recent Cold Weather

Todd Darden, City Manager, gave an update on the above captioned items as follows; Large Item Pickup for Dist. 6 picked up 6 Tons of items; Large Item Pickup for Dist. 1 will on Jan. 18, 2023; Jan. 16th city offices will be closed for Martin Luther King Day and there will an annual walk that starts at 6 p.m.; the City was awarded a grant to be used for the water line replacement from 11th Street to 18th Street; and also thanked the Utility Department for the work on some water line breaks due to cold weather.

Consent Items

Approval of the City Council Minutes of the Two Regular Meetings of December 13, 2022.

Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Additional Funding for the Roy Anderson Sports Complex Lighting Project; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of Purchasing a Key/Equipment Locker System for the Police Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for

Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transfering Capital Funds Within the Airpark Fund Budget for the Purpose of Purchasing a Utility Vehicle; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Motel Tax Fund Budget for the Purpose of Increasing the Dues and Subscription Account; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund Budget for the Purpose of a Cleanup Regarding some Cross Contamination Caused by Pigeons in Several Areas Above the City Council Chambers; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

Final Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Transfering Capital Funds into Expense Accounts for the Purpose of Leasing Vehicles Through the Enterprise Lease Program for Various Departments; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the second and final reading of the above captioned minutes and ordinances, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Other Business

Final Reading of an Ordinance Amending the Big Spring City Code, Chapter 48, “Traffic and Vehicles” Article VI “Wreckers,,” by Renaming the Article “Tow Trucks,” and amending the Article to Adjust Towing Fees, Modify Regulations, Set Penalties; Prohibit Violations of the Article; Provide for Hearings; and Lift Suspensions of Any Towing

Companies Issued Prior to the Effective Date of the Ordinance; Providing for Severability; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the amendments to the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION PASSED

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned amended ordinance, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION

Vouchers

Manual Cks. $ 1,271,510.59

Council Member Tompkins reviewed the above captioned vouchers.

MOTION WAS MADE BY Council Member Tompkins to approve the above captioned vouchers, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**

NAYS: None

MOTION PASSED

Vouchers for 12/15/22 $ 601,127.91
Vouchers for 12/29/22 $ 748,420.27
Manual Ck. $ 1,382,985.04

Council Member Hughes reviewed the above captioned vouchers for Council Member Smith.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned vouchers, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, **6**

Council Member Hughes, Council Member McDonald, Council Member Tompkins **0**
NAYS: None

MOTION PASSED

Vouchers for 01/05/23 $ 210,521.06
Mayor Pro Tem Ornelas reviewed the above captioned vouchers.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned vouchers, seconded by Council Member Hughes.
YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**
NAYS: None

MOTION PASSED

New Business

Acknowledge Receipt of the Quarterly Claims and Litigation Report from the City Attorney
Council Members acknowleded receipt of the City Attorney's report.

Discussion and Possible Action Regarding the Second Council Meeting to be Held on February 28, 2023 in Conjunction with the Summit Meeting on the Same Date.
Todd Darden, City Manager, explained that the Community Summit Meeting is scheduled for February 28, 2023 which is the same day as our regular City Council meeting and asked the Council if they would consider that as our second meeting for February.

MOTION WAS MADE BY Council Member Yanez to approve that the February 28, 2023 Council meeting be in conjunction with the Community Summit Meeting, seconded by Council Member Tompkins.
YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**
NAYS: None

MOTION PASSED

Consideration and Possible Action to Accept a Donation from Oxy Petroleum to the Fire Department and from JRAC (Regional Advisory Council) to the EMS Department.

First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the General Fund

Budget for the Purpose of Purchasing Rescue Equipment (Boots) for the Fire Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

First Reading of an Ordinance Amending Ordinance Number 038-2022 which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the EMS Fund Budget for the Purpose of Additional Education for the EMS Department; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to accept the above captioned donations and approve the two above captioned ordinances relating to the donations, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION

First Reading of an Ordinance Amending Ordinance Number 038-2022 Which Adopted the Annual Budget for the City of Big Spring, Texas for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023 by Increasing the Landfill Enterprise Fund Budget for the Purpose of Wood Chipping at the Big Sandy Landfill; Providing for Repeal of Ordinances in Conflict Herewith; Providing for Publication; and Providing an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Mayor Pro Tem Ornelas.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

First Reading of an Ordinance of the City Council of the City of Big Spring, Texas Amending Chapter 2 of the Big Spring City Code Entitled “Administration,” Article VII “Boards and Commissions,” Division 5 “Traffic Commission,” Section 2-300 by Amending Subsection (D) and Adding a New Subsection (E); in Order to Render Inactive the Said Board and Release the Members of the Board for Potential Consideration for Service on Other Boards; Providing for Severability; and Providing for an Effective Date

MOTION WAS MADE BY Council Member Hughes to approve the above captioned ordinance, seconded by Council Member McDonald.

YEAS: Mayor Moore, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**5 1**

NAYS: Mayor Pro Tem Ornelas

MOTION PASSED

First Reading of an Ordinance of the City of Big Spring, Texas Amending Chapter 28, “Health,” of the Big Spring Code, Article V, "Municipal Ambulance Services," Section 28-135 Entitled “Ambulance Fees” to Update Fees For Basic Ambulance Services; Providing for Severability; Providing for Publication; and Providing an Effective Date.

MOTION WAS MADE BY Council Member McDonald to approve the above captioned ordinance, seconded by Council Member Tompkins.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6** **0**
NAYS: None	

MOTION PASSED

First Reading of a Resolution to Prohibit Openly Carrying a Handgun by a Holder of a License to Carry into the Room or Rooms in Which any Meeting of the City Council is Meeting

MOTION WAS MADE BY Council Member Hughes to approve the above captioned resolution, seconded by Council Member Tompkins.

YEAS: Council Member Hughes, Council Member Tompkins	**2**
NAYS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member McDonald	**4**

MOTION FAILED

First Reading of a Resolution of the City Council of the City of Big Spring, Texas, Amending Resolution 031-2022 to Authorize and Appoint the City Manager to Submit an Application to the Public Safety Office for the “Bullet-Resistant Shield Grant Program, FY2023” to Secure Funding for 30 Street Level Bullet-Resistant Shields; Provide Written Assurance that in an Event of Loss or Misuse of Grant Funds the City Council Will Return All Funds to the Office of the Governor; and Providing for an Effective Date

MOTION WAS MADE BY Council Member Yanez to approve the above captioned resolution, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6** **0**
NAYS: None	

MOTION PASSED

First Reading of a Resolution Calling for a General Election to be Held on May 6, 2023 for the Purpose of Electing One Person to Serve as City Council Member for District One and One Person to Serve as City Council Member for District Three; Providing for the Conduct of the Election; Designating Several Polling Places Within the City;

Authorizing the Mayor to Execute Notice and Have the Notice Posted for the Purpose of Notifying the Public of Said Election; and Providing for Severability

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned resolution, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Consideration and Possible Action to Enter into an Agreement with Lumenserve, Inc. to Purchase and Install an LED Tower Lighting System and Provide Related Services, and Authorizing the City Manager or His Designee to Execute any Necessary Documents.

MOTION WAS MADE BY Council Member Hughes to approve the above captioned agreement, seconded by Council Member Yanez.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Consideration and Possible Action to Extend the Real Estate Service Agreement with Texas Communities Group, LLC to September 30, 2023.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned agreement extension, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Consideration and Possible Action to approve an Agreement for Engineering Services with Jacob Martin, LLC for ARP-EDA Airpark Water and Sewer Improvements and Authorizing the City Manager or His Designee to Execute any Necessary Documents.

MOTION WAS MADE BY Council Member Yanez to approve the above captioned agreement, seconded by Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION PASSED

Discuss and approve two contingent fee contracts with the Law Firm of McCreary, Veselka, Bragg and Allen, P.C. first, for the collection of delinquent

municipal court fines and fees pursuant to Tex. Code of Criminal Procedure, Art. 103.003, and second, for the collection of accounts receivable including but not limited to delinquent utility bills, emergency medical services, and the cost incurred by the City or authorized by City Code to be imposed by the City to bring any property into compliance with the City Code including assessments for the mowing of vacant lots, removal of trash and debris from lots, demolition of substandard structures and abatement of other nuisances by the City ("Delinquent Accounts Receivable"), and furthermore approve a written statement of the findings of City Council. Specifically, the City Council will discuss and consider whether McCreary, Veselka, Bragg and Allen, P.C. is a well-qualified law firm based on demonstrated competence, qualifications and experience in collecting delinquent court fines and fees and Delinquent Accounts Receivable, and whether the contract negotiated between the City of Big Spring, Texas and McCreary, Veselka, Bragg and Allen, P.C. is for a fair and reasonable price as provided for in Texas Code of Criminal Procedure, Art 103.0031(b).

In Accordance with Texas Government Code, section 2254.1036(a)(1), the City of Big Spring, Texas provides the following written notice to the public in connection with the above agenda item:

1. The City of Big Spring, Texas is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a delinquent fines, and fees collection law firm, to collect delinquent fines and fees owed to the municipal court of Big Spring, Texas. The desired outcome of the legal services would be for the City of Big Spring, Texas to collect the delinquent fines and fees that its municipal court is owed in as short a time period as is possible.
2. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting delinquent fines and fees for over sixteen-years, and currently represents hundreds of Texas cities and counties in the collection of delinquent fines and fees. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent fines and fees collection law firm.
3. The City of Big Spring, Texas is pursuing the legal services of McCreary, Veselka, Bragg and Allen, P.C., a collection law firm, to collect Delinquent Accounts Receivable owed to the City of Big Spring, Texas. The desired outcome of the legal services would be for the City of Big Spring, Texas to collect the Delinquent Accounts Receivable owed in as short a time period as is possible.
4. McCreary, Veselka, Bragg and Allen, P.C. have been competently collecting amounts owed. McCreary, Veselka, Bragg and Allen, P.C. is a competent, qualified, and experienced delinquent fines and fees collection law firm.
5. The legal services desired by the City of Big Spring, Texas that are the subject of the contract cannot be adequately performed by the attorneys and supporting personnel of the City of Big Spring, Texas because the City of Big Spring, Texas does not have funds in its budget to pay the estimated salaries and wages for employees to perform the services of municipal court fine and fee collection, and the services of collecting Delinquent Accounts Receivable.

6. The legal services desired by the City of Big Spring, Texas that are the subject of the contract cannot be reasonably obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency because the City of Big Spring, Texas does not have funds in its budget to pay the estimated hourly fees and other costs incurred to implement an effective delinquent fines and fees collection program under a contract providing only for the payment of hourly fees and costs. Texas Code of Criminal Procedure, Art. 103.0031 allows a city to recover a penalty to defray the costs of collecting delinquent fines and fees, only if the city has entered into a contract with a private attorney or public or private vendor pursuant to Code of Criminal Procedure, Art. 103.0031.

To defray the costs of collecting delinquent fines and fees as provided by Texas Code of Criminal Procedure, Art. 103.0031, to save money and ensure that the collection of delinquent fines and fees is diligently pursued for the City of Big Spring, Texas, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of the City of Big Spring, Texas.
To defray the costs of collecting Delinquent Accounts Receivable, to save money and ensure that the collection s diligently pursued for the City of Big Spring, Texas, a contingent fee contract with McCreary, Veselka, Bragg and Allen, P.C. is in the best interests of the residents of the City of Big Spring, Texas.

MOTION WAS MADE BY Mayor Pro Tem Ornelas to approve the above captioned contract, seconded by Council Member McDonald.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins **6 0**
NAYS: None

MOTION PASSED

Council Input

Input
Mayor Pro Tem Ornelas reminded everyone of the large item pickup for District One and the Young Marines will be helping
Council Member Tompkins would like see all of the Budget Amendments on the next Financial update
Council Member McDonald asked about new roll outs being delivered and to remember that Martin Luther King gave women alot of power and rights and she also has concern regarding the new council voting software

Executive Session

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.072 Texas Government Code, "Deliberation

Regarding Real Property; Closed Meeting," to Deliberate the Purchase, Exchange, Lease, or Value of Real Property when Deliberation in an Open Meeting Would Have a Detrimental Effect on the Position of the Governmental Body in Negotiations with a Third Person.

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.087, Texas Government Code, "Deliberation Regarding Economic Development Negotiations; Closed Meeting" to Discuss and Deliberate Economic Development Negotiations

Adjourn into Executive Session in Accordance with the Purposes Permitted by the Open Meetings Act, Section 551.071, Texas Government Code, "Consultation with Attorney; Closed Meeting," and the Texas Disciplinary Rules of Professional Conduct, to Provide Legal Advice and Counsel with Respect to Litigation.

MOTION WAS MADE BY Council Member Yanez to adjourn into the above captioned executive sessions at 6:37 p.m., seconded Council Member Hughes.

YEAS: Mayor Moore, Mayor Pro Tem Ornelas, Council Member Yanez, Council Member Hughes, Council Member McDonald, Council Member Tompkins	**6 0**
NAYS: None	

MOTION

RECONVENE into Open Session and Take any Necessary Action on Executive Session Items

Council reconvened into open session at 7:30 p.m. No action was taken.

ADJOURN

Mayor Moore adjourned the City Council Meeting at 7:35 p.m.

_____

Robert H. Moore III, Mayor

ATTEST:

_____

Tami L. Davis, City Secretary

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, November 15, 2022, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:30 p.m. Tuesday, November 15, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on November 10, 2022, to all Directors, the news media, and duly posted on November 10, 2022, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, November 15, 2022, at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is Public Comment, Presentation by Leading EDG, Action on Minutes of the October 11, 2022, Regular Meeting, Action on September and October Investment Report and Financials, Directors Report, Board Comment, and Adjourn".

Directors Present:
Mr. Raul Benavides- President
Mrs. Kristy Tyra- Secretary/Treasurer
Mr. Shane Seaton

Directors Absent:
Mr. Cody Williams- Vice President
Mr. Paschal Odom

Staff Present:
Mr. Mark Willis,
Ms. Teresa Morris

Guests that signed in: Melissa Sanchez

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:
Mr. Benavides called the meeting to order at 5:30 p.m. Mr. Benavides led the invocation and pledge.

ACTION ITEM #2- Public Comment:
None

AGENDA ITEM #3- Presentation by Leading EDG:
Mr. McAlpine gave an update on projects Leading EDG has facilitated in 2022.

ACTION ITEM #4- Consideration/Action to Approve Minutes of the October 11, 2022 Regular Meeting:
Mr. Benavides presented the Minutes. Mrs. Tyra made a motion to approve the Minutes, seconded by Mr. Seaton. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Consideration/Action to Approve September and October Investment Report and Financials:
Mrs. Tyra presented the Investment Report and Financials. Mrs. Tyra made a motion to approve the Investment Report and Financials, seconded by Mr. Seaton. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #6- Directors Report:
Projects:
A meeting was held at the EDC offices to go over the terms of the contract with Cross Ell Ranch associated with the $3.2 million EDA grant and the contract is now being crafted. The bids to demolish the Ramada Inn/Prison property have come in under budget and a sales contract with the prospect for the property's redevelopment is in development. The restaurant prospect the EDC and City have been working with can now have the sign desired with changes to the City policies. The Associate Director attended the TEDC

Annual Meeting. The EDC Director attended the IAMC Fall Forum. The Associate Director attended the High Ground Annual Meeting. The EDC Director attended the annual CDFA Forum. The large County industrial prospect has had its 313 Agreement with Big Spring ISD approved, and they have met with the School Board to discuss details. We expect to hear from the prospect soon regarding potential agreements with the County and Howard College. The EDC has facilitated meetings between the City and EDC leaders met with a prospect interested in constructing a battery storage facility in Big Spring. The consensus is that the project may be better suited to locate in the County. The EDC Director and City leaders continue to work with the Ryan group on the further development of his properties downtown. The EDC Director spoke to the annual PBRPC meeting on the EDA grant process.
Meetings: The EDC Associate Director continues to facilitate additional rail meetings to discuss future developments with UP and Big Spring Rail. The ECD Director participated in two monthly radio interviews. The EDC Associate Director spoke to the P&Z committee on potential changes to the City's sign policy, resulting in a positive outcome. The EDC Director participated in three City staff meetings. The EDC Associate Director attended the monthly County leadership meeting. The next Board meeting will be December 20th.

AGENDA ITEM #7-Board Comments:
The board expressed their enthusiasm for the continued positive direction the EDC is going.

AGENDA ITEM #11- Adjourn:
Mr. Seaton made a motion to adjourn, seconded by Mrs. Tyra
The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.
Meeting adjourned at 5:49 pm on November 15, 2022.

Mr. Raul Benavides, President

ATTEST:

Mrs. Kristy Tyra, Secretary/Treasurer

Minutes of the Board of Director's Regular Meeting
BIG SPRING ECONOMIC DEVELOPMENT CORPORATION
Tuesday, December 20, 2022, 5:15 p.m.
Offices of the Big Spring Economic Development Corporation
215 West Third Street, Big Spring, Texas

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:18 p.m. Tuesday, December 20, 2022, in the offices of the Big Spring Economic Development Corporation. The following notice was sent on December 16, 2022, to all Directors, the news media, and duly posted on December 16, 2022, by Teresa Morris in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday December 20, 2022, at 5:15p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Public Comment, Action on Minutes of the November 15, 2022, Regular Meeting, Action to Approve November Investment and Financials Report, Directors Report, Executive Session, Action as a Result of Executive Session, Board Comment, and Adjourn".

Directors Present:

Mr. Raul Benavides- President
Mr. Cody Williams- Vice President
Mrs. Kristy Tyra- Secretary/Treasurer
Mr. Paschal Odom
Mr. Shane Seaton

Directors Absent:

Staff Present:

Mr. Mark Willis, Ms. Teresa Morris

Guests that signed in:

AGENDA ITEM #1 – Call to Order/Invocation and Pledge:
Mr. Benavides called the meeting to order at 5:18 p.m. Mr. Benavides led the invocation and pledge.

ACTION ITEM #2- Public Comment:
None

AGENDA ITEM #3- Action on Minutes of the November 15, 2022, Regular Meeting:
Mr. Benavides presented the Minutes. The motion to accept the Minutes was made by Mrs. Tyra seconded by Mr. Seaton. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

AGENDA ITEM #4- Action to Approve November Investment & Financial Report:
Mrs. Tyra presented the Investment and Financials. Motion to approve the Investment & Financial Report was made by Mr. Odom seconded by Mr. Seaton. The motion passed 4 to 0 with all members present voting "aye" in favor of the motion.

ACTION ITEM #5- Directors Report:
Projects: The Cross Ell Ranch contract is in development with the City Attorney and the ranch legal representatives. The City and Airport are working on a combined scope of work to incorporate both projects in one RFP that will likely exceed $8 million in total value. The Director presented an analysis of the proposed projects downtown described by the Ryan group and potential incentives that might be considered. Mr. Williams arrived. The Ramada Inn/Prison demolition and replacement contracts are moving forward. The restaurant prospect the EDC and City have been working with has completed their due diligence and should close on the property very soon. The EDC Director attended the High Ground legislative trip to Austin to meet with various state departments. The EDC is still waiting for the large County industrial prospect (313 Agreement in place with Big Spring ISD) regarding potential agreements with the County and Howard College. The electric storage facility the City and EDC have been talking to are in the process of considering a county location. The city does not appear willing to host such a facility

within the city limits. EDC staff has been coordinating with partners to plan recruitment and partnership activities for the coming year.
Meetings: The ECD Director participated in two monthly radio interviews. The EDC Director participated in three City staff meetings. The EDC Director participated in two City Council meetings. The EDC Director attended the monthly County leadership meeting. The next Board meeting will be January 17th.

AGENDA ITEM #6- Executive Session in accordance with Texas Government Code, Section 551.087 to discuss or deliberate regarding prospect activity:
There was no executive session

AGENDA ITEM #7- Action as a Result of Executive Session:
None

AGENDA ITEM #8- Board Comments:
Everyone expressed their hope for a Merry Christmas and Happy and safe New Year.

AGENDA ITEM #9- Adjourn:
Mr. Seaton made a motion to adjourn, seconded by Mr. Odom
The motion passed 5 to 0 with all members present voting "aye" in favor of the motion.
Meeting adjourned at 5:32 pm on December 20, 2022.

Mr. Raul Benavides, President

ATTEST:
Mrs. Kristy Tyra, Secretary/Treasurer

Big Spring Fire Department

Memo

To: City Manager Todd Darden

From: Fire Chief Craig Ferguson

Date: January 3, 2023

Re: Budget amendment

Mr. Darden,

The Big Spring Fire Department was excited to receive a grant from Oxy petroleum for the purchase of rescue equipment. I am asking for a budget amendment to increase department 210-5114 wearing apparel in the amount of the donation $20,000. The grant specified they wanted the money to be used towards rescue equipment so we intend on buying boots that will be used in rescue, fire ground operational and extrication of victims in car crash. If you have any questions, please let me know. Thank you.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING RESCUE EQUIPMENT (BOOTS) FOR THE FIRE DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS additional funds for rescue equipment (boots) was not included in the original budget.

WHEREAS the City Council desires to increase the general fund budget in order to purchase rescue equipment (boots) for the Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of $20,000.00 to the expense account number 002-012-210-5114 for the purpose of additional funding to purchase rescue equipment (boots) for the Fire Department. The net increase will be funded through a donation from Oxy Petroleum.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

Big Spring Fire Department

Memo

To: City Manager Todd Darden

From: Fire Chief Craig Ferguson

Date: January 3, 2023

Re: Budget amendment

Mr. Darden,

The Big Spring Fire Department is glad to have three more members going to paramedic school this year. The JRAC (Regional Advisory Council) has a program to pay for these students and has given us $28,000 to be able to send these firefighters to paramedic school. I am asking for a budget amendment in department 260-5555 in the amount of $28,000 increase in order to cover the cost of the class. I will answer any question you may have about this program. Thank you.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE EMS FUND BUDGET FOR THE PURPOSE OF ADDITIONAL EDUCATION FOR THE EMS DEPARTMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS additional funds for more firefighters to attend paramedic school was not included in the original budget.

WHEREAS the City Council desires to increase the EMS fund budget for the purpose of additional education for the EMS Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The EMS Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of $28,000.00 to the expense account number 430-012-260-5555 for the purpose of additional funding for more firefighters to attend paramedic school. The net increase will be funded through a reimbursement from the JRAC (Regional Advisory Council).

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE LANDFILL ENTERPRISE FUND BUDGET FOR THE PURPOSE OF WOOD CHIPPING AT THE BIG SANDY LANDFILL; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS additional funds for wood chipping was not included in the original budget.

WHEREAS the City Council desires to increase the special services fund budget to complete the project as the landfill is running out of space for tree limbs and branches.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The Landfill Enterprise Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of $50,000.00 to the expense account number 440-025-350-5521 for the purpose of additional funding for the chipping of tree limbs and branches needed at the Big Sandy Landfill. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," DIVISION 5 "TRAFFIC COMMSSION," SECTION 2-300 BY AMENDING SUBSECTION (D) AND ADDING A NEW SUBSECTION (E); IN ORDER TO RENDER INACTIVE THE SAID BOARD AND RELEASE THE MEMBERS OF THE BOARD FOR POTENTIAL CONSIDERATION FOR SERVICE ON OTHER BOARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Traffic Commission has not met in an extended period of time; and

WHEREAS, the members of the Commission are prohibited from serving on other, more utilized boards of the City due to restrictions on serving on multiple boards; and

WHEREAS, if a board is rendered inactive, the members will be released from their respective obligations under these boards and may potentially serve on other boards of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. The Big Spring City Code, Chapter 2 entitled "Administration," Article VII entitled "Boards and Commissions," Division 5 entitled "Traffic Commission," Section 2-300, "Traffic Commission," is hereby amended by amending subsection (d) and by adding a new subsection (e) which shall read as follows:

Sec 2-300. – Traffic Commission.

…

(d) Section 2-241 and Section 2-242 shall apply to this board~~, except that the members of the boards as of June 8, 2021 shall retain their current terms according to their appointments under the prior language of section 48-47 regardless of section 2-241 eligibility requirements relating to city council district, unless removed earlier by city council. Subsequent appointments to the board shall be pursuant to section 2-241~~.

(e) Notwithstanding this section, the Traffic Commission shall be inactive.

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3: For the purpose of allowing such members to serve on other boards, all voting members are hereby released from the following boards: Traffic Commission. The eligibility of such members to serve on other boards is not affected.

SECTION 4: Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **24th** day of **January**, **2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 28, "HEALTH," OF THE BIG SPRING CODE, ARTICLE V, "MUNICIPAL AMBULANCE SERVICES," SECTION 28-135 ENTITLED "AMBULANCE FEES" TO UPDATE FEES FOR BASIC AMBULANCE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring operates Emergency Medical Services (EMS) for the citizens of Big Spring and Howard County; and

WHEREAS, the City Council finds it necessary to align ambulance fees with current industry standards;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The City of Big Spring Code of Ordinances, Chapter 28, entitled "Health," Article V, entitled "Municipal Ambulance Services," Section 28-135, entitled "Ambulance Fees" is hereby amended to read as follows:

Sec. 28-135. Ambulance Fees.

Basic fees for emergency ambulance service shall be according to the following schedule:

(1)	~~ALS 1~~ ALS Emergency	~~$ 850.00~~	$ 1,500.00
(2)	~~ALS 2~~ ALS-Non	~~$ 1,050.00~~	$ 1,500.00
(3)	SCT (scheduled inner facility transfer)	~~$ 1,275.00~~	$ 1,800.00
(4)	~~BLS~~ BLS Emergency	~~$ 750.00~~	$ 1,300.00
(5)	~~ALS (non Emergency)~~ ALS 2	~~$ 850.00~~	$ 1,700.00
(6)	BLS (Non-Emergency)	~~$ 750.00~~	$ 1,300.00
(7)	Treatment/No transport	$ 150.00	
(8)	ALS Disposables	~~$ 375.00~~	$ 450.00
(9)	BLS Disposables	~~$ 225.00~~	$ 350.00
(10)	Oxygen	$ 150.00	
(11)	Mileage	~~$ 15.00 per mile~~	$ 24.00 per mile

. . .

SECTION 2. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. The City Secretary is hereby ordered and directed to cause the descriptive caption, as well as any penalties for violation of this ordinance to be published as provided by law.

SECTION 5. This ordinance shall take effect immediately from and after its publication and passage upon two readings in accordance with the City Charter.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January 2023**, with all members of the Council voting "aye for passage of the same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **24th** day of **January 2023** with all members voting "aye" for the passage of same.

_____
Robert Moore, Mayor

ATTEST:

_____
Tami Davis, Assistant City Secretary

EMERGICON
emergency medical billing

EMS Billing **Built for Texas**

Strategies to Increase Revenue
City of Big Spring

Three Areas of Focus

Fee Schedule

Discounts

Small Balance

Fee Schedule

Making sure that your fee schedule remains up to date and in line with current industry standards.

Fee Schedule Recommendation

Current Fee Schedule	
ALS-E - A0427	$850.00
ALS-Non - A0426	$850.00
ALS 2 - A0433	$1,050.00
BLS-E - A0429	$750.00
BLS-Non - A0428	$750.00
SCT - A0434	$1,275.00
ALS Disp - A0398	$375.00
BLS Disp - A0382	$225.00
O2 - A0422	$150.00
Mileage - A0425	$15.00
TNT - A0998	$150.00

Proposed Fee Schedule	
ALS-E - A0427	$1,500.00
ALS-Non - A0426	$1,500.00
ALS 2 - A0433	$1,700.00
BLS-E - A0429	$1,300.00
BLS-Non - A0428	$1,300.00
SCT - A0434	$1,800.00
ALS Disp - A0398	$450.00
BLS Disp - A0382	$350.00
O2 - A0422	$150.00
Mileage - A0425	$24.00
TNT - A0998	$150.00

Fee Schedule Recommendation

- Based on commercial insurance and transport volume during FY22, the proposed fee schedule, if implemented, could conservatively bring in an additional $35,000 in revenue before fees are deducted.

Discounts

- Currently, Big Spring does not offer a prompt pay discount. Providing a higher discount to your patients offers many advantages. One benefit our clients see is a reduction in the risk of nonpayment or delayed payments.
- Allowing Emergicon the ability to write-off disposable charges when negotiating payment has proven to be an effective means of increasing payments received.

57% of Emergicon clients offer discounts

Average discount: 25%

Highest discount: 50%

Lowest discount: 5%

Discount Recommendations

- Emergicon suggests implementing a discount range of 25-45%
- Allow Emergicon the ability to negotiate writing off oxygen and disposable charges as needed to increase payments received

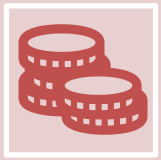
Small Balance

Small balance write offs are beneficial in assuring that the cost of resources, both time and money, do not exceed the beneficial value of the amount that would have been collected.

Currently, 54% of Emergicon clients allow small balance write offs.



Average: $50.00



Highest: $300.00



Lowest: $4.99

Small Balance Recommendation

Emergicon suggests using a $150.00 minimum balance write-off.

What do our top revenue producing clients see from implementing these options?

Benefits



Revenue growth



Cleaner accounts receivable by discarding uncollectable accounts



Probability of increased patient payments

Thank you!

It is Emergicon's goal to provide service above and beyond what is expected. The Client Success Team here at Emergicon will continue to monitor your organization's financial performance and make recommendations accordingly. If you ever have any questions or need anything at all, please let us know. Thank you!

Please let us know if we can be of assistance!

Dial the Client Hotline!

866.TEX.EMS1

866.839.3671

OPEN UP A WHOLE NEW REVENUE STREAM WITH EMERGIFIRE

EMERGIFIRE
emergency response billing

Nikki Mattick
nmattick@emergicon.com
972-602-2060 ext 568

Kassi High
khigh@emergicon.com
972-602-2060 ext 493

EMERGICON
emergency medical billing

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING RESOLUTION 031-2022 TO AUTHORIZE AND APPOINT THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE PUBLIC SAFETY OFFICE FOR THE "BULLET-RESISTANT SHIELD GRANT PROGRAM, FY2023" TO SECURE FUNDING FOR 30 STREET LEVEL BULLET-RESISTANT SHIELDS; PROVIDE WRITTEN ASSURANCE THAT IN AN EVENT OF LOSS OR MISUSE OF GRANT FUNDS THE CITY COUNCIL WILL RETURN ALL FUNDS TO THE OFFICE OF THE GOVERNOR; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Big Spring is a Texas municipal corporation enjoying home rule, and is a unit of local of local government and political subdivision of the State of Texas; and

WHEREAS, under the Charter of the City of Big Spring, the City Council of Big Spring is the City of Big Spring's governing body; and

WHEREAS, the City of Big Spring proudly operates its Big Spring Police Department; and

WHEREAS, the Department of Public Safety of the State of Texas recognizes the magnitude of law enforcement's everyday risk and has funding available for the purpose of acquiring bullet-resistant shields through its Bullet-Resistant Shield Grant Program; and

WHEREAS, this is a 0% match grant, and the value of the grant the City seeks totaling approximately $13,500.00; and

WHEREAS, the City Council of Big Spring wishes to designate the City Manager as the grantee's authorized official with the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The City of Big Spring, acting by and through its governing body, hereby resolves to authorize and appoint the City Manager to submit an application to the Public Safety Office for the Bullet-Resistant Shield Grant Program to secure funding for the purchase of 30 street level bullet-resistant shields as stated in this Resolution.

SECTION 2. City gives written assurance, that in an event of loss or misuse of grant funds, the governing body will return all funds to the Office of the Governor (OOG).

SECTION 3. This Resolution supersedes Resolution 031-2022.

SECTION 4. This Resolution shall become effective immediately upon its passage.

SECTION 5. The City Council finds that the passage of this resolution constitutes an emergency and an imperative public necessity due to the safety-critical nature of the equipment in question, and therefore that the Charter Rule requiring that City resolutions must be read at two separate meetings of the City Council shall be suspended, and therefore said rule is hereby suspended, and this resolution shall be effective immediately upon its passage according to the Charter of the City of Big Spring.

PASSED AND APPROVED on emergency reading at a regular meeting of the City Council on the **10th** day of **January, 2023,** with all members present voting "aye" for passage of the same.

ATTEST: _____
Robert H. Moore, III, Mayor

_____
Tami L. Davis, City Secretary

RESOLUTION NO. _____

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, CALLING FOR A GENERAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING ONE PERSON TO SERVE AS CITY COUNCIL MEMBER FOR DISTRICT ONE AND ONE PERSON TO SERVE AS CITY COUNCIL MEMBER FOR DISTRICT THREE; PROVIDING FOR THE CONDUCT OF THE ELECTION; DESIGNATING SEVERAL POLLING PLACES WITHIN THE CITY; AUTHORIZING THE MAYOR TO EXECUTE NOTICE AND HAVE THE NOTICE POSTED FOR THE PURPOSE OF NOTIFYING THE PUBLIC OF SAID ELECTION; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. A General Election shall be held on the 6th day of May, 2023 for the purpose of electing of electing one person to serve as City Council Member for District One and one person to serve as City Council Member for District Three in accordance with the Constitution and Laws of the State of Texas and the Charter of the City of Big Spring, Texas, and the manner of holding said election shall be governed by the laws of the State regulating general elections, the City Charter, and this Resolution.

SECTION 2. Each candidate shall make application in writing to the City Secretary for the candidate's name to appear on the official ballot no later than 5:00 p.m. of the sixty-second (62nd) before election day but no earlier than the thirtieth (30th) day before the date of the filing deadline, as required by sections 1.007 and 143.007 of the Texas Election Code. The application shall clearly designate the residence address of the candidate. Each candidate must reside in the city limits of the City of Big Spring. A candidate for City Council District One (1) must reside within District One (1) and shall have been a resident citizen of the City of Big Spring District One (1) for a period of one (1) year immediately preceding the date of the election at required by Art. IV, Sec. 5 of the City Charter. A candidate for City Council District Three (3) must reside within District Three (3) and shall have been a resident citizen of the City of Big Spring (District 5) for a period of one (1) year immediately preceding the date of the election as required by Art. IV, Sec. 5 of the City Charter.

SECTION 3. Only qualified electors under the general laws of the state who reside in the City District One (1) shall be qualified to vote for the office of City District One (1); and only qualified electors under the general laws of the state who reside in the City District Three (3) shall be qualified to vote for the office of District Three (3).

SECTION 4. Voting by personal appearance during early voting and on election day shall be by a ballot scanning system, DRE (Direct Recording Electronic) System for curbside voting and by official paper ballot for early voting by mail and for provisional ballots. Early voting by personal appearance will be conducted at Howard County Courthouse located at 300 S. Main. Early voting will be held on weekdays beginning April 24, 2023 and ending May 2, 2023. The

early voting polling place shall be open to the public from 7:00 a.m. to 7:00 p.m. on Monday, May 1, 2023 and Tuesday, May 2, 2023 and from 8:00 a.m. to 5:00 p.m. on all other days.

SECTION 5. The polling places on election day will be at the following vote center locations:

Dorothy Garrett Coliseum 1001 Birdwell Lane	Ryan Hall 605 North Main
First Baptist Church 705 W. FM 700	Coahoma Community Center 306 North Ave. Coahoma, TX

The polling places shall be open to the public from 7:00 a.m. to 7:00 p.m.

SECTION 6. Mayor Robert H. Moore III is hereby authorized to execute and have posted notice of said election in accordance with the law.

SECTION 7. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable and if any phrase, clause, sentence, paragraph or section be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, said unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Resolution.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **10th** day of **January, 2023**, with all members present voting "aye" for passage of same.

PASSSED AND APPROVED on second and final reading at a special meeting of the City Council on the **24th** day of **January, 2023**, with all members present voting "aye" for passage of same.

_____
Robert H. Moore, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §
§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6981 styled City of Big Spring, et al, vs. Owners of Various Properties Located Within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of May, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of May, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **ONE THOUSAND FIVE HUNDRED FIFTY DOLLARS AND 00/100 ($1,550.00)** said amount being the highest and best offer received from **Rosa Elia Avila, Midland, TX 79706**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Eleven (11), in Block Eighteen (18), Cole & Strayhorn Addition, to the City of Big Spring, Howard County, Texas (R000002408)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Rosa Elia Avila, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____

Rosa Elia Avila

This instrument was acknowledged before me on the _____ day of _____, ____, by _____.

_____

Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____, by Randy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

ATTEST:

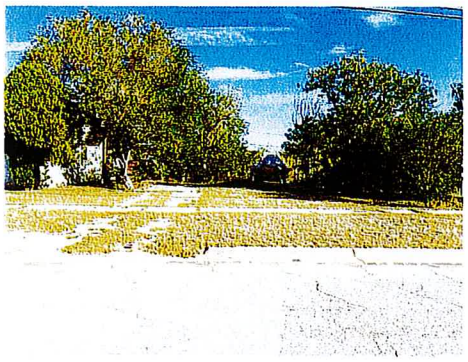
_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	pending bid to Rosa Elia Avila 11/9/22		

Property Info:

City:	Big Spring		
Cad Property Id:	2408	CAD Value:	3,500
Site Description:	603 E 16th St, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: TORRES JOE A		
Legal Description:	Vacant Lot - 0.161 Acres		
	Lot Eleven (11), in Block Eighteen (18), Cole & Strayhorn Addition, to the City of Big Spring, Howard County, Texas (R000002408)		
	WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:		
	Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.		

Homestead:	No	Site Structure:	No	Non Affixed Material:	No

Litigation Info:

Case Number:	6981		
Judgement Date:	05/10/2022	Sale Date:	06/07/2022
Sheriff's Deed Date:	06/30/2022	Redemption Date:	01/06/2023
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties located within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00005952 Volume 2091 Page 667		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §
§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6981 styled City of Big Spring, et al, vs. Owners of Various Properties Located Within the City Limits of Big Spring, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of May, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of May, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **NINE HUNDRED EIGHT DOLLARS AND 00/100 ($908.00)** said amount being the highest and best offer received from **LAND4LESS, , Arecibo, PR 00614**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Eight (8), in Block Forty-nine (49), of the Original Town of Big Spring, Howard County, Texas (R000008301)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser LAND4LESS, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____

LAND4LESS by Mike Budde

This instrument was acknowledged before me on the _____ day of _____, ____, by Mike Budde.

_____

Notary Public, State of Puerto Rico

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____,
by Randy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

ATTEST:

_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	Pending bid to LAND4LESS 11/28/22		

Property Info:

City:	Big Spring		
Cad Property Id:	8301	CAD Value:	4,420
Site Description:	601 Goliad St, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: SUBLET CYNTHIA J		
Legal Description:	0.172 Acres		
	Lot Eight (8), in Block Forty-nine (49), of the Original Town of Big Spring, Howard County, Texas (R000008301)		
	WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:		
	Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.		

Homestead:	No	Site Structure:	Yes	Non Affixed Material:	Yes

Litigation Info:

Case Number:	6981		
Judgement Date:	05/10/2022	Sale Date:	06/07/2022
Sheriff's Deed Date:	06/30/2022	Redemption Date:	01/06/2023
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties Located Within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00005952 Volume 2091 Page 667		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §
§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6981 styled City of Big Spring, et al, vs. Owners of Various Properties Located Within the City Limits of Big Spring, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of May, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of May, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **THREE HUNDRED DOLLARS AND 00/100 ($300.00)** said amount being the highest and best offer received from **Kevin Quezada, e, Big Spring, TX 79720**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Two (2), in Block One Hundred and Sixteen (116), of the Original Town of Big Spring, Howard County, Texas (R000008783) &
Lot Two (2), in Block One Hundred and Sixteen (116), of the Original Town of Big Spring, Howard County, Texas (R000008784)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Kevin Quezada, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____

Kevin Quezada

This instrument was acknowledged before me on the _____ day of _____, ____, by Kevin Quezada.

_____

Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____, by **R**andy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

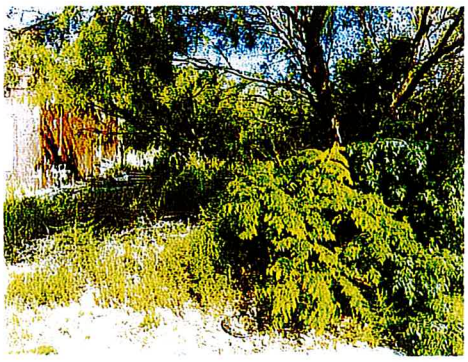
ATTEST:

_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	50% undivided interest - COMBINE WITH 8784 for 100%		
	Pending bid to Kevin Quezada 12/19/22		

Property Info:

City:	Big Spring		
Cad Property Id:	8783	CAD Value:	2,250
Site Description:	209 NE 2nd St, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: ROBINSON C E ET UX		
Legal Description:	Vacant Lot - 0.161 Acres		

Lot Two (2), in Block One Hundred and Sixteen (116), of the Original Town of Big Spring, Howard County, Texas. (R000008783 & R000008784)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

Possible encroachment. Please satisfy yourself as to the validity of the legal description, the physical address, actual boundaries, and any easements or covenants tied to the property. The property addresses and pictures are provided for your information in determining the location of the property, but may not accurately describe or depict the property actually to be conveyed. The address and photo of the property are provided to help you reach your decision to bid on the property and is not binding on any sale. Pictures may depict property which is not included in the purchase. You are in fact purchasing the property identified by the legal description only. The property you may purchase is sold â€œas is, where is, and without warranty, express or implied, as to the condition of the property, title, or use to which the property may be put and restricted to the property described in the legal description obtained by the entities through foreclosure.â€•

Homestead:	No	Site Structure:	No	Non Affixed Material:	No

Litigation Info:

Case Number:	6981		
Judgement Date:	05/10/2022	Sale Date:	06/07/2022
Sheriff's Deed Date:	06/30/2022	Redemption Date:	01/06/2023
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties Located Within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00005952 Volume 2091 Page 667		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §
§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6943 styled City of Big Spring, et al, vs. Owners of Various Properties located within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of March, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of March, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **THREE THOUSAND FIFTY-FIVE DOLLARS AND 00/100 ($3,055.00)** said amount being the highest and best offer received from **Cinthia Quezada and Fortino Quezada, , Big Spring, TX 79720**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

Lot Seventeen (17), in Block Two (2), Parkwood Addition, to the City of Big Spring, Howard County, Texas (R000008938)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Cinthia Quezada and Fortino Quezada, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____
Cinthia Quezada

_____
Fortino Quezada

This instrument was acknowledged before me on the _____ day of _____,
____, by _____.

_____
Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____, by Randy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

ATTEST:

_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	deed to city city withdrew their request of ownership 7/13/22 Pending bid to Cinthia Quezada & Fortino Quezada 11/10/22		

Property Info:

City:	Big Spring		
Cad Property Id:	8938	CAD Value:	22,500
Site Description:	1900 Wasson Rd, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: MCGIBBON K H OIL COMPANY		
Legal Description:	Vacant Lot - 0.585 Acres Lot Seventeen (17), in Block Two (2), Parkwood Addition, to the City of Big Spring, Howard County, Texas (R000008938) WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition: Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.		
Homestead:	No	Site Structure:	No

Non Affixed Material: No

Litigation Info:

Case Number:	6943		
Judgement Date:	03/10/2022	Sale Date:	04/05/2022
Sheriff's Deed Date:	04/25/2022	Redemption Date:	11/01/2022
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties Located Within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00003529 Vol 2074 Pg 232		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §
§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6981 styled City of Big Spring, et al, vs. Owners of Various Properties Located Within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of May, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of May, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 ($2,500.00)** said amount being the highest and best offer received from **Rosa Elia Avila, , Midland, TX 79706**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

North Eight Feet (N/8') of Lot Three (3) and all of Lots Four (4), Five (5), Six (6), and Seven (7), in Block Nine (9), Tennyson Addition, to the City of Big Spring, Howard County, Texas (R000010059)

Approved in form by R. Douglas Jordan, PLLC

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Rosa Elia Avila, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____
Rosa Elia Avila

This instrument was acknowledged before me on the _____ day of _____,
____, by _____.

_____
Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____, by Randy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~~~~

Approved in form by R. Douglas Jordan, PLLC

Tax Deed: Rosa Elia Avila, [illegible], Midland, TX 79706 (R10059)
~~~~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

ATTEST:

_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	pending bid to Rosa Elia Avila 11/9/22		

Property Info:

City:	Big Spring		
Cad Property Id:	10059	CAD Value:	20,800
Site Description:	108 N Benton St, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: RICE G O ESTATE		
Legal Description:	0.573 Acres		

Strip of vacant lots located directly across from the NE 2nd St and N Benton St intersection

North Eight Feet (N/8') of Lot Three (3) and all of Lots Four (4), Five (5), Six (6), and Seven (7), in Block Nine (9), Tennyson Addition, to the City of Big Spring, Howard County, Texas (R000010059)

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

Homestead:	No	Site Structure:	No	Non Affixed Material:	No

Litigation Info:

Case Number:	6981		
Judgement Date:	05/10/2022	Sale Date:	06/07/2022
Sheriff's Deed Date:	06/30/2022	Redemption Date:	01/06/2023
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties located within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00005952 Volume 2091 Page 667		
Tax Due:	No		

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

TAX DEED

STATE OF TEXAS §

§

COUNTY OF HOWARD §

WHEREAS, by a Warrant issued out of the 118th Judicial District Court of Howard County, Texas; in Cause No. 6981 styled City of Big Spring, et al, vs. Owners of Various Properties Located Within the City Limits of Big Spring, Howard County, Texas, and delivered to the Sheriff directing him to seize, levy upon and sell the hereinafter described property to satisfy the amount of all delinquent taxes, penalties, interest and costs which were secured by a warrant rendered in said cause on the 10th day of May, 2022, in favor of the Plaintiffs.

WHEREAS, in obedience to said Warrant, the Sheriff did seize and levy on the hereinafter described property and all the estate, right, title and interest or claims which said Defendants so had, in and to, on the 10th day of May, 2022 and since that time had of, in and to, the hereinafter described real property; and as prescribed by law for Sheriff's sales, did offer to sell such real property at public auction.

WHEREAS, at said sale no bid being received which was equal to the adjudged value of said real property as fixed by said court or the aggregate amount of said warrant established therein, the title to said real property pursuant to said warrant and Section 34.01 of the Texas Property Tax Code was struck off in trust for the use and benefit of each taxing district having been by said warrant adjudged to have valid tax liens against such real property, and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the taxing entities set forth in the warrant in said cause, pursuant to the provisions of Section 34.05 of the Texas Property Tax Code, for and in consideration of the sum of **TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 ($2,500.00)** said amount being the highest and best offer received from **Rosa Elia Avila,** **Midland, TX 79706**, receipt of which is hereby acknowledged, and by these presents do convey, expressly subject to the right of redemption by the Defendants in said tax suit as provided by Section 34.21 of the Texas Property Tax Code, further subject to all presently recorded and validly existing restrictions, reservations, covenants, conditions, easements, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantors, as well as all reservations and conditions created herein, all the right, title and interest as was acquired by Grantors through seizure to the certain tract of land described as follows:

A 53' x 132' tract of land being 0.424 acres more or less, out of the North Part (N/Pt) of Block Nine (9), Tennyson Addition, to the City of Big Spring, Howard County, Texas (R000010060)

All of Grantors' oil, gas, and other minerals in and under and that may be produced from the Property are hereby reserved for Grantors and Grantors' heirs, successors, and assigns forever. If the mineral estate is subject to existing production or an existing lease, this reservation includes the production, the lease, and all benefits from it.

WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:

Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.

TO HAVE AND TO HOLD the above described property unto the named purchaser Rosa Elia Avila, his/her heirs, successors and assigns forever, free and clear of all liens for ad valorem taxes against such property delinquent at the time of warrant to all taxing units which were a party of said Warrant and as fully and absolutely as the entities named below can convey the above described real property by virtue of said warrant and Order of Sale and said Section 34.05 of the Texas Property Tax Code.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE; OR (2) ARISING AS THE RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO EXISTING LAWS ENACTED AFTER THE EFFECTIVE DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE OF TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY. THIS RELEASE APPLIES EVEN WHEN THE ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY RESULT FROM GRANTOR'S OWN NEGLIGENCE OR THE NEGLIGENCE OF GRANTOR'S REPRESENTATIVE.

This tax deed may be executed in one or more counterparts, each one of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

_____
Rosa Elia Avila

This instrument was acknowledged before me on the _____ day of _____, _____, by _____.

_____
Notary Public, State of Texas

This deed is effective as of the date of the last notary acknowledgment of the Grantors' and Grantee's signatures.

CITY OF BIG SPRING

By:_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Robert H. Moore III, Mayor, on behalf of CITY OF BIG SPRING in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COUNTY

By:_____
Randy Johnson, County Judge

ATTEST:

_____
Brent Zitterkopf, County Clerk

This instrument was acknowledged before me on the _____ day of _____, ____,
by Randy Johnson, County Judge, on behalf of HOWARD COUNTY in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

BIG SPRING INDEPENDENT SCHOOL DISTRICT

By:_____
Fabian Serrano, Board President

ATTEST:

_____
Tom Olague, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by Fabian Serrano, Board President, on behalf of BIG SPRING INDEPENDENT SCHOOL DISTRICT in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~

HOWARD COLLEGE

By:_____
John E. Freeman, Board Chairman

ATTEST:

_____
Adrian Calvio, Board Secretary

This instrument was acknowledged before me on the _____ day of _____, ____, by John E. Freeman, Board Chairman, on behalf of HOWARD COLLEGE in its capacity therein stated.

_____
Notary Public, State of Texas

~~~
~~~





Management Info:

Status:	Trust		
Best Process:	Sold	Best Process Type:	
Progress:	pending bid to Rosa Elia Avila 11/9/22		

Property Info:

City:	Big Spring		
Cad Property Id:	10060	CAD Value:	13,200
Site Description:	200 N Benton St, Big Spring, TX 79720, USA		
Owner Info:	City of Big Spring, In Trust		
	Previous Owner: RICE G O ESTATE		
Legal Description:	Vacant Lot - 0.424 Acres		
	A 53' x 132' tract of land being 0.424 acres more or less, out of the North Part (N/Pt) of Block Nine (9), Tennyson Addition, to the City of Big Spring, Howard County, Texas (R000010060)		
	WHEREAS this conveyance is also subject to the following Fee Simple Determinable Condition:		
	Grantee will do everything necessary to bring the Property into compliance with all state and local codes within six months of the execution date of this deed. An affidavit stating that the condition has been fulfilled, filed within six months of said date, if not contradicted by a recorded statement filed within the same six months, is conclusive evidence that the condition has been satisfied, and Grantee and third parties may rely on it.		

Homestead:	No	Site Structure:	No	Non Affixed Material:	No

Litigation Info:

Case Number:	6981		
Judgement Date:	05/10/2022	Sale Date:	06/07/2022
Sheriff's Deed Date:	06/30/2022	Redemption Date:	01/06/2023
Court:	118th		
Style Plaintiff:	City of Big Spring, et al		
Style Defendant:	Owners of Various Properties located within the City Limits of Big Spring, Texas		
Sheriff's Deed Volume:	2022-00005952 Volume 2091 Page 667		
Tax Due:	No		
Delinquent:	Yes	Litigation:	No

INTEROFFICE MEMORANDUM

Date:	January 18, 2023
To:	Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From:	Albert Belez, Purchasing Agent
Re:	Request for Approval - John Deere Z950m Zero Turn Mower

On Tuesday, October 27, 2022, at the request of the City's Parks and Recreation Department, the Purchasing Department sought out pricing and availability for 1 (one) 72" John Deere Z950m Zero Turn Mower**.** The Purchasing Department received a quote of $12,507.88 for the zero-turn mower from South Plains Implement of Tornillo, Texas. The submitted quote is a Sourcewell Cooperative quote.

Recommendation: Due to the price and uncertainty in the current supply chain, staff recommends that the City Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is also important to note that this zero-turn mower would be available in March 2023. $10,867.00 has been allocated in the current budget for this purchase. In order to proceed with this purchase, a budget amendment in the amount of $1,190.88 is required.

INTEROFFICE MEMORANDUM

Date:	January 18, 2023
To:	Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From:	Albert Belez, Purchasing Agent
Re:	Request for Approval - John Deere Gator

On Monday, October 31, 2022, at the request of the cemetery staff, the City of Big Spring's Purchasing Department sought out pricing and availability for 1 (one) 2023 John Deere Gator HPX615E. The Purchasing Department received a quote in the amount of $12,314.49 from South Plains Implement of Tornillo, Texas. The submitted quote is a Sourcewell Cooperative quote.

Staff Recommendation: Due to the price and uncertainty in the current supply chain, staff recommends that the City Council accept the formal quote from South Plains Implement and proceed with the purchase.

Note: It is also important to note that the gator would be available in the middle of March 2023. This item has an approved budget of $15,000.00, a difference of $2,685.51.

INTEROFFICE MEMORANDUM

Date:	January 18, 2023
To:	Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager
From:	Stacie King, Benefits Coordinator
Re:	Request for Approval – Vertical Baler

On Friday, January 13 , 2023, at the request of the City Sanitation Department, the City of Big Spring Purchasing Department sought out pricing and availability for 1 (one) 6030HDB Vertical Baler. The Purchasing Department received a quote in the amount of $18,863.05 from WasteQuip of Alexandria, Louisiana. The submitted quote is a Buyboard Cooperative quote.

Staff Recommendation: Due to the price and uncertainty in the current supply chain, staff recommends that the City Council accept the formal quote from WasteQuip and proceed with the purchase.

Note: It is important to note this is a budgeted item with an approved budget of $45,000.00.

INTEROFFICE MEMORANDUM

Date: January 11, 2023

To: Mayor Robert H. Moore, Big Spring City Council, and Todd Darden, City Manager

From: Albert Belez, Purchasing Agent

Re: Request for Approval – Golf Carts and Range Picker

On Wednesday, January 18, 2023, at the request of the staff at Comanche Trail Golf Course, the City of Big Spring Purchasing department sought out proposals for the purchase of 40 (forty) new gas-powered golf carts and one Range Picker**.** The Purchasing department received proposals from 2 different companies.

EZ-Go submitted an over price of $152,094.19 and Club Car submitted an over price of $125,000.00. Both of these quotes included estimated values of trade in. EZ-Go has agreed to hold the trade in values for at least one year. Club Car could not guarantee the value of the trade in. A detailed bid tabulation is provided to assist you in the decision-making process.

EZ-Go gave an estimated lead time for delivery of six months from the order date. Club Car's estimated lead time for delivery would be one year from the order date.

Staff Recommendation: Based on lead time for delivery and trade in value, staff recommends that the City Council accept the proposal from EZ Go.

Note: It is also important to note that the quote from EZ-Go is a Buyboard cooperative quote. The approved budget amount for this purchase is $240,000.00.

BID TABULATION	***EZ GO***	***CLUB CAR***
Price per unit (no trade)	$ 6,039.99	$ 6,100.00
Price per unit (with trade)	$ 3,539.99	$ 2,800.00
Value of each unit to trade	$ 2,500.00	$ 3,300.00
Total units to trade	40	40
Straight purchase (no trade)	$ 241,599.72	$ 244,000.00
Purchase with trade	$ 141,599.72	$ 112,000.00
Range picker	$ 10,494.47	$ 13,000.00
Overall, with trade and picker	$ 152,094.19	$ 125,000.00
Lead time	6 months	1 year

City of Big Spring
Cash and Texpool Account Balances
Quarter Ending December 31, 2022

	Market Value 9/30/22	Quarterly Interest Income	Net Additions/ Decreases	Market Value 12/31/22	Maturity	Rate
Checking Accounts						
Operating Checking Account	$ 23,605,081.88	$ -	$ (9,344,558.90)	$ 14,260,522.98		
Payroll Checking Account	$ 1,210.97	$ -	$ 92,810.92	$ 94,021.89		
Health Insurance Checking Account	$ 1,070,846.99	$ -	$ 311,687.65	$ 1,382,534.64		
Worker's Comp Insurance Account	$ 1,621,058.42	$ -	$ 265,071.64	$ 1,886,130.06		
Total Checking	**$ 26,298,198.26**	**$ -**	**$ (8,674,988.69)**	**$ 17,623,209.57**		
TexPool Funds						
Utility Escrow	$ -	$ -	$ -	$ -		
Airpark	$ 530,190.22	$ 4,700.81	$ -	$ 534,891.03		
Landfill Closure	$ 4,442,819.45	$ 39,387.85	$ -	$ 4,482,207.30		
Operating Account	$ 3,092,667.21	$ 27,418.01	$ -	$ 3,120,085.22		
Cemetery	$ 374,790.11	$ 3,322.68	$ -	$ 378,112.79		
Health Insurance	$ -	$ -	$ -	$ -		
Total TexPool	**$ 8,440,466.99**	**$ 74,829.35**	**$ -**	**$ 8,515,296.34**		
Prosperity Bank						
CD - Maturity 12/11/20	$ 13,024.23	$ 26.53	$ -	$ 13,050.76		
Total Prosperity Bank	**$ 13,024.23**	**$ 26.53**	**$ -**	**$ 13,050.76**		
BBVA Compass						
Money Market - 6748561224	$ 6,763,972.24	$ 32,332.52	$ -	$ 6,796,304.76		
Total BBVA Compass	**$ 6,763,972.24**	**$ 32,332.52**	**$ -**	**$ 6,796,304.76**		
Brokerage CD's & Agency Bonds						
1st Jackson Bank	$ 249,000.00	$ 713.92	$ -	$ 249,000.00	3/27/2025	1.15%
1st Source Bank	$ 247,000.00	$ -	$ -	$ 247,000.00	7/13/2023	1.45%
American Express	$ 248,000.00	$ -	$ -	$ 248,000.00	3/17/2023	0.85%
Balboa Thrift Bank	$ 249,000.00	$ 166.45	$ -	$ 249,000.00	7/31/2025	0.40%
Bank United National Assn	$ 247,000.00	$ 215.52	$ -	$ 247,000.00	3/19/2024	0.35%
Bankwell Bank	$ 249,000.00	$ -	$ -	$ 249,000.00	1/30/2024	0.35%
Belmont Bank	$ 249,000.00	$ 279.37	$ -	$ 249,000.00	8/12/2025	0.45%
BMW Bank	$ 248,000.00	$ -	$ -	$ 248,000.00	3/20/2024	0.95%
Capital One Bank	$ 248,000.00	$ -	$ -	$ 248,000.00	3/18/2024	1.60%
Eagle Bank	$ 249,000.00	$ 962.23	$ -	$ 249,000.00	3/20/2024	1.55%
Encore Bank	$ 249,000.00	$ 279.37	$ -	$ 249,000.00	7/10/2024	0.45%
Evergreen Bank	$ 249,000.00	$ 620.80	$ -	$ 249,000.00	3/26/2025	1.00%
Farmer Mac	$ 2,000,000.00	$ -	$ -	$ 2,000,000.00	10/12/2027	4.00%
Federal Home Ln MTG Corp	$ 1,000,000.00	$ -	$ -	$ 1,000,000.00	8/13/2025	0.500%
Federal Home Loan Bank	$ 2,000,000.00	$ -	$ -	$ 2,000,000.00	3/8/2024	4.375%
FFCB	$ 500,000.00	$ -	$ -	$ 500,000.00	9/21/2023	0.25%
FFCB	$ 1,000,000.00	$ -	$ -	$ 1,000,000.00	10/17/2024	4.375%
FHLB	$ 1,000,000.00	$ 6,250.00	$ -	$ 1,000,000.00	12/21/2026	1.25%
FHLB	$ 1,000,000.00	$ -	$ -	$ 1,000,000.00	10/20/2023	4.625%
FHLB	$ 2,000,000.00	$ -	$ -	$ 2,000,000.00	10/27/2025	4.500%
First Community Bank	$ 249,000.00	$ 310.40	$ -	$ 249,000.00	7/22/2025	0.50%
Five Nine Bank	$ 249,000.00	$ 310.40	$ -	$ 249,000.00	4/10/2025	0.50%
Luana Savings Bank	$ 247,000.00	$ -	$ -	$ 247,000.00	3/13/2024	1.45%
Minnesota West Bank	$ 249,000.00	$ 310.40	$ -	$ 249,000.00	7/15/2025	0.50%
Preferred Bank	$ 249,000.00	$ 651.83	$ -	$ 249,000.00	3/27/2025	1.05%
Romney Bank	$ 249,000.00	$ 713.92	$ -	$ 249,000.00	3/27/2025	1.15%
Sunwest Bank	$ 249,000.00	$ 279.37	$ -	$ 249,000.00	8/12/2025	0.45%
United States Treasury Notes	$ 250,000.00	$ -	$ -	$ 250,000.00	8/15/2023	0.125%
United States Treasury NTS	$ 250,000.00	$ 312.50	$ -	$ 250,000.00	4/15/2023	0.25%
US Treas Sec Stripped Int Pmt	$ 509,000.00	$ -	$ -	$ 509,000.00	5/15/2026	0.00%
US Treasury Bill	$ 1,000,000.00	$ -	$ -	$ 1,000,000.00	4/27/2023	4.32%
Total Brokerage CD's	**$ 17,231,000.00**	**$ 12,376.48**	**$ -**	**$ 17,231,000.00**		
Total Cash & Investments	**$ 58,746,661.72**	**$ 119,564.88**	**$ (8,674,988.69)**	**$ 50,178,861.43**		

City of Big Spring
Monthly Interest Rates
Quarter Ending December 31, 2022

		OCT	NOV	DEC		Average
TexPool Funds		2.9336%	3.6110%	3.9799%		3.5030%
Prosperity Bank	12 month CD	0.0500%	0.0500%	2.3000%		0.7837%
Prosperity Bank	Money Market	1.4800%	2.1200%	2.1400%		2.1298%

Sandra G Smith - Finance Director

Todd Darden - City Manager

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
GENERAL FUND

REVENUES	Original Budget	Budget Amendments		Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
40-FEES	16,645,300			16,645,300	3,234,514	13,410,786	19.43%
41-LICENSES & PERMITS	495,650			495,650	39,831	455,819	8.04%
42-GRANTS & OTHER AGENCIE	8,850			8,850	1,500	7,350	16.95%
44-FINES & FEES	281,680			281,680	58,694	222,986	20.84%
45-RECREATION	974,350			974,350	94,361	879,989	9.68%
46-INTEREST INCOME	15,000			15,000	8,353	6,647	55.69%
47-PROPERTY	2,083,750			2,083,750	953,288	1,130,462	45.75%
48-TRANSFER FROM OTHER FU	-			-	-	-	0.00%
49-MISCELLANEOUS	2,958,507	28,798	1	2,958,507	551,906	2,406,601	18.65%
		20,000	2				
TOTAL REVENUES	23,463,087	28,798		23,463,087	4,942,447	18,520,640	21.06%

EXPENDITURES	Original Budget	Budget Amendments		Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	1,083,019			1,083,019	389,012	694,007	35.92%
110-CITY COUNCIL	170,315			170,315	50,857	119,458	29.86%
130-CITY MANAGER	351,383			351,383	82,769	268,614	23.56%
150-LEGAL	426,775			426,775	90,089	336,686	21.11%
170-SPECIAL PROJECTS	75,000			75,000	30,200	44,800	40.27%
190-PLANNING	25,000			25,000	7,033	17,967	28.13%
120-FINANCE DEPARTMENT	712,931			712,931	177,929	535,002	24.96%
140-INFORMATION TECHNOLOG	334,586			334,586	127,807	206,779	38.20%
160-HUMAN RESOURCES	507,068			507,068	165,874	341,194	32.71%
200-POLICE	5,433,642	28,798	1	5,462,440	1,462,287	4,000,153	26.77%
201-NARCOTICS TASK FORCE	568,574			568,574	97,868	470,706	17.21%
240-ANIMAL CONTROL	494,639			494,639	121,884	372,755	24.64%
210-FIRE	5,648,485	20,000	2	5,648,485	1,345,793	4,302,692	23.83%
211-98-99 SAFER GRANT	427,917			427,917	49,382	378,535	11.54%
230-FIRE MARSHAL	163,535			163,535	49,382	114,153	30.20%
220-MUNICIPAL COURT	355,902			355,902	88,980	266,922	25.00%
300-CODE ENFORCEMENT/INSP	686,487			686,487	125,000	561,487	18.21%
310-GENERAL MAINTENANCE	174,807			174,807	13,861	160,946	7.93%
320-STREETS	3,279,789	20,529	3	3,300,318	384,428	2,915,890	11.65%
370-PARKS	607,265			607,265	98,668	508,597	16.25%
375-SPORTS COMPLEX	516,833	15,000	4	531,833	92,529	439,304	17.40%
380-AQUATIC CENTER	383,944			383,944	37,578	346,366	9.79%
390-GOLF COURSE	1,097,171			1,097,171	167,088	930,083	15.23%
410-LAKE	124,065			124,065	7,709	116,356	6.21%
420-CITY HALL	78,800	30,000	5	108,800	25,750	83,050	23.67%
000-NON-DEPARTMENTAL	430,866			430,866	124,591	306,275	28.92%
000-NON-DEPARTMENTAL	1,468,000			1,468,000	337,000	1,131,000	22.96%
TOTAL BUDGETED EXPENSES	25,626,798	114,327		25,721,125	5,751,348	19,969,777	22.36%
NET INCREASE (DECREASE)	(2,163,711)	(85,529)		(2,258,038)	(808,901)	(1,449,137)	

Overview - Revenues

Sales tax collections for December totaled $771,221, an increase of $225,342 (41.28%) over the prior year. Applying the current inflation rate of 7.47% the adjusted increase in sales tax for December is 33.81%. Fiscal year to date collections is $1,599,720, up 23.60% compared to last year, while the twelve-month moving average is 28.0% higher than projected.

The majority of property tax revenues are typically collected from January through March, so we are still below budget, but we expect to see an increase in the next quarter.

We continue to see increased royalties, we are at 43% of budgeted revenues in the General Fund. Currently WTI is around $79.00/bbl.

Interest rates continue to rise, and we took advantage of the increased rates and invested $10m (see the investment report), with maturity dates laddered over the next four years.

Overview - Expenditures

Budgeted expenditures should be around 25%, however, insurance premiums and some of the I.T. contracts have been paid for the year, so some of the smaller departments may exceed 25%, (i.e. City Council and HR). Their budgets are skewed because of this, but will average out in the next few months.

Department 170 - Special Projects is at 40.27% of their budget expended. This is where the abatements are charged. If we continue in this trend, we will be coming back to Council for an increase in this budget line item.

Last Council meeting, a budget adjustment was passed that moved funds between the capital budget and the operations budget. The impact to operations was an increase of $135,851 and decreased the capital budget by the same amount.

The other budget amendments passed are reflected above and have increased the General Fund budget by $94,327.

Footnotes:

[1] Broughton Foundation Donation for Key/Equipment Locker

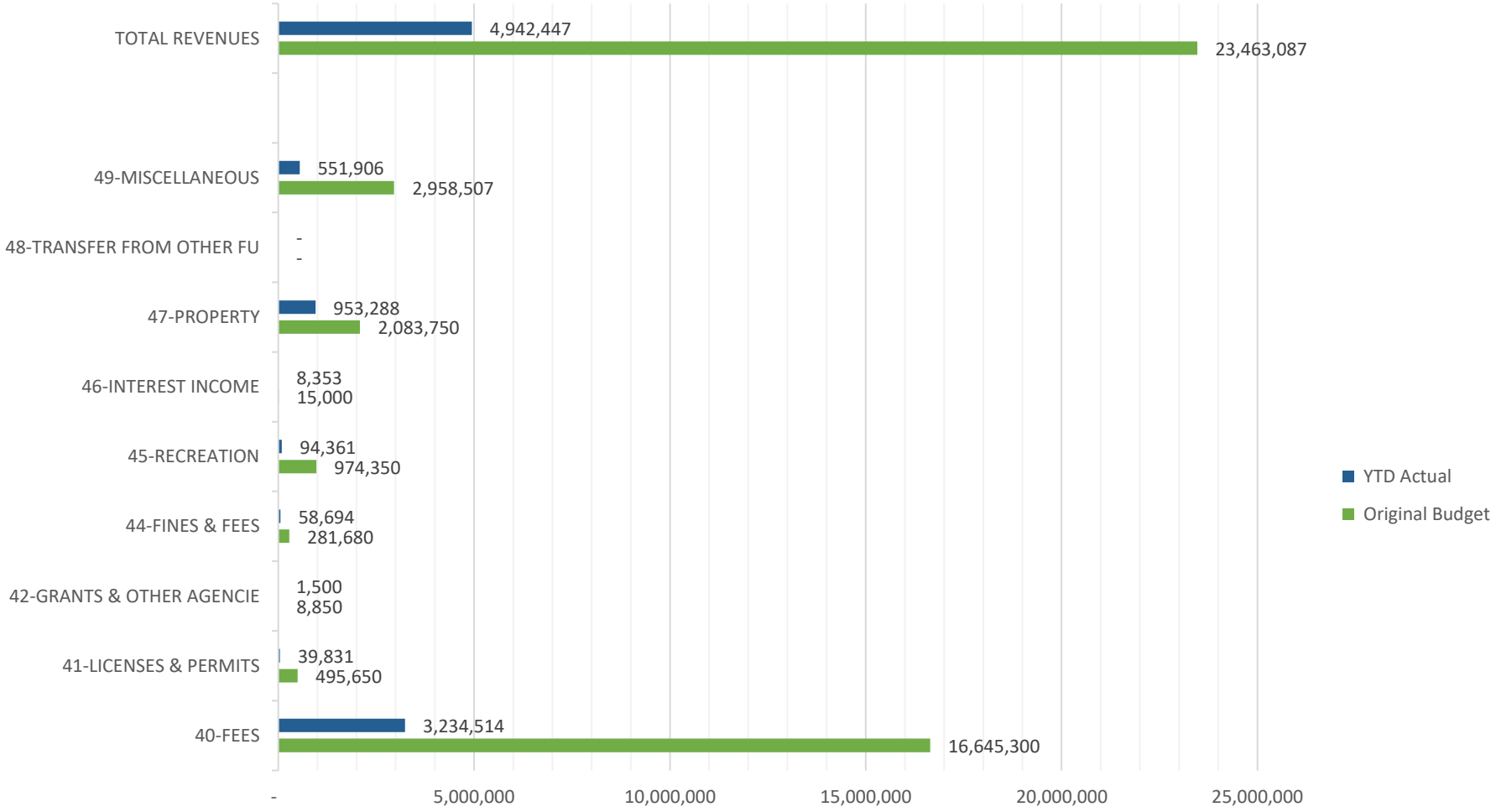
[2] Oxy Donation for new rescue equipment (boots)

[3] Enterprise Lease for vehicle purchased last year but did not receive

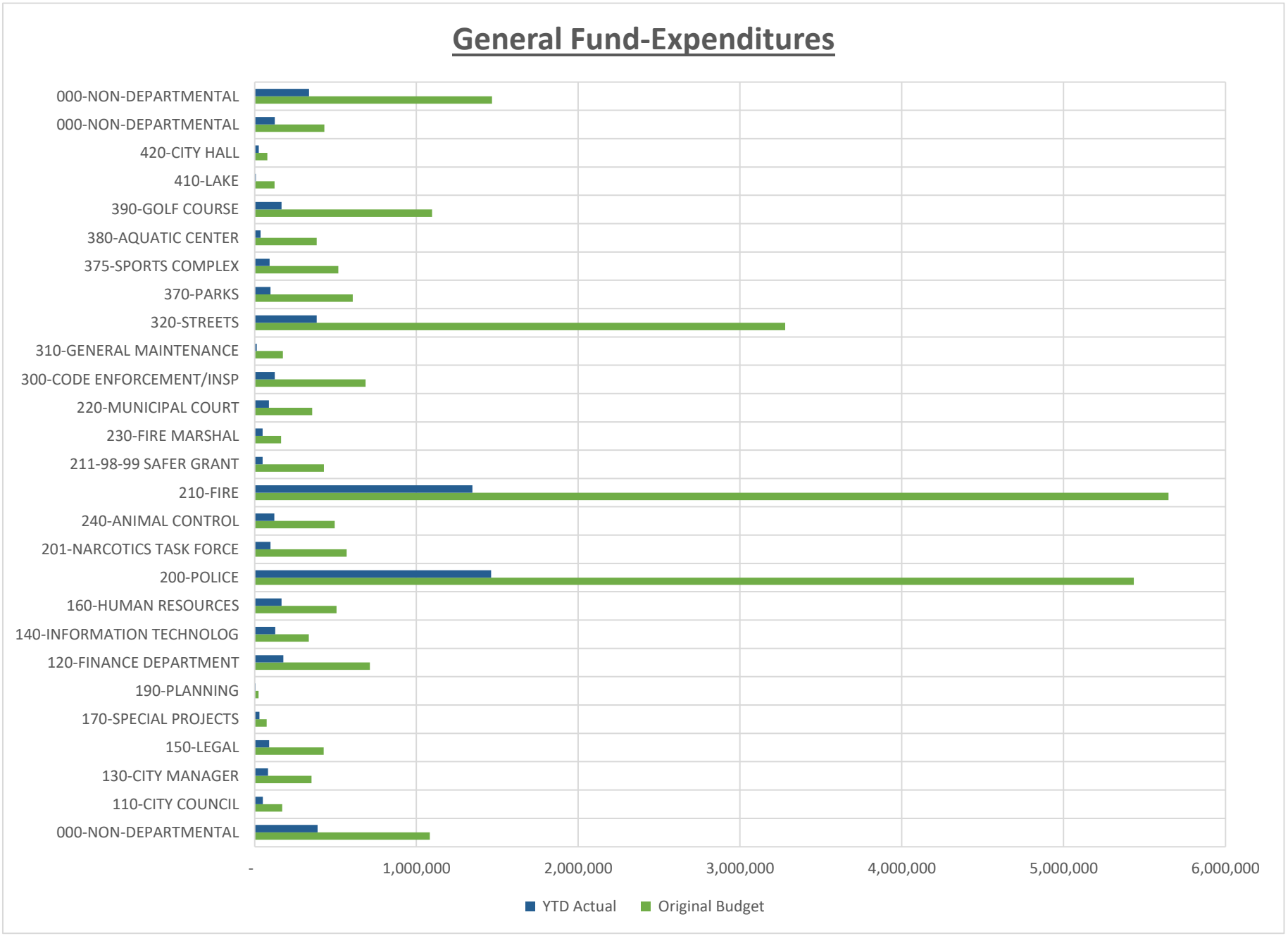
[4] Lighting at Garrett Field - bids came in over budget

[5] Bio-hazard remediation due to pigeon infestation

General Fund-Revenues



	40-FEES	41-LICENSES & PERMITS	42-GRANTS & OTHER AGENCIE	44-FINES & FEES	45-RECREATION	46-INTEREST INCOME	47-PROPERTY	48-TRANSFER FROM OTHER FU	49-MISCELLANEOUS		TOTAL REVENUES
YTD Actual	3,234,514	39,831	1,500	58,694	94,361	8,353	953,288	-	551,906		4,942,447
Original Budget	16,645,300	495,650	8,850	281,680	974,350	15,000	2,083,750	-	2,958,507		23,463,087


General Fund-Expenditures
000-NON-DEPARTMENTAL
000-NON-DEPARTMENTAL
420-CITY HALL
410-LAKE
390-GOLF COURSE
380-AQUATIC CENTER
375-SPORTS COMPLEX
370-PARKS
320-STREETS
310-GENERAL MAINTENANCE
300-CODE ENFORCEMENT/INSP
220-MUNICIPAL COURT
230-FIRE MARSHAL
211-98-99 SAFER GRANT
210-FIRE
240-ANIMAL CONTROL
201-NARCOTICS TASK FORCE
200-POLICE
160-HUMAN RESOURCES
140-INFORMATION TECHNOLOG
120-FINANCE DEPARTMENT
190-PLANNING
170-SPECIAL PROJECTS
150-LEGAL
130-CITY MANAGER
110-CITY COUNCIL
000-NON-DEPARTMENTAL
-
1,000,000
2,000,000
3,000,000
4,000,000
5,000,000
6,000,000
YTD Actual
Original Budget

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
HOTEL/MOTEL FUND

REVENUE	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
40-FEES	1,020,400		1,020,400	269,568	750,832	26.42%
45-RECREATION	2,200		2,200	619	1,581	28.14%
46-INTEREST INCOME	1,000		1,000	955	45	95.50%
47-PROPERTY	27,500		27,500	11,465	16,035	41.69%
49-MISCELLANEOUS	10		10	-	10	0.00%
TOTAL REVENUES	1,051,110	-	1,051,110	282,607	768,503	26.89%

EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	120,880		120,880	51,208	69,672	42.36%
510-DORA ROBERTS COMMUN.	327,596		327,596	19,106	308,490	5.83%
520-POTTON HOUSE	48,668		48,668	1,181	47,487	2.43%
530-AUDITORIUM	793,650		793,650	38,668	754,982	4.87%
540-SPECIAL PROJECTS	18,000		18,000	2,419	15,581	13.44%
560-CVB	683,455	10,600 [1]	694,055	202,737	491,318	29.21%
570-HISTORIC SPRING	106,000		106,000	8,127	97,873	7.67%
000-NON-DEPARTMENTAL	-			-	-	0.00%
000-NON-DEPARTMENTAL	-			-	-	0.00%
TOTAL BUDGETED EXPENSES	2,098,249	10,600	2,108,849	323,446	1,785,403	15.34%
NET INCREASE (DECREASE)	(1,047,139)	(10,600)	(1,057,739)	(40,839)	(1,016,900)	

Overview - Revenues

The Hotel Occupancy Tax (HOT) for the 1st quarter is trending above budget by 38.67%. Adjusted for inflation, this is an increase of $31.2%. There has been a $97,324 increase over last year. Not all of December HOT Revenue has been received. The deadline to submit without penality is January 31st, so the actual number will be even higher.

DRCC Rentals are also up, rentals are at 41.69% of budget.

Overview - Expenditures

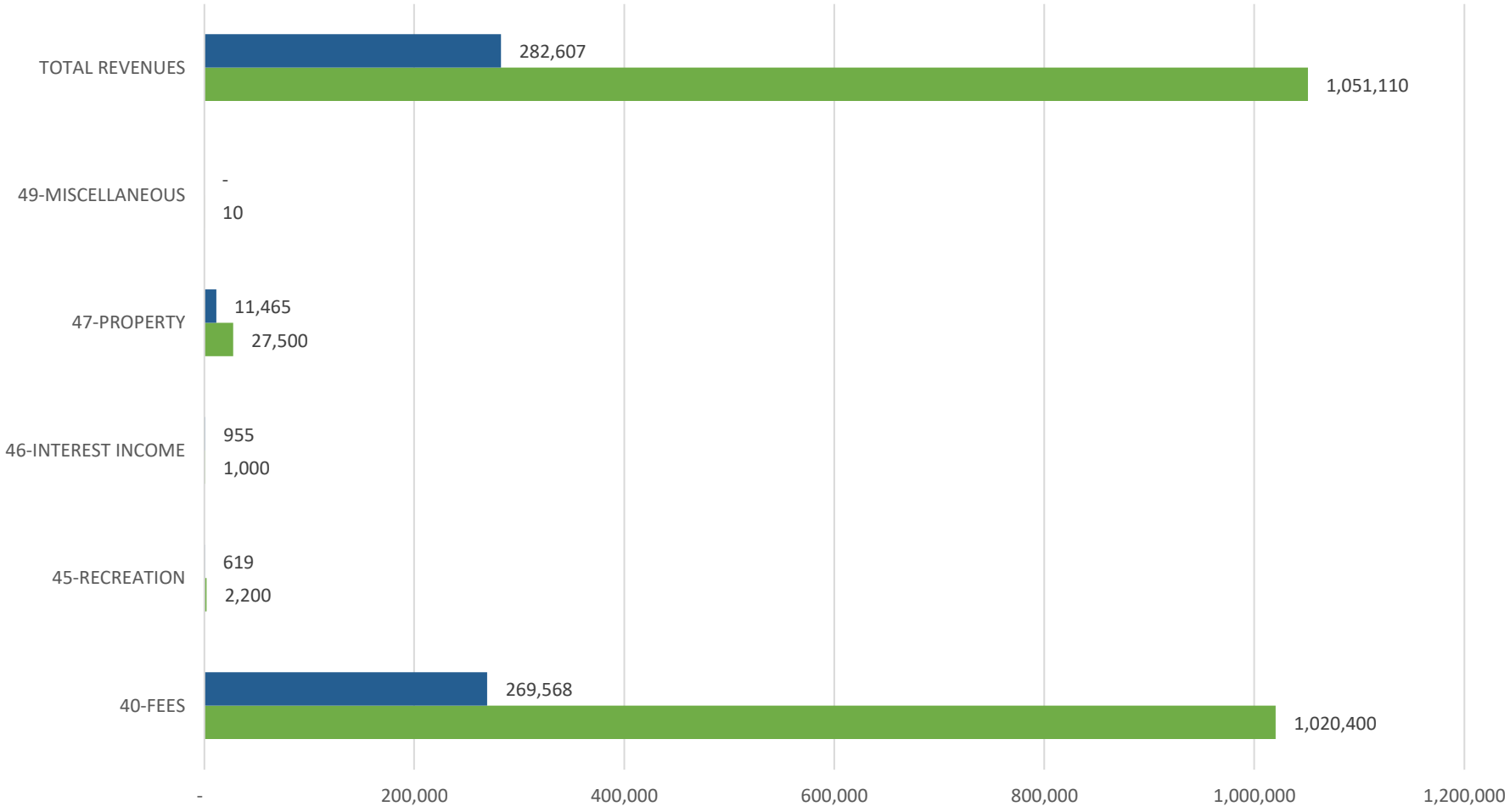
000-Non-Departmental appears to be trending overbudget, but this is the account where the contributions for the Heritage Museum and the Hangar 25 are charged and those payments have been made for the year.

Festival of Lights, was successful this year, with an estimated 23,000 visitors representing over 15 different countries.

Footnotes

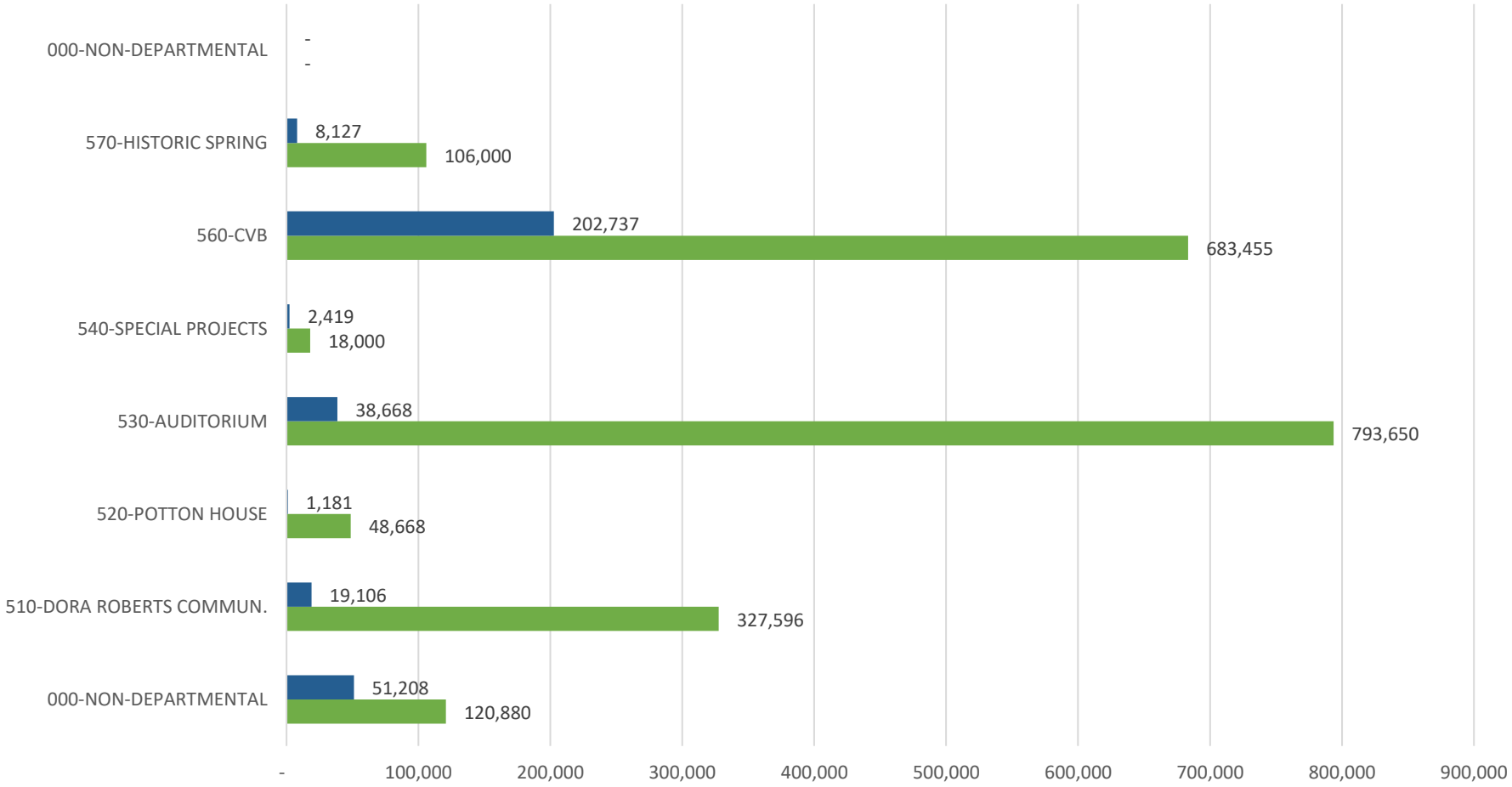
[1] Correction of clerical entry error in budget

Hotel/Motel Fund-Revenues



	40-FEES	45-RECREATION	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS	TOTAL REVENUES
YTD Actual	269,568	619	955	11,465	-	282,607
Revised Budget	1,020,400	2,200	1,000	27,500	10	1,051,110

Hotel/Motel-Expenditures



	000-NON-DEPARTMENTAL	510-DORA ROBERTS COMMUN.	520-POTTON HOUSE	530-AUDITORIUM	540-SPECIAL PROJECTS	560-CVB	570-HISTORIC SPRING	000-NON-DEPARTMENTAL
YTD Actual	51,208	19,106	1,181	38,668	2,419	202,737	8,127	-
Revised Budget	120,880	327,596	48,668	793,650	18,000	683,455	106,000	-

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
UTILITY FUND

REVENUES	Revised Budget	Budget Amendement	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
42-GRANTS & OTHER AGENCIES (ARPA)	3,492,172		3,492,172	3,499,073	(6,901)	100.20%
43-GENERAL SALES/OTHER SE	12,930,000		12,930,000	2,668,165	10,261,835	20.64%
46-INTEREST INCOME	14,000		14,000	15,124	(1,124)	108.03%
47-PROPERTY	3,040		3,040	-	3,040	0.00%
48-TRANSFER FROM OTHER FU	-		-	-	-	0.00%
49-MISCELLANEOUS	19,700		19,700	5,280	14,420	26.80%
TOTAL REVENUES	16,458,912	-	16,458,912	6,187,642	10,271,270	37.59%

EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
735-WATER OFFICE-CUSTOMER	847,806		847,806	154,280	693,526	18.20%
000-NON-DEPARTMENTAL	5,055,534		5,055,534	783,955	4,271,579	15.51%
705-WATER TREATMENT	3,257,933		3,257,933	537,643	2,720,290	16.50%
710-DISTRIBUTION & COLLEC	4,037,059	10,000 [1]	4,047,059	835,930	3,211,129	20.66%
740-WASTEWATER TREATMENT	4,362,531		4,362,531	284,846	4,077,685	6.53%
745-MATERIAL CONTROL	168,905		168,905	43,257	125,648	25.61%
780-CITY HALL ANNEX	30,800		30,800	3,851	26,949	12.50%
000-NON-DEPARTMENTAL	95,912		95,912	1,456	94,456	1.52%
000-NON-DEPARTMENTAL	124,000		124,000	25,720	98,280	20.74%
TOTAL BUDGETED EXPENSES	17,980,480	10,000	17,990,480	2,670,938	15,319,542	14.85%
NET INCREASE (DECREASE)	(1,521,568)	(10,000)	(1,531,568)	3,516,704	(5,048,272)	

Overview - Revenues

Both tranches of the ARPA funds have been received. The demolition on the old Interstate unit has begun. The total demolition cost is estimated at $624,300. ARPA funds are being used for this project.

Water sales are below budget, but sales are usually slower in the winter than the spring/summer months.

Overview - Expenditures

Expenditures are tracking at or below expected budget percentage.

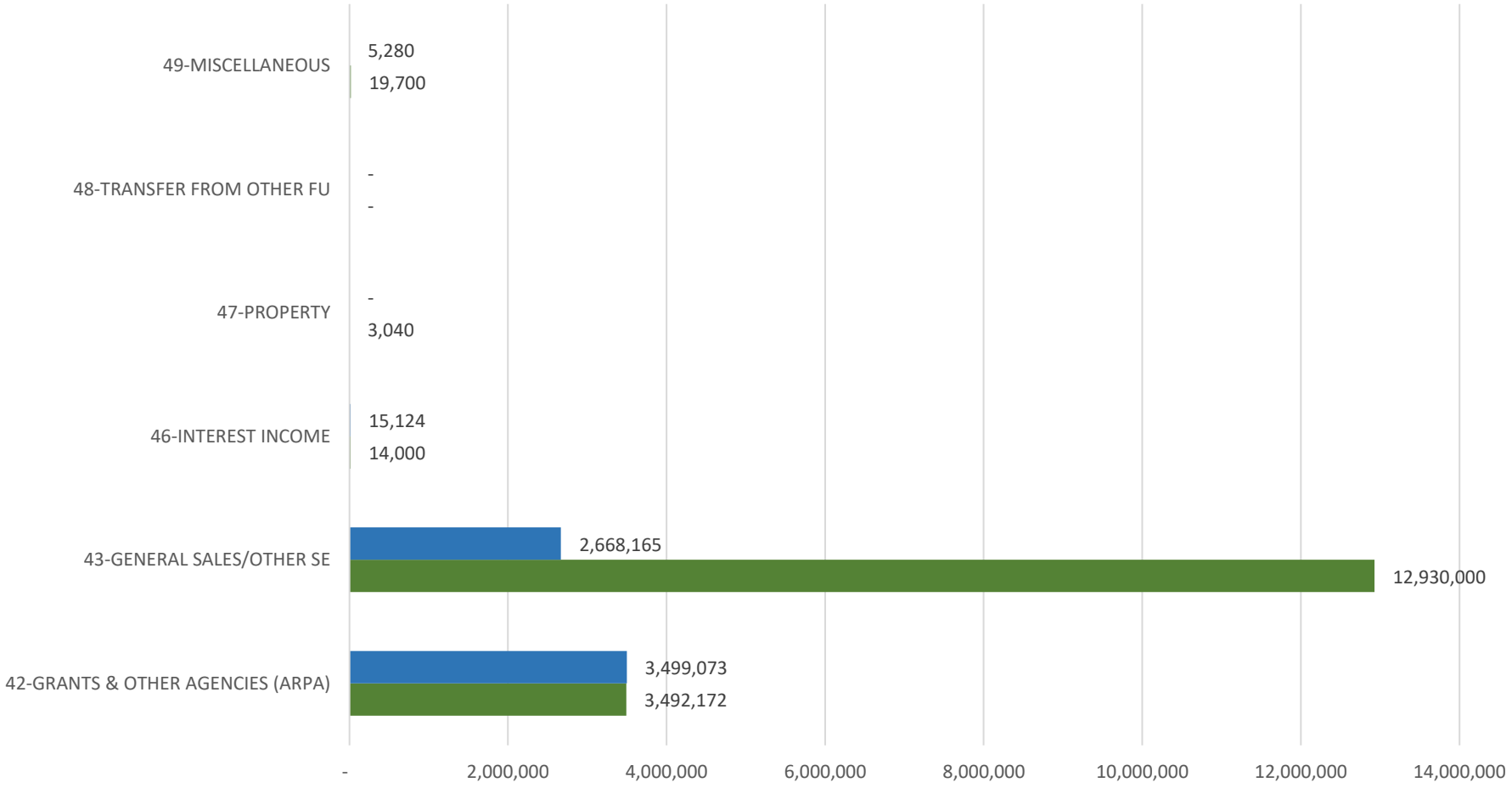
There are three grants that are ramping up dealing with Utilities.

The EDA grant for the reliever route - Engineers have been chosen and have had the first meeting with the Grant Administrator.
CDBG - DRP (Downtown Revitilization Plan) - received bids on 1/17/23 and they are being evaluated
CDBG - Runnels grant - awarded but not funded yet.

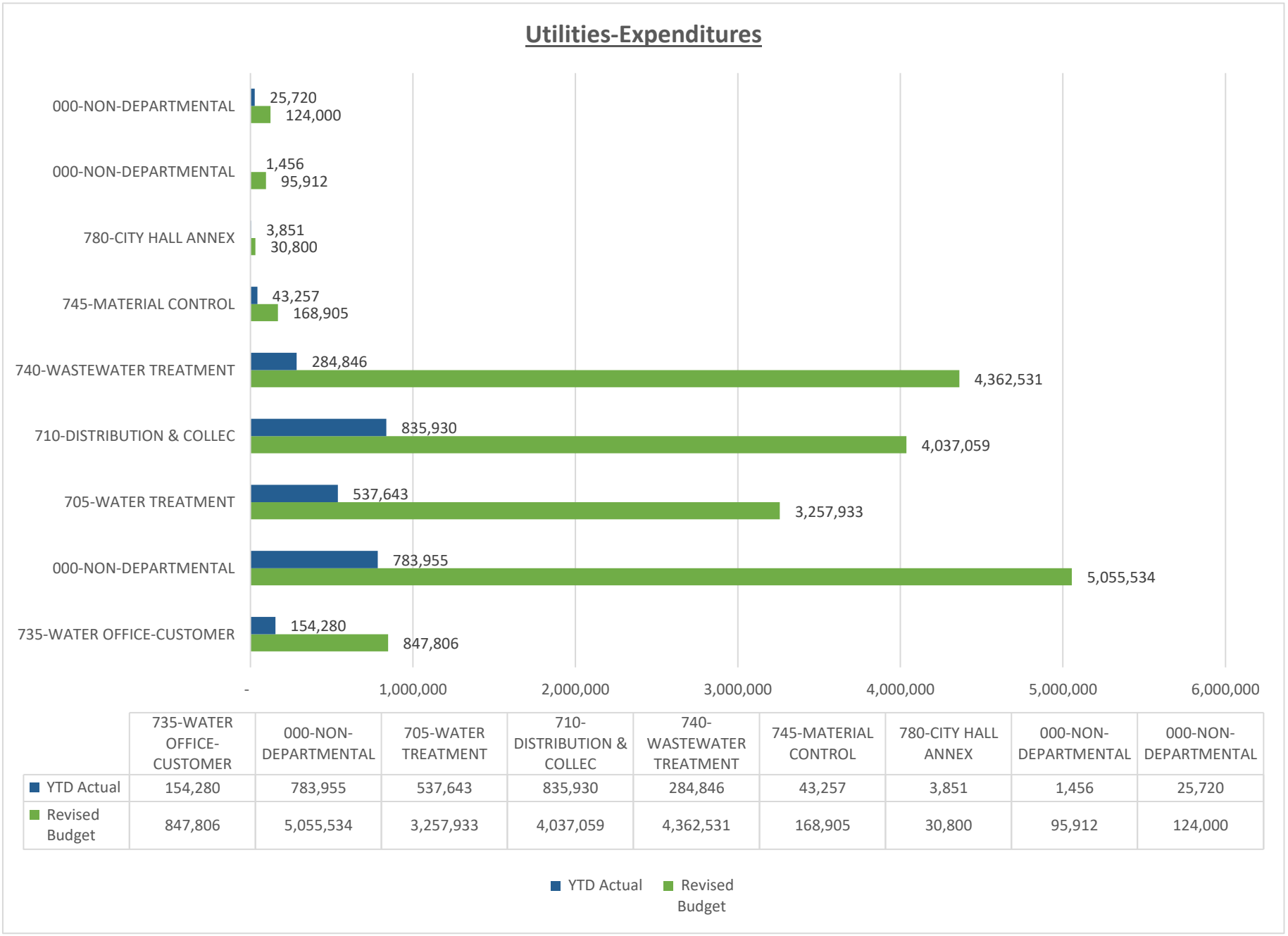
Footnotes:

[1] Purchase of a new jetter trailer for D&C

Utilities-Revenue



	42-GRANTS & OTHER AGENCIES (ARPA)	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	47-PROPERTY	48-TRANSFER FROM OTHER FU	49-MISCELLANEOUS
YTD Actual	3,499,073	2,668,165	15,124	-	-	5,280
Revised Budget	3,492,172	12,930,000	14,000	3,040	-	19,700



	735-WATER OFFICE-CUSTOMER	000-NON-DEPARTMENTAL	705-WATER TREATMENT	710-DISTRIBUTION & COLLEC	740-WASTEWATER TREATMENT	745-MATERIAL CONTROL	780-CITY HALL ANNEX	000-NON-DEPARTMENTAL	000-NON-DEPARTMENTAL
YTD Actual	154,280	783,955	537,643	835,930	284,846	43,257	3,851	1,456	25,720
Revised Budget	847,806	5,055,534	3,257,933	4,037,059	4,362,531	168,905	30,800	95,912	124,000

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
AIRPARK

REVENUE SUMMARY

REVENUES	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
45-RECREATION	100		100	-	100	0.00%
46-INTEREST INCOME	13,000		13,000	17,834	(4,834)	137.18%
47-PROPERTY	4,268,900		4,268,900	2,376,453	1,892,447	55.67%
49-MISCELLANEOUS	25,600		25,000	11,173	13,827	44.69%
TOTAL REVENUES	4,307,600	-	4,307,000	2,405,460	1,901,540	55.85%

DEPARTMENT EXPENSE SUMMARY

EXPENDITURES	Revised Budget		Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	-		-		-	
610-AIRPARK	6,050,827		6,050,827	440,461	5,610,366	7.28%
000-NON-DEPARTMENTAL	-		-	7,051	(7,051)	
TOTAL BUDGETED EXPENSES	6,050,827	-	6,050,827	447,512	5,603,315	7.40%
NET INCREASE (DECREASE)	(1,743,227)	-	(1,743,827)	1,957,948	(3,701,775)	

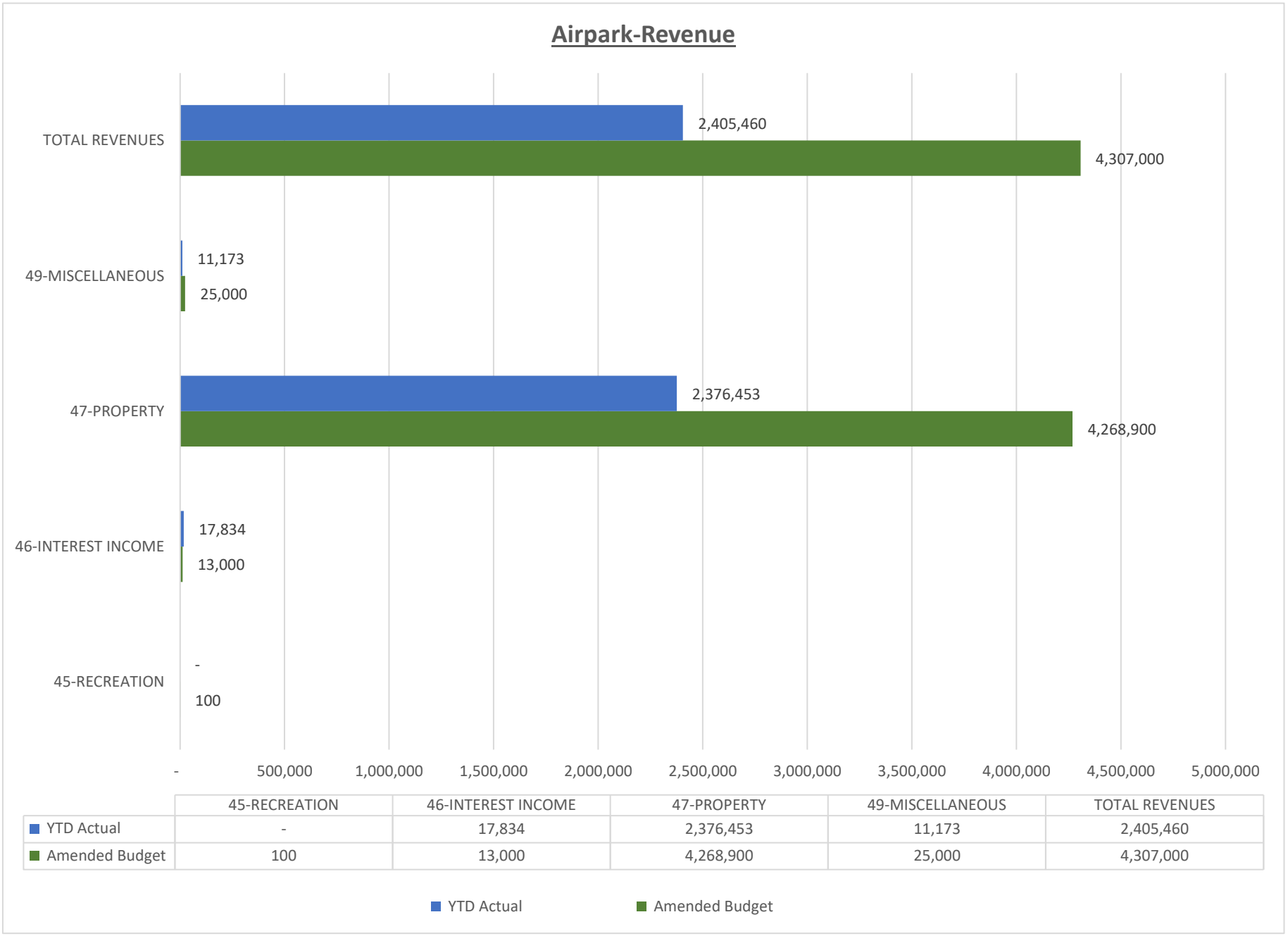
Overview - Revenues

Oil Royalties continue to boost the budget for the Airpark. Our very consertative budget should be exceeded, if oil will stay at the $70-79/bbl that it is currently trending at.

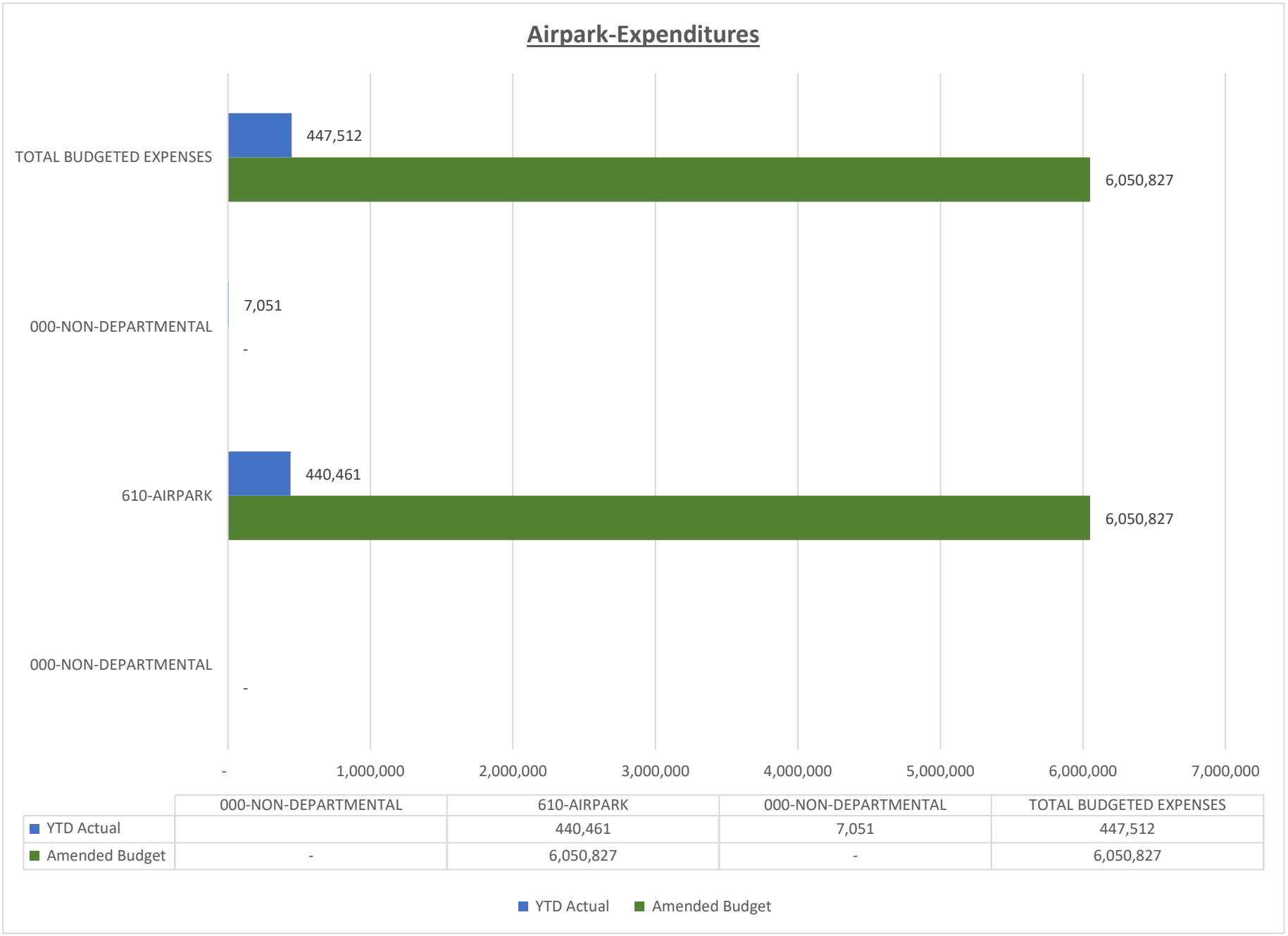
Overview - Expenses

Airipark has a TXDot Aviation grant in the amount of $365,000 (90/10 match) for an Airport Master Plan and ALP Update.

The Airpark hosted the Blowout at the Bunker for Veteran's Day, it was a resounding success.



	45-RECREATION	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS	TOTAL REVENUES
YTD Actual	-	17,834	2,376,453	11,173	2,405,460
Amended Budget	100	13,000	4,268,900	25,000	4,307,000



	000-NON-DEPARTMENTAL	610-AIRPARK	000-NON-DEPARTMENTAL	TOTAL BUDGETED EXPENSES
YTD Actual		440,461	7,051	447,512
Amended Budget	-	6,050,827	-	6,050,827

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
LANDFILL

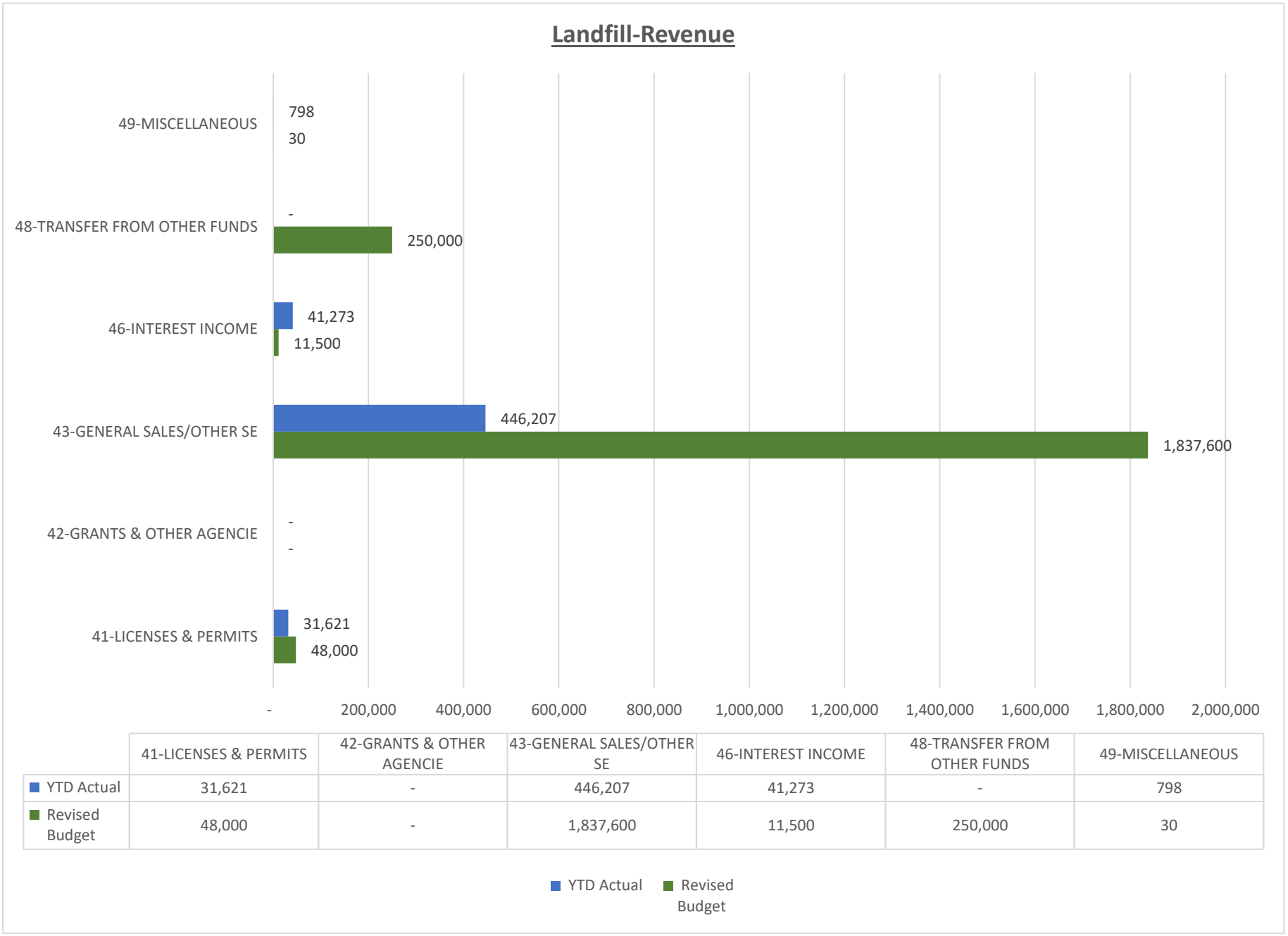
REVENUES	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
41-LICENSES & PERMITS	48,000		48,000	31,621	16,379	65.88%
42-GRANTS & OTHER AGENCIE	-		-	-	-	0.00%
43-GENERAL SALES/OTHER SE	1,837,600		1,837,600	446,207	1,391,393	24.28%
46-INTEREST INCOME	11,500		11,500	41,273	(29,773)	358.90%
48-TRANSFER FROM OTHER FUNDS	250,000		250,000	-	250,000	0.00%
49-MISCELLANEOUS	30		30	798	(768)	2660.00%
TOTAL REVENUES	2,147,130	-	2,147,130	519,899	1,627,231	24.21%

EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	-			-	-	0.00%
350-LANDFILL	1,818,898		1,818,898	341,257	1,477,641	18.76%
000-NON-DEPARTMENTAL	208,243		208,243	5,061	203,182	2.43%
TOTAL BUDGETED EXPENSES	2,027,141	-	2,027,141	346,318	1,680,823	17.08%
NET INCREASE (DECREASE)	119,989	-	119,989	173,581	(53,592)	

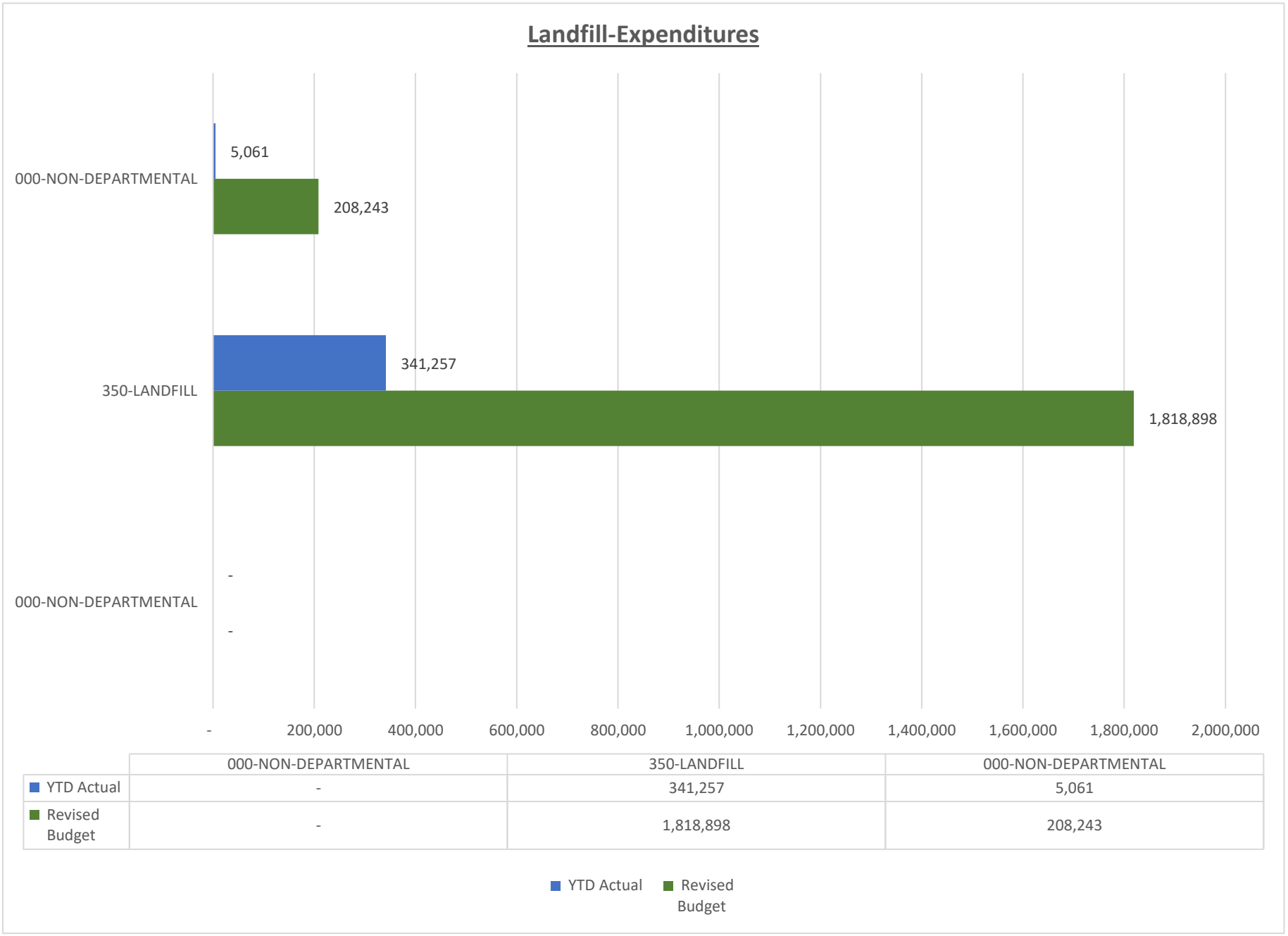
Overview - Revenue

This time last year, tipping fees were $108,135, this year they are $172,177, an increase of $64,042 (59%). We attribute this to the revision of the Fees Ordinance, eliminating the permit fee we were charging per truck. We were able to recoup customers that we had previously lost due to the permitting fee.

Overview - Expenses



	41-LICENSES & PERMITS	42-GRANTS & OTHER AGENCIE	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	48-TRANSFER FROM OTHER FUNDS	49-MISCELLANEOUS
YTD Actual	31,621	-	446,207	41,273	-	798
Revised Budget	48,000	-	1,837,600	11,500	250,000	30



	000-NON-DEPARTMENTAL	350-LANDFILL	000-NON-DEPARTMENTAL
YTD Actual	-	341,257	5,061
Revised Budget	-	1,818,898	208,243

CITY OF BIG SPRING
YEAR TO DATE OCTOBER 1, 2022 TO DECEMBER 31, 2022
1st QTR - 25%
SANITATION

REVENUES	Revised Budget	Budget Amendments	Amended Budget	YTD Actual	Budget Balance	% of Budget to Date
43-GENERAL SALES/OTHER SE	3,654,000		3,654,000	802,217	2,851,783	21.95%
46-INTEREST INCOME	1,400		1,400	1,288	112	92.00%
47-PROPERTY	85,000		85,000	29,745	55,255	34.99%
49-MISCELLANEOUS	906,000		906,000	248	905,752	0.03%
TOTAL REVENUES	4,646,400	-	4,646,400	833,498	3,812,902	17.94%

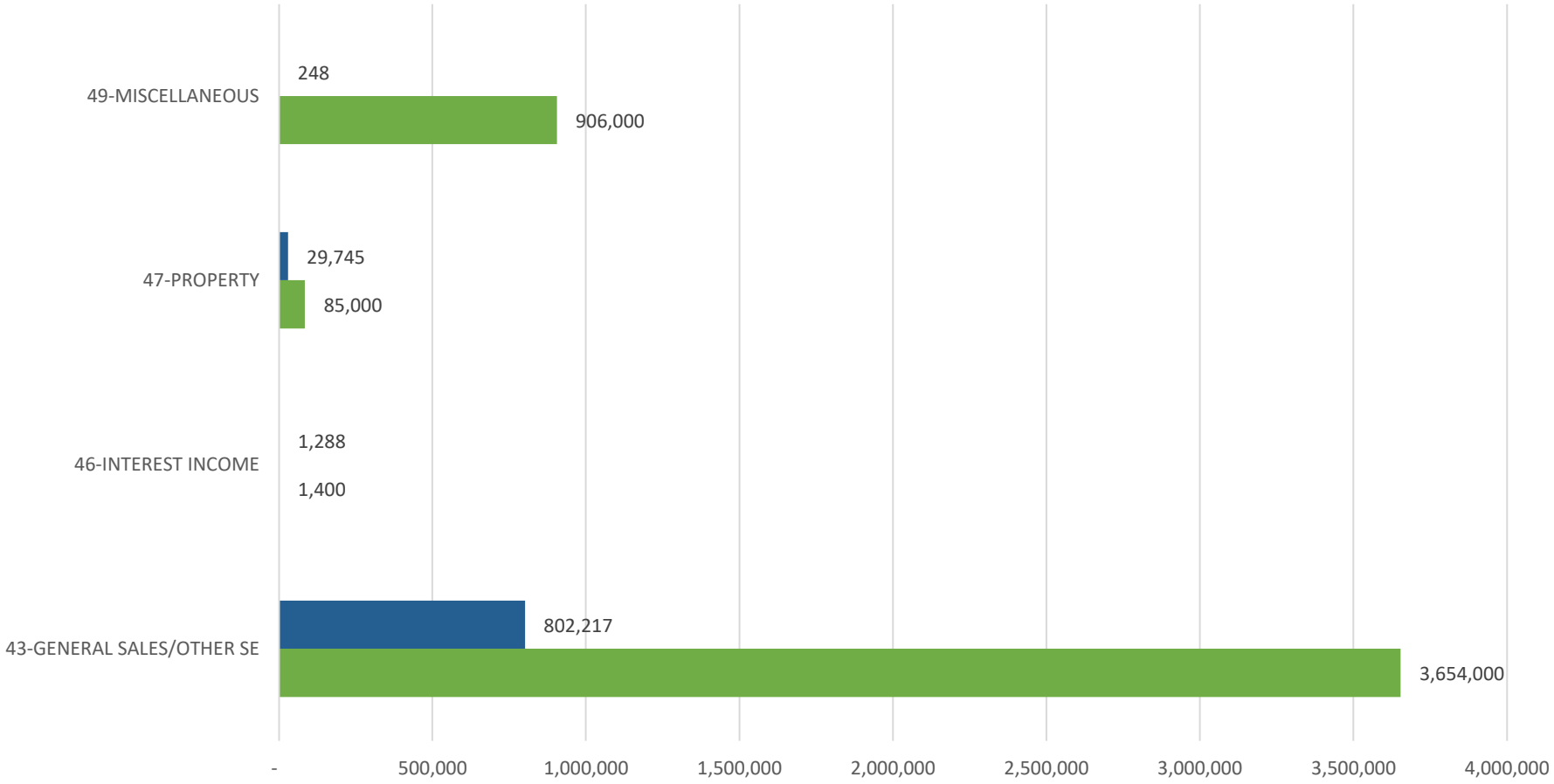
EXPENDITURES	Revised Budget			YTD Actual	Budget Balance	% of Budget to Date
000-NON-DEPARTMENTAL	-		-	-	-	0.00%
330-SANITATION	3,984,420		3,984,420	794,316	3,190,104	19.94%
000-NON-DEPARTMENTAL	209,188		209,188	8,265	200,923	3.95%
000-NON-DEPARTMENTAL	250,000				-	0.00%
TOTAL BUDGETED EXPENSES	4,443,608	-	4,193,608	802,581	3,391,027	19.14%
NET INCREASE (DECREASE)	202,792	-	452,792	30,917	421,875	

Overview - Revenue
Revenue this time last year was $755,138 this year it is at $833,498 an increase of $78,360 (10%).

Overview - Expenses
Expenses are trending below budget.

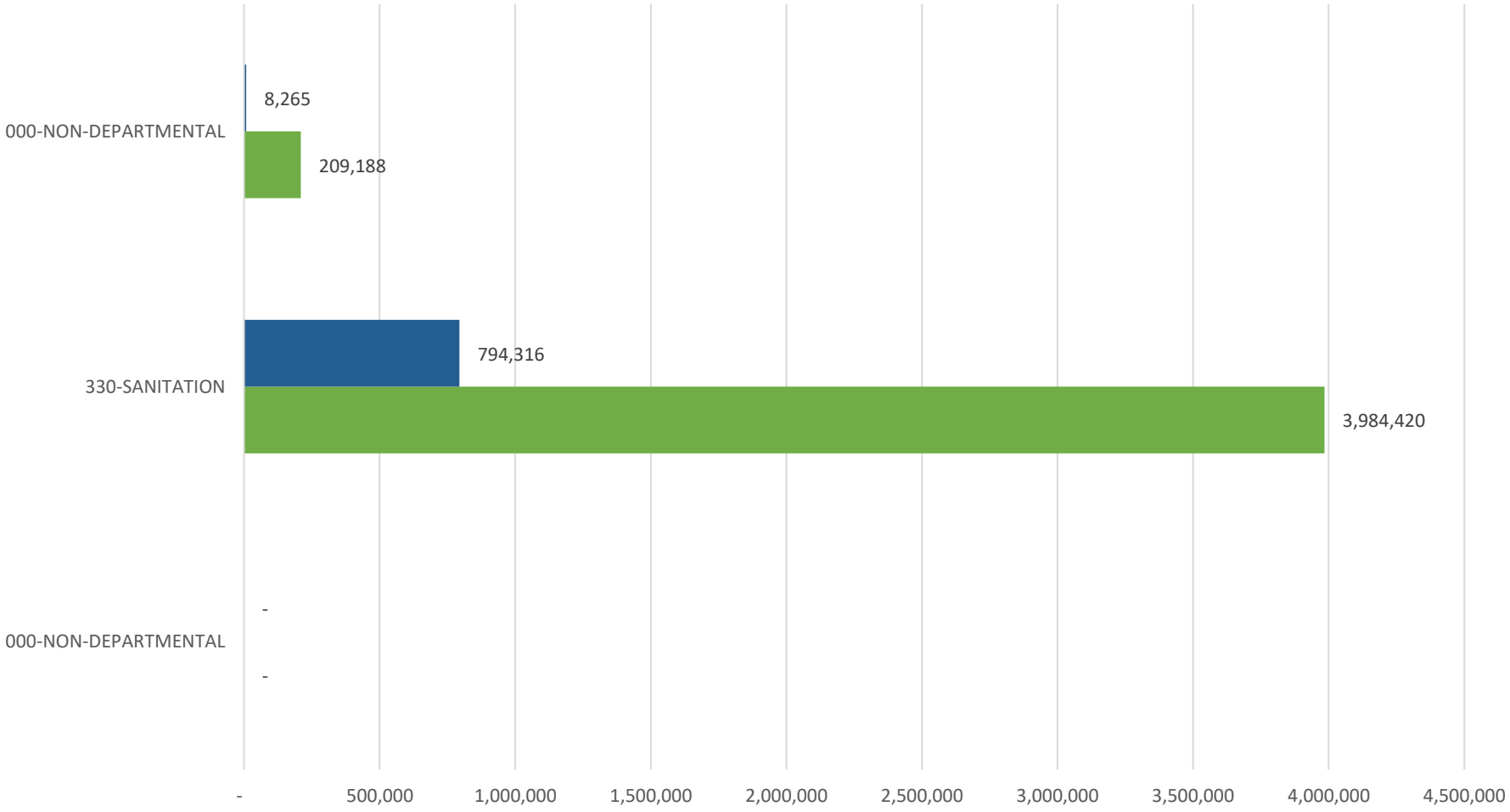
*Includes a 550,000 Transfer not yet booked.

Sanitation-Revenues



	43-GENERAL SALES/OTHER SE	46-INTEREST INCOME	47-PROPERTY	49-MISCELLANEOUS
YTD Actual	802,217	1,288	29,745	248
Revised Budget	3,654,000	1,400	85,000	906,000

Sanitation-Expenditures



	000-NON-DEPARTMENTAL	330-SANITATION	000-NON-DEPARTMENTAL
YTD Actual	-	794,316	8,265
Revised Budget	-	3,984,420	209,188

BIG SPRING
TEXAS

COMMUNITY SERVICES MEMORANDUM

Date: 1/24/2023

To: Mayor and City Council
Todd Darden, City Manager

From: Hayley Lewis, Community Services Director

Subject: Event Funding Request

We are respectfully requesting City Council approve the staff recommendation of $2,500 for event funding for the Together Trail Race hosted by Midland Athletic Company to take place at the Big Spring State Park on February 11, 2023. This is a first time event and it is estimated to bring in 10 hotel rooms.

This event meets the stipulations required by THLA to receive HOT funds and will be funded by the Convention and Visitors Bureau Event Funding budget.

If approved, the event funding budget will have a balance of $57,700 for the remainder of the fiscal year.

CVB Event Funding - Cover Sheet

Event:	Together Trail Race
Event Date:	2/11/2023
Sponsoring Organization:	Midland Athletic Company
Date Request Received:	1/17/2023
Amount Requested:	$2,550.00
Staff Recommendation:	$2,500.00
Action:	
Estimated Hotel Rooms on Application:	10
Hotel Rooms from Previous Year	N/A

5 Year Requests

Date Requested	Event Date	$ Funded	Follow-up	Profit/Loss	Hotel Rooms
1/24/2023	2/11/2023				10

Application

Date: 1/16/2023

Organization Information

Name of Organization:
Midland Athletic Company

Address:
3326 N. Midkiff Road

City, State, Zip:
Midland, Texas, 79706

Contact Name: Kayla Melendez Contact Phone Number: 432-230-7677

Contact Email: RD@midlandathleticcompany.com

Second Contact Name: Martin Vega Second Contact Email: events@midlandathleticcompany.com

Second Contact Phone Number: 432-889-5195

Web Site Address for Event or Sponsoring Entity www.midlandathleticcompany.com

Non-Profit or For-Profit status: Part/ Part Tax ID #: Federal Tax ID # (EIN): 88-3764233
Texas State Sales Tax (Tax Exempt) #: 3-20815-4362-4

Purpose of your organization:
Midland Athletic Company has a store front that sell athletic apparel and shoes. In addition, Midland Athletic Company has an event production business that works along side non-profit businesses to create events that benefits the non-profit and fun experiences for participants.

Event Information

Name of Event Together Trail Race

Date of Event February 11, 2023

Primary Location of Event: Big Spring State Park

THLA Event Funding Formula:

# of Hotel Rooms 10 **X $150(amount per room)=$** 1500 **X %50 of Hotel Revenue=**

$ 750

Outside of Howard County Advertising: $ 1,800

Total Amount Requested: $ 2550

How will the funds be used:
Fund will be used for cost of advertisement as well as cost of the productions of the events including, but not limited to, cost of medals, food, the band, and water.
Additionally, we plan to use funds for payment for race day personnel for additional support.

Description of Activities Planned (include schedule of events, samples of posters, flyers, ads, etc.) The event includes options for 3.5 mile, 7 mile, 10.5 mile trail race. We plan to have a live band as well as pancake breakfast after the event.
For advertising we plan to post flyers, give away post cards to all store visitors, create ads on social media, and run clinics which also provide learning opportunities.

Questions for All Funding Request Categories:

1. How many years have you held this Event First Year

2. Expected Attendance: 150+

3. How many people attending the Event will use Big Spring hotels? 10+

Number of nights the visitors will stay (approximate): 1

4. Do you reserve a room block for this event at an area hotel and if so, for how many rooms and at which hotels:
No. None.

5. Will you negotiate a special rate or hotel/event package to attract overnight stays?
We plan to have a giveaway for the free night at the Hotel Settles for Feb 11.
We plan to promote the Hotel Settles on social media.

6. How will you measure the impact of your event on area hotel activity (e.g.; room block usage information, survey of hoteliers, etc.)? Survey the participants after the event.

7. Please list other organization, government entities, and grants that have offered financial support to your project:
Currently in the process of securing support for local businesses.

8. Will the event charge admission? Do you anticipate a net profit from the event? If there is a net profit, what is the anticipated amount and how will it be used?

The event will charge admission ($30 single loop, $40 double loop, $50 triple loop). We hope for a net profit but margins are narrow for first year event. We anticipate $3000-5000.

9. Please list all promotion efforts your organization is coordinating and the amount financially committed to each media outlet:

	Local:	Out of Area:
Newspaper:		
Radio:		
Tv:		
Other Paid Advertising:		Paid social media advertisement via Instagram and Facebook, Email marketing (15,000+), Text Messaging

Number of Press Releases to Media _____
Number Direct Mailings to out-of-town recipients _____
Other Promotions Trail Running clinics- January 14, January 16 and January 28.

10. Will you include a link to the CVB or other source on your promotional handouts and in your website? Yes, we can

11. What new marketing initiatives will you utilize to promote hotel and convention activity for this event? Also include any marketing outside of Howard County.
Social Media marketing, email marketing, text marketing.

This event is: X Regional ___ Statewide ___ National ___International

Does this event fall under the Texas Hotel Lodging Two Part Test:

1. Heads in Beds?
   a. Yes b. No

__ Convention Centers/Visitor Information Center __Registration of Convention Delegates
__ Advertising __Promotions of Arts __Historical Restoration or Preservation X Sporting Events
__Transportation __ Signage

I have read and I understand the requirements of the Convention and Visitors Bureau event funding application. I understand that failure to submit a follow up report within 90 days could possibly result in my event not receiving funds in the following year. KM Initial

Signature

1/16/2023
Date

Kayla Melendez
Printed Name

Pre Event

REVENUE:

	Projected	
Start up Revenue (from previous proceeds, other sponsors, etc.)		
Please list all sponsors individually		
Total Projected Revenue	**$**	**$**

EXPENSES:

Band	1,200	
Food	$600	
Drinks	$200	
Bibs	$200	
Medals	$800	
Socks	$1500	
Hats	$1000	
Insurance	$300	
Timing	$1200	
Race day personnel	$1000	
Total Projected Expenses	**$** 8000	**$**
Projected Profit (Loss)	**$**	**$**

Event	Hotel Rooms	$150	50% of Hotel Revenue	Advertising	Total	Requesting	Staff Recommendation
Together Trail Race	10	$1,500.00	$750.00	$1,800.00	$2,550.00	$2,550.00	**$2,500.00**

	Event Funding:	Advertising:			**$2,500.00**
	$750.00	$1,750.00			

Event Funding Cap	
300+ room nights	$ 25,000.00
200-300	$ 20,000.00
150-200	$ 17,000.00
100-150	$ 15,000.00
75-100	$ 10,000.00
50-75	$ 7,000.00
25-50	$ 5,000.00
11 to 25	$ 2,500.00
Less than 10	$ 1,000.00

Event	Received	Event Date	Decision Date	Requested	Total Amount Approved	Event Funding	Advertising	Follow Up	Hotel Rooms
Oktoberfest	8/9/2022	10/22/2022	10/11/2022	$13,000.00	$12,800.00	$7,800.00	$5,000.00	10/31/2022	94
Crossroads Comic and Toy Show	9/22/2022	10/22-23/2022	10/11/2022	$3,000.00	$2,000.00	$1,500.00	$500.00		
Together Trail Race	1/17/2023	2/11/2023	1/24/2023	$2,550.00					
				$18,550.00	$14,800.00	$9,300.00	$5,500.00		

Totals:

2021-2022 Event Funding Budget	$75,000.00
Total Funded YTD	$14,800.00
Available Balance	$60,200.00
Requested This Month	$2,550.00
Pending Balance	$57,650.00
Staff Recommendation	$2,500.00
Pending Balance using Staff Recommendation	$57,700.00

Potential Events	Received	Event date	Amount Funded	Hotel Rooms
Big Spring Classic & Big Spring Shoot Out	10/12/2021	4/29-5/1/2022 & 6/17-19/2022	$12,000.00	280
A Joyful Season	10/26/2021	4/30-5/1/2022 & 11/5-6/2022	$2,500.00	40
Coach Roy Training/ACES	5/10/2022	06/02-05/2022	$7,000.00	32
Pops in the Park	6/28/2022	7/3/2022	$3,000.00	40
			$24,500.00	

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Big Spring is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served By Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2022 meeting set a budget for 2023 that compels an assessment of ten cents ($0.10) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, THAT:

SECTION 1. The City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Big Spring and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

SECTION 2. The City is further authorized to pay its assessment to the Steering Committee of ten cents ($0.10) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

SECTION 3. A copy of this Resolution and the assessment payment check made payable to *"Steering Committee of Cities Served by Oncor"* shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

SECTION 4. This Resolution shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January**, **2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **February**, **2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

APPROVED AS TO FORM:

_____
Andrew Hagen, City Attorney

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor
FROM: Paige Mims, Chair
DATE: January, 2023
RE: **Action Needed – 2023 Membership Assessment Invoice**

Enclosed please find the 2023 Steering Committee of Cities Served by Oncor ("Steering Committee") membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2023 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Steering Committee of Cities Served by Oncor.* If you have any questions, please feel free to contact me at (972/941-7125) or Thomas Brocato (tbrocato@lglawfirm.com, (512/914-5061).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.,* wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC ("Oncor").

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas ("Commission" or "PUC"), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

Currently, the Steering Committee is involved in numerous rulemakings and projects at the PUC. The Steering Committee expects to participate in Oncor's Rate Case and Energy Efficiency Cost Recovery Factor ("EECRF") proceedings later this year.

On December 8, 2022, the Steering Committee approved the 2023 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2023 is a per capita fee of $0.10 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2022 Year in Review
- Model resolution approving the 2023 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2023 Assessment invoice
- 2024 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update distribution lists

STAFF REPORT ON ASSESSMENT RESOLUTION FOR STEERING COMMITTEE OF CITIES SERVED BY ONCOR

Purpose of the Resolution

The City of _____ is a member of a 171-member city coalition known as the Steering Committee of Cities Served by Oncor (Steering Committee). The resolution approves the assessment of a ten cent ($0.10) per capita fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of "Be It Resolved" Paragraphs

I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City's membership.

II. This paragraph authorizes payment of the City's assessment to the Steering Committee in the amount of ten cents ($0.10) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.

III. This paragraph requires payment of the 2023 assessment be made and a copy of the resolution be sent to the Steering Committee.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Steering Committee of Cities Served by Oncor.*

REQUEST FOR CONTACT INFORMATION

January, 2023

CONTACTS

Please provide contact information for the following coalitions:

- ○ *OCSC (Oncor Cities Steering Committee)*
- ○ *ACSC (Atmos Cities Steering Committee)*

Please type or print clearly *MAIN CONTACT*

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

ADDITIONAL CONTACT

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

CONTACT TO SEND INVOICES OR CHECKS

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

Please duplicate if more room needed.

(Please complete and return to Thomas Brocato @ tbrocato@lglawfirm.com and Brandi Stigler @brandi.stigler@arlingtontx.gov)

7988186

OCSC Master List of Members (171 Total)

1. Addison
2. Allen
3. Alvarado
4. Andrews
5. Anna
6. Archer City
7. Argyle
8. Arlington
9. Azle
10. Bedford
11. Bellmead
12. Belton
13. Benbrook
14. Beverly Hills
15. Big Spring
16. Breckenridge
17. Bridgeport
18. Brownwood
19. Buffalo
20. Burkburnett
21. Burleson
22. Caddo Mills
23. Cameron
24. Canton
25. Carrollton
26. Cedar Hill
27. Celina
28. Centerville
29. Cleburne
30. Coahoma
31. Colleyville
32. Collinsville
33. Colorado City
34. Comanche
35. Commerce
36. Coppell
37. Copperas Cove
38. Corinth
39. Cross Roads
40. Crowley
41. Dallas
42. Dalworthington Gardens
43. De Soto
44. DeLeon
45. Denison
46. Duncanville
47. Early
48. Eastland
49. Edgecliff Village
50. Ennis
51. Euless
52. Everman
53. Fairview
54. Farmers Branch
55. Fate
56. Flower Mound
57. Forest Hill
58. Forney
59. Fort Worth
60. Frisco
61. Frost
62. Gainesville
63. Garland
64. Garrett
65. Glenn Heights
66. Grand Prairie
67. Granger
68. Grapevine
69. Gunter
70. Haltom City
71. Harker Heights
72. Haslet
73. Henrietta
74. Hewitt
75. Highland Park
76. Honey Grove
77. Howe
78. Hudson Oaks
79. Hurst
80. Hutchins
81. Hutto
82. Iowa Park
83. Irving
84. Jolly
85. Josephine
86. Justin
87. Kaufman
88. Keene
89. Keller
90. Kemp
91. Kennedale
92. Kerens
93. Killeen
94. Krum
95. Lake Worth
96. Lakeside
97. Lamesa
98. Lancaster
99. Lavon
100. Lewisville
101. Lindale
102. Lindsay
103. Little Elm
104. Little River Academy
105. Malakoff
106. Mansfield
107. McKinney
108. Mesquite
109. Midland
110. Midlothian
111. Murchison
112. Murphy
113. New Chapel Hill
114. North Richland Hills
115. Northlake
116. O'Donnell
117. Oak Leaf
118. Oak Point
119. Odessa
120. Ovilla
121. Palestine
122. Pantego
123. Paris
124. Parker
125. Plano
126. Pottsboro
127. Prosper
128. Ranger
129. Red Oak
130. Rhome
131. Richardson
132. Richland
133. Richland Hills
134. River Oaks
135. Roanoke
136. Robinson
137. Rockwall
138. Rosser
139. Rowlett
140. Royse City
141. Sachse
142. Saginaw
143. Sansom Park
144. Seagoville
145. Seymour
146. Sherman
147. Snyder
148. Southlake
149. Springtown
150. Stephenville
151. Sulphur Springs
152. Sunnyvale
153. Sweetwater
154. Temple
155. Terrell
156. The Colony
157. Trophy Club
158. Tyler
159. University Park
160. Venus
161. Waco
162. Watauga
163. Waxahachie
164. Westover Hills
165. Westworth Village
166. White Settlement
167. Wichita Falls
168. Willow Park
169. Wilmer
170. Woodway
171. Wylie

City of Arlington, c/o Oncor Cities
Steering Committee
Attn: Brandi Stigler
101 S. Mesquite St., Ste. 300
MS # 63-0300
Arlington, TX 76010

Invoice

Date	Invoice #
12/29/2022	23-13

Bill To
City of Big Spring

Item	Population	Per Capita	Amount
2023 Membership Assessment	28,862	0.10	2,886.20

Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, Attn: Brandi Stigler, Arlington City Attorney's Office, 101 S. Mesquite St., Ste. 300, MS #63-0300, Arlington, Texas 76010

Total $2,886.20

2022 OCSC NEWSLETTER

Steering Committee of Cities Served by Oncor

2022 YEAR IN REVIEW ISSUE

This past year was an active one for the Steering Committee of Cities Served by Oncor. This Year in Review edition of the OCSC newsletter highlights significant 2022 events and looks ahead to 2023.



OCSC Welcomes New 2022 Members

The Steering Committee of Cities Served by Oncor welcomed several new members to the coalition in 2022, including the cities of Seymour, Garrett, Lavon, Gunter and Hutchins. OCSC, an organization of more than 160 Texas cities with residents served by the Oncor transmission and distribution utility, represents consumer interests in ratemaking matters at the Public Utility Commission of Texas. Membership in this standing committee is determined by passage of a resolution by each governing body.

Oncor Rate Case Update

On December 28, 2022, after several months of deliberation, the State Office of Administrative Hearing (SOAH) released its Proposal for Decision (PFD) in Oncor's ongoing rate case, PUC Docket No. 53601. Oncor initially filed its application to change rates with the Public Utility Commission of Texas on May 13, 2022, requesting an annual retail base rate revenue requirement of $5.811 billion. Put differently, Oncor sought a $251 million increase to its revenue requirement, which represents a 4.5 percent increase over its adjusted test-year revenues. If adopted, the requested revenue requirement would have increased residential rates by 11.2 percent.

OCSC played an active role throughout the case, with recommendations focused on striking an appropriate balance between consumer rates and Oncor's capital recovery. OCSC recommended that the PUC reduce Oncor's requested revenue requirement by $525.7 million. If adopted, this reduction would result in a $275 million reduction to Oncor's 2021 test-year revenue requirement.

SOAH agreed that Oncor's requested rates would unduly burden consumers. Accordingly, the PFD recommends that the PUC decrease Oncor's test-year revenue requirement by $60.6 million.

To reach its conclusion, among other things, SOAH found that:

- Oncor's current capital structure of 57.5% long-term debt and 42.5% common equity is appropriate.
- Oncor's Return on Equity (ROE) should be 9.3% rather than Oncor's requested ROE of 10.30%.
- The PUC should not consider Oncor's mobile generation unit leasing costs, which accounted for $3.1 million of Oncor's rate base, in Oncor's revenue requirement.
- A ten-year amortization period for all non-tax regulatory assets and liabilities, except the Intangible Amortization Over-Recovery Liability, is appropriate. The Intangible

Amortization Over-Recovery Liability should have a five-year amortization period.

The PFD also addresses substantive concerns raised by OCSC in hearing. For example, the PFD recommends that the PUC include language in Oncor's tariff that expressly grants city customers input in selecting street light alternatives.

The PFD, if adopted by the PUC commissioners, would substantially lower Oncor's requested revenue requirement and, among other things, ensure that city customers have appropriate input in key decisions such as Oncor's streetlamp selections. To take effect, the PFD still must be adopted by the PUC Commissioners. The Commissioners should issue their decision soon, likely at the next PUC Open Meeting on January 12, 2023.

Find more information at the PUC website, under Docket No. 53601.

Policymakers Consider Post-Winter Storm Uri Market Reforms

In response to the statewide power outages from the previous year, the Public Utility Commission during 2022 continued its consideration of potentially far-reaching reforms for the ERCOT market.

Broadly referred to a "Phase II" reforms, the market modifications — if authorized — could lead to generation capacity additions but likewise add to consumer costs. Consideration of these Phase II changes followed the adoption of so-called "Phase I" changes in 2021. These previous changes included new weatherization requirements for power plants and modifications to existing operational rules at ERCOT.

On Nov. 10, the Public Utility Commission released an independent study from the San Francisco-based E3 consulting firm that outlined several Phase II reform options. These included a "Performance Credits Mechanism" model favored by PUC chair Peter Lake, and a separate "Forward Reliability Market" favored by the E3 consultants themselves.

However, both proposals as well as others in the E3 report drew pushback from key lawmakers during 2022. Some representatives of influential ERCOT stakeholder groups and the state's independent monitor of the ERCOT market also panned the E3 analysis during Nov. 17 and Dec. 5 legislative hearings.

Reform Options

The Forward Reliability Market (recommended by the E3 consultants) and the Performance Credits Mechanism (favored by PUC Chair Lake) share various operational similarities and would impact consumers in similar ways. For example, both would add approximately $460 million per year to energy costs, according to the E3 report. Both also appear similar to "capacity market" concepts historically rejected in Texas.

More specifically, the Forward Reliability Market ("FRM") design recommended by the E3 consultants would establish a reliability standard within ERCOT — that is, a level of targeted capacity reserves based on calculated outage risks — and then a corresponding quantity of reliability credits would be created to fulfill that standard. Market participants would acquire these reliability credits through a mandatory, centrally cleared forward market administered by ERCOT.

By contrast, PUC Chair Lake's favored Performance Credits Mechanism ("PCM") design would establish a reliability standard along with a corresponding quantity of performance credits. The performance credits would be purchased by load-serving entities, and the value of the credits would go to generation resources based on their availability during high-risk hours. The overall value of the credits would be determined by an administratively set demand curve. In addition, the PCM design allows for load-serving entities and generators to trade Performance Credits during the year, through a voluntary market.

Other market designs examined by E3 include the state's status quo Energy Only design, a Load Serving Entity Reliability Obligation design, a Backstop Reliability Service design, a Dispatchable Energy Credits design, and a hybrid of the Backstop Reliability Service and Dispatchable Energy Credits designs.

Legislative Concerns

These market reform efforts pursued by the PUC and the E3 report took center stage during a pair of legislative committee meetings — a Nov. 17 meeting of the Senate Business and Commerce Committee, and a Dec. 5 meeting of the House State Affairs committee. The E3 consultants themselves did not appear at either meeting — an absence described as "bad form" by one of the lawmakers.

Of the two committee meetings, it was that of Senate Business and Commerce in which lawmakers expressed the most skepticism about the report's findings. For instance, Sen. Charles Schwertner, chair of the Senate Business and Commerce Committee, questioned whether any of the plans would guarantee the construction of new thermal generation. In addition, all nine Senate committee members signed onto a critical Dec. 1 letter addressed to the PUC. The lawmakers wrote in it that none of the proposals so far under consideration adhered to the goals set forth in Senate Bill 3, which was omnibus energy reform legislation adopted in 2021. "It is not in the best interest of our constituents to support any proposal that further delays investments in new dispatchable generation, and the Commission should carefully consider the unintended consequences of any type of proposal that creates more uncertainty for market participants," the lawmakers wrote.

PUC Chair Lake defended the E3 report during both legislative hearings and said that three of the agency's five commissioners have expressed qualified support for the PCM option. According to Lake, the extra consumer costs associated with that option are worthwhile because of its reliability benefits. He said that if it turned out more reliability was unneeded, then the extra costs would be inconsequential. "Anything short of a comprehensive reliability standard and reliability service like the PCM is just a band-aid," Lake told members of the State Affairs Committee.

Lake said the PUC would adopt one of the planned options during the commissioners' January 12 meeting, but not authorize implementation until after they receive input from the Texas Legislature during the upcoming session that convenes on January 10.

2022 Interim Filings

In addition to the ongoing general rate, Oncor also submitted interim rate requests during 2022.

Energy Efficiency Cost Recovery Factor Order

On May 31, Oncor filed an application with the PUC to adjust its Energy Efficiency Cost Recovery Factor to recover $83,058,209 in program costs incurred during 2023. This included the energy-efficiency costs of $51,665,637, a net under recovery of $2,603,394 for 2021 program costs and other expenses. Under an agreement with OCSC and other parties, Oncor will reduce its recovery by $200,000, for a total of $82,858,209. The resulting EECRF charge for residential consumers amounts to $.001028 per kilowatt hour, or approximately $1.34 cents for a customer consuming 1,300 kilowatt hours of electricity per month. The PUC adopted the order on September 15, 2022. More information can be found in PUC Docket No. 53671.

Transmission Cost of Service Order

On January 26, 2022, Oncor filed an application seeking an interim update of its previously approved transmission cost of service and wholesale transmission rate. On March 31, an approval was granted adjusting Oncor's annual revenue on an interim basis to $1,247,772,772 and adjusting its wholesale transmission rate to $17,212.955892 per megawatt.

Find more information at the PUC website, under Docket No. 53145.

Oncor Distribution Spending and Reliability Update

Even while nearly tripling its spending in gross capital additions to its distribution systems over the years, Oncor's service reliability decreased, according to the seventh annual "Electric Distribution System spending and Reliability Report" released Sept. 7 by the Texas Public Utility Commission.

An annual report that tracks reliability and reliability-related spending trends, the latest iteration covers the ten-year period from 2012-2021 and included findings for Oncor, as well as other major Texas utilities such as CenterPoint, AEP Texas, El Paso Electric Company, Entergy Texas, Southwestern Electric Power Company, Southwestern Public Service Company, and Texas-New Mexico Power Company.

Under the report, the frequency of outages is benchmarked through a "System Average Interruption Frequency Index," or "SAIFI." The report likewise employs the "System Average Interruption Duration Index" or "SAIDI," to rank Texas distribution utilities by average interruption time on a per-customer basis. All else equal, a lower SAIDI represents better reliability.

Both SAIDI and SAIFI calculations in the report do not account for momentary service interruptions. Further, the report specifically does not mention Winter Storm Uri, although presumably the devastating February 2021 storm contributed to the exponential increases in SAIFI and SAIDI observed from 2020 to 2021.

Report highlights pertaining to Oncor include:

- From 2012 to 2021, Oncor's distribution gross capital additions per customer nearly tripled, from about $120 per customer to $300 per customer.
- Oncor's major event SAIFI value increased from .5 interruptions per customer in 2020 to 1.20 interruptions per customer in 2021. Major event interruptions from 2012 to 2021 ranged from about .5 interruptions to 1.20 interruptions depending on the year.
- Oncor's major events SAIDI value increased from ninety interruptions per customer in 2020 to about five hundred interruptions per customer in 2021. Prior to this peak, there was one other peak (though not nearly as high) in 2019 due to Hurricane Harvey.

The report can be found on the PUC website, under Docket No. 46735.

Oncor Financial Results

Oncor Electric has reported net income of $318 million during the three months ending September 30, as compared to net income of $258 million for the same period in 2021, according to the most recent financial report the Texas electric utility released to investors.

The company attributed the $60 million quarter-over-quarter increase to higher weather-related consumption, increases in customer growth, increases to transmission and distribution rates, and performance bonus revenue from its energy efficiency efforts. Those gains were partially offset by increases in operation and maintenance expenses and taxes.

The quarterly financial information was released Nov. 3 and coincided with a call with financial analysts by California-based Sempra Energy, Oncor's majority owner. Oncor is based in Dallas and operates the state's largest electric transmission and distribution utility.

Oncor also reported an increase of 9.2 percent in distribution base revenues for the recent quarter (or 2.3 percent on a weather normalized basis), as compared to the same quarter in 2021. Contributing to this increase was a 12.6 percent increase in distribution base revenues from residential customers.

The company noted that its service territory continues growing at one of the nation's fastest rates, and that this dramatic growth has allowed it to increase revenues while simultaneously developing new infrastructure projects. Indicative of that growth is the approximately 14,000 new premises Oncor connected to the ERCOT grid during the third quarter of 2022, an increase of about 7.7 percent as compared to the third quarter of 2021.

Oncor likewise reported 565 active transmission point-of-interconnection requests in queue as of Sept. 30, which is a 52 percent increase from Sept. 30, 2021. Of those active requests, approximately 52 percent are for solar generators, 35 percent for energy storage, 10 percent for wind generators and three percent for gas, according to the company.

In addition, Oncor reported the construction or upgrade of approximately three hundred miles of power lines and the completion of two major substations during the third quarter of 2022. It also placed $80 million of transmission projects into service.

In total, the company reported capital expenditures totaling $2.2 billion during the nine months ending Sept. 30, and it reports that it remains on track to meet its $3 billion capital plan for 2022. However, financial uncertainties associated with high inflation and a pending rate case prompted the board to put off adoption of its 2023 capital expenditure budget until a later board meeting. It likewise delayed any announcement pertaining to a new five-year capital plan, and instead said it will reveal those details at the end of the first quarter of 2023.

Lawmakers File Energy-Related Bills in Preparation for 88th Regular Session

During the most recent Regular Session of the Texas Legislature — the 87th in 2021 — lawmakers filed approximately four hundred energy-related bills, which is far more than the typical number of such bills. This aggressive filing of energy-related bills largely can be attributed to public outcry over the 2021 winter storm power outages. Given that Texas so far has not suffered a repeat grid crisis, do not expect the number of such bills filed during the 88th session to match those of the 87th session. However, both ERCOT and the Public Utility Commission will be subject to the Sunset Review process during the upcoming session and so legislative interest in both organizations will be keen. The 88th session convenes on Jan. 10.

Bills of interest

This year's bill filing deadline is on March 10. Some of the energy-related bills we have seen so far relate to wind and solar power, electric vehicles, energy efficiency and the use of natural gas appliances. Here is a sample:

- House Bill 564, by Rep. Ron Reynolds, would require the Texas Facilities Commission, in collaboration with the Department of Information Resources, to conduct a study on the potential use by state agencies of energy efficient and energy-saving information technology.
- House Bill 763, by Rep. Christina Morales, requires the PUC to study the impact of additional interconnections between the ERCOT grid, Mexico and other jurisdictions. This is refiled legislation from 2021.
- House Bill 795, by Rep. Ed Thompson, would require nursing homes to maintain an emergency generator or comparable power source that can operate for at least 72 hours during a power outage.
- House Bill 820, by Rep. Ken King, would impose an additional registration fee of $200 for electric vehicles and $100 for hybrid vehicles. Most proceeds would go to State Highway Fund, but 10 percent would go an "electric battery disposal account" to reimburse costs incurred by the state or its political subdivisions for disposing of electric car batteries.
- Senate Bill 330, by Bob Hall, would create the Texas Electric Grid Security Commission that would be charged with evaluating the vulnerabilities to the grid and critical infrastructure and developing standards that will mitigate these threats.
- Senate Bill 114, by Jose Menendez, stipulates that electric customers are entitled to participate in demand response programs through their retail electric providers and must receive notice when ERCOT issues an emergency energy alert about low operating reserves to generators, planned outages, and the length of time the outages are expected to last.
- Senate Bill 258, by Sen. Sarah Eckhardt, would enhance energy efficiency goals for electric utilities.
- House Bill 697, by Rep. Justin Holland, would require home sellers to reveal the sort of gas piping installed at their residence and particularly whether black iron pipes, corrugated, copper or stainless steel. The disclosure holds importance for customer safety given that older black iron pipes have been associated with various fatal accidents.
- House Bill 743, by Rep. Jay Dean, prohibits cities and counties from adopting ordinances that restrict the use of gas appliances in residential or commercial buildings. The issue has been pressed in recent years by gas utilities, who have seen a move away from the use of gas appliances nationwide for environmental reasons.

2023 OCSC Meetings

March 9 — in person and Zoom
June 8 — Zoom only
September 7 — in person and Zoom
December 7 — Zoom only

OCSC Officers

Paige Mims — Chair
Don Knight — Vice Chair
Lupe Orozco — Secretary
David Johnson — Treasurer

Lloyd Gosselink
ATTORNEYS AT LAW

For more questions or concerns regarding any OCSC matter or communication, please contact the following representative, who will be happy to provide assistance:

Thomas L. Brocato
Attorney
Direct :(512) 322-5857
Email: tbrocato@lglawfirm.com

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS SUPPORTING THE PROPOSED PROJECT FOR THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS 2023 COMPETITIVE (9%) HOUSING TAX CREDIT ("HTC"), "THE TRAILS AT BIG SPRING PROJECT" IN THE CITY OF BIG SPRING AND PLEDGING $250 IN PERMIT, INSPECTION, AND WATER AND WASTEWATER TAPPING FEES TOWARDS THE PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Big Spring, Texas is home rule city; and

WHEREAS, The City Council of Big Spring is the governing body of the City of Big Spring; and

WHEREAS, TX Airbase 2023, Ltd. has proposed a development for affordable rental housing located at NEC of Airbase Road and W. 13th Street named "The Trails at Big Spring" in the City of Big Spring, and

WHEREAS, TX Airbase 2023, Ltd. intends to submit an application to the Texas Department of Housing and Community Affairs for 2023 Competitive 9% Housing Tax Credits for The Trails at Big Spring;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. That the City of Big Spring, Texas, acting through its governing body, hereby declares and confirms its support for the proposed project "The Trails at Big Spring," located at NEC Airbase Rd and W 13th St, Big Spring, Texas 79720 for the Texas Department of Housing and Community Affairs 2023 Competitive (9%) Housing Tax Credit ("HTC") Program. City Council confirms that this project is located in the city limits of the City of Big Spring.

SECTION 2. The City of Big Spring, Texas, acting through its governing body, hereby commits to provide reduced fees, or other contribution that equals at least $250.00 to TX Airbase 2023, Ltd. (TDHCA Application # 23171) and which shall be used for the project stated above, and which shall include permit fees, inspection fees, water tapping fees, and wastewater tapping fees.

SECTION 3. Todd Darden, City Manager, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

SECTION 4. If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 5. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

SECTION 6. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January**, **2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **February**, **2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary



The Trails at Big Spring

NEC Airbase Rd and W 13th St. Big Spring, TX

a Luxury Mixed-Income Apartment Community

Presented by Generation Housing Partners

GHP | GENERATION HOUSING PARTNERS

– Common Amenities

- Clubhouse Community Room
- Community Laundry Room
- Business center with workstations and seating internet access, printer and scanner
- Furnished fitness center
- Community Garden and/or Picnic Area
- Dog Park fully enclosed and intended for off-leash dogs







The Trails at Big Spring

NEC Airbase Rd and W 13th St. Big Spring, TX

a Luxury Mixed-Income Apartment Community

Presented by Generation Housing Partners

GHP | GENERATION HOUSING PARTNERS







Design:

Class “A” Unit Amenities

Unit Amenities:

- Nine-foot Ceilings
- Open “loft” floor plans
- Low-flow fixtures
- Low-E windows
- Balconies
- Faux Wood Flooring
- Granite-style Countertops
- Energy-Star Appliances
- Ceiling Fans
- High-Efficiency HVAC
- Spacious Closets
- Controlled Access Gates
- Pre-Wired Cable/Internet
- Washer/Dryer Connections

The Trails at Big Spring

NEC Airbase Rd and W 13th St. Big Spring, TX

a Luxury Mixed-Income Apartment Community

Presented by Generation Housing Partners

GHP | GENERATION HOUSING PARTNERS

About Generation Housing Partners

- GHP's mission is to develop sustainable communities that residents and city leaders can be proud to call their own.

- Based in Dallas, TX, GHP principals have developed over 4,000 apartment units with total development cost exceeding $500,000,000.

- The principals of GHP have over 35 years of combined experience in commercial real estate development and construction.

- GHP has established itself as the partner of choice for cities, housing authorities, and non-profit housing organizations to deliver high-quality, service-enriched developments on time and under budget.



Heritage Estates at Wells Branch
174-unit Development in Austin, TX

The Trails at Big Spring

NEC Airbase Rd and W 13th St. Big Spring, TX

a Luxury Mixed-Income Apartment Community

Presented by Generation Housing Partners

GHP GENERATION HOUSING PARTNERS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BIG SPRING, TEXAS, TO DISALLOW THE CONCEALED OR OPEN CARRYING OF A HANDGUN BY A HOLDER OF A LICENSE TO CARRY INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE CITY COUNCIL IS MEETING.

WHEREAS, Under Texas law, "Every citizen shall have the right to keep and bear arms in the lawful defence of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime," Texas Constitution, Article I, Section 23; and

WHEREAS, A person may not go with a firearm to a room or rooms where a meeting of a governmental entity conducted under Chapter 551, Texas Government Code, is being held, Section 46.03(a)(14), Penal Code; and

WHEREAS, The prohibition of Section 46.03(a)(14), Penal Code is non-applicable under certain conditions, including for a person holding a License to Carry who carries a handgun openly or concealed, Section 46.15(b)(6), Penal Code; and

WHEREAS, A political subdivision that owns or leases property may not take any action, including provision of a communication authorized by Sections 30.06 or 30.07, Penal Code, that states or implies that a holder of a License to Carry is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless such a holder is prohibited from carrying a handgun on the premises or other place by Section 46.03, or other law, Penal Code, Section 411.209(a), Government Code; and

WHEREAS, A property owner may restrict the concealed carry or open carry, respectively, of a handgun by a holder of a License to Carry by giving the prescribed notice, and a person violating this restriction is guilty of a Class C Misdemeanor, Sections 30.06 and 30.07, Penal Code; and

WHEREAS, A governmental entity that owns or leases property may restrict concealed carry or open carry of a handgun by a holder of a License to Carry at property it owns or leases but only at the property where it is conducting an official meeting under Chapter 551, Government Code, Sections 30.06(e) and 30.07(e), Penal Code; and

WHEREAS, the City of Big Spring is a home rule city; and

WHEREAS, the City of Big Spring is a political subdivision of the State of Texas, and constitutes a governmental entity; and

WHEREAS, the City Council of Big Spring is the governing body of the City of Big Spring; and

WHEREAS, the City of Big Spring owns or leases the property and premises at which City Council meetings are held; and

WHEREAS, the City Council of Big Spring finds that the most appropriate way to protect the attendees of meetings of the City Council, and to prevent crime is to provide notice under Sections 30.06 and 30.07 to disallow concealed or open carry of a handgun by a holder oof a License to Carry in those meetings; and

WHEREAS, By doing so, persons with and without the License to Carry may not carry a handgun or firearm at City Council meetings; and

WHEREAS, City Council intends that this resolution be fully authorized by the Texas Constitution, state law, the City of Big Spring's home rule authority, and any other applicable law; and

WHEREAS, Except as stated, City Council intends that this resolution to not have any effect on the City's policies and regulations concerning its employees; and

WHEREAS, City Council adopts this ordinance to protect public safety and prevent crime;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. City staff is directed to prepare "no firearms" signage in accordance with Section 46.03, Texas Penal Code to notify persons that firearms may not be carried into a City Council meeting without authorization of law.

SECTION 2. City staff is directed to prepare signage in accordance with Sections 30.06 and 30.07, Texas Penal Code to notify persons holding a License to Carry that conceal carry and open carry by License to Carry holders is prohibited at the place where City Council is meeting.

SECTION 3. City staff is directed to post such signage outside the door to the room or rooms in which any meeting of the City Council taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

SECTION 4. This Resolution shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

SECTION 5. Any prior resolution that is inconsistent with this Resolution is hereby repealed and declared to be of no further force or effect to the extent of the conflict.

SECTION 6. Should any section, paragraph sentence, clause, phrase, or word of this Resolution be declared unconstitutional or invalid for any purpose, the remainder of this Resolution shall not be affected thereby.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January**, **2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **February**, **2023** with all members of the Council voting "aye" for the

passage of same.

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF PURCHASING A ZERO TURN MOWER FOR THE PARKS DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS the price of the budgeted zero turn mower has increased and additional funding is needed to purchase a zero turn mower for the parks department was not included in such Budget; and

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS THAT:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of $1,200.00 to the expense account number 002-027-370-6314 for the purpose of purchasing a zero turn mower for the parks department. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **14th** day of **February, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY INCREASING THE GENERAL FUND BUDGET FOR THE PURPOSE OF ONGOING LITIGATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS ongoing litigation for civil service issues has increased and additional funding is needed to continue these services and was not included in such Budget; and

WHEREAS the City Manager and the Finance Director recommend that the City Council increase the General Fund budgeted expenditures and amend the Budget previously approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS THAT:

SECTION 1. The General Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increased by the amount of $30,00.00 to the expense account number 002-003-160-5570 for the purpose of ongoing litigation. The net increase will be funded through the fund balance.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **14th** day of **February, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

CITY OF
Big Spring

MEMORANDUM

Date: January 19, 2023

To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager

From: Mike Feeley A.A.E., Airport Director

Re: Proposed Budget Amendment to transfer available resources from operating to capital for the acquisition of a HVAC System for the Airpark Terminal Building

Staff is proposing that City Council authorize a budget amendment for the purpose of transferring available resources in the 2022-2023 City Council adopted budget from an operating account to a capital account for the acquisition of a HVAC Unit for the Airpark Terminal Building. In October staff contracted for services with SKC AC for the replacement of an inoperable HVAC Unit at the Terminal Building. That purchase was made using available resources from the airpark building maintenance account number 410-021-610-5311.

Staff is requesting City Council authorization to transfer funds from the building maintenance account 410-210-610-5311 to the heating and cooling systems account 410-021-610-6317 since the acquisition was for the purchase of a capital asset that will need to be depreciated over the life of the unit.

Staff is in support of this budget amendment.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AMENDING ORDINANCE NUMBER 038-2022 WHICH ADOPTED THE ANNUAL BUDGET FOR THE CITY OF BIG SPRING, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023 BY TRANSFERRING FUNDS WITHIN THE AIRPARK FUND BUDGET FOR THE PURPOSE OF PURCHASING A HVAC UNIT FOR THE AIRPARK TERMINAL BUILDING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council adopted the annual 2022-23 budget for the City of Big Spring, Texas on September 27, 2022 ("Budget"); and

WHEREAS the purchase of the HVAC Unit is considered a capital asset, the Airpark is requesting to transfer the funds from the building maintenance account to a capital account.; and

WHEREAS the City Manager and Finance Director desires to authorize the transfer of capital funds for the purchase of a utility vehicle for the Airpark.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:

SECTION 1. The Airpark Fund Budget of the Annual Budget for the City of Big Spring, Texas for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023 is hereby increasing the amount of $13,995.00 to the capital account number 410-021-610-6317 (Heating & Cooling Systems) and decreasing the same amount from the building maintenance account number 410-021-610-5311 (Building Maintenance) for the purpose of purchasing a HVAC Unit.

SECTION 2. The remaining portions of Ordinance Number 038-2022 shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. The City Secretary is hereby authorized and directed to cause the publication of this ordinance in accordance with law.

SECTION 6. This ordinance shall be in full force and effective from and after its publication as required by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January, 2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second reading at a regular meeting of the City Council on the **14th** day of **February, 2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 2 OF THE BIG SPRING CITY CODE ENTITLED "ADMINISTRATION," ARTICLE VII "BOARDS AND COMMISSIONS," DIVISION 2 "AVIATION ADVISORY BOARD" SECTION 2-261 BY ADDING A NEW SUBSECTION (G) IN ORDER TO RENDER INACTIVE THE SAID BOARD AND RELEASE THE MEMBERS OF THE BOARD FOR POTENTIAL CONSIDERATION FOR SERVICE ON OTHER BOARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Aviation Advisory Board has not met in an extended period; and

WHEREAS, the members of the board are prohibited from serving on other, more utilized boards of the City due to restrictions on serving on multiple boards; and

WHEREAS, if the board is rendered inactive, the members will be released from their respective obligations under these boards to potentially serve on other boards of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS, AS FOLLOWS, THAT:

SECTION 1. The Big Spring City Code, Chapter 2 entitled "Administration," Article VII entitled "Boards and Commissions," Division 2 entitled "Aviation Advisory Board" Section 2-261, is hereby amended by adding a new subsection (g) which shall read as follows:

Sec 2-261. – Aviation advisory board.

…

(g) Notwithstanding this section, the Aviation Advisory Board shall be inactive.

SECTION 2: For the purpose of allowing such members to serve on other boards, all voting members are hereby released from the following board: Aviation Advisory Board. The eligibility of such members to serve on other boards is not affected.

SECTION 3: Should any section, paragraph, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the reminder of this ordinance shall not be affected thereby.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. This Ordinance shall take effect immediately after passage in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January**, **2023** with all members of the Council voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **February**, **2023** with all members of the Council voting "aye" for the passage of same.

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS, REPEALING SUBSECTION 12-44(4) OF THE BIG SPRING CITY CODE AND SUBSTITUTING A NEW SECTION 12-50 OF CHAPTER 12 OF THE BIG SPRING CIT CODE TO ADOPT WITH AMENDMENTS THE 2023 NATIONAL ELECTRICAL CODE; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council desires to adopt the most up-to-date internationally recognized electrical code, containing construction standards regulating both methods of construction and materials quality; and

WHEREAS, the City Council has reviewed the available codes and determined that the 2023 Edition of the National Electrical Code most fully meets the needs of the City of Big Spring, Texas; and

WHEREAS, the Texas Legislature adopted the 2001 National Electric Code, Section 214.214; and

WHEREAS, Having previously adopted the 2020 National Electric Code, Rule 73.100 of Title 16 of the Texas Administrative Code, the Texas Department of Licensing and Regulation has announced that it will adopt the 2023 National Electric Code this year, and

WHEREAS, A Texas municipality may adopt procedures for the: adoption of local amendments to the National Electrical Code, and administration and enforcement of that code, Section 214.214(b), Texas Local Government Code and Section 1305.201(c), Texas Occupations Code

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS, THAT:

SECTION 1. That a certain document, one (1) copy of which are on file in the office of the City Secretary of the City of Big Spring, being marked and designated as the National Electric Code, 2023 edition, as published by the National Fire Prevention Association, be and is hereby adopted as the Big Spring Electric Code.

SECTION 2. Subsection 12-44(4) of Article II, "Building Codes," "Chapter 12, Buildings and Building Regulations," Big Spring City Code, is hereby repealed.

SECTION 3. Section 12-50 of Article II, "Building Codes," "Chapter 12, Buildings and Building Regulations," Big Spring City Code, is hereby adopted as follows.

Sec. 12-50 National Electric Code

The National Electrical Code, 2023 edition, NFPA 70, is adopted in its entirety, save and except Informative Annex H, which is not adopted; and the following amendments, which are adopted as local amendments by the City of Big Spring.

80.1 Scope.

The following functions are covered:

(1) The inspection of electrical installations as covered by 90.2.

(2) The investigation of fires caused by electrical installations

(3) The review of construction plans, drawings, and specifications for electrical systems

(4) The design, alteration, modification, construction, maintenance, and testing of electrical systems and equipment

(5) The regulation and control of electrical installations at special events including but not limited to exhibits, trade shows, amusement parks, and other similar special occupancies

80.2 Definitions.

Authority Having Jurisdiction. The City of Big Spring.

Chief Electrical Inspector. The building official, or another individual designated by the City Manager, who is responsible for administering the requirements of this *Code*.

Electrical Inspector. An individual appointed by the Chief Electrical Inspector with the consent of the City Manager and authorized to perform electrical inspections.

80.3 Purpose.

The purpose of this article shall be to provide requirements for administration and enforcement of the *National Electrical Code*.

80.7 Title.

The title of this *Code* shall be *NFPA 70®, National Electrical Code®*, of the National Fire Protection Association. The short title of this *Code* shall be the *NEC®*.

80.9 Application.

(A) New Installations.

This *Code* applies to new installations. Buildings with construction permits dated after adoption of this *Code* shall comply with its requirements.

(B) Existing Installations.

Existing electrical installations that do not comply with the provisions of this *Code* shall be permitted to be continued in use unless the authority having jurisdiction determines that the lack of conformity with this *Code* presents an imminent danger to occupants. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(C) Additions, Alterations, or Repairs.

Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this *Code*. Additions, alterations, installations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the authority having jurisdiction. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the *Code* in force at the time the additions are made.

80.11 Occupancy of Building or Structure.

(A) New Construction.

No newly constructed building shall be occupied in whole or in part in violation of the provisions of this *Code*.

(B) Existing Buildings.

Existing buildings that are occupied at the time of adoption of this *Code* shall be permitted to remain in use provided the following conditions apply:

(1) The occupancy classification remains unchanged.

(2) There exists no condition deemed hazardous to life or property that would constitute an imminent danger.

80.13 Authority.

Where used in this article, the term *authority having jurisdiction* shall include the chief electrical inspector or other individuals designated by the City Manager. This *Code* shall be administered and enforced by the following authority having jurisdiction: the building official or another person designated by the City Manager.

(1) The authority having jurisdiction shall be permitted to render interpretations of this *Code* in order to provide clarification to its requirements, as permitted by 90.4.

(2) When the use of any electrical equipment or its installations is found to be dangerous to human life or property, the authority having jurisdiction shall be empowered to have the premises disconnected from its source of electric supply, as established by the Board. When such equipment or installation has been so condemned or disconnected, a notice shall be placed thereon listing the causes for the condemnation, the disconnection, or both, and the penalty under 80.23 for the unlawful use thereof. Written notice of such condemnation or disconnection and the causes therefor shall be given within 24 hours to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to remove said notice, to reconnect the electrical equipment to its source of electric supply, or to use or permit to be used electric power in any such electrical equipment until such causes for the condemnation or disconnection have been remedied to the satisfaction of the inspection authorities.

(3) The authority having jurisdiction shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this *Code*.

(4) Police, fire, and other enforcement agencies shall have authority to render necessary assistance in the enforcement of this *Code* when requested to do so by the authority having jurisdiction.

(5) The authority having jurisdiction shall be authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or equipment as set forth in this *Code*. The authority having jurisdiction shall be permitted to order any

person(s) to remove or remedy such dangerous or hazardous condition or equipment. Any person(s) failing to comply with such order shall be in violation of this *Code*.

(6) Where the authority having jurisdiction deems that conditions hazardous to life and property exist, he or she shall be permitted to require that such hazardous conditions in violation of this *Code* be corrected.

(7) To the full extent permitted by law, any authority having jurisdiction engaged in inspection work shall be authorized at all reasonable times to enter and examine any building, structure, or premises for the purpose of making electrical inspections. Before entering a premises, the authority having jurisdiction shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, *emergency* means circumstances that the authority having jurisdiction knows, or has reason to believe, exist and that reasonably can constitute immediate danger to persons or property.

(8) Persons authorized to enter and inspect buildings, structures, and premises as herein set forth shall be identified by proper credentials issued by this governing authority.

(9) Persons shall not interfere with an authority having jurisdiction carrying out any duties or functions prescribed by this *Code*.

(10) Persons shall not use a badge, uniform, or other credentials to impersonate the authority having jurisdiction.

(11) The authority having jurisdiction shall be permitted to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.

(12) The authority having jurisdiction shall be permitted to require plans and specifications to ensure compliance with this *Code*.

(13) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspection and shall conduct the inspection within ___ days.

(14) The authority having jurisdiction shall be permitted to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants.

(15) The authority having jurisdiction shall be permitted to waive specific requirements in this *Code* or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety. Technical documentation shall be submitted to the authority having jurisdiction to demonstrate equivalency and that the system, method, or device is approved for the intended purpose.

(16) Each application for a waiver of a specific electrical requirement shall be filed with the authority having jurisdiction and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as required to justify the request. The authority having jurisdiction shall keep a record of actions on such applications, and a signed copy of the authority having jurisdiction's decision shall be provided for the applicant.

80.15 Appeals

(A) Board

The Board hearing appeals is the Board of Adjustments and Appeals.

(B) Appeals.

(1) *Review of Decisions.* Any person, firm, or corporation may register an appeal with the Board for a review of any decision of the Chief Electrical Inspector or of any Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, said Board shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action the authority having jurisdiction, the Chief Electrical Inspector, or of the Electrical Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

(2) *Conditions.* Any person shall be permitted to appeal a decision of the authority having jurisdiction to the Board when it is claimed that any one or more of the following conditions exist:

a. The true intent of the codes or ordinances described in this *Code* has been incorrectly interpreted.

b. The provisions of the codes or ordinances do not fully apply.

c. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

(3) *Submission of Appeals.* A written appeal, outlining the *Code* provision from which relief is sought and the remedy proposed, shall be submitted to the authority having jurisdiction within 15 calendar days of notification of violation.

80.17 Records and Reports.

The authority having jurisdiction shall retain records in accordance with 80.17(A) and (B).

(A) Retention.

The authority having jurisdiction shall keep a record of all electrical inspections, including the date of such inspections and a summary of any violations found to exist, the date of the services of notices, and a record of the final disposition of all violations. All required records shall be maintained until their usefulness has been served or as otherwise required by law.

(B) Availability.

A record of examinations, approvals, and variances granted shall be maintained by the authority having jurisdiction and shall be available for public review as prescribed by law during normal business hours.

80.19 Permits and Approvals.

Permits and approvals shall conform to 80.19(A) through (H).

(A) Application.

(1) Activity authorized by a permit issued under this *Code* shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this *Code* applicable thereto and in accordance with the approved plans and specifications. No permit issued under this *Code* shall be interpreted to justify a violation of any provision of this *Code* or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

(2) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

(B) Content.

Permits shall be issued by the authority having jurisdiction and shall bear the name and signature of the authority having jurisdiction or that of the authority having jurisdiction's designated representative. In addition, the permit shall indicate the following:

(1) Operation or activities for which the permit is issued
(2) Address or location where the operation or activity is to be conducted
(3) Name and address of the permittee
(4) Permit number and date of issuance

(5) Period of validity of the permit
(6) Inspection requirements

(C) Issuance of Permits.

The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to electrical safety hazards pursuant to 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

(1) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles
(2) Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device
(3) The process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus

(D) Annual Permits.

In lieu of an individual permit for each installation or alteration, an annual permit shall, upon application, be issued to any person, firm, or corporation regularly employing one or more employees for the installation, alteration, and maintenance of electrical equipment in or on buildings or premises owned or occupied by the applicant for the permit. Upon application, an electrical contractor as agent for the owner or tenant shall be issued an annual permit. The applicant shall keep records of all work done, and the records shall be transmitted periodically to the electrical inspector.

(E) Fee Schedule.

On all electrical systems or alterations requiring a permit, a fee for each permit shall be paid as required herein.

General electrical work:	
Meter loop (new, upgrade, move, or change, per meter)	$40.00
Temporary meter loop	$40.00
Temporary power pole	$40.00
Temporary service on structure	$40.00
New service (per meter)	$40.00
Electrical safety (inspection)	$25.00
Rewire	

	Per sq. ft. (residential)	$40.00 + $0.02
	Per sq. ft. (commercial)	$40.00 + $0.04

(F) Inspection and Approvals.

(1) Upon the completion of any installation of electrical equipment that has been made under a permit other than an annual permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Electrical Inspector having jurisdiction, who shall inspect the work within a reasonable time.

(2) Where the Inspector finds the installation to be in conformity with the statutes of all applicable local ordinances and all rules and regulations, the Inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the supplier of electric service. When a certificate of temporary approval is issued authorizing the connection of an installation, such certificates shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause.

(3) Reserved.

(4) At regular intervals, the Electrical Inspector having jurisdiction shall visit all buildings and premises where work may be done under annual permits and shall inspect all electrical equipment installed under such permits since the date of the previous inspection. The Electrical Inspector shall issue a certificate of approval for such work as is found to be in conformity with the provisions of Article 80 and all applicable ordinances, orders, rules, and regulations, after payments of all required fees.

(5) If, upon inspection, any installation is found not to be fully in conformity with the provisions of Article 80, and all applicable ordinances, rules, and regulations, the Inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

(G) Revocation of Permits.

Revocation of permits shall conform to the following:

(1) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this *Code* is found upon inspection

or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(2) Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this *Code* shall be a violation of this *Code*. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the laws of this jurisdiction.

(3) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

(4) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this *Code*, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this *Code*.

(5) A permit shall be predicated upon compliance with the requirements of this *Code* and shall constitute written authority issued by the authority having jurisdiction to install electrical equipment. Any permit issued under this *Code* shall not take the place of any other license or permit required by other regulations or laws of this jurisdiction.

(6) The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.

(7) A permit issued under this *Code* shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(H) Applications and Extensions.

Applications and extensions of permits shall conform to the following:

(1) The authority having jurisdiction shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(2) Applications for permits shall be made to the authority having jurisdiction on forms provided by the jurisdiction and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth. Fees shall be determined as required by local laws.

(3) The authority having jurisdiction shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the authority having jurisdiction, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

80.20. Miscellaneous

(A) Permit; required; exceptions to licensing requirement.

Any homeowner personally installing electrical conductors or equipment within his own home, provided that the owner shall file with the electrical inspector approved plans and specifications, shall satisfy the electrical inspector as to his ability to install electrical wiring, shall apply for and secure a permit, shall pay the required fees, shall do work in accordance with this chapter and shall request the required inspections and obtain a certificate of approval. Homeowner shall sign an electrical liability waiver before obtaining a permit. Personal installation by an owner under this subsection shall be by himself, on his homestead premises.

(B) Sign manufacturer's license.

The first annual fee for an electrical sign manufacturer's license shall be $100.00 for the first year, payable in full and in advance, and the annual renewal fee for such a license shall be $50.00, payable in full on the expiration date of the annual period for which license fee was paid theretofore; and shall in no way constitute ability to do electrical installations of their signs.

(C) Electric fences prohibited.

Electric fences, whether of the battery or the transformer type, shall not be installed or used in the City of Big Spring.

(D) Outdoor GFCI outlets.

Notwithstanding any other provision, Article 210.8(F) is not adopted.

80.21 Plans Review.

Review of plans and specifications shall conform to 80.21(A) through (C).

(A) Authority.

For new construction, modification, or rehabilitation, the authority having jurisdiction shall be permitted to review construction documents and drawings.

(B) Responsibility of the Applicant.

It shall be the responsibility of the applicant to ensure the following:

(1) The construction documents include all of the electrical requirements.

(2) The construction documents and drawings are correct and in compliance with the applicable codes and standards.

(C) Responsibility of the Authority Having Jurisdiction.

It shall be the responsibility of the authority having jurisdiction to promulgate rules that cover the following:

(1) Review of construction documents and drawings shall be completed within established time frames for the purpose of acceptance or to provide reasons for nonacceptance.

(2) Review and approval by the authority having jurisdiction shall not relieve the applicant of the responsibility of compliance with this *Code*.

(3) Where field conditions necessitate any substantial change from the approved plan, the authority having jurisdiction shall be permitted to require that the corrected plans be submitted for approval.

80.23 Notice of Violations, Penalties.

Notice of violations and penalties shall conform to 80.23(A) and (B).

(A) Violations.

(1) Whenever the authority having jurisdiction determines that there are violations of this *Code*, a written notice shall be issued to confirm such findings.

(2) Any order or notice issued pursuant to this *Code* shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

(B) Penalties.

(1) Any person who fails to comply with the provisions of this *Code* or who fails to carry out an order made pursuant to this *Code* or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by this jurisdiction.

(2) Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine according to Big Spring City Code Section 1-8.

80.25 Connection to Electricity Supply.

Connections to the electric supply shall conform to 80.25(A) through (E).

(A) Authorization.

Except where work is done under an annual permit and except as otherwise provided in 80.25, it shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity or to supply electricity to any electrical equipment installation for which a permit is required or that has been disconnected or ordered to be disconnected.

(B) Special Consideration.

By special permission of the authority having jurisdiction, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project. The Board shall determine what needs are permitted under this provision.

(C) Notification.

If, within 25 business days after the Electrical Inspector is notified of the completion of an installation of electric equipment, other than a temporary approval installation, the Electrical Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation.

(D) Other Territories.

If an installation or electric equipment is located in any territory where an Electrical Inspector has not been authorized or is not required to make inspections, the supplier of electricity is authorized to make connections and supply electricity to such installations.

(E) Disconnection.

Where a connection is made to an installation that has not been inspected, as outlined in the preceding paragraphs of this section, the supplier of electricity shall immediately report such connection to the Chief Electrical Inspector. If, upon subsequent inspection, it is found that the installation is not in conformity with the provisions of Article 80, the Chief Electrical Inspector shall notify the person, firm, or corporation making the installation to rectify the defects and, if such work is not completed within fifteen (15) business days or a longer period as may be specified by the Board, the Board shall have the authority to cause the disconnection of that portion of the installation that is not in conformity.

80.29 Liability for Damages.

Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electrical equipment for damages to persons or property caused by a defect therein, nor shall the City of Big Spring or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

SECTION 4. The Big Spring Electric Code shall be considered a building code of the City.

SECTION 5. Should any section, paragraph sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

SECTION 6. That nothing in this legislation or in the Big Spring Electric Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and publication in accordance with the City of Big Spring Charter and other law.

SECTION 8. Any ordinances or parts of ordinances in the Big Spring Code of Ordinances in conflict with this ordinance shall be and are hereby repealed to the extent of such conflict.

SECTION 9. The City Secretary is hereby ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance to be published as provided by law.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **January 2023**, with all members voting "aye" for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **14th** day of **February 2023**, with all members voting "aye" for the passage of same.

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami L. Davis, City Secretary

AIRCRAFT DISPOSAL AND SETTLEMENT AGREEMENT

This Aircraft Disposal and Settlement Agreement is made and entered into effective the 25th day of January, 2023, by and between A.J. Pope, III ("Owner") and the City of Big Spring ("City").

1. Agreement

Owner hereby transfers for disposal his entire property interest in one aircraft, a certain Cessna 310L aircraft, serial number 310L-0094, FAA tail number N2294F ("the aircraft"), that has been parked at Wrinkle-McMahon Airport in Big Spring Texas, to the City. City hereby accepts this transfer for disposal. In consideration for the agreement, Owner and City agree to release and waive each and every claim against one another that the other has that relates to the aircraft.

2. Consideration

The parties make this agreement for good and valuable consideration.

3. Expenses

All costs and expenses incurred in connection with this Agreement and the transactions contemplated hereby shall be paid by the party incurring such costs and expenses.

4. Severability

If any term, provision, covenant, or restriction of this Agreement becomes invalid, void, unlawful, illegal, or unenforceable, all other terms, provisions, covenants, and restrictions of this Agreement remain in full force and effect.

5. Assignment

Neither party may assign any of its rights or delegate any of its obligations hereunder without the prior written consent of the other party. Any purported assignment or delegation in violation of this Section shall be null and void. No assignment or delegation shall relieve the assigning or delegating party of any of its obligations hereunder. Nothing in this agreement limits the City's authority to dispose of or use part or parts of the aircraft as it sees fit.

6. Waiver

No waiver by any party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the party so waiving. No waiver by any party shall operate or be construed as a waiver in respect of any failure, breach, or default not expressly identified by such written waiver, whether of a similar or different character, and whether occurring before or after that waiver. No failure to exercise, or delay in exercising, any right, remedy, power, or privilege arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.

7. Amendment and Modification

This Agreement may only be amended, modified, or supplemented by an agreement in writing signed by each party hereto. The Parties may, by mutual written agreement, amend this agreement. Such amendments shall be incorporated into and made a part of this agreement.

8. Choice of Forum and Submission to Jurisdiction.

Any legal suit, action, or proceeding arising out of or based upon/relating to this Agreement or the transactions contemplated hereby or shall be exclusively filed and adjudicated in state courts sitting in Howard County, Texas. Service of process, summons, notice, or other document by certified mail shall be effective service of process for any suit, action, or other proceeding brought in any such court. The parties irrevocably and unconditionally waive any objection to venue of any suit, action, or proceeding in such courts and irrevocably waive and agree not to plead or claim in any such court that any such suit, action, or proceeding brought in any such court has been brought in an inconvenient forum. Each Party agrees that a final judgment in any such action, litigation, or proceeding is conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

9. No Third-Party Beneficiaries

This Agreement is for the sole benefit of the parties hereto and their respective successors and permitted assigns and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.

10. Relationship of the Parties

Nothing herein shall be construed to create a joint venture or partnership between the parties hereto or an employer/employee or agency relationship. Neither party hereto shall have any express or implied right or authority to assume or create any obligations on behalf of or in the name of the other party or to bind the other party to any contract, agreement, or undertaking with any third party.

11. Disclaimer of Warranty.

The aircraft is transferred AS IS AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE OF THIS AGREEMENT.

12. Non-Waiver of Governmental Immunity

(a) The City of Big Spring expressly retains all rights and benefits of governmental immunity from liability and suit for damages in accordance with: Title 5, Texas Civil Practice and Remedies Code; Subchapter I, Chapter 271, Texas Local Government Code; and any other law, if applicable.

(b) Nothing in this Agreement shall be deemed as a waiver of governmental immunity or as increasing the City of Big Spring's liability beyond any statutory limitation of liability.

(c) Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the City of Big Spring which would otherwise be barred under the doctrine of governmental immunity or operation of law.

Dated this ____ day of _____, 2023

_____
Todd Darden, City Manager
City of Big Spring, Texas

_____
A.J. Pope, III

WATER SUPPLY AGREEMENT
BETWEEN THE CITY OF BIG SPRING AND
THE CITY OF COAHOMA

This Water Supply Agreement is made and entered into effective the ___ day of _____, 2023, by and between the City of Big Spring (hereinafter called "Big Spring") and the City of Coahoma, Texas (hereinafter called "Coahoma").

WHEREAS, Big Spring owns its water distribution system and anticipates that it will have available from its source of supply a surplus of water in excess of its needs; and

WHEREAS, Coahoma has a water distribution system, but has no source of water supply of its own; and

WHEREAS, Big Spring and Coahoma desire to enter into a water supply agreement, hereinafter the "Agreement"), the purpose of which is for Big Spring to sell and Coahoma to buy water upon the terms and conditions and for the consideration set forth herein; and

WHEREAS, Big Spring and Coahoma agree that the provision of water supply in this Agreement is the provision of a service; and

WHEREAS, Big Spring and Coahoma agree that this Agreement is made under the authority of the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code; and

WHEREAS, The governing bodies of Big Spring and Coahoma each find that the performance of the Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that it fairly compensates the performing party for the services or functions under this Agreement; and

NOW, THEREFORE, in consideration of the mutual premises contained herein, Big Spring agrees to sell and Coahoma agrees to buy water upon the terms and conditions and for the consideration hereinafter set forth:

1. **QUANTITY**. Big Spring agrees to sell and to deliver to Coahoma at the point hereinafter specified, and Coahoma agrees to purchase and take at said delivery point, water required by Coahoma during the period of this Agreement for its own use and for distribution to all of the customers served by Coahoma. Coahoma represents that its estimated present average of daily requirements of water are approximately 500,000 gallons. Big Spring will use its best efforts to supply treated water at a rate of 0.6 gallons per minute per connection, but its obligation shall be limited to the amount of water available to Big Spring from its own source of supply.

It is further agreed that in the event of a temporary water shortage, should it become necessary for Big Spring to ration water, Coahoma will apply the same basis of rationing to its customers as is applied in the city of Big Spring.

2. **QUALITY**. Big Spring shall be obligated to treat and filter the water to be delivered by Big Spring and received by Coahoma hereunder, so that said water shall be of the same quality supplied to the citizens of the City of Big Spring. The water is to be delivered in Big Spring's water pipelines at Big Spring pressure to authorized and approved delivery point(s).

3. **MEASURING EQUIPMENT**. Coahoma shall furnish, install, and maintain at its own expense at said delivery point the necessary equipment and devices of standard type to be approved by Big Spring for measuring properly the quantity of water delivered under this Agreement. Such meter or meters and other equipment so installed shall remain the property of Coahoma. Big Spring shall have access to such metering equipment at all reasonable times, but the calibration and adjustment thereof shall be done only by the meter manufacturer's representative when requested by Big Spring, the cost of which service by such representative is to be paid by Coahoma. For the purpose of this Agreement the original record or reading of the meter or meters shall be the journal or other record book of Big Spring and retained in Big Spring office in which the records of the employee or agent of Big Spring who takes the readings are, or may be, transcribed. Upon written request of Coahoma, Big Spring will give Coahoma a copy of such journal or record book or permit Coahoma to have access to the same in the office of Big Spring during reasonable business hours.

   (A) **Calibration and Adjustment of Delivery Meter**. Not more than once in each calendar month, on a date as near the end of such calendar month as practical, Big Spring shall have the meter calibrated by the meter manufacturer's representative, if requested in writing by Coahoma to do so, in the presence of a representative of Coahoma and a representative of Big Spring. The Parties shall jointly observe any adjustments which are made to the meter in case any adjustments shall be necessary, and if the check meter hereinafter provided for has been installed, the same shall also be calibrated by the meter manufacturer's representative in the presence of a representative of Big Spring and a representative of Coahoma and the Parties shall jointly observe any adjustment in case any adjustment is necessary. If Coahoma shall, in writing, request Big Spring to have the meter calibrated and Big Spring shall give Coahoma notice of the time when any such calibration is to be made and a representative of Coahoma is not present at the time set, Big Spring may proceed to have the meter calibrated and adjusted in the absence of any representative of Coahoma.

   If either Party at any time observes a variation between the delivery meter and the check meter, or if any such check meter is installed, such Party will promptly notify the other Party, and the Parties hereto shall then cooperate to procure an immediate calibration test

and joint observation of any adjustment and the said meter or meters shall then be adjusted to accuracy. Each Party shall give the other Party forty-eight (48) hours' notice of the time of all tests of meters so that the other Party may conveniently have a representative present. All calibrations, tests and adjustments are to be made by the meter manufacturer's representative.

If upon the test, the percentage of inaccuracy of any metering equipment is found to be in excess of two percent (2%), registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (½) of the time elapsed since the last date of calibration, but in no event further back than a period of six (6) months.

(B) **Payment for Delivered but Unmetered Water**. If for any reason any meters are out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered through the period such meters are out of repair shall be estimated and agreed upon by the Parties hereto upon the basis of the best data available. For such purposes, the best data available shall be deemed to be the registration of any check meter if the same has been installed and is accurately registering. If no check meter has been installed, or if the accuracy of any check meter is questioned, Big Spring shall, at its discretion, use one of the following methods to estimate the amount of water delivered during any period that the delivery meter is not functioning properly: (1) correcting the error, if the percentage of the error is ascertainable by calibration tests or mathematical calculation; (2) estimating the quantity of water delivered by taking the average for deliveries during the same period for the prior two (2) years under similar conditions when the delivery meter was registering accurately; or (3) using billing and water loss records provided by Coahoma and Big Spring of Coahoma.

(C) **Check Meter**. Coahoma may, at its option and its own expense, install and operate a check meter to check the delivery meter, but the measurement of water for the purpose of this agreement shall be solely by the delivery meter, except in the cases hereinabove specifically provided to the contrary. Any such check meter shall be of standard make and shall be subject at all reasonable times to inspection and examination by any employee or agent of Big Spring, but the calibration and adjustment thereof shall be made only by the meter manufacturer's representative, at the request of either Big Spring or Coahoma. Provided that during any period when the check meter may be used under the provisions hereof for measuring the amount of water delivered, the reading thereof shall be made by Big Spring with like effect as if such check meter had been furnished or installed by Big Spring.

4. **UNIT OF MEASUREMENT**. The measurement for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure.

5. **FISCAL PERIODS, PRICE, AND TERMS**.

(A) For the purpose of billing and accounting for water delivered hereunder, Coahoma shall be included in the billing zone of Big Spring in which the delivery point is located.

The fiscal year shall commence on February 1st of each year. The consideration to be paid by Coahoma to Big Spring shall be Big Spring's cost, plus ten percent (10%). The term "Big Spring's cost" as used herein shall mean and include the following: (1) Estimated average cost of raw water furnished to Big Spring by Colorado River Municipal Water District (CRMWD); (2) Cost of labor, materials and chemicals in connection with operation and maintenance of Big Spring's water system; (3) Cost of electric power for operating water treatment plant and for supplying water at required pressure to Coahoma's delivery point; (4) Amount required to pay principal and interest on revenue bonds and general obligation bonds issued against Big Spring's water system. All of the foregoing cost items shall be calculated on the basis of proportionate cost per 1,000 gallons of water, and on or before February 1st each year during the term of this Agreement, Big Spring shall determine per 1,000 gallon price to be paid by Coahoma for the ensuing year.

It is further agreed that during any temporary period of water shortage of Big Spring, when it is required that Big Spring temporarily increases its water rates in order to raise sufficient revenues to meet the principal and interests payments when due on its outstanding waterworks bonds and its waterworks operating expenses, then in such event the price of water to Coahoma shall be increased in the same proportion that the rates are increased to the citizens of Big Spring of Big Spring.

(B) Big Spring shall bill Coahoma monthly for water delivered to Coahoma during the billing month, which bill shall disclose the quantity of water delivered during such month and the amount charged to Coahoma for such service. Such bills shall be delivered to Coahoma within seven (7) days after the end of the billing month covered and each such bill shall be paid by Coahoma on or before the 15th day after the billing date at the office of Big Spring. In the event Coahoma shall fail to make such payment herein specified, a penalty of ten percent (10%) of the total current bill will be assessed against Coahoma. In the event such payment is not made within sixty (60) days from the date such payment becomes due Big Spring may, at is option, discontinue the delivery of water to Coahoma until the amount then due Big Spring is paid in full with penalty as above specified; provided that such service shall not be discontinued until after thirty (30) days written notice to Coahoma.

6. **SPECIAL CONDITIONS**.

Title to all water supplied hereunder shall remain with Big Spring to the point of delivery, and upon passing through the meter installed at the specific point of delivery such title to the water shall pass to Coahoma. Each of the Parties hereto shall be responsible for and agrees to save and hold the other Party harmless from all claims, demands, and causes of action which may be asserted by anyone on account of the transportation, delivery, and disposal of said water while title remains in such Party.

7. **FORCE MAJEURE**.
In case by reason of force majeure either Party hereto shall be rendered unable wholly or in part to carry out its obligations under this Agreement, other than the obligation of Coahoma to make the payment required under the terms hereof, then if such Party shall give notice and full particulars of such force majeure in writing to the other Party filing such notice, so far as it is affected by such force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period, and any such Party shall endeavor to remove or overcome such inability with all reasonable dispatch. The term "Force Majeure" as employed herein, shall mean acts of God, strikes, lockouts, or other industrial disturbances, act of public enemy, war, orders of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquake, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipelines or canals, partial or entire failure of water supply, and inability on part of Big Spring to deliver water hereunder, or of Coahoma to receive water hereunder, on account of any other causes not reasonably within the control of the Party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the Party having the difficulty, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts as acceding to the demands of the opposing Party having the difficulty.

8. **TERM OF AGREEMENT**. This Agreement shall continue in full force and effect for a period of ten (10) years from _____ ___, 2023.

9. **MODIFICATION**. This Agreement may be changed or modified only with the consent of the governing bodies of both Coahoma and Big Spring. Such modification may be requested by either Party, in which event a joint meeting of such governing bodies shall be held not less than ninety (90) days after giving of such notice, at which joint meeting the requested changes or modifications shall be considered and discussed. No such change or modification may be made which will affect adversely the prompt payment when due of all moneys required to be paid by Coahoma under the terms of this Agreement. Provided, however, notwithstanding anything herein to the contrary, Big Spring reserves the right to terminate this Agreement upon one-hundred-eighty (180) days written notice to Coahoma in the event the amount of water available to Big Spring from its own source of supply, less the water hereunder to Coahoma

is, in the opinion of Big Spring, not sufficient to satisfy the needs of the citizens of Big Spring of Big Spring.

10. **REGULATORY BODIES**. This Agreement shall be subject to all valid rules, regulations, and laws applicable hereto and passed or promulgated by the United States of America, the State of Texas, or any governmental body or agency having lawful jurisdiction of any authorized representative or agent of Big Spring or Coahoma.

11. **NOTICES**. All notices or communications provided for herein shall be in writing and shall be either delivered to Big Spring or Coahoma, or if mailed, shall be sent by registered mail, postage paid, addressed as follows:

The City of Big Spring	The City of Coahoma
310 Nolan St.	122 N. 1st St.
Big Spring, TX 79720	Coahoma, TX 79511

or to such other address as may later be designated in writing by a party.

12. **ADOPTION OF DROUGHT CONTINGENCY PLAN AND WATER USE RESTRICTIONS**. Coahoma shall adopt the applicable provisions of Big Spring's Water Conservation Plan and Drought Contingency Plan, or have a plan approved by Big Spring's Public Works Director. Coahoma agrees to amend its plan or plans at such times as Big Spring amends its plans.

Coahoma specifically acknowledges that it has adopted Big Spring's most recent amendment to the Drought Contingency Plan dated June 26, 2022. Coahoma agrees to use its best business practices to convey to its customers the outside watering and other water use restrictions put in place by Big Spring and to take any steps reasonably necessary to enforce water use reductions required now or in the future by Big Spring or its water supplier the Colorado River Municipal Water Coahoma (CRMWD).

The Parties agree that Big Spring will notify Coahoma as soon as it becomes aware that Coahoma is approaching or exceeding a water delivery amount that exceeds the effective water usage reduction level currently in place. The Parties further agree that if Coahoma's use of water exceeds such reduction level, Big Spring reserves the right to stop or limit delivery of water to Coahoma to the extent necessary to meet the required reduction levels. In such event the Parties will mutually agree on an amount of water that is necessary for emergency purposes such as for medical, elderly or child care facilities among Coahoma's customers, and Big

Spring will deliver that amount of water absent other incidences of Force Majeure that might prevent such delivery.

13. **EXPENSES.** All costs and expenses incurred in connection with this Agreement and the transactions contemplated hereby shall be paid by the party incurring such costs and expenses.

14. **MISCELLANEOUS.**
    a. Severability. If any term, provision, covenant, or restriction of this Agreement becomes invalid, void, unlawful, illegal, or unenforceable, all other terms, provisions, covenants, and restrictions of this Agreement remain in full force and effect.
    b. Entire Agreement. This Agreement together with any all related Exhibits incorporated by reference, constitutes the sole and entire agreement of the Parties with respect to the subject matter of this Agreement and therein, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to the subject matter. The Parties have not relied on any statement, representation, warranty, or agreement of the other Party or of any other person on such Party's behalf, including any representations, warranties, or agreements arising from statute or otherwise in law, except for the representations, warranties, or agreements expressly contained in this Agreement.
    c. Assignment. Neither party may assign any of its rights or delegate any of its obligations hereunder without the prior written consent of the other party. Any purported assignment or delegation in violation of this Section shall be null and void. No assignment or delegation shall relieve the assigning or delegating party of any of its obligations hereunder.
    d. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective permitted successors and permitted assigns.
    e. No Third-Party Beneficiaries. This Agreement is for the sole benefit of the parties hereto and their respective successors and permitted assigns and nothing herein, express or implied, is intended to or shall confer upon any other person or entity any legal or equitable right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement.
    f. Relationship of the Parties. Nothing herein shall be construed to create a joint venture or partnership between the parties hereto or an employer/employee or agency relationship. Neither party hereto shall have any express or implied right or authority to assume or create any obligations on behalf of or in the name of the other party or to bind the other party to any contract, agreement, or undertaking with any third party.

15. **NO CONSEQUENTIAL OR INDIRECT DAMAGES.** IN NO EVENT SHALL EITHER PARTY OR ANY OF ITS REPRESENTATIVES BE LIABLE UNDER THIS AGREEMENT TO THE OTHER PARTY OR ANY THIRD PARTY FOR CONSEQUENTIAL, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, PUNITIVE OR ENHANCED DAMAGES, LOST PROFITS OR REVENUES, OR DIMINUTION IN VALUE, ARISING OUT OF, RELATING TO, OR IN CONNECTION WITH ANY BREACH OF THIS AGREEMENT, REGARDLESS OF (A) WHETHER SUCH DAMAGES WERE FORESEEABLE, (B) WHETHER OR NOT THE PARTY WAS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND (C) THE LEGAL OR EQUITABLE THEORY (CONTRACT, TORT, OR OTHERWISE) UPON WHICH THE CLAIM IS BASED.

16. **DISCLAIMER OF WARRANTY**. The water supply provided by this contract is sold by Big Spring AS IS AND THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE OF THIS AGREEMENT.

17. **NON-WAIVER OF GOVERNMENTAL IMMUNITY.**

(a) Big Spring and Coahoma expressly retain all rights and benefits of governmental immunity from liability and suit for damages in accordance with: Title 5, Texas Civil Practice and Remedies Code; Subchapter I, Chapter 271, Texas Local Government Code; and any other law, if applicable.

(b) Nothing in this Agreement shall be deemed as a waiver of governmental immunity or as increasing Big Spring's liability or Coahoma's liability beyond any statutory limitation of liability.

(c) Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against Big Spring or against Coahoma which would otherwise be barred under the doctrine of governmental immunity or operation of law.

Dated this ____ day of _____, 2023

CITY OF BIG SPRING

_____
Robert H. Moore, III, Mayor

ATTEST:

_____
Tami Davis, City Secretary

Dated this ____ day of _____, 2023

CITY OF COAHOMA

_____
Jay Holt, Mayor

ATTEST:

_____
Tammy Griffith, City Secretary